

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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

 Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

December 9, 2011 Volume 35, Issue 50

PROPOSED RULES

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Illinois Professional Land Surveyor Act of 1989	
68 Ill. Adm. Code 1270.....	19570
Structural Engineering Practice Act of 1989	
68 Ill. Adm. Code 1480.....	19596
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Practice in Administrative Hearings	
89 Ill. Adm. Code 104.....	19627
Medical Assistance Programs	
89 Ill. Adm. Code 120.....	19635
REVENUE, DEPARTMENT OF	
Retailers' Occupation Tax	
86 Ill. Adm. Code 130.....	19649

ADOPTED RULES

SECRETARY OF STATE	
Issuance of Licenses	
92 Ill. Adm. Code 1030.....	19664

PEREMPTORY RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310.....	19707

NOTICE OF CORRECTION TO NOTICE PAGE ONLY

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Assistance Programs	
89 Ill. Adm. Code 120.....	19727

JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES	
December Agenda.....	19728

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	19736

INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

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

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

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 17, 2011 to January 3, 2012.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1270.5	Amendment
1270.10	Amendment
1270.30	Amendment
1270.40	Amendment
1270.52	Amendment
1270.56	Amendment
- 4) Statutory Authority: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330/12(a)(3), 27(a-5) and 28(a-5)] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Public Acts 96-626 and 97-543, this rulemaking clarifies the minimum requirements to sit for the Fundamentals of Surveying in order to be enrolled as a Land Surveyor-in-Training pursuant to Section 13 of the Act and also clarifies the experience required. The rule provides clarification of the type of degree needed for verification of education for licensure applications and clarifies which applicants must provide proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) and foreign evaluations. American Land Title Association (ALTA) surveys are also being updated pursuant to the national requirement change from the 2005 to the 2011 standard. Also, the fee for restoration of a lapsed license is increased from \$20 to \$50.
- 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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking has no impact on local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing licensed professional land surveyors.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Land surveying education and training is required for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

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

PART 1270

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section

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

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

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified and amended at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective November 17, 1995; amended at 20 Ill. Reg. 5852, effective April 3, 1996; amended at 21 Ill. Reg. 14252, effective October 15, 1997; amended at 24 Ill. Reg. 576, effective December 31, 1999; amended at 24 Ill. Reg. 13719, effective August 28, 2000; amended at 24 Ill. Reg. 17548, effective November 20, 2000; amended at 25 Ill. Reg. 3865, effective March 1, 2001; amended at 26 Ill. Reg. 12263, effective July 24, 2002; amended at 28 Ill. Reg. 2228, effective January 23, 2004; amended at 28 Ill. Reg. 15297, effective November 10, 2004; amended at 31 Ill. Reg. 1832, effective January 8, 2007; amended at 34 Ill. Reg. 6668, effective April 27, 2010; amended at 36 Ill. Reg. _____, effective _____.

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

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

- a) Certification of education, completed by the educational institution attended, for one of the following:
 - 1) A baccalaureate degree in land surveying from an accredited college or university; or
 - 2) A baccalaureate degree from an accredited college or university in a related science, as defined in Section 1270.15, including 24 semester hours of land surveying courses.
- b) The required fee specified in Section 1270.52 of this Part
- c) Applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

~~English must provide proof~~**Proof** of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, ~~for applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English.~~ In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.

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

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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

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

- a) Verification of education.
- 1) A baccalaureate degree in land surveying from an approved program from an accredited college or university; or
 - 2) A baccalaureate degree from an accredited college or university in a related science, as defined in Section 1270.15(a), including 24 semester hours of land surveying courses.
- b) Proof of holding a license as a Professional Land Surveyor-in-Training.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- c) Certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed as a Surveyor-in-Training and/or Land Surveyor and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- d) Verification of experience form, completed by a professional licensed land surveyor who was in direct supervision and control of his or her activities, indicating at least 4 years of responsible charge experience in land surveying as set forth in Section 1270.13.
- e) The required fee specified in Section 1270.52.
- f) Applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English must provide proof~~Proof~~ of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50,~~for applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English.~~ In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.
- g) Applicants who received their education in a foreign country shall have the education evaluated on a course-by-course basis at their expense. Applicants may obtain forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington, D.C. 20036-1110 or other entity approved by the Board to evaluate educational programs. The Board

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1270.30 Endorsement

- a) An applicant who is licensed or registered to practice Land Surveying as a Professional Land Surveyor or a Professional Land Surveyor-in-Training under the laws of another state or territory of the United States who desires to become licensed by endorsement shall file an application with the Division together with:
 - 1) Proof that the applicant has met the requirements substantially equivalent to those in force in this State for a Licensed Professional Land Surveyor at the time of original or subsequent licensure by examination in the other state or territory, including certification of education, and verification of experience as appropriate;
 - 2) A certification by the state or territory of original licensure and certification from the state or territory of predominant active practice, including the following:
 - A) The time during which the applicant was licensed in that state or territory, including the date of the original issuance of the license;
 - B) The basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and
 - C) Whether the records of the licensing authority contain any record of disciplinary action taken ~~against the applicant~~;
 - 3) The required fee specified in Section 1270.52;
 - 4) Applicants who received a license after January 1, 1997 and who received their education in a foreign country shall have the education evaluated on a course-by-course basis at their expense. Applicants may obtain forms from the American Association of Collegiate Registrars and Officers

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

(AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington, D.C. 20036-1110 or other entity approved by the Board to evaluate educational programs. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15;

- 5) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who were licensed after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.
- b) An applicant for licensure under this Section shall be required to appear before the Board for an oral interview if the Division has questions about the applicant's application, because of discrepancies or conflicts in information, information needing further clarification and/or missing information.
- c) Applicants for licensure on the basis of endorsement shall successfully complete the Illinois Jurisdictional Examination as set forth in Section 1270.20.
- d) The Division shall examine each endorsement application to determine whether the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in force in the State of Illinois. The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of the application.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1270.40 Restoration

- a) A licensee seeking restoration of a license ~~that~~which has expired for less than 5 years shall have the license restored upon payment of ~~the fee~~\$20 plus all lapsed ~~renewal fees~~ specified by Section 1270.52 and proof of 20 professional

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

development hours completed in accordance with Section 1270.65 within 2 years prior to the restoration application.

- b) A licensee seeking restoration of a license ~~that~~^{which} has been placed on inactive status for less than 5 years shall have his or her license restored upon payment of the current renewal fee specified by Section 1270.52 and proof of 20 professional development hours completed in accordance with Section 1270.65 within 2 years prior to the restoration application.
- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, for review by the Board, together with proof of successful completion of 20 professional development hours completed in accordance with Section 1270.65 within 2 years prior to the restoration application and the fee specified by Section 1270.52. The licensee shall also submit:
- 1) Certification of active practice for at least the last 2 years in another jurisdiction. ~~The~~^{Such} certification shall include a statement from the appropriate board or licensing authority in the jurisdiction that the licensee was authorized to practice during the term of ~~the~~^{said} active practice;
 - 2) An affidavit attesting to military service as provided in Section 16 of the Act;
 - 3) Proof of passage of the Illinois Jurisdictional Examination and/or the NCEES examination within one year after application; or
 - 4) Other evidence of continued competence in land surveying. Other evidence shall include, but not be limited to:
 - A) Employment in a responsible capacity by a licensed land surveyor, for at least the last 2 years, as determined by the Board;
 - B) Lawfully practicing land surveying as an employee of a governmental agency; ~~or~~
 - C) Teaching land surveying in a college or university or other educational programs. ~~;~~^{or}

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

~~D) Attendance at educational programs in land surveying.~~

- d) Any person restoring a license within 2 years after discharge from military service pursuant to Section 16 of the Act will be required to pay only the current renewal fee.
- e) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Division because of discrepancies or conflicts in information, information needing further clarification, or missing information, the licensee seeking restoration of his or her license shall be required to:
- 1) Provide ~~the necessary~~^{such} information ~~as shall be necessary~~; and/or
 - 2) Explain ~~the~~^{such} relevance or sufficiency during an oral interview; or
 - 3) Appear for an oral interview before the Board, when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board, and approval by the Director of the Division ~~of Professional Regulation~~^{Regulation} with the authority delegated by the Secretary (Director), an applicant shall have his or her license restored or shall be notified in writing of the reason for the denial of ~~the~~^{such} application for restoration.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1270.52 Fees

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

- a) Application Fees.
- 1) The fee for application for a license as a professional land surveyor is \$150. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

the designated testing service, shall result in the forfeiture of the examination fee.

- 2) The application fee for a license as a land surveyor-in-training is \$70.
- 3) The application fee for a certificate of registration as a professional design firm is \$75.

b) Renewal Fees.

- 1) The fee for the renewal of a license shall be ~~calculated at the rate of~~ \$30 per year.
- 2) The fee for renewal of a certificate of registration as a professional design firm is \$75 for the renewal period (see Section 1270.50(d)).

c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is ~~\$50~~\$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the Division reviewed and verified is \$20, plus any fee charge by the testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as a land surveyor-in-training or professional land surveyor in this State shall be the actual cost of producing the roster.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1270.56 Minimum Standards of Practice

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

- a) ALTA/ACSM Land Title Survey.
 - 1) An ALTA/ACSM land title survey is a specialized survey that meets the specific needs peculiar to title insurance purposes, to enable title insurance companies to insure title to land without exceptions as to survey matters.
 - 2) All land title surveys shall be subject to the "~~2011~~2005 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", published jointly by the American Land Title Association (ALTA), 1828 L. St., N.W., Suite 705, Washington, D.C. 20036 and the National Society of Professional Surveyors (NSPS), 6 Montgomery Village Avenue, Suite #403, Gaithersburg MD 20879. This incorporation does not include any later amendments or editions.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 3) All ALTA/ACSM land title surveys are to be performed to the current ALTA/ACSM Minimum Standard Detail Requirements. It is incumbent upon the licensed professional land surveyor to discuss with the client additional or optional requirements to be provided.
- b) Boundary Survey.
- 1) A boundary survey is a land survey that requires study, investigation and evaluation of major factors affecting and influencing the location of boundary lines and that culminates in the deliberate location or relocation of the perimeters, division lines or boundaries of a certain lot, parcel or quantity of real estate, according to the record title description of the parcel or parent tract. This description should be furnished by the client, unless otherwise jointly agreed upon by the client and surveyor.
 - 2) The purpose of a boundary survey is to establish or re-establish the extent of title lines, and to define and identify those lines so as to uniquely locate each lot, parcel or other specific land area in relation to well recognized and established points of reference, adjoining properties, and rights of way.
 - 3) A boundary survey shall include, but not be limited to, the following:
 - A) Clear and legible field notes containing all pertinent information, measurements and observations made in the course of the field survey.
 - B) Unless requested otherwise by the client or his/her agent, a plat of survey.
 - C) A legal description for any parcel surveyed.
 - D) Unless requested otherwise by the client or his/her agent, monuments or witness points shall be set for all accessible corners of the survey.
 - 4) Information Research Required. Sufficient information to perform the survey shall be either furnished by the client and/or his/her agent or obtained by the surveyor by agreement with the client. The following

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

appropriate factors must be evaluated by the surveyor:

- A) A property description describing the subject parcel. If, in the opinion of the surveyor, the description furnished or obtained is insufficient to fully define the extent or location of the parcel to be surveyed due to ambiguity or calls for adjoining deeds, prior recorded survey plats, etc., it is the duty of the client (unless agreed upon otherwise) to furnish the additional information requested by the surveyor. This is not to be construed to indicate that the surveyor has an obligation to research the title of record.
 - B) A reproduction of the recorded subdivision plat that created the subject lot, block or parcel.
 - C) A reproduction of the Government Township Plat and pertinent Monument Records if the survey is of a section or aliquot part of a section.
 - D) Relevant data provided by the client regarding special circumstances, such as unrecorded easements, judgements or Court decrees that may influence the location of boundaries of the survey.
- 5) Monuments. Monuments set or called for, whether artificial or natural, bear witness to the footsteps of a surveyor and his/her professional opinion as to the proper marking of a desired position. Monumentation for public land survey systems corners shall be in accordance with the Land Survey Monuments Act. The following shall be considered acceptable types of artificial monuments for all other corners:
- A) Types.
 - i) Iron bars or rods shall be a minimum of ½" in diameter by 24" in length. Iron pipes shall be a minimum of ½" in diameter by 24" in length, with a minimum wall thickness of ⅛". Where rocky soils prevent specified lengths, the bar, rod or pipe should be driven to refusal at depths where it will remain stable.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- ii) Concrete monuments shall be a minimum size of 5" in diameter by 24" in length, or 4" square by 24" in length, and shall have a precise corner mark and shall be reinforced by at least a ¼" re-bar or ½" or larger iron pipe.
 - iii) Stone monuments shall be a minimum size of 4" square by 24" in length and shall have a precise corner mark.
 - iv) Commercial cast iron or aluminum survey markers no less than 24" in length. Non-ferrous markers shall have ceramic magnets attached to aid in recovery.
 - v) Other monuments, such as drill holes, chiseled marks in stone, concrete or steel, punch marks, precast bronze discs, nails or spikes, etc., shall be of sufficient size, diameter or depth to be definitive, stable and readily identified as a survey marker. Objects upon which the marks or markers are placed shall be of a stable and permanent nature.
- B) Requirements.
- i) Where placement of corner monuments is a condition of the survey and it is physically impossible or impractical to set a monument at the corner, a witness corner or corners will be set, or noted if existing witness corners are found. Witness corners shall be referenced to the survey corner or survey lines.
 - ii) Monuments must be set to a sufficient depth so as to retain a stable and distinctive location. Material and size for monuments shall be chosen in regard to the terrain and situation that exists at the site of the survey. All monuments shall be set vertically whenever possible.
- 6) Plats. On all boundary surveys the completed plat shall be drawn on a stable and durable medium with a minimum size of 8½" by 11" and shall contain the following:
- A) Firm name, address and registration number.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- B) Professional land surveyor seal, signature, date of signing, and license expiration date. Rubber-stamp signatures, computer generated signatures or other reproduced signatures are prohibited.
- C) Client's name.
- D) North arrow.
- E) Scale-written or graphic.
- F) Date of completion of field work.
- G) Legal description of the property.
- H) Legend for all symbols and abbreviations used on the plat.
- I) Monuments or witness corners, whether set or found, intended to represent or reference corners of the survey, shall be shown and described as to size, shape and material, and their positions noted in relation to the survey corners.
- J) Sufficient angles, bearings or azimuths, linear dimensions and curve data must be shown on the plat to provide a mathematically closed figure for the exterior of the survey. Where record angular dimensions, bearings or azimuths, linear dimensions or curve data exist, such data shall be shown on the plat and distinguished from measured dimensions or data. Area of the survey is to be shown on the face of the plat unless otherwise requested by the client.
- K) Where bearing, azimuth or coordinate systems are used, the basis or proper names of the system shall be noted on the plat.
- L) If the survey is a parcel in a recorded subdivision, any adjacent rights of way or easements and setback lines shown on the recorded plat that affect the subject parcel are to be shown and dimensioned.
- M) Visible physical evidence of possession or occupation either way

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

from the exterior lines of the survey shall be shown and dimensioned.

- N) Show visible evidence of improvements, rights of way, easements, or use when requested by the client.
 - O) Exculpatory statements that attempt to restrict the uses of boundary surveys shall not be affixed to any plat.
 - P) The following statement shall be placed near the professional land surveyor seal and signature: "This professional service conforms to the current Illinois minimum standards for a boundary survey."
- 7) Field Procedures. All field work shall be performed by a professional land surveyor or a person under his/her direct control and supervision in accordance with accepted methods of surveying theory, practice and procedures. It is the responsibility of the professional land surveyor to insure conformance with the following specific requirements:
- A) All surveying instruments shall be kept in proper adjustment and calibration.
 - B) All corners or monuments called for in the information provided or obtained under subsection (b)(4) that affect the location of the boundaries of the land to be surveyed shall be physically searched for in a methodical and meticulous fashion. Each corner or monument recovered shall be evaluated as to its agreement by description and location with the information in subsection (b)(4).
 - C) Other evidence that could influence the location of the lines or corners of the survey shall be located and evaluated.
 - D) When the survey is of an aliquot or divisional part of a larger tract, sufficient field work must be performed to ensure that the existence of excess or deficiency, if any, in the parent tract can be determined and distributed by the professional judgment of the surveyor.
 - E) All field data, including electronic field notes, shall be retained in a

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

legible and orderly fashion that will be understandable to other surveyors.

- 8) It shall be the responsibility of each professional land surveyor to monitor his/her work and that of those working under his/her supervision, so that the methods used to perform the survey and produce the plat and/or report will be of such quality that the accuracy, precision and positional tolerance of the final product delivered to his/her client will equal or exceed that which would be provided by another competent surveyor under similar circumstances.
- c) **Condominium Surveys.** Condominium surveys are a specialized class of boundary surveys and are governed by the Condominium Property Act [765 ILCS 605]. The plat requirements referred to in Section 5 of that Act must be the result of actual field measurements and are not to be transcribed from plans or other informational materials. The exterior boundaries of a condominium parcel shall be monumented as required by the Plat Act [765 ILCS 205]. Notes on the condominium plat must indicate whether the interior measurements shown are referring to finished or unfinished surfaces or planes and what data was used for any elevations depicted on the plat.
- d) **Subdivision Surveys.**
 - 1) Subdivision surveys are properly included in the boundary survey category and are primarily governed by the Plat Act. Subdivision surveys differ from the typical boundary survey in that monumentation for subdivision surveys is mandatory according to the statute. All exterior corners of the subdivision must be monumented prior to recordation of the subdivision plat. If, in the opinion of the subdividing surveyor, a disproportionate number of interior monuments would be destroyed by grading, utility installation, etc., monumentation of the interior corners may be delayed unless local regulations or ordinances specify otherwise. Interior corners of the subdivision must be monumented prior to the conveyance of any lot, block, parcel or unit within the subdivision and in all cases the monumentation must be in place within 12 months after the recording date of the subdivision plat. All of the interior corners subject to delayed staking shall be denoted on the record plat as "to be set", either by labeling or appropriate symbols. Upon completion of the monumentation the subdividing surveyor shall file an affidavit with the Recorder of the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

county in which the subdivision is located certifying that the monumentation of the subdivision has been completed. The affidavit shall include the name of the subdivision, date of plat recording and recording location information (book and page and/or document number).

- 2) Vertical subdivisions, i.e., subdivisions that divide property by horizontal, vertical, and oblique planes, require that all exterior boundary corners of the subdivision be monumented at its ground elevation prior to recordation of the subdivision plat. The physical features, if any, controlling the limits of the subdivided property must be defined on the subdivision plat. The datum used to control the dividing horizontal planes must be defined on the subdivision plat together with the benchmark used to determine the elevations of these planes. The interior corners or any lot or block corners other than those that are required for monumenting the exterior boundary corners do not require monumentation.
- e) Mortgage Inspection. A Mortgage Inspection does not approach the standards of other survey categories, though by the provisions of Section 5 of the Illinois Professional Land Survey Act of 1989 [225 ILCS 330/5] the services of an Illinois Professional Land Surveyor are required. A mortgage inspection is not a type of boundary survey or ALTA/ACSM survey and does not constitute a boundary survey of the subject real property. A mortgage inspection includes field investigation, measurements and graphic representation of improvements.
- 1) Purpose. The mortgage inspection is intended for use by a mortgage lender and/or title insurer and is only a professional opinion of the relationship of improvements with respect to the deed lines and the existence, location and type of building on the property, the intent of which is to assist in the determination of the property's suitability to serve as collateral for a mortgage. It is not an opinion as to deed, title or platted lines. It is not to be used in matters of boundary disputes, legal actions between landowners, or for construction purposes. No new legal descriptions can be created from a mortgage inspection.
 - 2) Product. A complete mortgage inspection will produce a drawing entitled "Mortgage Inspection" and, if required, a written report of the surveyor's findings and determinations.
 - 3) Information.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- A) The following information shall be furnished by the client and/or his/her agent:
 - i) Legal description and address for the tract of land.
 - ii) Copy of commitment of title insurance for the tract of land, if possible.
- B) The following information shall be obtained by the surveyor:
 - i) Copy of recorded subdivision plats (if applicable).
 - ii) Recorded section corner tie monuments and original government surveys (if applicable).
 - iii) Other necessary surveying information.
- 4) Monuments. No monuments shall be set.
- 5) Tolerances. Tolerances cannot be mandated for a mortgage inspection since the very nature of recovering deed lines and other information for that purpose precludes a rigid adherence to any standard value.
- 6) Field Procedures. The following procedures should generally be considered as minimum, but deviations as dictated by specific conditions shall be allowed:
 - A) Preliminary search and recovery of existing monument evidence.
 - B) Field location of tract through measurement from some controlling locations, such as: street intersection, subdivision corner, section corners, etc., sufficient to eliminate the possibility of gross error in location of the premises.
 - C) Through field measurements, locate and dimension relevant improvements.
 - D) If evidence of deed lines does not exist, the surveyor is obligated to

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

refuse to perform a mortgage inspection until satisfactory evidence is obtained, either through a boundary survey or a land title survey.

- E) If evidence exists of the possibility that the improvements on the subject property or adjoining property are on or very near the apparent deed lines, the surveyor is obligated to note his/her findings and recommend that a boundary survey or land title survey be performed.
- 7) Drawing.
 - A) Minimum size: 8½" x 11".
 - B) The drawing shall be entitled:

MORTGAGE INSPECTION

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

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

- C) A North arrow, scale of drawing, date and drawing legend shall be included.
- D) Building dimensions and type of structure shall be shown.
- E) Boundary dimensions shown shall be based on the public record or description provided; field measurements do not need to be shown.
- F) No dimensional ties from structures or other improvements to apparent deed lines are required.
- G) The legal description of the tract shall be given on the face of the drawing.
- H) Use of the word "survey" in the title, or any implication in a certification that this drawing represents a "survey", is prohibited.
- I) Professional land surveyor seal, signature, date of signing, and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

license expiration date. Rubber-stamp signatures, computer-generated signatures or other reproduced signatures are prohibited.

- J) Address of the tract.
- K) No found corner, boundary line or other survey monumentation shall be shown on the drawing.
- L) Preceding the legal description and in the same size letters as the legal description the following statement shall appear:

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

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

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

- f) Topographic Survey.
 - 1) Topographic Survey. A topographic survey is the delineation of horizontal and/or vertical locations of the existing natural or man-made features of a portion of the earth's surface, subsurface or airspace and the graphic representation of the results of such delineation. Topographic surveys that also depict land boundaries shall be entitled "Boundary and Topographic Survey" or "ALTA/ACSM Land Title and Topographic Survey", and shall be subject to the current minimum standards established for the ALTA/ACSM Land Title Surveys or Boundary Surveys by this Part, except where differing federal, State or local laws,

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

ordinances or rules may be more stringent. When the position and/or extent of a topographic survey is not defined by land boundaries, enough information must be shown on the survey to enable the client to locate the survey on the ground. A licensed professional engineer knowledgeable in topographical survey may perform a topographic survey specific to his/her design project. A licensed professional engineer may not, however, offer topographic surveying services independent of his/her specific design project.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- A) All surveying instruments shall be kept in proper adjustment and calibration.
 - B) The surveyor may apply procedures that most efficiently meet the requirements of the client without sacrificing the accuracy of the acquired information.
 - C) All field data, including electronic field notes, shall be retained in a legible and orderly fashion that will be understandable to other surveyors.
- 4) Plats. On all topographic surveys, the completed plat shall be drawn on a stable and durable medium with a minimum size of 8½" by 11" and shall contain the following:
- A) Firm name, address and registration number.
 - B) Professional land surveyor seal, signature, date of signing, and license expiration date.
 - C) "This professional service conforms to the current Illinois minimum standards for topographic surveys." This statement shall be placed near the professional land surveyor seal and signature.
 - D) Client's name.
 - E) North arrow.
 - F) Date of completion of field work.
 - G) Scale as agreed upon by surveyor and client.
 - H) Location and elevation of benchmarks at or near the survey shall be shown, and the datum noted.
 - I) Legend for all symbols and abbreviations used on the plat.
 - J) If elevation points are to be shown, such elevations shall be shown

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

to the nearest one-hundredth of a foot on hard surfaces and to the nearest tenth of a foot elsewhere, unless requested otherwise by the client.

- K) Description of horizontal control points used in the survey, which shall be noted and shall be shown on the plat if possible.
 - L) The location of permanent structures, including buildings, retaining walls, bridges, culverts, street or road paving and sidewalks.
 - M) Existing contour lines indicating the relief of the entire parcel, unless required otherwise by the client. Elevation points, if shown, may be in a grid pattern or at high points, low points and grade changes, a combination of both methods, or at locations requested by the client.
 - N) Location and water surface elevations of lakes, rivers, streams and drainage courses on or near the surveyed parcel, and direction of flow if any.
 - O) If boundary line information is shown on the plat, the source of the boundary line information.
 - P) If topographic information is to be delivered via electronic media, a suitable format shall be agreed upon. In every case, the surveyor shall also provide a signed and sealed hard copy drawing or representation of the survey. This drawing shall be the official survey and shall be deemed to be correct and superior to the electronic data.
- g) Minimum Standards for Writing Parcel Legal Descriptions. A description defining land boundaries written for conveyance or describing the extent of a survey or for other purposes shall be complete, providing definite and unequivocal identification of the property lines or boundaries of a unique parcel. The description shall be sufficient to be platted, located on the ground and, when appropriate, mathematically closed. The description shall commence at or relate to a physically monumented corner or boundary control line of record.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) If the land is located in a recorded subdivision, the description shall contain the number or other description of the lot, block or other part of the subdivision, or shall describe the parcel by reference to a known corner of the lot, block or other recorded reference.
- 2) If the parcel is not located within a recorded subdivision, the description shall state the section, township, range, principal meridian and county, and shall describe the parcel by reference to quarter section, quarter-quarter section, government lot, or metes and bounds, beginning/commencing at a monumented corner and referencing an established and monumented line in the United States Public Land Survey System.
- 3) In any case, when a new description is created or a previous description is rewritten, enough of the original description should be maintained so as to form a trail or chain to follow the history of the parcel.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Structural Engineering Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1480
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1480.110	Amendment
1480.135	Amendment
1480.140	Amendment
1480.150	Amendment
1480.160	Amendment
1480.170	Amendment
1480.175	Amendment
1480.185	Amendment
1480.195	Amendment
1480.200	Amendment
- 4) Statutory Authority: Implementing the Structural Engineering Practice Act of 1989 [225 ILCS 340] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to a change in the national exam, this rulemaking clarifies the change of examination from Structural I & Structural II exams to the 16-hour Structural Exam. It also eliminates a duplicate requirement in restoration and clarifies the minimum length of a continuing education hour. The rule also makes technical/clean-up changes on Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) and evaluations. The fee for restoration of a lapsed license is increased from \$20 to \$50.
- 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 rulemakings pending on this Part? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

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

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

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1480

THE STRUCTURAL ENGINEERING PRACTICE ACT OF 1989

Section

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 4 Ill. Reg. 22, p. 242, effective May 15, 1980; amended at 4 Ill. Reg. 44, p. 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1480 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13891, effective August 22, 1989; amended at 15 Ill. Reg. 7081, effective April 29, 1991; amended at 17 Ill. Reg. 11162, effective July 1, 1993; amended at 18 Ill. Reg. 14751, effective September 19, 1994; amended at 19 Ill. Reg. 2309, effective February 14, 1995; amended at 19 Ill. Reg. 16081, effective November 17, 1995; amended at 21 Ill. Reg. 13844, effective October 1, 1997; amended at 24 Ill. Reg. 639, effective December 31, 1999; amended at 24 Ill. Reg. 13734, effective August 28, 2000; amended at 26 Ill. Reg. 12271, effective July 24, 2002; emergency amendment at 27 Ill. Reg. 12114, effective July 14, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18990, effective December 5, 2003; amended at 34 Ill. Reg. 5669, effective March 30, 2010; amended at 36 Ill. Reg. _____, effective _____.

Section 1480.110 Approved Structural Engineering Curriculum

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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

- a) An applicant for enrollment as a structural engineer intern shall file an application on forms supplied by the Division by November 15 for the spring examination or by May 15 for the fall examination.
 - 1) The application shall include:
 - A) Either:
 - i) Proof of a degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110. Official college transcript showing all coursework completed and conferral of a baccalaureate degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110; or
 - ii) Proof of a degree in a related science as set forth in Section 1480.120. Official college transcript showing all coursework completed and conferral of a bachelor of science degree in a related science; and completed experience verification forms, indicating the required 4 years of approved experience;
 - B) The required fee specified in Section 1480.195;
 - C) For an applicant claiming credit for participation in a cooperative program, as described in Section 1480.130(a)(3), certification of

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

participation, with a brief description of the program, from the university and verification of supervision;

- D) Proof of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) for applicants who apply after January 1, 1997, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English. The minimum acceptable scores are 550 for the paper TOEFL, 213 for the computer based TOEFL and 50 for the paper TSE, ~~or 213 for the computer-based TOEFL and TSE combination~~, or 88 for the Internet-based TOEFL iBT with a minimum score of 26 on the speaking module.
- 2) An applicant shall have acquired the experience required by subsection ~~(a)(1)(A)(ii)(a)(1)(B)~~ after conferral of the degree and prior to applying to the Division.
- 3) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from NCEES ~~Engineering and Surveying~~ Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686 ~~41st Street, Suite 223, Miami FL 33178~~. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in Sections 1480.110 and 1480.120 ~~this Section and 68 Ill. Adm. Code 1270.15~~.
- b) Upon receipt of the application and all supporting documentation in complete order, all files will be presented to the Board for evaluation of the required education and experience based on the criteria specified in Sections 1480.110 and 1480.130. Once the applications have been approved, those persons will be notified of their eligibility to register for the Fundamentals of Engineering Examination, the examination filing deadline and the required examination fee as

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

provided for in Section 1480.195.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1480.140 Application for Licensure by Examination

- a) Applicant Enrolled as a Structural Engineer Intern or Engineer Intern
 - 1) An applicant shall have acquired all experience required by Section 1480.130 prior to making application to the Division.
 - 2) An applicant for licensure as a structural engineer who is enrolled as a structural engineer intern or engineer intern shall file an application on forms supplied by the Division by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 9 of the Act, the following:
 - A) Experience verification forms completed by the supervisor, indicating the required 4 years of experience earned. For engineer interns enrolled with a degree in a related science, experience verification forms shall be completed for the entire 8 years of required experience as set forth in Section 1480.130.
 - B) For persons who were certified or enrolled as an engineer intern or engineer-in-training in Illinois or another state or territory:
 - i) A certification of enrollment from the appropriate state board, including the date of the examination; and
 - ii) Official college transcripts showing coursework completed and degree received.
 - C) The required fee specified in Section 1480.195.
 - D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1480.130(a)(3), certification of participation with a brief description of the program, from the university and verification of supervision.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- b) Applicant Not Enrolled as a Structural Engineer Intern or an Engineer Intern
 - 1) An applicant shall have acquired all experience as required in Section 1480.130 prior to making application to the Division.
 - 2) An applicant for registration as a structural engineer who is not enrolled or certified as a Structural Engineer Intern shall file an application on forms supplied by the Division by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 9 of the Act, the following:
 - A) Verification of experience indicating the approved experience as set forth in Section 1480.130;
 - B) Certification of education of one of the following:
 - i) A degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110. An official transcript of educational credit showing receipt of a baccalaureate degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110; an official transcript of educational credit; and completed experience certification forms indicating the required 4 years of approved experience, except as provided in subsection (c) of this Section; or
 - ii) A degree in a related science as set forth in Section 1480.120. An official transcript of educational credit showing receipt of a bachelor of science degree in a related science; an official transcript of educational credit; and completed experience certification forms, indicating the required 8 years of approved experience;
 - C) The required fee specified in Section 1480.195.
- c) If an applicant has ever been licensed to practice engineering in another jurisdiction, certification from the jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

following:

- 1) The date of issuance of the applicant's license and the current status of the license;
 - 2) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and
 - 3) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant.
- d) Applicants not enrolled as a structural engineer intern in Illinois who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from NCEES ~~Engineering and Surveying~~ Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686~~10305 NW 41st St., Suite 223, Miami, Florida 33178~~. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in Sections 1480.110 and 1480.120.
- e) Applicants not enrolled as a structural engineer intern in Illinois shall submit proof of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) for applicants who apply after January 1, 1997, who graduated from a structural engineering, architecture or related science program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the structural engineering, architecture or related science program from which the applicant graduated was taught in English. The minimum acceptable scores are 550 for the paper TOEFL, 213 for the computer based TOEFL and 50 for the ~~paper~~ TSE, ~~or 213 for the computer-based TOEFL and TSE combination~~, or 88 for the Internet-based TOEFL_iBT with a minimum score of 26 on the speaking module.
- f) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education and experience as specified in Sections 1480.110 and 1480.130. Once the application has been approved, those persons will be notified

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

of their eligibility to register for the Fundamentals of Engineering, ~~the 16-hour Structural examination~~~~Structural I and Structural II examinations~~, the examination filing deadline and the required examination fee as provided for in Section 1480.195.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1480.150 Examination

- a) ~~Prior to the April 2011 exam administration, the~~The examination for licensure as a structural engineer shall be divided into 3 Parts.
- 1) Fundamentals of Engineering. This examination shall ~~be 8 hours in duration and shall~~ consist of problems or other examining techniques designed to evaluate the applicant's knowledge of the basic and engineering sciences and related subjects normally considered as the fundamentals of engineering.
 - 2) Structural I Examination. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques relating to designs in or to the practice of structural engineering as described in Section 5 of the Act.
 - 3) Structural II Examination. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques relating to designs in structural engineering, including seismic design. Such problems may include, but not be limited to, bridges, buildings, foundations, and seismic and lateral forces.
- b) Beginning with the April 2011 exam administration, the examination for licensure as a structural engineer shall be divided into 2 Parts.
- 1) Fundamentals of Engineering. This examination shall consist of problems or other examining techniques designed to evaluate the applicant's knowledge of the basic and engineering sciences and related subjects normally considered as the fundamentals of engineering.
 - 2) 16-hour Structural Examination. This examination shall consist of two 8-hour components: the Vertical Forces (gravity/other) and Incidental

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Lateral component and the Lateral Forces (wind/earthquake) component. An applicant must receive acceptable results on both 8-hour components to pass the Structural examination. An applicant may sit for each component in separate exam administrations but must receive acceptable results on both components within a five-year period. The problems may include, but not be limited to, bridges, buildings, foundations, or the practice of structural engineering as described in Section 5 of the Act. This examination replaces the Structural I and Structural II examinations.

3) No credit will be accepted for passing either the Structural I or the Structural II examination, if both the examinations were not passed prior to the April 2011 examination administration.

- c) The examination administered by the Division shall be provided by the National Council of Examiners for Engineering and Surveying (NCEES). The specific examination content shall be as determined by periodic evaluations of the test specifications by NCEES.
- d)e) The scoring of the examinations and determination of scores shall be as approved by NCEES.
- e)d) Separate scores shall be given for the Fundamentals of Engineering, Structural I and Structural II and/or the 16-hour Structural. All scores shall be graded as pass or fail. Once an applicant fails a Part of the examination, that Part shall not be waived.
- f)e) Candidates may not review their examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted.
- g)f) Retake of Examination
- 1) Applicants shall be required to retake only the Part on which a passing score was not achieved.
 - 2) ~~If an applicant neglects, fails without an approved excuse (illness, military service, motor vehicle accident occurring on date of examination, etc.), or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited and the application~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

~~denied.~~—If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, the applicant may thereafter make a new application for examination, accompanied by the required fee (Section 1480.195). New applications shall include proof of meeting the qualifications for examination in effect at the time of the new application except as provided for in subsection ~~(g)(1)(f)~~.

- ~~h)g)~~ Successful scores of previously passed Parts of the examination shall be accepted for the purpose of licensure provided the applicant has met all other requirements for licensure as outlined in the Act. For these purposes, the most recent score on a Part shall be the score of record. In no circumstances shall the Division accept a previous passing score on a Part for an applicant whose score of record is a failing score.
- i) After the October 2010 examination administration, if an applicant has not passed both the Structural I and II examinations, the applicant will be required to take and pass the 16-hour Structural examination and will receive no credit for passing either the Structural I or the Structural II examinations.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1480.160 Restoration

- a) A licensee seeking restoration of a license that has expired for less than 5 years shall have the license restored upon application to the Division, proof of 30 hours of continuing education completed in accordance with Section 1480.185 within 2 years prior to application, and payment of the required fee specified in Section 1480.195.
- b) A licensee seeking restoration of a license that has been placed on inactive status for less than 5 years shall have the license restored upon application to the Division, proof of 30 hours of continuing education completed in accordance with Section 1480.185 within 2 years prior to application, and payment of the current renewal fee specified in Section 1480.195.
- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, for review by the Board and proof of 30 hours of continuing

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

education completed in accordance with Section 1480.185 within 2 years prior to application, together with the fee required by Section 1480.195. The licensee shall also submit:

- 1) Sworn evidence of active practice in another jurisdiction for at least the last 2 years. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of the active practice;
- 2) An affidavit attesting to military service, as provided in Section 14 of the Act;
- 3) Proof of passage of the NCEES Structural II examination (see Section 1480.150) within the 5 years preceding restoration; or
- 4) Other evidence of continued competence in structural engineering, including, but not limited to:
 - A) Employment in a responsible capacity by a licensed structural engineer;
 - B) Lawfully practicing structural engineering as an employee of a governmental agency;
 - C) Teaching structural engineering in a college or university; [or](#)
 - D) Performing structural engineering research; ~~or~~
 - E) ~~Attendance at educational programs in structural engineering or a related field, including, but not limited to, attendance at graduate level engineering courses, professionally oriented continuing education classes or special seminars.~~
- d) Any person seeking restoration of a license within 2 years after discharge from military service (see Section 14 of the Act) will be required to pay only the current renewal fee.
- e) A restoration applicant shall meet the requirement for seismic design set forth in Section 1480.175.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- f) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience required by subsection (c)(4) is questioned by the Division because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of a license shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon recommendation of the Board, and approval by the Director of the Division of Professional Regulation (Director) with the authority delegated by the Secretary, an applicant shall have the license restored or shall be notified of the reason for the denial of the application for restoration.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1480.170 Endorsement

- a) Any person who holds an unexpired certificate of registration or license to practice structural engineering issued under the laws of another state or territory and who desires to become licensed by endorsement shall file an application, on forms provided by the Division, together with:
- 1) Proof of meeting requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by examination in the other jurisdiction (i.e., a separate written 16 hour structural engineering examination and the Fundamentals of Engineering examination), including certification of education and verification of experience;
 - 2) A certification by the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice, including the following:
 - A) The time during which the applicant was licensed in that

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- jurisdiction, including the date of the original issuance of the license;
- B) The basis of licensure and a description of all examinations by which the applicant was licensed in that jurisdiction and the date of passage of any such examinations; and
- C) Whether the records of the licensing authority contain any disciplinary action taken against the applicant;
- 3) If the qualifications of the applicant at the time of original licensure did not meet the requirements for licensure in this State at that time, the applicant may submit additional certifications of other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure;
- 4) The required fee set forth in Section 1480.195;
- 5) Applicants who received their education in a foreign country and who were originally licensed after January 1, 1997 shall have the education evaluated at their expense. Applicants shall obtain the forms from NCEES Engineering and Surveying Credentials Evaluations, [P.O. Box 1686 \(280 Seneca Creek Road\), Clemson SC 29633-1686](#)~~10305-NW 41st Street, Suite 223, Miami FL 33178~~. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in Section 1480.110 and 1480.120; and
- 6) Proof of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE), for applicants who were originally licensed in another jurisdiction after January 1, 1997, who graduated from a structural engineering, architecture or related science program outside the United States or its territories and whose first language is not English. In order to determine whose first language is English, the applicant shall submit verification from the school that the structural engineering, architecture or related science program from which the applicant graduated was taught in English. The minimum acceptable scores are 550

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

for the paper TOEFL, ~~213 for the computer based TOEFL~~ and 50 for the ~~paper TSE, or 213 for the computer based TOEFL and TSE combination,~~ or 88 for the internet-based TOEFL iBT with a minimum score of 26 on the speaking module.

- b) An endorsement applicant shall meet the requirements for seismic design set forth in Section 1480.175.
- c) The Division may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he or she has graduated from an approved engineering curriculum, has achieved special honors or awards, has had numerous articles published in professional journals, has participated in the writing of textbooks relating to structural engineering, and any other attribute the Board accepts as evidence that the applicant has outstanding and proven ability in the practice of structural engineering.
- d) In order to provide background in structural engineering experience, an applicant licensed as a structural engineer in another state or territory and who has met all previously stated requirements may be requested to appear before the Board for an oral interview at which questions will be asked to determine the applicant's qualifications and knowledge of structural engineering. Specifically, questions may explore the applicant's knowledge concerning the design of concrete, structural steel, timber, masonry and foundations and analysis procedures, design codes, materials and recommended practices for design and construction.
- e) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking a license will be requested to:
 - 1) Provide information as may be necessary;
 - 2) Appear for oral interviews before the Board; and/or
 - 3) If licensed prior to January 1, 1997, upon review of the educational requirements, have his or her education evaluated at his or her expense as set forth in subsection (a)(5).

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- f) The Division shall examine each endorsement application to determine whether the qualifications of the applicant, at the time of original or subsequent licensure, were substantially equivalent to the requirements then in force in this State. After review of the application, the Division shall either issue a license by endorsement to the applicant or notify the applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement shall automatically be reviewed under the provisions of Section 1480.140.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1480.175 Seismic Design Requirement

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

- a) The seismic design requirement can be satisfied by passage of one of the following:
- 1) The 16-hour NCEES Structural examination beginning with the April 2011 administration;
 - ~~2)~~ The NCEES Structural II examination beginning with the April 2004 administration;
 - ~~3)2)~~ The NCEES Structural II PM examination administered by Illinois from April 1991 through October 2003;
 - ~~4)3)~~ The NCEES Structural II PM examination administered by all other jurisdictions from April 1993 through October 2003;
 - ~~5)4)~~ The Western States Structural Examination administered from Spring 1993 through Fall 2003;
 - ~~6)5)~~ Satisfactory completion of a Board approved course of instruction dealing with seismic design that is part of an approved engineering curriculum. The licensee shall submit the course title and catalog course description to the Board for approval prior to taking the course. Evidence of completion

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

shall be a college transcript. Audited courses are not acceptable;

- | ~~7)6~~ Satisfactory completion of a Board approved professional seminar dealing with seismic design and involving a minimum of 16 contact hours (1.6 continuing education units or one semester hour of university credit) of lectures. Evidence of completion shall be by means of a valid certificate of completion signed by the providers of the seminar or an official transcript from the university. Audited courses are not acceptable. A 15 contact hour course may be substituted, in which case, the applicant shall also submit a short essay to be reviewed by the Board on Illinois seismic conditions and requirements; or
- | ~~8)7~~ Evidence that the licensee has taught a Board approved professional seminar or course dealing with seismic design that is part of an approved engineering curriculum or has conducted significant research into the problems of seismic resistance of structures and published the results of the significant research.
- b) Evidence of passage of one of the examinations identified in subsections (a)(1) through (4) shall be submitted by the licensee and may be a copy of the licensee's pass notice.
- c) The Board shall utilize, but not be limited to, the following standards when approving a course or seminar in subsection (a):

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

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 1480.185 Continuing Education

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

- a) Continuing Education Requirements
 - 1) Beginning with the November 30, 2004 renewal and for every renewal thereafter, renewal applicants shall complete 30 hours of Continuing Education (CE) relevant to the practice of structural engineering during each prerenewal period. The prerenewal period is the 24 months preceding the expiration date of the license. Failure to comply with these requirements may result in non-renewal of the structural engineer's license or other disciplinary action, or both.
 - 2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 3) Structural engineers licensed in Illinois but residing and practicing in another state must comply with the CE requirements set forth in this Section. Continuing education credit hours used to satisfy the CE requirements of another state and meeting the requirements of this Section may be submitted toward fulfillment of the CE requirements of the State of Illinois.
 - 4) The minimum length of the technical portion of any single CE activity is one hour. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 5) One continuing education hour shall represent a minimum of 50 minutes of instruction or participation. No credit will be allowed for introductory remarks, meals, breaks or administrative matters related to courses of study.
 - 6) Nontechnical portions of a program, such as receptions, dinners, etc., do not qualify for credit as CE.
- b) Activities for which CE credit may be earned are as follows:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Course work relevant to structural engineering completed at an accredited college or university. One semester credit hour of course work is equivalent to 15 hours of CE and one quarter credit hour of course work is equivalent to 10 hours of CE.
 - 2) A maximum of 10 CE credit hours per prerenewal period may be earned for the completion of a self-administered course. Each self-administered course shall include an examination that will be graded by the sponsor.
 - 3) Successful completion of continuing education courses. ~~Credit for courses will be based on one CE credit hour for each hour of attendance.~~
 - 4) A maximum of 10 CE credit hours per prerenewal period may be earned for attending in-house courses. Credit for in-house courses will be based on one CE credit for each hour of attendance. For courses presented in-house by outside individuals, see subsection (b)(3).
 - 5) Attending workshops or professional or technical meetings, conventions or conferences. Attendance at qualifying programs, professional and/or technical society meetings will earn CE credits for the actual time of each program. Visiting exhibitor booths or similar activities shall not qualify for CE credit.
 - 6) Teaching or presenting in the activities described in subsections (b)(1) through (5). CE credit will be applied at the rate of 3 hours for every hour taught, and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program).
 - 7) Authoring published papers, articles or books. The preparation of each published paper or book chapter dealing with structural engineering may be claimed as 10 hours of CE credit.
 - 8) Two hours of CE credit may be earned by active participation on a committee in a professional or technical society. A maximum of 10 CE credit hours earned through participation on committees will be accepted per prerenewal period.
- c) All programs or courses shall:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in practice of structural engineering;
 - 2) Foster the enhancement of general or specialized practice and values of structural engineering;
 - 3) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
 - 4) Specify the course objectives, course content and teaching methods to be used.
- d) Acceptable providers for programs or course activities shall include, but not be limited to:
- 1) Technical or professional societies or organizations relating to structural engineering;
 - 2) Colleges, universities or other accredited educational institutions; or
 - 3) Providers of services or products used by or specified by structural engineers.
- e) It shall be the responsibility of a licensee to maintain a record of CE for 4 years after the renewal that includes:
- 1) All of the following:
 - A) The name and address of the sponsor or presenter;
 - B) A brief statement of the subject matter, printed program schedules, registration receipts or other proof of participation;
 - C) The number of hours attended in each program; and
 - D) The date and place of the program; or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 2) The certificate of attendance, transcript or records of CE credits maintained by an acceptable provider of continuing education or a records administrator, or log of activities that include activities for CE credit not given by a CE provider.
- f) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The Division may require additional documentation in order to demonstrate compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. The additional documentation will be required in the context of a Division audit.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- g) The Division may conduct random audits to verify compliance with continuing education requirements.
- h) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application, the required renewal fee, a statement setting forth the facts concerning the non-compliance, a request for waiver of the CE requirements on the basis of these facts, and proof of CE that was completed during the prerenewal period. The applicant may request an interview with the Board at the time of the waiver request. If the Division, upon the written recommendation of the Board, finds from the applicant's affidavit or any other evidence submitted that extreme hardship has been shown to substantiate granting of a waiver, the Division shall waive enforcement of the CE requirements for the renewal period for which the applicant has applied.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 2) If an interview with the Board is requested at the time the request for waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
- 3) Extreme hardship shall be determined by the Board on an individual basis and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating medical condition, documented by a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs, documented by a currently licensed physician; or
 - D) Any other similar extenuating circumstances (i.e., family illness and prolonged hospitalization).
- 4) Any renewal applicant who, prior to the expiration date of his/her license, submits a request for a waiver, pursuant to the provisions of this subsection (h), shall be deemed to be in good standing and may practice until the Division's final decision on the waiver has been made.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1480.195 Fees

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

- a) Application Fees
 - 1) The fee for application for a license as a structural engineer is \$100. In addition, applicants for an examination shall be required to pay the examination fee, either to the Department or to the designated testing service. Failure to appear for the examination on the scheduled date, at

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

- 2) The application fee for a license as a structural engineer intern is \$50.
 - 3) The application fee for a certificate of registration as a professional design firm is \$75.
- b) Renewal Fees
- 1) The fee for the renewal of a structural engineer license shall be calculated at the rate of \$30 per year.
 - 2) The fee for renewal of a certificate of registration as a professional design firm is \$75 for the renewal period (see Section 1480.190(c)).
- c) General Fees
- 1) The fee for the restoration of a license other than from inactive status is ~~\$50~~\$20 plus payment of all lapsed renewal fees.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the tabulation of the score of an examination administered by the Division reviewed and verified is \$20 plus any fee charged by the testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as structural engineers or structural

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

engineer interns in this State shall be the actual cost of producing the roster.

- d) All of the fees collected pursuant to this Section shall be deposited in the Design Professionals Administration and Investigation Fund.
- e) Additional Fees
 - 1) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fee of \$50.
 - 2) If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fee for a returned check, an additional fee of \$100 shall be imposed.
 - 3) The fees imposed by this Section are in addition to any other discipline provided under the Act for unlicensed practice or practice on a nonrenewed license. The Division shall notify the person that payment of fees shall be paid to the Department by certified check or money order within 30 calendar days after the notification.
 - 4) If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Division shall automatically terminate the license or certificate or deny the application, without hearing.
 - 5) If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Division for restoration or issuance of the license or certificate and pay all fees due to the Division. The Division may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application.
 - 6) The Director may waive the fees due under this Section in individual cases in which the Director finds that the fees would be unreasonable or unnecessarily burdensome.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 1480.200 Professional Design Firm

- a) Persons who desire to practice structural engineering in this State in the form of a corporation, professional service corporation, partnership, limited liability company, limited liability partnership, or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act [805 ILCS 405]) shall, in accordance with Section 19 of the Act, file an application with the Division on forms provided by the Division, together with the following:
- 1) For Corporations or Professional Service Corporations (Registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act [805 ILCS 10/12].)
 - A) The name of the corporation and its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is a licensed design professional.
 - B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide structural engineering services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain professional design firm registration.
 - C) A signed and dated resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who has an active Illinois structural engineer license as the managing agent in charge of the structural engineering activities in Illinois. The Illinois license number of the structural engineer designated as the managing agent shall also be included in the resolution.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable.
- E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

2) For Partnerships

A) General

- i) A copy of the signed and dated partnership agreement authorizing the partnership to provide structural engineering services. The agreement shall contain the name of the partnership, its business address and the names of all general partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
- ii) A signed and dated resolution adopted by the general partners designating a regular full-time employee of the partnership who has an active Illinois structural engineer license as the managing agent in charge of the structural engineering activities in this State. The license number of the managing agent shall be included in the resolution.
- iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.
- iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

B) Limited Partnership

- i) A signed and dated copy of the partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide structural engineering services. The partnership agreement shall

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

contain the name of the partnership, its business address and the name of each partner. The name of the state in which each partner is licensed and the license number shall be listed on the application.

- ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who has an active Illinois structural engineer license in this State. The Illinois license number of the structural engineer designated as the managing agent shall also be included in the resolution.
 - iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
 - iv) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.
- 3) For Limited Liability Companies or Limited Liability Partnerships
- A) An application containing the name of the limited liability company or partnership, the business address and the members/partners of the company/partnership, the name of the state and the license number of each design professional who is a member or partner.
 - B) A copy of the resolution of the members' or partners' operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer engineering services.
 - C) A signed and dated resolution of the members or partners designating a regular full-time employee of the company who has an active Illinois structural engineer license as the managing agent in charge of the structural engineering activities in this State. The

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

license number of the managing agent shall also be included in the resolution.

- D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.
 - E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- 4) For Sole Proprietorships with an Assumed Name
- A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the structural engineer who owns and operates the business.
 - B) A letter or certificate from the county clerk where an assumed name has been filed.
- 5) A list of all office locations in Illinois at which the corporation, professional service corporation, limited liability company or partnership, partnership or sole proprietorship provides structural engineering services.
- 6) The fee required in Section 1480.195.
- b) A professional design firm may designate more than one managing agent in charge of structural engineering activities. However, a licensee designated as the managing agent may not serve as a managing agent for more than one corporation, professional service corporation, limited liability company/partnership, or partnership doing business in Illinois, except when an entity is created as a joint venture of 2 or more professional design firms for a specific project. The managing agents designated by the professional design firms may be designated as the managing agents for the participating firms in the joint venture.
- c) Upon receipt of the documents required by subsection (a) and review of the application, the Division shall issue a registration authorizing the corporation, professional service corporation, limited liability company/partnership,

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

partnership or sole proprietorship to engage in the practice of structural engineering or notify the applicant of the reason for the denial of the application.

- d) Each corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship shall be responsible for notifying the Division within 30 days after any changes in:
- 1) The membership of the board of directors, members/partners of the limited liability company/partnership or the general partners;
 - 2) The licensure status of the general partners, members/partners of the limited liability company/partnership or any of the licensed structural engineer members of the board of directors; and
 - 3) An assumed name.
- e) Each corporation, limited liability company/partnership, professional service corporation or partnership shall be responsible for notifying the Division in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Division, has 30 days to notify the Division of the name and license number of the structural engineer licensed in Illinois who is the newly designated managing agent.
- f) Any failure to notify the Division as required in subsections (d) and (e) or any failure of the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to continue to comply with the requirements of Section 19 of the Act will subject the corporation, limited liability company or partnership to the loss of its registration to practice structural engineering in Illinois.
- g) Sole Proprietorships. Any sole proprietorship owned and operated by a structural engineer who has an active Illinois license is exempt from the registration requirements of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietor shall file an application in accordance with subsection (a)(4) with the Division. A sole proprietorship shall notify the Division of all assumed name changes. Any sole proprietorship not

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

owned and operated by an Illinois licensed structural engineer shall be prohibited from offering structural engineering services to the public.

- h) In addition to the seal requirements in Section ~~1214~~ of the Act, all documents or technical submissions prepared by the design firm shall contain the design firm registration number issued by the Division.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) Section Number: 104.101 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This proposed rulemaking is to ensure consistency with 89 Ill. Adm. Code 104 and 160. Section 104.101 states the non-custodial parent has 30 days to appeal past-due determinations and administrative support orders, but 89 Ill. Adm. Code 160 references a 15 day appeal period for certain enforcement actions. By specifying 15 days for enforcement actions in this Part, we are eliminating contradiction between Parts 104 and 160.
- 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>
104.900	New Section	36 Ill. Reg. 19322; December 2, 2011
104.910	New Section	36 Ill. Reg. 19322; December 2, 2011
104.920	New Section	36 Ill. Reg. 19322; December 2, 2011
104.930	New Section	36 Ill. Reg. 19322; December 2, 2011
104.940	New Section	36 Ill. Reg. 19322; December 2, 2011
104.950	New Section	36 Ill. Reg. 19322; December 2, 2011
104.960	New Section	36 Ill. Reg. 19322; December 2, 2011
104.970	New Section	36 Ill. Reg. 19322; December 2, 2011
104.980	New Section	36 Ill. Reg. 19322; December 2, 2011

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. 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
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: July 2011

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of a Failure of a Licensee to Comply with a Subpoena or Warrant in a Paternity or Child Support Proceeding or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104	Conduct of Other Hearings

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders
- 104.106 Conduct of Hearings on Petitions for Family Financial Responsibility Driving Permits
- 104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

- Section
- 104.200 Applicability
- 104.202 Definitions
- 104.204 Notice of Denial of An Application
- 104.206 Notice of Intent to Recover Money
- 104.207 Notice of Contested Paternity Hearing
- 104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement or to Revoke Alternate Payee
- 104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action (Repealed)
- 104.210 Right to Hearing
- 104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
- 104.212 Prior Factual Determinations
- 104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
- 104.215 Notice of Formal Conference
- 104.216 Formal Conference on Recovery of Money
- 104.217 Purpose of Formal Conference
- 104.220 Notice of Hearing
- 104.221 Issues at Hearings
- 104.225 Legal Counsel
- 104.226 Appearance of Attorney or Other Representative
- 104.230 Notice, Service and Proof of Service
- 104.231 Form of Papers
- 104.235 Discovery
- 104.240 Conduct of Hearings
- 104.241 Amendments
- 104.242 Motions

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.248	Disqualification of Hearing Officers
104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section	
104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section	
104.800	Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; preemptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; preemptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 28 Ill. Reg. 2735, effective February 1, 2004; emergency amendment at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10187, effective June 30, 2005; amended at 31 Ill. Reg. 2387, effective January 19, 2007; amended at 32 Ill. Reg. 16797, effective October 6, 2008; amended at 33 Ill. Reg. 6283, effective April 15, 2009; amended at 35 Ill. Reg. 2030, effective January 21, 2011; amended at 35 Ill. Reg. 12900, effective July 25, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section 104.101 Petition for Hearing

- a) Any client or responsible relative aggrieved by an administrative support order entered, or any responsible relative aggrieved by a determination or redetermination of past-due support, or any responsible relative or joint holder aggrieved by a determination of the share of jointly-owned funds made by the Department may petition for a hearing for release from or modification of the order or to contest the determination or redetermination.
- b) AThe petition for release from or modification of an administrative support order under subsection (a) of this Section~~above~~ shall be filed within 30 days after the date of mailing of the~~such~~ order ~~or determination~~. The day immediately subsequent to the mailing of the order ~~or determination~~ shall be considered as the first day~~s~~; and the day the~~such~~ petition is received by the Department shall be considered as the last day in computing the 30 day appeal period.
- c) A petition to contest a determination or redetermination of past-due support or determination of share of jointly-owned funds under subsection (a) of this Section shall be filed within 15 days after the date of mailing of the determination or

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

redetermination. The day immediately subsequent to the mailing of the determination or redetermination shall be considered the first day, and the day the petition is received by the Department shall be considered the last day in computing the 15 day appeal period.

d) A petition to contest a determination of share of jointly-owned funds by a joint owner who was not provided with a Notice of Lien or Levy by the Department shall be filed within 45 days after the date of levy of the account or other personal property, as set forth in 89 Ill. Adm. Code 160.70(f)(2)(B)(vi). The day immediately subsequent to the date of levy shall be considered the first day, and the day the petition is received by the Department shall be considered the last day in computing the 45 day appeal period.

ee) Any responsible relative in a case with an administrative support order may petition the Department for a hearing to contest withholding, or to correct a term contained in an income withholding notice or a National Medical Support Notice, or to modify, suspend or terminate an income withholding notice or a National Medical Support Notice for the reasons provided in 89 Ill. Adm. Code 160.75(d), (e), (j) and (n).

fd) The petition to modify, suspend, terminate, or correct a term contained in an income withholding notice may be filed at any time and the petition to contest withholding or the National Medical Support Notice, shall be filed within 20 days after the date of service of the copy of the income withholding notice or the National Medical Support Notice upon the responsible relative. The day immediately subsequent to the day of service of the copy of the notice shall be considered ~~as~~ the first day, and the day ~~the~~ petition is received by the Department shall be considered ~~as~~ the last day in computing the 20 day appeal period.

ge) The Department shall, upon receipt of a petition, provide for a hearing to be held, except as provided in Section 104.103(b).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.310 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].
- 5) Complete Description of the Subjects and Issues Involved: The proposed rulemaking is to comply with the rulings of the Illinois Second District Appellate Court in *Arellano v. DHS, HFS*, 402 Ill.App.3d 665 (2010). The court determined that the language in the federal regulation that limits emergencies to the "sudden onset" of an acute medical condition is impermissible as not supported by federal statute. Current language is based on the federal regulation that refers to "sudden onset".

In fiscal year 2010, emergency medical services for non citizens were provided to over 21,000 individuals at a cost of approximately \$82,700. The fiscal impact for this rulemaking is estimated to be an insignificant cost increase.

- 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? Yes
- 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>
120.335	Amendment	36 Ill. Reg. 19337; December 2, 2011
120.70	Amendment	35 Ill. Reg. 11108; July 15, 2011
120.73	Amendment	35 Ill. Reg. 11108; July 15, 2011
120.75	Amendment	35 Ill. Reg. 11108; July 15, 2011
120.382	Amendment	35 Ill. Reg. 11108; July 15, 2011

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. 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
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: July 2011

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility for Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 FamilyCare Assist
120.34 FamilyCare Share and FamilyCare Premium Level 1
120.40 Exceptions To Use Of MANG Income Standard (Repealed)
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Community Cases
120.61 Long Term Care
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643 (Repealed)
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings (Repealed)
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Licensed Community – Integrated Living Arrangements (Repealed)

SUBPART D: MEDICARE PREMIUMS

Section

120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section

120.80	Recipient Restriction Program
--------	-------------------------------

SUBPART F: MIGRANT MEDICAL PROGRAM

Section

120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section

120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT (MANG) ELIGIBILITY FACTORS

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 120.319 Assignment of Rights to Medical Support and Collection of Payment
- 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
- 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
- 120.324 Health Insurance Premium Payment (HIPP) Program
- 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
- 120.326 Foster Care Program
- 120.327 Social Security Numbers
- 120.328 Compliance with Employment and Work Activity Requirements (Suspended; Repealed)
- 120.329 Compliance with Non-Economic Eligibility Requirements of Article IV (Suspended; Repealed)
- 120.330 Unearned Income
- 120.332 Budgeting Unearned Income
- 120.335 Exempt Unearned Income
- 120.336 Education Benefits
- 120.338 Incentive Allowance
- 120.340 Unearned Income In-Kind
- 120.342 Child Support and Spousal Maintenance Payments
- 120.345 Earmarked Income
- 120.346 Medicaid Qualifying Trusts
- 120.347 Treatment of Trusts and Annuities
- 120.350 Lump Sum Payments and Income Tax Refunds
- 120.355 Protected Income
- 120.360 Earned Income
- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.363 Earned Income Disregard – MANG(C)
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In-Kind

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 120.376 Payments from the Illinois Department of Children and Family Services
 120.379 Provisions for the Prevention of Spousal Impoverishment
 120.380 Resources
 120.381 Exempt Resources
 120.382 Resource Disregard
 120.383 Deferral of Consideration of Assets
 120.384 Spenddown of Resources
 120.385 Factors Affecting Eligibility for Long Term Care Services
 120.386 Property Transfers Occurring On or Before August 10, 1993
 120.387 Property Transfers Occurring On or After August 11, 1993 and Before January 1, 2007
 120.388 Property Transfers Occurring On or After January 1, 2007
 120.390 Persons Who May Be Included In the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
 120.395 Payment Levels for MANG (Repealed)
 120.399 Redetermination of Eligibility
 120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
 120.510 Health Benefits for Workers with Disabilities
 120.520 SeniorCare (Repealed)
 120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
 120.540 Illinois Healthy Women Program
 120.550 Asylum Applicants and Torture Victims
- 120.TABLE A Value of a Life Estate and Remainder Interest
 120.TABLE B Life Expectancy (Repealed)

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing the federal Deficit Reduction Act of 2005.

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; preemptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; preemptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; preemptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; preemptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 379, effective December 27, 2010; amended at 35 Ill. Reg. 979, effective January 1, 2011; amended at 35 Ill. Reg. 18645, effective January 1, 2012; amended at 36 Ill. Reg. _____, effective _____.

SUBPART H: MEDICAL ASSISTANCE – NO GRANT (MANG) ELIGIBILITY FACTORS

Section 120.310 Citizenship

To be eligible for assistance, an individual shall be either a United States (U.S.) citizen or a non-citizen within specific categories and subject to specific restrictions set forth in subsection (a) and (b).

- a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parents.
- b) Non-citizens
 - 1) The following categories of non-citizens may receive assistance, if otherwise eligible:
 - A) A U.S. veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of that person;
 - B) Refugees under section 207 of the Immigration and Nationality Act (INA);
 - C) Asylees under section 208 of INA;
 - D) Persons for whom deportation has been withheld under section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

243(h) of INA;

- E) Persons granted conditional entry under section 203(a)(7) of INA as in effect prior to April 1, 1980;
 - F) Persons lawfully admitted for permanent residence under INA;
 - G) Parolees, for at least one year, under section 212(d)(5) of INA;
 - H) Nationals of Cuba or Haiti;
 - I) Persons identified by the Federal Office of Refugee Resettlement (ORR) as victims of trafficking;
 - J) Amerasians from Vietnam;
 - K) Members of the Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era;
 - L) American Indians born in Canada; and
 - M) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plan to live separately within one month of assistance and whose need for assistance is due, at least in part, to the abuse.
- 2) Those persons who are in the category set forth in subsection (b)(1)(F) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States, with the exception of Iraqi and Afghan special immigrants under section 101(a)(27) of INA (8 USC 1101(a)(27)). Iraqi and Afghan special immigrants are eligible for a limited period of time established by the federal government. The limited time period begins with either the date the person entered the United States as a special immigrant or the date his or her status was adjusted within the United States.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 3) Those persons who are in the category set forth in subsection (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.
- 4) Notwithstanding the provisions of subsections (b)(1) and (2) of this Section, any non-citizen is eligible for medical assistance if the non-citizen otherwise meets the income, asset and categorical requirements of the medical assistance program and is in need of emergency services required ~~as a result after the sudden onset~~ of a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) that the absence of immediate medical attention could reasonably be expected to result in:
 - A) placing the non-citizen's health in serious jeopardy;
 - B) serious impairments to bodily functions; or
 - C) serious dysfunction of any organ or part (42 USC 1396(b)(v)).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:
- Jerilynn Troxell-Gorden
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
- 217/782-2844
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Liquor retailers will be affected by this rulemaking.
- B) Reporting, bookkeeping or other procedures required for compliance: General bookkeeping
- C) Types of professional skills necessary for compliance: Bookkeeping; computer skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not on the July 2011 Agenda because it was unanticipated at the time.

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Soft Drinks and Candy
130.311	Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 130.335 Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
- 130.340 Rolling Stock
- 130.341 Commercial Distribution Fee Sales Tax Exemption
- 130.345 Oil Field Exploration, Drilling and Production Equipment
- 130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
- 130.351 Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

Section

- 130.401 Meaning of Gross Receipts
- 130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
- 130.410 Cost of Doing Business Not Deductible
- 130.415 Transportation and Delivery Charges
- 130.420 Finance or Interest Charges – Penalties – Discounts
- 130.425 Traded-In Property
- 130.430 Deposit or Prepayment on Purchase Price
- 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
- 130.440 Penalties
- 130.445 Federal Taxes
- 130.450 Installation, Alteration and Special Service Charges
- 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section

- 130.501 Monthly Tax Returns – When Due – Contents
- 130.502 Quarterly Tax Returns
- 130.505 Returns and How to Prepare
- 130.510 Annual Tax Returns
- 130.515 First Return
- 130.520 Final Returns When Business is Discontinued
- 130.525 Who May Sign Returns
- 130.530 Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
- 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
- 130.540 Returns on a Transaction by Transaction Basis

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section	
130.801	General Requirements
130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
130.820	Preservation of Books During Pendency of Assessment Proceedings
130.825	Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART I: PENALTIES AND INTEREST

Section	
130.901	Civil Penalties
130.905	Interest
130.910	Criminal Penalties

SUBPART J: BINDING OPINIONS

Section	
130.1001	When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section	
130.1101	Definition of Federal Area
130.1105	When Deliveries on Federal Areas Are Taxable
130.1110	No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section	
130.1201	General Information
130.1205	Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section	
130.1301	When Lessee of Premises Must File Return for Leased Department
130.1305	When Lessor of Premises Should File Return for Business Operated on Leased Premises
130.1310	Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section	
130.1401	Seller's Responsibility to Determine the Character of the Sale at the Time of the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- Sale
- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
- 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
- 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section

- 130.1901 Addition Agents to Plating Baths

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 130.1905 Agricultural Producers
- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1934 Community Water Supply
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1950 Dentists
- 130.1951 Enterprise Zones
- 130.1952 Sales of Building Materials to a High Impact Business
- 130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
- 130.1954 River Edge Redevelopment Zones
- 130.1955 Farm Chemicals
- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1971 Sellers of Pets and the Like
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

130.2011	Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
130.2012	Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
130.2013	Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
130.2015	Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020	Physicians and Surgeons
130.2025	Picture-Framers
130.2030	Public Amusement Places
130.2035	Registered Pharmacists and Druggists
130.2040	Retailers of Clothing
130.2045	Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050	Sales and Gifts By Employers to Employees
130.2055	Sales by Governmental Bodies
130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Trading Stamps, Discount Coupons, Automobile Rebates and Dealer Incentives
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising,
Prizes, Etc.
130.2165 Veterinarians
130.2170 Warehousemen

SUBPART T: DIRECT PAYMENT PROGRAM

Section

- 130.2500 Direct Payment Program
130.2505 Qualifying Transactions, Non-transferability of Permit
130.2510 Permit Holder's Payment of Tax
130.2515 Application for Permit
130.2520 Qualification Process and Requirements
130.2525 Application Review
130.2530 Recordkeeping Requirements
130.2535 Revocation and Withdrawal
- 130.ILLUSTRATION A Examples of Tax Exemption Card
130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration
130.ILLUSTRATION C Food Flow Chart

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART E: RETURNS

Section 130.552 Alcoholic Liquor Reporting

- a) *Retailer Liquor Report. Beginning on October 1, 2003, any person that is engaged in the business of selling alcoholic liquor at retail through a liquor store, tavern, or restaurant shall file a monthly statement with the Department listing the total amount paid for alcoholic liquor purchased during the preceding calendar month. The statement shall be filed on such person's Form ST-1, Sales and Use Tax Return, by including the total amount shown on invoices for alcoholic liquor delivered during the preceding calendar month. [For returns due through January 31, 2012, the](#) Such Form ST-1 Return shall be filed using the Department's TeleFile program (86 Ill. Adm. Code 770). [For returns due on and after February 1, 2012, the Form ST-1 Return shall be filed by electronic means under the Department's electronic filing program in accordance with regulations at 86 Ill.](#)*

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Adm. Code 760.100. Upon petition by a taxpayer, the Department may waive the electronic filing requirement if the taxpayer demonstrates that it does not have access to the Internet. *The requirements of this subsection (a) shall not apply to any person who is a licensed distributor, importing distributor, or manufacturer as those persons are described in Sections 1-3.08, 1-3.15, and 1-3.16 of the Liquor Control Act of 1934. The requirements of this subsection (a) shall not apply to any person who is required to make quarter monthly payments on the 7th, 15th, 22nd, and last day of each month under Section 3 of the Retailers' Occupation Tax Act. [35 ILCS 120/3] For purposes of this subsection (a):*

- 1) "Liquor store" means any legal entity that is operated primarily to sell alcoholic liquor at retail to the public. To meet the primary test, the selling price of all the alcoholic liquor sold during a calendar year must exceed 50% of the selling price of all retail sales for that calendar year.
- 2) "Tavern" means any legal entity that is operated to sell alcoholic liquor at retail to the public for on-premises consumption.
- 3) "Restaurant" means any legal entity that is operated to sell food and alcoholic liquor at retail to the public for on-premises consumption.

b) Distributor Liquor Reports.

- 1) *Beginning on October 1, 2003, every distributor, importing distributor, and manufacturer of alcoholic liquor, as those persons are described in Sections 1-3.08, 1-3.15, and 1-3.16 of the Liquor Control Act of 1934, shall file, in an electronic format prescribed by the Department, a statement with the Department of Revenue, no later than the 10th day of the month for the preceding month during which transactions occurred showing the total amount of gross receipts from the sale of alcoholic liquor sold or distributed during the preceding calendar month to purchasers; identifying the purchaser to whom it was sold or distributed; the purchaser's tax registration number; and such other information reasonably required by the Department.*
- 2) *The statement required to be filed with the Department under this subsection (b) shall be filed no later than the 10th day of the month for the preceding calendar month in an electronic format prescribed by the Department. If the distributor, importing distributor, or manufacturer files*

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

its Form RL-26, Liquor Revenue Return, electronically, the statement required to be filed under this subsection (b) may be filed in conjunction with the electronic filing of the Liquor Revenue Return no later than the 15th day of the month for the preceding calendar month. [35 ILCS 120/3]

- 3) *Every distributor, importing distributor, or manufacturer of alcoholic liquor must personally deliver, mail, or provide by electronic means to each retailer listed on the monthly statement described in this subsection (b) a retailer's purchase statement containing a cumulative total of that distributor's, importing distributor's, or manufacturer's total sales of alcoholic liquor to that retailer no later than the 10th day of the month for the preceding month during which those transactions occurred. For purposes of this subsection (b), the term "electronic means" includes, but is not limited to, the use of a secure Internet website, e-mail, or facsimile. [35 ILCS 120/3] The distributor, importing distributor, or manufacturer shall notify each retailer as to the method by which the distributor, importing distributor, or manufacturer will provide the retailer's purchase statement by personally delivering a written notice or mailing a written notice to each retailer. The personal delivery or mailing of the notice may be made by including such information on an invoice provided by mail or in person to the retailer. The following methods may be used by the distributor, importing distributor, or manufacturer to provide retailer's purchase statements to retailers:*
- A)1) mailing a copy of the retailer's purchase statement to each retailer;
- B)2) delivering a copy of the retailer's purchase statement to each retailer, or in lieu of delivering a copy of the statement, by listing a cumulative total of the sales made to that retailer within that calendar month on all invoices delivered to the retailer; or
- C)3) sending or allowing access to the retailer's purchase statement through electronic means, provided that, if a retailer is unable to receive the statement by electronic means, the retailer must provide a written notice, by mail or in person delivery, to the distributor, importing distributor, or manufacturer of alcoholic liquor, stating that the retailer is unable to receive the statement by electronic means. Beginning with the month following the receipt of such notification from the retailer, the distributor, importing distributor,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

or manufacturer shall furnish the retailer's purchase statement to that retailer by personal delivery or by mail as described in subsections [\(b\)\(3\)\(A\) and \(B\)\(b\)\(1\) and \(2\)](#).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1030.1	Amendment
1030.98	Amendment
1030.APPENDIX B	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521(c)
- 5) Effective Date of Amendments: November 23, 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 Department's Division of Driver's Services, and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 13054; August 12, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: Nonsubstantive clarifying changes were made in the rulemaking text.
- 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>
1030.63	Repealed	35 Ill. Reg. 18575; November 14, 2011

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: The definition of "S" endorsement is added to Section 1030.1 due to a mandate of the Federal Motor Carrier Safety Administration, which established new and revised commercial driver's license (CDL) standards, requirements and penalties for all CDL holders who transport pre-primary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events. All school bus drivers who possess an Illinois CDL with a passenger "P" endorsement must also obtain a school bus "S" endorsement on his/her license.

The definitions for School Bus Commercial Instruction Permit (CIP), School Bus Commercial Driver's License (CDL) and School Bus CDL restriction are amended to require an "S" endorsement and to remove the J48 restriction, which limited the driver to operating a school bus and no other type of commercial motor vehicle that required a CDL.

The amendment to Section 1030.98 that removes the J48 restriction is the result of a federal audit of the Commercial Drivers License (CDL) program by the Federal Motor Carrier Safety Administration that resulted in a finding that the Secretary of State could not restrict a CDL holder to only the operation of a school bus.

The amendment to Section 1030.Appendix B increases the types of documents that an applicant for a driver's license or identification card may submit to prove residency. This will provide applicants with flexibility and allow the applicant to obtain a driver's license or identification card while still ensuring the integrity of the application process.

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

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

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 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1030.91 Disabled Person Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus [Endorsement](#)~~Commercial Driver's License~~ or Instruction Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

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

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011.

Section 1030.1 Definitions

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

"Adjudication of Disability" – an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

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

"Approved Driver Education Course" –

a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; or

a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or

any course of driver education given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer; or

a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state [625 ILCS 5/1-103].

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

"Authorized Secretary of State Employee" – a Secretary of State employee with a supervisory position.

"Authorized Source" –

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"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 such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

"Central Issuance" – the process of printing and mailing a driver's license to an applicant from a secure central production facility.

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

"Cited Driver" – a driver who has been requested by the Secretary of State to appear for re-test.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

"Cleared 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, nighttime driving restriction, or unsatisfied judgment.

"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 certain class of commercial motor vehicle* [625 ILCS 5/1-111.6].

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Driver Instruction Permit" or "CIP" – a permit issued pursuant to IVC Section 6-508.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Commercial Motor Vehicle" or "CMV" – a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –

has a gross combination weight rating of 11,794 kilograms (26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or

has a gross vehicle weight rating of 11,794 kilograms (26,001 pounds) or more; or

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

*is of any size and is used in the transportation of hazardous materials as defined in the Federal Motor Carrier Safety Regulations (49 CFR 383.5).
[625 ILCS 5/6-500(6)]*

"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].

"Competent Medical Specialist" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

"Conviction" – A final adjudication of guilty by a court of competent jurisdiction 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 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;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

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)].

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" – the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

"Current Medical Report" – any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Day" – a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" – the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" – the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

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

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

"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"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 (see IVC Section 1-159.1).

"Disability" – an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment, or when the individual is regarded as having such impairment [625 ILCS 5/6-117.2(f)].

"Disqualification" – a disqualification means any of the following three actions:

the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

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 FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391. [625 ILCS 5/1-115.3]

"Disseminating Agency" – an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

"Drive" – *operate or be in physical control of a motor vehicle [625 ILCS 5/4-115.8].*

"Driver" – *every person who drives or is in actual physical control of a vehicle [625 ILCS 5/1-116].*

"Driver Applicant" – a person applying to obtain, transfer, upgrade or renew a CDL.

"Driver's License Test" – a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"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 Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

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

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an indication on a driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" – structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" – a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically/mentally fit to safely operate a motor vehicle.

"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" – a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].

"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Good Cause" – examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5. [625 ILCS 5/1-124.5]

"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73.

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Illinois Medical Advisory Board" or "Board" – a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling or step-grandparent.

"Immediate Farm Family Member" – a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Incomplete Medical Report" – a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

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

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

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

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"LEADS" – the Illinois Law Enforcement Agencies Data System.

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cafalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – The insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

a condition that the driver remain under the care of his/her competent medical specialist;

a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"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, nighttime driving restriction or unsatisfied judgement.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

"Moped" – a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].

"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:

First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

"Nasal Vision Reading" – a field of vision 35° from the straight ahead.

"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" – the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P" Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"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.

"Proof of Insurance" – acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];

Current declaration page of a liability policy [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

Liability insurance binder [625 ILCS 5/7-602(d)];

Certificate of Insurance [625 ILCS 5/7-602(d)];

Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

Current rental agreement [625 ILCS 5/7-602(e)];

Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)];

Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"Public Safety Worker" – a person employed by this State or a political subdivision thereof that provides firefighting, medical or other emergency services [625 ILCS 5/6-117.2(f)].

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"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].

"Registration Sticker" – a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

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

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"S" Endorsement – an endorsement for CDL holders who operate as a school bus driver to transport pre-primary, primary or secondary school students to and from home, from school to home, or to and from school-sponsored events.

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

"SAVE" – the Systematic Alien Verification for Entitlements Program that allows electronic inquiries to U.S. Citizenship and Immigration Services (USCIS) by state motor vehicle agencies in the determination of the immigration status of an applicant for a Temporary Visitor's Driver's License.

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other education facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School Bus Commercial Instruction Permit " or "School Bus CIP" – an instruction permit that allows an applicant for a school bus permit to operate a school bus, but only when accompanied by a properly classified driver with a school bus permit, with a "J48" restriction that limits CMV operation to a school bus only, as defined in this Section.

~~"School Bus Commercial Driver's License" or "School Bus CDL" – a commercial driver's license with a "J48" restriction that limits CMV operation to a school bus only as defined in this Section.~~

"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

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

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

"Special Needs Individuals" – those individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required be individuals generally [625 ILCS 5/6-117.2(f).

"SSOLV" – the Social Security Online Verification system that allows electronic inquiries to the Social Security Administration by state motor vehicle agencies to verify names and social security numbers of applicants for driver's licenses or identification cards.

"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].

"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].

"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171. [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70° from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.

"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" – a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" – a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

"Third-Party Certifying Entity" – a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"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 requiring the injured party to be carried from the scene.

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"USCIS" – U.S. Citizenship and Immigration Services is a bureau of the U.S. Department of Homeland Security (USDHS) that is in charge of processing immigrant visa petitions, naturalization petitions, and asylum and refugee

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

applications, as well as making adjudicative decisions performed at the services centers and managing all other immigration benefit functions.

"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 expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"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. 19664, effective November 23, 2011)

| **Section 1030.98 School Bus ~~Endorsement~~Commercial Driver's License or Instruction Permit**

- | a) In order to ~~obtain be eligible for~~ a school bus CDL ~~with an "S" endorsement~~, the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

driver applicant must:

- 1) be eligible and have applied for an Illinois school bus permit pursuant to IVC Section 6-106.1 and 92 Ill. Adm. Code 1035;
 - 2) pass the required written school bus core knowledge, ~~and~~ passenger and "S" endorsement written tests;
 - 3) pass the skills test in a representative vehicle.
- b) In order to ~~obtain~~be eligible for a school bus commercial instruction permit, the driver applicant must pass the written school bus core knowledge test.
 - c) The Secretary of State shall issue a school bus CIP in accordance with Section 1030.65 and IVC Section 6-105.
 - d) The Department shall deny issuance of a ~~school bus~~ CDL with an "S" endorsement and/or a school bus CIP:
 - 1) for failure to meet the ~~provisions of standards contained in~~ IVC Section 6-508;
 - 2) for failure to meet any eligibility requirements ~~contained~~ in this Section.
 - e) Prior to the issuance of a ~~school bus~~ CDL with an "S" endorsement and/or a school bus CIP, the Department shall perform a records check through the Problem Driver Pointer System (PDPS) and CDLIS, comply with~~meet~~ all requirements ~~as outlined~~ in 49 CFR 384 (~~2010~~2007), and enter each ~~school bus~~ CDL holder's record into CDLIS pursuant to IVC Section 6-513.
 - f) A person applying for and operating on a school bus CIP shall be exempt from obtaining and holding an Illinois school bus driver permit, but must be accompanied by an individual holding the proper license classification and a school bus driver permit.
 - g) ~~All driver applicants issued a Class B or C school bus CDL with a Type J48 restriction as well as P and S endorsements shall have their commercial motor vehicle operation limited to the same or lesser classification of school bus as defined in IVC Section 1-182(a) and their non-commercial motor vehicle~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~operation limited to non-commercial motor vehicles requiring the same or a lesser classification of license.~~

gh) A ~~school bus~~ CDL with an "S" endorsement shall expire in accordance with the provisions of IVC Section 6-115.

h)†) The fees for a CDL with an "S" endorsement/CIP shall be as outlined in IVC Section 6-118. ~~school bus CDL/CIP shall be as follows:~~

- 1) ~~Driver's license upgrade to school bus CDL with J48 restriction, regardless of age~~ \$10
- 2) ~~Renewal school bus CDL with J48 restriction, regardless of age~~ \$20
- 3) ~~Duplicate or corrected school bus CDL~~ \$5
- 4) ~~Instruction permit issued to any person holding a valid Illinois driver's license for the purpose of changing to a school bus CDL~~ \$10
- 5) ~~School bus CDL upgrade to regular CDL~~ \$40
- 6) ~~Driver's license renewal, plus school bus CDL/CIP~~ \$20

ij) A driver applicant who possesses a ~~school bus~~ CDL with an "S" endorsement and/or a school bus/ CIP shall be subject to the disqualification provisions of IVC Section 6-514.

jl) A driver applicant who possesses a ~~school bus~~ CDL with an "S" endorsement and/or a school bus/ CIP shall be subject to the prohibitions against driving a commercial motor vehicle while having any alcohol, other drugs or both in the applicant's system as outlined in IVC Section 6-515.

km) A driver applicant who possesses a ~~school bus~~ CDL with an "S" endorsement and/or a school bus/ CIP shall be subject to the implied consent requirements for commercial motor vehicle drivers outlined in IVC Section 6-516.

ln) A driver applicant who possesses a ~~school bus~~ CDL with an "S" endorsement and/or a school bus/ CIP shall be subject to the implied consent warnings outlined

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

in IVC Section 6-517.

- m) A driver applicant who possesses a CDL with an "S" endorsement and/or a school bus CIP shall be subject to the cancellation provisions of IVC Section 6-201.
- ne) A driver applicant whose ~~school bus~~-CDL with an "S" endorsement and/or a school bus/ CIP has been canceled, withdrawn or disqualified may contest the sanction by requesting a hearing with the Secretary of State Department of Administrative Hearings pursuant to IVC Section 2-118 or 6-520. The cancellation, ~~or~~-withdrawal or disqualification of a school bus CDL/CIP shall remain in effect pending the outcome of the hearing.
- op) A driver applicant who possesses a ~~school bus~~-CDL with an "S" endorsement and/or a school bus/ CIP shall be subject to the cancellation provisions of IVC Section 6-201.
- pe) A driver applicant who possesses a ~~school bus~~-CDL with an "S" endorsement and/or a school bus/ CIP shall be subject to all provisions of IVC Chapter 6, Article V.

(Source: Amended at 35 Ill. Reg. 19664, effective November 23, 2011)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 1030.APPENDIX B Acceptable Identification Documents

- a) Except as provided for in subsections (m) and (n), an applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B and C and two documents from Group D as outlined in subsection (f).
- b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying social security numbers. Instead, they shall submit a letter on Social Security Administration letterhead, issued within 90 days prior to the date of application for a temporary visitor's driver's license, verifying ineligibility for a social security number. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.
- c) Except as provided for in subsections (m) and (n), an applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A and at least one form from Group B and C or two from Group D if requesting an address change to appear on the documents, as outlined in subsection (f). An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.
- d) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. An applicant requesting an address change to appear on the document must provide two forms of acceptable documents from Group D. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.
- e) Applicants renewing a current Illinois driver's license or identification card need

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

only present a current valid license or ID card. If they do not have a current driver's license or ID card, they must present one form of identification from Group A and at least one form from Group B, C or D, as outlined in subsection (f). Except as provided for in subsections (m) and (n), applicants who are requesting an address change to appear on the documents are required to provide two documents from Group D as outlined in subsection (f).

- f) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed by group. Photocopies will not be accepted. **All acceptable documents presented for verification or proof must be valid (current and not expired).** Photocopies will not be accepted.

1) GROUP A (Written Signature)

Canceled Check (~~dated within~~ 90 days prior to application)

Cooperative Driver Training Program (CDTP) Certification Form

Court Order

Credit Card/Debit Card – Major Brand

Driver Education Certificate

Government Driver's License

Government Identification Card

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS)
forms:

I-551 (Alien Registration Card)

I-766 (Employment Authorization Card)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

I-94 (Arrival/Departure Record) with Valid Passport

Medicare Card – with suffix A, J, H, M or T

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-state Driver's License/ID Card – current

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

~~Certified Official~~ Grade/High School/College/University Transcript

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

I-571 (Refugee Travel Document)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

I-766 (Employment Authorization Card)

I-797 (Notice of Action Status Change)

I-94 (Arrival/Departure Record) with Valid Passport

U.S. Visa

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

U.S. Passport Card – Valid with Complete Date of Birth

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record

Illinois Identification Card Record

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

4) GROUP D (Residency)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Affidavit – Certificate of Residency

Bank Statement (dated within 90 days prior to application)

Canceled Check (dated within 90 days prior to application)

Certified Grade/High School/College/University Transcript

Credit Report issued by Experian, Equifax or TransUnion – dated within 12 months prior to application

Deed/Title, Mortgage, Rental/Lease Agreement

Insurance Policy (Homeowner's or Renter's)

Letter on Official School Letterhead – dated within 90 days prior to application

Medical claim or statement of benefits from private insurance company or public (government) agency, dated within 90 days prior to application

Official mail received from a State, County, City ~~or~~ Village or a Federal Government agency that includes first and last name of the applicant and complete current address. This may include, but is not limited to:

Homestead Exemption Receipt

Illinois FOID Card

Jury Duty Notice issued within 90 days prior to application

Selective Service Card

Social Security Annual Statement

Social Security Disability Insurance (SSDI) Statement

Supplemental Security Income (SSI) Benefits Statement

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Voter Registration Card

Pay Stub or Electronic Deposit Receipt

Pension or Retirement Statement

Phone book, current, produced by a phone book publisher

Report Card from Grade/High School or College/University

Tuition invoice or other official mail from a college or university dated within the 12 months prior to application

Vehicle Registration Card

Utility Bill – Electric, water, refuse, telephone (land or cell), cable or gas, issued within 90 days prior to application

- g) Documents listed in Group A, B or C, as outlined in subsection (f), that contains the full residence address may also be used for Group D, as outlined in subsection (f).
- h) For a name change, the identification must be a document that provides a link to the established driver's license/ID Card file.
- i) Group B documents, as outlined in subsection (f), must contain the applicant's full name and complete date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign passports and foreign birth certificates are accepted as "proof" if accompanied by any other item listed in Group B.
- j) Group C documents, as outlined in subsection (f), must contain the applicant's name and full social security number.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- k) Group D documents, as outlined in subsection (f), must contain the applicant's full residence address.
- l) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.
- m) An applicant applying for a no-fee identification card who is homeless must present one document from each of Group A, B and C, as outlined in subsection (f), and a homeless status certification, as described in Section 1030.12, to satisfy the requirements for Group D, as outlined in subsection (f).
- n) An applicant for an identification card who is under the age of five years old must present one document from each of Group A, B and C, as outlined in subsection (f), and one document from Group D, as outlined in subsection (f).
- o) Unacceptable identification documents are:

Bond Receipt or [Bail](#)/Bond Card

Business Cards

Check Cashing Cards

Club or Fraternal Membership Cards

College or University Identification Cards

Commercially Produced (non-State or unofficial) ID Cards

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

Instruction Permit/Receipts

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Insurance ~~and/or Bail Bond Cards~~

Library Card

Personal Mail

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

(Source: Amended at 35 Ill. Reg. 19664, effective November 23, 2011)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE N Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table N to reflect the Memorandum of Understanding (MOU) between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed October 28, 2011. The agreement is for the Public Service Administrator (PSA) title Option 8L, which is Special License - Law License, positions at the Pollution Control Board. The Pay Plan Code B and pay grade RC-010-24 are assigned to the positions effective August 29, 2011. That same date, the Illinois Labor Relations Board issued a Certification of Representative (Case No. S-RC-10-196) assigning the PSA title Option 8L positions at the Pollution Control Board to the AFSCME RC-010 bargaining unit with no position excluded.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]
- 6) Effective Date: November 23, 2011
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table N title table, the Pollution Control Board is added to the agencies listed for the PSA title Option 8L positions assigned to the pay grade RC-010-24.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: November 23, 2011
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.47	Amendment	35 Ill. Reg. 2841; February 18, 2011
310.Appendix A Table AA	Amendment	35 Ill. Reg. 2841; February 18, 2011
310.47	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.50	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.130	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.410	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.490	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.500	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE A	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE B	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE C	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE D	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE E	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE F	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE G	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE H	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE I	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE J	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE K	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE M	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE N	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE O	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE P	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE Q	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE R	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE S	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE T	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE U	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE V	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE W	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE X	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE Y	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE Z	Amendment	35 Ill. Reg. 5705; April 8, 2011

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.APPENDIX A TABLE AB	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AC	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AD	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AE	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX D	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX G	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.47	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.50	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.130	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.410	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.490	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.500	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.600	New Section	35 Ill. Reg. 11032; July 15, 2011
310.610	New Section	35 Ill. Reg. 11032; July 15, 2011
310.620	New Section	35 Ill. Reg. 11032; July 15, 2011
310.630	New Section	35 Ill. Reg. 11032; July 15, 2011
310.640	New Section	35 Ill. Reg. 11032; July 15, 2011
310.650	New Section	35 Ill. Reg. 11032; July 15, 2011
310.660	New Section	35 Ill. Reg. 11032; July 15, 2011
310.670	New Section	35 Ill. Reg. 11032; July 15, 2011
310.680	New Section	35 Ill. Reg. 11032; July 15, 2011
310.690	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE A	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE B	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE C	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE D	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE E	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE F	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE G	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE H	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE I	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE J	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE K	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE M	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE N	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE O	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE P	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE Q	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE R	Amendment	35 Ill. Reg. 11032; July 15, 2011

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.APPENDIX A TABLE S	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE T	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE U	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE V	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE W	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE X	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE Y	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE Z	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE AA	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE AB	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE AC	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE AD	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE AE	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE A	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE C	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE H	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE I	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE J	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE K	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE M	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE N	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE O	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE P	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE R	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE S	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE T	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE V	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE W	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE X	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE Y	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE Z	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE AB	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE AD	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE AE	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX D	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX G	Amendment	35 Ill. Reg. 11032; July 15, 2011

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 13) Statement of Statewide Policy Objectives: The amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this peremptory amendment shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hiring Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes (Repealed)
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.270	Legislated Rate
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)

310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011.

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE N RC-010 (Professional Legal Unit, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Hearings Referee	18300	RC-010	23
Hearings Referee – Intermittent	18301	RC-010	23H

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Public Service Administrator, Option 8L

Departments of Central Management Services,
 Children and Family Services, Healthcare and
 Family Services, Labor, Public Health and
 Revenue, Environmental Protection Agency,
 Illinois Gaming Board, Guardianship and
 Advocacy Commission, [and Pollution Control
 Board](#) and Property Tax Appeal Board

37015 RC-010 24

Technical Advisor Advanced Program Specialist 45256 RC-010 24

Technical Advisor I 45251 RC-010 18

Technical Advisor II 45252 RC-010 20

Technical Advisor III 45253 RC-010 23

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-010 pay grade have the option 8L. See the definition of option in Section 310.50.

Effective July 1, 2009
Bargaining Unit: RC-010

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
18	B	3901	4014	4134	4333	4536	4742	4934	5133	5439	5657
18	Q	4073	4193	4319	4533	4741	4957	5159	5364	5686	5913
20	B	4343	4471	4603	4836	5061	5301	5533	5762	6111	6356
20	Q	4538	4672	4811	5053	5291	5542	5780	6022	6389	6644
23	B	5139	5292	5451	5740	6034	6321	6612	6899	7333	7627
23	Q	5369	5532	5700	6001	6309	6605	6911	7211	7662	7968
23H	B	31.62	32.57	33.54	35.32	37.13	38.90	40.69	42.46	45.13	46.94
24	B	5469	5632	5802	6110	6431	6738	7050	7368	7830	8143

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Effective January 1, 2010
Bargaining Unit: RC-010

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
18	B	3979	4094	4217	4420	4627	4837	5033	5236	5548	5770
18	Q	4154	4277	4405	4624	4836	5056	5262	5471	5800	6031
20	B	4430	4560	4695	4933	5162	5407	5644	5877	6233	6483
20	Q	4629	4765	4907	5154	5397	5653	5896	6142	6517	6777
23	B	5242	5398	5560	5855	6155	6447	6744	7037	7480	7780
23	Q	5476	5643	5814	6121	6435	6737	7049	7355	7815	8127
23H	B	32.26	33.22	34.22	36.03	37.88	39.67	41.50	43.30	46.03	47.88
24	B	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306

Effective July 1, 2010
Bargaining Unit: RC-010

Pay Grade	Pay Plan Code	S T E P S									
		1a	1	2	3	4	5	6	7	8	
18	B	4135	4259	4464	4673	4885	5083	5288	5603	5828	
18	Q	4320	4449	4670	4884	5107	5315	5526	5858	6091	
20	B	4606	4742	4982	5214	5461	5700	5936	6295	6548	
20	Q	4813	4956	5206	5451	5710	5955	6203	6582	6845	
23	B	5452	5616	5914	6217	6511	6811	7107	7555	7858	
23	Q	5699	5872	6182	6499	6804	7119	7429	7893	8208	
23H	B	33.55	34.56	36.39	38.26	40.07	41.91	43.74	46.49	48.36	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

24	B	5802	5977	6294	6626	6942	7263	7590	8067	8389
----	---	------	------	------	------	------	------	------	------	------

Effective January 1, 2011**Bargaining Unit: RC-010**

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
18	B	4176	4302	4509	4720	4934	5134	5341	5659	5886
18	Q	4363	4493	4717	4933	5158	5368	5581	5917	6152
20	B	4652	4789	5032	5266	5516	5757	5995	6358	6613
20	Q	4861	5006	5258	5506	5767	6015	6265	6648	6913
23	B	5507	5672	5973	6279	6576	6879	7178	7631	7937
23	Q	5756	5931	6244	6564	6872	7190	7503	7972	8290
23H	B	33.89	34.90	36.76	38.64	40.47	42.33	44.17	46.96	48.84
24	B	5860	6037	6357	6692	7011	7336	7666	8148	8473

Effective June 1, 2011**Bargaining Unit: RC-010**

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
18	B	4260	4388	4599	4814	5033	5237	5448	5772	6004
18	Q	4450	4583	4811	5032	5261	5475	5693	6035	6275
20	B	4745	4885	5133	5371	5626	5872	6115	6485	6745
20	Q	4958	5106	5363	5616	5882	6135	6390	6781	7051
23	B	5617	5785	6092	6405	6708	7017	7322	7784	8096

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

23	Q	5871	6050	6369	6695	7009	7334	7653	8131	8456
23H	B	34.57	35.60	37.49	39.42	41.28	43.18	45.06	47.90	49.82
24	B	5977	6158	6484	6826	7151	7483	7819	8311	8642

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 19707, effective November 23, 2011)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) The Notice of Adopted Amendments being corrected appeared at: 35 Ill. Reg. 18645; November 14, 2011.
- 4) The information being corrected is as follows: In the Notice of Adopted Amendments under question #3, the Title and Part number for Section 120.385 should have read “New” instead of “Amendment”.

3.	<u>Section Number:</u>	<u>Adopted Action</u>
	120.385	New Section

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

SCHEDULED MEETING:

MICHAEL A. BILANDIC BUILDING
ROOM 600C
CHICAGO, ILLINOIS
DECEMBER 13, 2011
11:00 A.M.

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

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

*Email: jcar@ilga.gov
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Central Management Services

1. State Vehicles and Garage (44 Ill. Adm. Code 5040)
 - First Notice Published: 35 Ill. Reg. 12592 – 7/29/11
 - Expiration of Second Notice: 1/5/12

2. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 35 Ill. Reg. 15345 – 9/23/11
 - Expiration of Second Notice: 12/23/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

3. Pay Plan (80 Ill. Adm. Code 310)
-First Notice Published: 35 Ill. Reg. 15496 – 9/30/11
-Expiration of Second Notice: 1/5/12

Chief Procurement Officer for Department of Transportation

4. Contract Procurement (44 Ill. Adm. Code 6)
-First Notice Published: 35 Ill. Reg. 16052 – 10/7/11
-Expiration of Second Notice: 1/5/12

Children and Family Services

5. Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)
-First Notice Published: 35 Ill. Reg. 8005 – 5/27/11
-Expiration of Second Notice: 12/28/11
6. Placement and Visitation Services (89 Ill. Adm. Code 301)
-First Notice Published: 35 Ill. Reg. 8018 – 5/27/11
-Expiration of Second Notice: 12/28/11
7. Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302)
-First Notice Published: 35 Ill. Reg. 8027 – 5/27/11
-Expiration of Second Notice: 12/28/11
8. Access to and Eligibility for Child Welfare Services (89 Ill. Adm. Code 304)
-First Notice Published: 35 Ill. Reg. 8037 – 5/27/11
-Expiration of Second Notice: 12/28/11
9. Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible (89 Ill. Adm. Code 309)
-First Notice Published: 35 Ill. Reg. 8047 – 5/27/11
-Expiration of Second Notice: 12/28/11
10. Permanency Planning (89 Ill. Adm. Code 315)
-First Notice Published: 35 Ill. Reg. 8051 – 5/27/11
-Expiration of Second Notice: 12/28/11
11. Administrative Case Reviews and Court Hearings (89 Ill. Adm. Code 316)
-First Notice Published: 35 Ill. Reg. 8060 – 5/27/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

-Expiration of Second Notice: 12/28/11

12. Licensing Standards for Foster Family Homes (89 Ill. Adm. Code 402)
 - First Notice Published: 35 Ill. Reg. 8064 – 5/27/11
 - Expiration of Second: 12/28/11
13. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)
 - First Notice Published: 35 Ill. Reg. 8082 – 5/27/11
 - Expiration of Second Notice: 12/28/11
14. Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)
 - First Notice Published: 35 Ill. Reg. 8093 – 5/27/11
 - Expiration of Second Notice: 12/28/11

Commerce Commission

15. Money Pool Agreements (83 Ill. Adm. Code 340)
 - First Notice Published: 35 Ill. Reg. 8615 – 6/10/11
 - Expiration of Second Notice: 12/14/11
16. Provision of Advanced Telecommunications Services (83 Ill. Adm. Code 733)
 - First Notice Published: 35 Ill. Reg. 8915 – 4/16/11
 - Expiration of Second Notice: 12/14/11

Financial and Professional Regulation

17. Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 1050)
 - First Notice Published: 35 Ill. Reg. 14574 – 9/2/11
 - Expiration of Second Notice: 12/31/11
18. Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (68 Ill. Adm. Code 1240)
 - First Notice Published: 35 Ill. Reg. 6687 – 4/22/11
 - Expiration of Second Notice: 12/14/11
19. The Professional Engineering Practice Act of 1989 (68 Ill. Adm. Code 1380)
 - First Notice Published: 35 Ill. Reg. 15512 – 9/30/11
 - Expiration of Second Notice: 12/31/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

Gaming Board

20. Video Gaming (General) (11 Ill. Adm. Code 1800)
-First Notice Published: 35 Ill. Reg. 13021 – 8/12/11
-Expiration of Second Notice: 1/5/12

Healthcare and Family Services

21. Covering All Kids Health Insurance Program (89 Ill. Adm. Code 123)
-First Notice Published: 35 Ill. Reg. 683 – 1/14/11
-Expiration of Second Notice: 12/28/11

Health Facilities and Services Review Board

22. Narrative and Planning Policies (77 Ill. Adm. Code 1100)
-First Notice Published: 35 Ill. Reg. 10415 – 7/8/11
-Expiration of Second Notice: 12/14/11
23. Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)
-First Notice Published: 35 Ill. Reg. 10442 – 7/8/11
-Expiration of Second Notice: 12/14/11

Human Services

24. Child Care (89 Ill. Adm. Code 50)
-First Notice Published: 35 Ill. Reg. 13024 – 8/12/11
-Expiration of Second Notice: 12/14/11

Insurance

25. Americans With Disabilities Act Grievance Procedure (4 Ill. Adm. Code 250)
-First Notice Published: 35 Ill. Reg. 10457 – 7/8/11
-Expiration of Second Notice: 12/21/11
26. Corrective Orders (50 Ill. Adm. Code 1250)
-First Notice Published: 35 Ill. Reg. 10466 – 7/8/11
-Expiration of Second Notice: 12/31/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

Lieutenant Governor

27. Illinois Americorps Program (Repealer) (47 Ill. Adm. Code 610)
-First Notice Published: 35 Ill. Reg. 15553 – 9/30/11
-Expiration of Second Notice: 12/29/11

Public Health

28. Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
-First Notice Published: 35 Ill. Reg. 14071 – 8/19/11
-Expiration of Second Notice: 12/16/11
29. Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661)
-First Notice Published: 35 Ill. Reg. 12668 – 7/29/11
-Expiration of Second Notice: 12/30/11

Racing Board

30. Charitable Funds (11 Ill. Adm. Code 208)
-First Notice Published: 35 Ill. Reg. 15575 – 9/30/11
-Expiration of Second Notice: 12/30/11
31. Inter-Track Wagering Facilities (11 Ill. Adm. Code 435)
-First Notice Published: 35 Ill. Reg. 15580 – 9/30/11
-Expiration of Second Notice: 12/30/11
32. Medication (11 Ill. Adm. Code 603)
-First Notice Published: 35 Ill. Reg. 15210 – 9/16/11
-Expiration of Second Notice: 12/30/11

Secretary of State

33. Procedures and Standards (92 Ill. Adm. Code 1001)
-First Notice Published: 35 Ill. Reg. 14916 – 9/9/11
-Expiration of Second Notice: 12/21/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

State Fire Marshall

34. Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 176)
-First Notice Published: 35 Ill. Reg. 14895 – 9/9/11
-Expiration of Second Notice: 1/5/12

Transportation

35. Minimum Safety Standards for Construction of Multifunction School Activity Buses (92 Ill. Adm. Code 435)
-First Notice Published: 35 Ill. Reg. 14271 – 8/26/11
-Expiration of Second Notice: 12/14/11
36. Inspection Procedures for Multifunction School Activity Buses (92 Ill. Adm. Code 436)
-First Notice Published: 35 Ill. Reg. 14321 – 8/26/11
-Expiration of Second Notice: 12/14/11
37. Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration (44 Ill. Adm. Code 650)
-First Notice Published: 35 Ill. Reg. 15454 – 9/23/11
-Expiration of Second Notice: 12/23/11

EMERGENCY RULEMAKINGS

Illinois Racing Board

38. Medication (11 Ill. Adm. Code 603)
-Notice Published: 35 Ill. Reg. 18434 – 11/4/11
39. Medication (11 Ill. Adm. Code 603)
-Notice Published: 35 Ill. Reg. 18959 – 11/14/11

EXEMPT RULEMAKINGS

Pollution Control Board

40. RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
-Proposed Published: 35 Ill. Reg. 9243 – 6/24/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

-Adopted Date: 11/4/11

41. Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
 - Proposed Published: 35 Ill. Reg. 9268 – 6/24/11
 - Adopted Date: 11/4/11
42. Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
 - Proposed Published: 35 Ill. Reg. 9330 – 6/24/11
 - Adopted Date: 11/4/11
43. Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
 - Proposed Published: 35 Ill. Reg. 9484 – 6/24/11
 - Adopted Date: 11/4/11
44. Standards Applicable to Transports of Hazardous Waste (35 Ill. Adm. Code 723)
 - Proposed Published: 35 Ill. Reg. 9555 – 6/24/11
 - Adopted Date: 11/4/11
45. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
 - Proposed Published: 35 Ill. Reg. 9561 – 6/24/11
 - Adopted Date: 11/4/11
46. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
 - Proposed Published: 35 Ill. Reg. 9648 – 6/24/11
 - Adopted Date: 11/4/11
47. Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
 - Proposed Published: 35 Ill. Reg. 9713 – 6/24/11
 - Adopted Date: 11/4/11
48. Land Disposal Restrictions (35 Ill. Adm. Code 728)
 - Proposed Published: 35 Ill. Reg. 9727 – 6/24/11
 - Adopted Date: 11/4/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

AGENCY RESPONSES

Human Services

- 49. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112; 35 Ill. Reg. 6736)
- 50. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113; 35 Ill. Reg. 6738)
- 51. General Assistance (89 Ill. Adm. Code 114; 35 Ill. Reg. 6740)

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 November 15, 2011 through November 21, 2011 and have been scheduled for review by the Committee at its December 13, 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>
1/5/12	<u>Department of Central Management Services, State Vehicles and Garage (44 Ill. Adm. Code 5040)</u>	7/29/11 35 Ill. Reg. 12592	12/13/11
1/5/12	<u>Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)</u>	9/30/11 35 Ill. Reg. 15496	12/13/11
1/5/12	<u>Office of the State Fire Marshal, Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 176)</u>	9/9/11 35 Ill. Reg. 14895	12/13/11
1/5/12	<u>Illinois Gaming Board, Video Gaming (General) (11 Ill. Adm. Code 1800)</u>	8/12/11 35 Ill. Reg. 13021	12/13/11
1/5/12	<u>Chief Procurement Officer for Department of Transportation, Contract Procurement (44 Ill. Adm. Code 6)</u>	10/7/11 35 Ill. Reg. 16052	12/13/11

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 35, Issue 50 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

68 - 1270	.....	19570
68 - 1480	.....	19596
89 - 104	.....	19627
89 - 120	.....	19635
86 - 130	.....	19649

ADOPTED RULES

92 - 1030	11/23/2011	19664
-----------	------------------	-------

PEREMPTORY RULES

80 - 310	11/23/2011	19707
----------	------------------	-------

ORDER FORM

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

--	--

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

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

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

Fax Order To: (217) 557-8919

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

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