

2003

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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June 20, 2003  
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**Editor’s Note 1:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedules for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

Issue 28 - July	11, 2003: Data through	June	30, 2003 (2nd Quarter)
Issue 41 - October	10, 2003: Data through	September	29, 2003 (3rd Quarter)
Issue 2 - January	9, 2004: Data through	December	29, 2003 (Annual)
Issue 15 - April	00, 2004: Data through	March	31, 2004 (1stQuarter)

**Editor’s Note 2:** Submit all rulemaking documentation to the following address:

Secretary of State  
 Department of Index  
 Administrative Code Division  
 111 East Monroe Street  
 Springfield, Illinois 62756

**Editor’s Note3:**

To: All State Agencies – Springfield Area  
 From: Secretary of State  
 Department of Index  
 Administrative Code Division

The Code Division will be conducting a monthly workshop. This is the opportunity for the Administrative Code Division to ask the question “How can we help you?” Each month will consist of different discussion topics. State agencies will be able to select one or more workshops to attend. Please return the included registration form at least two weeks prior to the scheduled workshop. Topics will come from the Secretary of State’s Style Manual and 1 Ill. Adm. Code 100. All workshops will be scheduled from 8:30am to 12:00pm on selected dates. Unless otherwise announced workshops will be held at the Illinois State Library, 300 S. Second St., Rm. 403-404, Springfield, IL. 62701. If you have any questions or concerns please contact our office (217)782-6537.

To: [All State Agencies in the Chicago Area](#)  
From: [Secretary of State](#)

Department of Index  
Administrative Code Division

Our department will be conducting a bi-monthly workshop. This is the opportunity for the Administrative Code Division to ask the Chicago area “How can I help you?” Each session will consist of different discussion topics. Topics will range from – Trouble shooting with formatting, Secretary Style Manual and 1 Illinois Administrative Code 100.

Workshop Schedule and Signup Sheet on following page:

**Secretary of State  
Department of Index  
Administrative Code Division**  
**SPRINGFIELD AREA - Workshop Schedule and Signup Sheet**

**Springfield** - June 25, 2003

Number  
Attending

Topics:

- Miscellaneous Information
  - Emergency Rules
  - Second Notices
  - Executive Orders/Proclamations
  - Regulatory Agenda
  - Other Notices

- Checklists

**Springfield** – July 23, 2003

Number  
Attending

Topics:

- Proposed Rulemaking
  - Regulatory Agenda
  - 1<sup>st</sup> Notice - Proposed
  - 2<sup>nd</sup> Notice – JCAR Approval
  - Final Notice - Adopted

Agency Name: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

Please return this registration sheets to:      Springfield Workshops

Secretary of State	Illinois State Library
Department of Index	300 S. Second St.
Administrative Code Division	Rm. 403-404
Attn: Brenna Boston	Springfield, IL 62701
111 E. Monroe	8:30am – 12:00pm
Springfield, IL 62756	
<b>Fax Number: (217) 524-0308</b>	

If you have any question please call (217) 782-6537.

**Secretary of State  
Department of Index  
Administrative Code Division**  
**CHICAGO AREA - Workshop Schedule and Signup Sheet**

**CHICAGO** – July 30, 2003  
Topics

Number  
Attending

- Miscellaneous Information
  - Emergency Rules
  - Second Notices
  - Executive Orders/Proclamations
  - Regulatory Agenda
  - Other Notices
- Checklists
- Proposed Rulemaking
  - Regulatory Agenda
  - 1<sup>st</sup> Notice - Proposed
  - 2<sup>nd</sup> Notice – JCAR Approval
- Final Notice - Adopted

Agency Name: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

Please return this registration sheets to:  
Secretary of State  
Department of Index  
Administrative Code Division  
Attn: Brenna Boston  
111 E. Monroe  
Springfield, IL 62756

Chicago Workshops  
Thompson Center  
100 West Randolph  
Chicago, IL

**Fax Number: (217) 524-0308**

If you have any question please call (217) 782-6537.

## 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. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

Rulemaking activity consist 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 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'

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

### 2003 REGISTER SCHEDULE VOLUME # 27

<u>Issue#</u>	<u>Copy Due by 4:30 pm</u>	<u>Publication Date</u>	<u>Issue#</u>	<u>Copy Due by 4:30 pm</u>	<u>Publication Date</u>
Issue 1	December 23, 2002	January 03, 2003	Issue 38	September 08, 2003	September 19, 2003
Issue 2	December 31, 2002	January 10, 2003	Issue 39	September 15, 2003	September 26, 2003
Issue 3	January 06, 2003	January 17, 2003	Issue 40	September 22, 2003	October 03, 2003
Issue 4	January 13, 2003	January 24, 2003	Issue 41	September 29, 2003	October 10, 2003
Issue 5	January 21, 2003	January 31, 2003	Issue 42	October 06, 2003	October 17, 2003
Issue 6	January 27, 2003	February 07, 2003	Issue 43	October 14, 2003	October 24, 2003
Issue 7	February 03, 2003	February 14, 2003	Issue 44	October 20, 2003	October 31, 2003
Issue 8	February 10, 2003	February 21, 2003	Issue 45	October 27, 2003	November 07, 2003
Issue 9	February 18, 2003	February 28, 2003	Issue 46	November 03, 2003	November 14, 2003
Issue 10	February 24, 2003	March 07, 2003	Issue 47	November 10, 2003	November 21, 2003
Issue 11	March 03, 2003	March 14, 2003	Issue 48	November 17, 2003	November 28, 2003
Issue 12	March 10, 2003	March 21, 2003	Issue 49	November 24, 2003	December 05, 2003
Issue 13	March 17, 2003	March 28, 2003	Issue 50	December 01, 2003	December 12, 2003
Issue 14	March 24, 2003	April 04, 2003	Issue 51	December 08, 2003	December 19, 2003
Issue 15	March 31, 2003	April 11, 2003	Issue 52	December 15, 2003	December 26, 2003
Issue 16	April 07, 2003	April 18, 2003			
Issue 17	April 14, 2003	April 25, 2003			
Issue 18	April 21, 2003	May 02, 2003			
Issue 19	April 28, 2003	May 09, 2003			
Issue 20	May 05, 2003	May 16, 2003			
Issue 21	May 12, 2003	May 23, 2003			
Issue 22	May 19, 2003	May 30, 2003			
Issue 23	May 27, 2003	June 06, 2003			
Issue 24	June 02, 2003	June 13, 2003			
Issue 25	June 09, 2003	June 20, 2003			
Issue 26	June 16, 2003	June 27, 2003			
Issue 27	June 23, 2003	July 04, 2003			
Issue 28	June 30, 2003	July 11, 2003			
Issue 29	July 07, 2003	July 18, 2003			
Issue 30	July 14, 2003	July 25, 2003			
Issue 31	July 21, 2003	August 01, 2003			
Issue 32	July 28, 2003	August 08, 2003			
Issue 33	August 04, 2003	August 15, 2003			
Issue 34	August 11, 2003	August 22, 2003			
Issue 35	August 18, 2003	August 29, 2003			
Issue 36	August 25, 2003	September 05, 2003			
Issue 37	September 02, 2003	September 12, 2003			



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Ms. Marianne Armento  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
Telephone: (217) 782-5601

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January, 2003

The full text of the proposed amendment begins on the next page.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT  
SERVICESPART 310  
PAY PLAN

## SUBPART A: NARRATIVE

## Section

310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
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 for Fiscal Year 2003
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)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## 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
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
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
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

## Section

310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 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 Guide chart for Fiscal Year 2003
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
- 310.APPENDIX A. Negotiated Rates of Pay
  - APPENDIX A.TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
  - APPENDIX A.TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
  - APPENDIX A.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
  - APPENDIX A.TABLE D HR-001 (Teamsters Local #726)
  - APPENDIX A.TABLE E RC-020 (Teamsters Local #330)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

APPENDIX A.TABLE F	RC-019 (Teamsters Local #25)
APPENDIX A.TABLE G	RC-045 (Automotive Mechanics, IFPE)
APPENDIX A.TABLE H	RC-006 (Corrections Employees, AFSCME)
APPENDIX A.TABLE I	RC-009 (Institutional Employees, AFSCME)
APPENDIX A.TABLE J	RC-014 (Clerical Employees, AFSCME)
APPENDIX A.TABLE K	RC-023 (Registered Nurses, INA)
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APPENDIX A.TABLE M	RC-110 (Conservation Police Lodge)
APPENDIX A.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
APPENDIX A.TABLE O AFSCME)	RC-028 (Paraprofessional Human Services Employees,
APPENDIX A.TABLE P Enforcement Employees, IFPE)	RC-029 (Paraprofessional Investigatory and Law
APPENDIX A.TABLE Q	RC-033 (Meat Inspectors, IFPE)
APPENDIX A.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
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APPENDIX A.TABLE Y	RC-063 (Educators, AFSCME)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- APPENDIX A.TABLE Z RC-063 (Physicians, AFSCME)
- APPENDIX A.TABLE AA NR-916 (Department of Natural Resources, Teamsters)
- APPENDIX A.TABLE AB VR-007 (Plant Maintenance Engineers, Operating Engineers)
- 310.APPENDIX B Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2003
- 310.APPENDIX C Medical Administrative Rates for Fiscal Year 2003
- 310.APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 2003
- 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 for Fiscal Year 2003

AUTHORITY: Implementing and authorized by Section 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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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 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,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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. 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,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory 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; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory 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; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, 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; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory 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; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory 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; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2,

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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. 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; 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,

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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 amendment expired on 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; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

<a href="#">Department of Central Management Services</a>	
Senior Public Service Administrator (Pos. No. 40070-37-00-000-05-01)	<a href="#">Annual Salary</a> 120,900
<a href="#">Senior Public Service Administrator</a> (Pos. No. 40070-37-00-000-14-01)	<a href="#">Annual Salary</a> 127,600
<a href="#">Department of Children &amp; Family Services</a>	
Public Service Administrator (Pos. No. 37015-16-23-120-00-01)	<a href="#">Annual Salary</a> 85,104
<a href="#">Department of Commerce &amp; Community Affairs</a>	
Administrative Assistant II (Pos. No. 00502-42-00-040-11-01)	<a href="#">Annual Salary</a> 63,840
Public Information Officer IV (Pos. No. 37004-42-00-005-10-01)	<a href="#">Annual Salary</a> 69,792
Public Service Administrator (Pos. No. 37015-42-35-110-10-03)	<a href="#">Annual Salary</a> 78,612

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Public Service Administrator (Pos. No. 37015-42-35-140-20-01)	<a href="#">Annual Salary</a> 96,360
<a href="#">Department of Human Services</a>	
Administrative Assistant I (Pos. No. 00501-10-68-010-80-21)	<a href="#">Annual Salary</a> 55,200
Medical Administrator I, Option D (Pos. No. 26401-10-79-006-00-21)	<a href="#">Annual Salary</a> 142,368
Public Service Administrator (Pos. No. 37015-10-23-100-30-01)	<a href="#">Annual Salary</a> 76,572
Senior Public Service Administrator (Pos. No. 40070-10-65-000-00-01)	<a href="#">Annual Salary</a> 105,475
Senior Public Service Administrator (Pos. No. 40070-10-81-920-00-21)	<a href="#">Annual Salary</a> 105,480
<a href="#">Illinois State and Local Labor Relations Board</a>	
Private Secretary II (Pos. No. 34202-50-19-000-00-01)	<a href="#">Annual Salary</a> 51,900
<a href="#">Department of Natural Resources</a>	
Administrative Assistant II (Pos. No. 00502-12-30-000-20-01)	<a href="#">Annual Salary</a> 50,520
<a href="#">Department of Public Aid</a>	
Senior Public Service Administrator (Pos. No. 40070-33-20-000-00-61)	<a href="#">Annual Salary</a> 123,060
<a href="#">Department of Revenue</a>	

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Public Service Administrator (Pos. No. 37015-25-61-140-80-01)	<u>Annual Salary</u> 76,668
<u>Department of State Police</u>	
Senior Public Service Administrator (Pos. No. 40070-21-10-000-00-01)	<u>Annual Salary</u> 117,828
Senior Public Service Administrator (Pos. No. 40070-21-40-000-00-01)	<u>Annual Salary</u> 117,828

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Claims
- 2) Code Citation: 92 Ill. Adm. Code 1226
- 3) 

<u>Section Numbers</u>	<u>Proposed Action</u>
1226.10	repeal
1226.15	repeal
1226.100	repeal
1226.110	repeal
1226.120	repeal
1226.130	repeal
1226.140	repeal
1226.150	repeal
1226.160	repeal
1226.200	repeal
1226.210	repeal
1226.220	repeal
1226.230	repeal
1226.240	repeal
1226.250	repeal
1226.255	repeal
1226.260	repeal
1226.270	repeal

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1226.280

repeal

- 4) Statutory Authority: Implementing Section 18c-1202(3) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(3) and 1202(9).
- 5) A Complete Description of the Subjects and Issues Involved: The substance of this Part has been incorporated into 92 Ill. Adm. Code 1457 and should now be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins

Illinois Commerce Commission

160 North LaSalle – C-800

Chicago, IL 60601

312/814/1934

Comments should be filed with within 45 days of the date of this issue of the Illinois Register.

- 12) Initial Regulatory Flexibility Analysis:
  - A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 4, 2003

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- B) Types of small businesses that will be affected: This amendment will affect those household goods carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping, or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized:  
Jan. 20\_\_ July 20\_\_ OR This rule was not included on either of the 2 most recent agendas because: The commission did not anticipate the need for this repealed at that time.

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

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TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLYPART 1226  
CLAIMS [\(REPEALED\)](#)

## SUBPART A: GENERAL PROVISIONS

## Section

- 1226.10 Definitions
- 1226.15 Application of Part 1226

## SUBPART B: CLAIMS FOR OVERCHARGE OR DUPLICATE PAYMENT

## Section

- 1226.100 Filing and Processing of Claims
- 1226.110 Documentation of Claims
- 1226.120 Investigation of Claims
- 1226.130 Claim Records
- 1226.140 Acknowledgement of Claims
- 1226.150 Disposition of Claims
- 1226.160 Disposition of Unidentified Payments, Overcharges, and Duplicate Payments Not Supported by Claims

## SUBPART C: CLAIMS FOR LOSS OR DAMAGE

## Section

- 1226.200 Limitations
- 1226.210 Requirements for Form and Content of Claims

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- 1226.220 Documents Not Constituting Claims
- 1226.230 Claims Filed for Uncertain Amounts
- 1226.240 Multiple Claims for the Same Shipment
- 1226.250 Acknowledgment of Loss or Damage Claims
- 1226.255 Loss or Damage Claim Records
- 1226.260 Investigation of Loss or Damage Claims
- 1226.270 Disposition of Loss or Damage Claims
- 1226.280 Processing of Salvage

AUTHORITY: Implementing Section 18c-1202(3) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95½, par. 18c-1202(3) and (9)).

SOURCE: Adopted at 11 Ill. Reg. 15608, effective October 1, 1987; repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 1226.10 Definitions

"Carrier" means a carrier as defined in Section 18c-1104 of the Illinois Commercial Transportation Law ("Law") (Ill. Rev. Stat. 1985, ch. 95½, par. 18c-1104).

"Claimant" means any shipper, receiver, or authorized agent filing a request with a carrier for loss of or damage to lading, or for the refund of an overcharge or duplicate payment.

"Duplicate payment" means two or more payments for transporting the same shipment. Where one or more payments is not in the exact amount of the applicable rates and charges, refunds shall be made on the basis of the excess amount over the applicable rates and charges.

"Overcharge" means charges and payments for transportation services in excess of those applicable thereto under tariffs or schedules lawfully on file with the Commission. It also includes "duplicate payments" as defined in this Section when a dispute exists between

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parties concerning such charges.

"Unidentified payment" means a payment which a carrier has received but which the carrier is unable to match with its own open accounts receivable or otherwise identify as being due for the performance of transportation services.

## Section 1226.15 Application of Part 1226

- a) Application to common carrier claims:
  - 1) Subpart B shall govern claims for overcharge or duplicate payment for transportation subject to jurisdiction of the Illinois Commerce Commission ("Commission") under the Law.
  - 2) Subpart C shall govern claims for loss, damage, injury, or delay to property transported or accepted for transportation subject to the jurisdiction of the Commission under the Law.
- b) Application to contract carriers. This Part shall apply to claims involving contract carriers as provided in subsection (a), except to the extent the contract filed with the Commission expressly provides otherwise.

## SUBPART B: CLAIMS FOR OVERCHARGE OR DUPLICATE PAYMENT

## Section 1226.100 Filing and Processing of Claims

- a) Claim in writing required. A claim under Subpart B shall not be paid unless filed in writing with the carrier that collected the transportation charges. The collecting carrier shall be the carrier to process all such claims. When a claim is filed with another carrier that participated in the transportation, that carrier shall transmit the claim to the collecting carrier within 15 days after receipt of the claim. If the collecting carrier is unable to dispose of the claim for any reason, the claim may be filed with or transferred to any participating carrier for final disposition.
- b) Claims for multiple shipments. A single claim may include more than one shipment provided the claim on each shipment involves:
  - 1) The same rate publication issue or authority or circumstances;
  - 2) Single-line service by the same carrier; or

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- 3) Service by the same interline carriers.

## Section 1226.110 Documentation of Claims

- a) Claims shall include the name of the claimant, its file number if any, and the amount of the refund sought to be recovered.
- b) Claims for overcharge shall be accompanied by the original or a shipper-certified copy of the freight bill(s) and freight payment documents, unless the originals were not paper documents. Additional information may include, but is not limited to, the following:
  - 1) The rate, classification or commodity description or weight claimed to have been applicable;
  - 2) Complete tariff authority for the rate, classification or commodity description claimed; and
  - 3) Other documents or data which the claimant believes substantiate the basis for its claim.
- c) Claims for duplicate payment shall be accompanied by the original or a shipper-certified copy of the freight bill(s) for which charges were paid and freight payment documents, unless the originals were not paper documents.
- d) Notwithstanding subsections (a) through (c) of this Section, the failure to provide sufficient information and documentation to allow a carrier to conduct an investigation and pay or decline the claim within the allowable time limitation shall not constitute grounds for disallowance of the claim. Rather, the carrier shall comply with Section 1226.120(c) to obtain the additional information required.

## Section 1226.120 Investigation of Claims

- a) Upon receipt of a written claim, the processing carrier shall initiate an investigation and establish a file, as required by Section 1226.130.
- b) If a carrier discovers an overcharge or duplicate payment which has not been the subject of a claim, it shall, within 10 days, initiate an investigation and comply with the provisions of Section 1226.160.

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- c) In the event the carrier processing the claim requires information or documentation in addition to that submitted with the claim, the carrier shall, within 10 days, notify the claimant and specify the additional information requested. This includes notifying the claimant that written claim must be filed before the carrier becomes subject to the time limits for settling such a claim under Section 1226.150.

## Section 1226.130 Claim Records

At the time a claim is received, the carrier shall create a separate file and assign it a consecutive claim file number. The written claim shall be placed in this file. The carrier shall note the claim file number on all documents filed in support of the claim and on all records and correspondence with respect to the claim, including the written acknowledgment of receipt required by Section 1226.140. If pertinent to the disposition of the claim, the carrier shall also note that number on the shipping order and any delivery receipt covering the shipment involved.

## Section 1226.140 Acknowledgment of Claims

Upon receipt of a written claim, the carrier shall acknowledge its receipt in writing to the claimant within 30 days after the date of receipt. The carrier shall include the date of receipt in its written acknowledgment and shall also enter this date on the face of the written claim.

## Section 1226.150 Disposition of Claims

- a) The processing carrier shall pay, decline to pay, or make a written firm offer to be held open for 30 days to settle each written claim within 60 days after its receipt by the carrier, except where both the claimant and the carrier agree in writing to extension of time for a definite period.
- b) If the carrier declines to pay a claim or makes a firm offer to settle in an amount different from that sought, the carrier shall give the claimant written notice of its action and reason(s) for its action, citing tariff authority or other pertinent information developed as a result of its investigation. The carrier shall give notice within the time period specified in subsection (a).

## Section 1226.160 Disposition of Unidentified Payments, Overcharges, and Duplicate Payments Not Supported by Claims

- a) If a carrier does not have sufficient information with which to determine whether the payment was owed to the carrier or is in the proper amount, the carrier shall notify the payor of the unidentified payment within 60 days of receipt of the

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payment and request information which will enable the carrier to make the determination. If the carrier does not receive the information requested within 90 days from the date of notice, the carrier may treat the unidentified payment as a payment in fact of freight charges owing to it, except that following the 90-day period, the regular claims procedure under this Part shall be applicable.

- b) Notice of unidentified payment, overcharges, and duplicate payments not supported by claims.
  - 1) Notices shall be in writing and clearly indicate that it is a final notice and not a bill.
  - 2) Notice shall include:
    - A) The check number, amount, and date;
    - B) The payor's name; and
    - C) Any additional information the carrier is able to provide, such as copies of any materials, invoices, or letters sent with the unidentified payment.
  - 3) The final notice also must inform the payor that:
    - A) Applicable regulations allow the carrier to conditionally retain the payment as revenue in the absence of a timely response by the payor; and
    - B) Following the 90-day period the regular claims procedure shall be applicable.
- c) Multiple Carrier Claims
  - 1) When a carrier which participated in a transportation movement, but did not collect the transportation charges, finds that an overpayment has been made, that carrier shall, within 10 days, notify the collecting carrier.
  - 2) When the collecting carrier (whether single or joint-line) discovers or is notified by such a participating carrier that an overcharge or duplicate payment, exists for any transportation charge which has not been the subject of a claim, the carrier shall create a file as if a claim had been

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submitted and shall record in the file the date it discovered or was notified of the overpayment.

- 3) The carrier that collected the charges shall then refund the amount of the overpayment to the person who paid the transportation charges or to the person that made duplicate payment within 30 days from the date of such discovery or notification.

## SUBPART C: CLAIMS FOR LOSS OR DAMAGE

## Section 1226.200 Limitations

- a) Filing claims. Any limitation for the filing of claims for loss or damage to a shipment must allow at least 9 months after the shipment is delivered or scheduled to be delivered for the filing of a claim by the shipper with the carrier.
- b) Filing suits. Any limitations on the filing of suits by the shipper for loss or damage to a shipment must allow at least 2 years from the date of written notice by the carrier that it declined to pay the claim.

## Section 1226.210 Requirements for Form and Content of Claims

- a) Claim in writing required. A carrier shall not voluntarily pay a claim for loss, damage, injury, or delay to cargo unless the claimant files a written claim with the carrier within the time limits required by Section 1226.200, the terms of the bill of lading or other contract of carriage, and all applicable tariff provisions.
- b) Contents of claims. A written communication filed by a claimant with a carrier will be considered to comply with the provisions for filing claims in the bill of lading or other contract of carriage if it:
  - 1) Contains facts identifying the shipment(s) or property involved;
  - 2) Asserts liability for alleged loss, damage, injury or delay; and
  - 3) Makes claim for the payment of a specified or determinable amount of money.

## Section 1226.220 Documents Not Constituting Claims

- a) A carrier shall not accept the following items as complying with the minimum

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claim filing requirements specified in Section 1226.210(b):

- 1) Appraisal reports of damage or notations of shortage or damage that are entered on freight bills, delivery receipts, or other documents; or
  - 2) Inspection reports issued by a carrier or its inspection agencies.
- b) The items listed in subsection (a) do not by themselves comply with Section 1226.210(b), regardless of whether the extent of loss or damage is indicated as a monetary sum or otherwise.

#### Section 1226.230 Claims Filed for Uncertain Amounts

When a carrier is presented with a claim for an uncertain amount, such as "\$100 more or less," the carrier will determine the condition of the shipment involved at the time it made delivery, if the shipment was delivered, and shall ascertain, as nearly as possible, any extent of the loss or damage for which it may be responsible. The carrier shall not, however, voluntarily pay a claim under such circumstances unless and until a formal written claim for a specified or determinable amount of money has been filed in accordance with the provisions of Section 1226.210(b).

#### Section 1226.240 Multiple Claims for the Same Shipment

If a carrier investigating a claim discovers that a similar claim on the same shipment has been presented to one or more other carriers or that more than one claimant has filed a claim with respect to the same shipment, the carrier will communicate with each other carrier and, prior to any agreement being entered into as to the proper disposition of such claim or claims, will notify all claimants of the receipt of conflicting or overlapping claims. The carriers will require each claimant to supply further substantiation of his title to the subject property or his right with respect to such claim.

#### Section 1226.250 Acknowledgement of Loss or Damage Claims

Upon receipt of a proper written claim, a carrier will acknowledge the receipt of such claim in writing to the claimant within 30 days after the date of its receipt by the carrier. The carrier shall include the date of receipt on its written acknowledgment and shall also enter this date on the face of the written claim. The carrier will indicate in its acknowledgement to the claimant any additional documentary evidence required by Section 1226.260(b) or other pertinent information which it may require to process the claim.

#### Section 1226.255 Loss or Damage Claim Records

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- a) At the time a claim is received, the carrier shall create a separate file and assign a consecutive claim file number. The carrier shall note that number on all documents filed in support of the claim and all records and correspondence with respect to the claim, including the written acknowledgement of receipt.
- b) At the time a claim is received, the carrier shall record the date of receipt on the face of the claim document. The date of receipt shall also appear in carrier's written acknowledgement of receipt to the claimant.
- c) The carrier shall note the claim file number on the shipping order, if in its possession, and any delivery receipt covering such shipment, unless:
  - 1) All information contained in shipping orders, delivery receipts, tally sheets, and all other pertinent records made with respect to the transportation of the shipment on which claim is made is available for examination upon receipt of a claim;
  - 2) All such records and documents (or complete reproductions) are in fact examined in the course of the investigation of the claim and an appropriate record is made that such examination has in fact taken place; and
  - 3) Such procedures prevent the duplicate or otherwise unlawful payment of claims.

## Section 1226.260 Investigation of Loss or Damage Claims

- a) Investigation required. A carrier shall investigate each claim filed against it in the manner prescribed in this Subpart if the carrier has not already investigated it prior to receipt of the claim.
- b) Supporting documents.
  - 1) Each claim must be supported by the original or a shipper-certified copy of the bill of lading, any evidence of the freight charges, and the invoice (or an extract of the invoice).
  - 2) The claim must also be supported by certification of prices or values, with any trade or other discounts, allowance, deductions of any nature and the terms thereof, or depreciation reflected in the certification.
  - 3) Before voluntarily paying a claim, the carrier shall require the claimant to

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provide written certification of the destination value of a shipment where:

- A) The property involved in a claim has not been invoiced to the consignee shown on the bill of lading;
  - B) An invoice does not show price or value;
  - C) The property involved has not been sold; or
  - D) The property has been transferred at bookkeeping values only.
- c) Verification of loss. When, after investigation, a carrier is unable to authenticate an asserted claim for loss of an entire package or an entire shipment, the carrier shall obtain from the consignee of the shipment involved written certification that the property for which the claim is filed has not been received from any other source.

## Section 1226.270 Disposition of Loss or Damage Claims

- a) When carrier receives a written claim for loss, damage, injury, or delay to property transported, it shall pay, decline, or make a written firm offer to be held open for 30 days to settle to the claimant within 120 days after receipt of the claim by the carrier, except where the claimant and the carrier agree in writing to an extension of time for a definite period.
- b) If the carrier declines to pay a claim or makes a firm offer to settle in an amount different from that sought, the carrier shall give the claimant written notice of its action and reason(s) for its action. The carrier shall give written notice within the time specified in subsection (a).
- c) If the carrier cannot process and dispose of the claim within 120 days after receipt, the carrier will, at that time and at the expiration of each succeeding 60 day period while the claim remains pending, provide the claimant with written notice of the status of the claim and the reason for the delay in making final disposition. The carrier shall retain a copy of such notice to the claimant in its claim file.
- d) If the carrier notifies the claimant that it cannot process and dispose of the claim within 120 days after receipt, the shipper may elect to extend the time as provided in subsection (a) or may treat the notice as notice that the carrier has declined to pay the claim. The shipper will be deemed to have elected to treat the notice as

## ILLINOIS COMMERCE COMMISSION

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notice that the carrier has declined to pay the claim, unless it notifies the carrier otherwise within 15 days after receipt of the carrier's notice.

## Section 1226.280 Processing of Salvage

- a) Whenever a carrier transports property that is not accepted by the owner, consignee, or other person entitled to receive the property after tender of the property, the carrier shall undertake to sell or dispose of the property. The carrier shall remit the net proceeds of the sale or other disposal of the property to the person entitled to receive the property within 15 days after sale or disposal.
- b) The carrier shall give 15 days notice to the owner, consignee, or other person entitled to receive the property of its intent to dispose of the property before selling or otherwise disposing of the property. Unless the owner, consignee, or other person entitled to receive the property notifies the carrier in writing within 15 days that it will accept delivery of the property, the carrier will then be able to sell or otherwise dispose of the property. The carrier may promptly sell perishable goods to prevent deterioration or further deterioration.
- c) The carrier shall make an itemized record of the sale or disposal of the property so that it can correlate the property to the shipment involved and any claim filed concerning the property. The carrier shall also assign to each lot of property a consecutive lot number and record that number on its record of the shipment.
- d) Upon receipt of a claim on a shipment for which salvage has been processed in compliance with this Section, the carrier will record in its claim file the lot number assigned, the amount of money recovered from the disposition of such property, the name and address of the person to whom the proceeds were paid, and the date of transmittal of such money to the person or persons entitled to receive the money. Such information shall be included in the carrier's acknowledgment of the claim.
- e) Whenever a carrier sells or otherwise disposes of property through or to a person in which the carrier or one or more of its owners, directors, officers, partners, managers, employees, or agents has any interest, the carrier shall indicate the details of such transaction and relationship in its salvage records. The carrier shall not sell or otherwise dispose of property to or through any person owned, controlled, or operated by or in common with the carrier.

## ILLINOIS COMMERCE COMMISSION

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- 1) Heading of the Part: Annual Reports
- 2) Code Citation: 92 Ill. Adm. Code 1303
- 3) 

<u>Section Numbers</u>	<u>Proposed Action</u>
1303.10	repeal
1303.20	repeal
- 4) Statutory Authority: Implementing Section 18c-1202(4) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(4) and 1202(9)].
- 5) A Complete Description of the Subjects and Issues Involved: The substance of Part 1303 has been incorporated into 92 Ill. Adm. Code 1457.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins

Illinois Commerce Commission

160 North LaSalle – C-800

Chicago, IL 60601

312/814/1934

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

Comments should be filed with within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 4, 2003
- B) Types of small businesses that will be affected: This amendment will affect those household goods carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping, or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized:

Jan. 20\_\_ July 20\_\_ OR This rule was not included on either of the 2 most recent agendas because:

The commission did not anticipate the need for this repealed at that time.

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTYPART 1303  
ANNUAL REPORTS (REPEALED)

## Section

1303.10 Filing Requirement

1303.20 Other Applicable Commission Rules

AUTHORITY: Implementing Section 18c-1202(4) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95½, pars. 18c-1202(4) and 18c-1202(9)).

SOURCE: Adopted at 11 Ill. Reg. 9496, effective May 8, 1987; repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1303.10 Filing Requirement

- a) Each motor carrier of property shall complete and file with the Illinois Commerce Commission ("Commission"), not later than May 15 of each calendar year, an annual report for the preceding calendar year. The report shall be on the Commission's Motor Carrier of Property Annual Report form.
- b) The Annual Report must be verified. See Section 18c-2103(2) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 18c-2103(2)).

## Section 1303.20 Other Applicable Commission Rules

The following rules of the Commission are relevant in the completion of the Annual Report form:

- a) 92 Ill. Adm. Code 1205;
- b) 92 Ill. Adm. Code 1375; and
- c) 92 Ill. Adm. Code 1435.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Accounting and Financial Record Requirements
- 2) Code Citation: 92 Ill. Adm. Code 1376
- 3) 

<u>Section Numbers</u>	<u>Proposed Action</u>
1376.10	repeal
1376.20	repeal
1376.30	repeal
1376.40	repeal
- 4) Statutory Authority: Implementing Section 18c-1202(3) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(3) and 1202(9)].
- 5) A Complete Description of the Subjects and Issues Involved: The substance of this Part has been incorporated into 92 Ill. Adm. Code 1457 and should now be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins

Illinois Commerce Commission

160 North LaSalle – C-800

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

Chicago, IL 60601

312/814/1934

Comments should be filed with within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 4, 2003
- B) Types of small businesses that will be affected: This amendment will affect those household goods carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping, or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized:

Jan. 20\_\_ July 20\_\_ OR This rule was not included on either of the 2 most recent agendas because:

The commission did not anticipate the need for this repealed at that time.

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: MOTOR CARRIERSPART 1376  
ACCOUNTING AND FINANCIAL RECORD REQUIREMENTS [\(REPEALED\)](#)

## Section

- 1376.10 Generally Accepted Accounting Principles
- 1376.20 Classification of Carriers
- 1376.30 Records
- 1376.40 Examination and Audit

AUTHORITY: Implementing Section 18c-1202(4) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1991, ch. 95½, pars. 18c-1101 et seq.) [625 ILCS 5/18c-1101 et seq.].

SOURCE: Adopted at 18 Ill. Reg. 1914, effective February 1, 1994; repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1376.10 Generally Accepted Accounting Principles

- a) All Illinois Commerce Commission licenses common or contract motor carriers of property, and each receiver, trustee, executor, administrator, or assignee of any such carrier, shall comply with generally accepted accounting principles for use in the keeping and recording of their accounts and bookkeeping records.
- b) As generally accepted accounting principles, the commission incorporates by reference "Accounting Standards" (June 1992) of the Financial Accounting Standards Board and any subsequent revisions thereof.

## Section 1376.20 Classification of Carriers

For the purpose of accounting and reporting regulations, common and contract carriers of property by motor vehicle subject to the Illinois Commerce Commission (Intrastate authority) are grouped into the following four classes:

## ILLINOIS COMMERCE COMMISSION

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- a) Class I – Carriers having annual gross operating revenues (including interstate and intrastate) of \$5 million or more from motor carrier operations.
- b) Class II – Carriers having annual gross operating revenues (including interstate and intrastate) of \$1 million, but less than \$5 million, from motor carrier operations.
- c) Class III – Carriers having annual gross operating revenues (including interstate and intrastate) of \$100,000, but less than \$1 million, from motor carrier operations.
- d) Class IV – Carriers having annual gross operating revenues (including interstate and intrastate) of less than \$100,000 from motor carrier operations.

## Section 1376.30 Records

- a) Each carrier shall keep its general accounting books and all other books, records and memoranda which support in any way the entries to such accounting books and analyses of general ledger account balances so that it can furnish at any time full information as to any account. Moreover, it shall support each entry to each account with such detailed information as will provide a ready analysis and verification of the facts recorded therein. All expenditures must be definitely supported by vouchers, payrolls, receipted bills, canceled checks, receipts for petty cash payments, or other evidences of the expenditures incurred. All revenues must be supported by freight bills or, in the case of income from a leasee, other documentation which evidences the revenue received.
- b) The books referred to in this Part include not only books of account in a limited technical sense but all other correspondence, memoranda, etc., which will be useful in developing the history of or facts regarding any transaction.
- c) Every motor carrier engaged directly or indirectly in any other than a transportation business shall keep separate and distinct records for the transportation operation.
- d) Each carrier shall keep its books on the basis of an accounting year of 12 months ending on the 31st day of December of each year.
- e) Such books, accounts, records or memoranda shall be preserved for a period of at least three years.

## ILLINOIS COMMERCE COMMISSION

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- f) Unless otherwise authorized by the Commission in writing, each motor carrier shall have an office in this State and shall keep in said office all such books, accounts, papers, records and memoranda as listed in Section 1376.30(a) above.

## Section 1376.40 Examination and Audit

Officers and employees of the Commission shall have the authority under the direction of the Commission to inspect, examine, copy and reproduce any and all books, accounts, papers, records and memoranda kept by such motor carrier, authorized personnel or motor carrier agent.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Establishment of Rates Based on Value (Released Value Rates)
- 2) Code Citation: 92 Ill. Adm. Code 1385
- 3) 

<u>Section Numbers</u>	<u>Proposed Action</u>
1385.10	repeal
1385.20	repeal
- 4) Statutory Authority: Implementing Section 18c-1202(3) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(3) and 1202(9)].
- 5) A Complete Description of the Subjects and Issues Involved: The substance of this Part has been incorporated into 92 Ill. Adm. Code 1457 and should now be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins

Illinois Commerce Commission

160 North LaSalle – C-800

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312/814/1934

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

Comments should be filed with within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 4, 2003
- B) Types of small businesses that will be affected: This amendment will affect those household goods carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping, or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized:

Jan. 20 \_\_ July 20 \_\_ OR This rule was not included on either of the 2 most recent agendas because:

The commission did not anticipate the need for this repealed at that time.

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTYPART 1385  
ESTABLISHMENT OF RATES BASED ON VALUE  
(RELEASED VALUE RATES) (REPEALED)

## Section

1385.10 Authority to Establish Released Value Rates

1385.20 Forms

AUTHORITY: Implementing 18c-4804 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law, (Ill. Rev. Stat. 1985, ch. 95½, pars. 18c-4804 and 18c-1202(9)).

SOURCE: Filed May 1, 1970; codified at 8 Ill. Reg. 5150; Part recodified at 10 Ill. Reg. 18002; amended at 11 Ill. Reg. 16467, effective October 1, 1987; repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1385.10 Authority to Establish Released Value Rates

- a) Prior authority from the Illinois Commerce Commission ("Commission") is required to establish released value rates.
- b) Standards for granting or denying released value rate applications. The Commission shall grant an application for authority to establish rates based on value if the rate is agreed to by the shipper, based on value declared by the shipper in writing, and in compliance with 92 Ill. Adm. Code 1225, except that the rate is based on value.
- c) Additional authority not required to change rate levels. Carriers authorized to establish rates based on value may change the level of such rates without additional authority, provided that the commodities to which the rates apply, the territory within which the rates apply, and other provisions regarding application of the rates are not changed.
- d) Limitation. A released value rate authorized by the Commission applies only to the specific shipper(s) for which it was authorized.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

(Source: Amended at 11. Reg. 16467, effective October 1, 1987)

Section 1385.20 Forms

Applications for authority to establish rates based on value shall be on the Commission's "Released Rate Application" form. Forms are available from the Commission at its offices in Springfield and Chicago.

(Source: Added at 11. Reg. 16467, effective October 1, 1987)

## ILLINOIS COMMERCE COMMISSION

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- 1) Heading of the Part: Tariff Bureaus
- 2) Code Citation: 92 Ill. Adm. Code 1400
- 3) 

<u>Section Numbers</u>	<u>Proposed Action</u>
1400.5	repeal
1400.10	repeal
1400.20	repeal
1400.40	repeal
1400.50	repeal
1400.110	repeal
1400.120	repeal
1400.130	repeal
1400.140	repeal
1400.145	repeal
- 4) Statutory Authority: Implementing Section 18c-1202(3) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(3) and 1202(9)].
- 5) A Complete Description of the Subjects and Issues Involved: The substance of this Part has been incorporated into 92 Ill. Adm. Code 1457 and should now be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins

Illinois Commerce Commission

160 North LaSalle – C-800

Chicago, IL 60601

312/814/1934

Comments should be filed with within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 4, 2003

B) Types of small businesses that will be affected: This amendment will affect those household goods carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

C) Reporting, bookkeeping, or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized:

Jan. 20\_\_ July 20\_\_ OR This rule was not included on either of the 2 most recent agendas because:

The commission did not anticipate the need for this repealed at that time.

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTYPART 1400  
TARIFF BUREAUS ([REPEALED](#))

## SUBPART A: APPLICATIONS FOR APPROVAL OF TARIFF BUREAU AGREEMENTS

## Section

- 1400.5 Definition of Tariff Bureau
- 1400.10 Contents of Application
- 1400.20 Required Exhibits
- 1400.30 Procedure (Repealed)
- 1400.40 New Parties to an Agreement (Repealed)
- 1400.50 Independent Action

## SUBPART B: TARIFF BUREAU RECORDS AND REPORTS

## Section

- 1400.110 Accounts
- 1400.120 Ratemaking Records
- 1400.130 Retention of Records (Repealed)
- 1400.140 Reporting Requirements
- 1400.145 Prohibition Against Protests By Tariff Bureaus
- APPENDIX A Annual Report Form IRBO (Repealed)
- APPENDIX B Chart of Accounts Balance Sheet Account Explanations (Repealed)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

AUTHORITY: Implementing Section 18c-4502 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95½, pars. 18c-4502 and 18c-1202(9)).

SOURCE: Adopted at 3 Ill Reg. 3, p. 51, effective January 13, 1979; codified at 8 Ill. Reg. 19742; Part recodified at 10 Ill. Reg. 18002; amended at 11 Ill. Reg. 17750, effective October 15, 1987; repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: APPLICATIONS FOR APPROVAL OF TARIFF BUREAU AGREEMENTS

## Section 1400.5 Definition of Tariff Bureau

The term "tariff bureau," when used in this Part, shall mean any conference, association, committee, or other organization which engages in collective ratemaking activities.

## Section 1400.10 Contents of Application

Application for approval of a tariff bureau agreement shall be verified and shall show:

- a) The full and correct name, trade name, and business address (street and number, city, state and Zip Code) of the applicant; whether applicant is a corporation, individual, or partnership; if a corporation, the state of incorporation, and if a partnership, the names of the partners and date of formation of the partnership.
- b) The full and correct name and trade name of each carrier participating in the agreement.
- c) A detailed description of the tariff bureau, including its organizational structure; the identities of its owners, officers and directors; the services it provides; the territory within which it provides services; and any relationship of a business nature between the tariff bureau and any other transportation organization other than its participating carriers.
- d) The facts relied upon to establish that the agreement will be in the furtherance of the state transportation policy.

## Section 1400.20 Required Exhibits

There shall be filed with each application the following exhibits:

- a) A copy of the collective ratemaking agreement.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- b) A copy of the constitution, bylaws, or other documents or writings, specifying the organization's powers, duties, and procedures, unless incorporated in the tariff bureau agreement itself.

## Section 1400.30 Procedure (Repealed)

(Source: Repealed at 11 Ill. Reg. 17750, effective October 15, 1987)

## Section 1400.40 New Parties to an Agreement (Repealed)

(Source: Repealed at 11 Ill. Reg. 17750, effective October 15, 1987)

## Section 1400.50 Independent Action

When independent action is announced by a carrier participating in a tariff bureau agreement, and the carrier requests that the tariff bureau publish the rates, the tariff bureau shall give notice of and publish the rates in the same manner that the tariff bureau gives notice of and publishes actions proposed under procedures for collective ratemaking. No joint or collective procedures under the agreement are thereby invoked.

## SUBPART B: TARIFF BUREAU RECORDS AND REPORTS

## Section 1400.110 Accounts

Accounts shall be kept by each tariff bureau of all receipts and expenditures of moneys. All receipts and expenditures of moneys shall be supported by original records or copies of original records.

## Section 1400.120 Ratemaking Records

Each tariff bureau shall maintain, with regard to each rate proposal presented to or acted upon by the tariff bureau, either as an independent action or collective action, a complete file containing:

- a) A copy of the rate proposal as received by the tariff bureau;
- b) A copy of any response by the tariff bureau, participating carriers, or others to the rate proposal;
- c) An account of the processing and disposition of the rate proposal; and
- d) Any related documents in the possession of the tariff bureau.

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## NOTICE OF PROPOSED REPEALER

## Section 1400.130 Retention of Records (Repealed)

(Source: Repealed at 11 Ill. Reg. 17750, effective October 15, 1987)

## Section 1400.140 Reporting Requirements

Each tariff bureau shall complete and file with the Illinois Commerce Commission ("Commission") by May 15 of each year the Commission's Tariff Bureau Annual Report form.

## Section 1400.145 Prohibition Against Protests By Tariff Bureaus

- a) The Commission shall not approve any tariff bureau agreement unless the agreement provides that the tariff bureau shall not, in its own name, intervene in opposition to any action by a participating or non-participating carrier.
- b) A tariff bureau may act as the agent for a carrier in filing or prosecuting a petition for leave to intervene in opposition to the action of a carrier, provided that the tariff bureau does not engage in the unauthorized practice of law.
- c) A tariff bureau may defend a general rate change published by the bureau in an agency publication.

## Section 1400.APPENDIX A Annual Report Form IRBO (Repealed)

(Source: Repealed at 11 Ill. Reg. 17750, effective October 15, 1987)

## Section 1400.APPENDIX B Chart of Accounts Balance Sheet Account Explanations (Repealed)

(Source: Repealed at 11 Ill. Reg. 17750, effective October 15, 1987)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Transportation of Household Goods in Intrastate Commerce

2) Code Citation: 92 Ill. Adm. Code 1455

<u>Section Numbers</u>	<u>Proposed Action</u>
1455.10	repeal
1455.15	repeal
1455.25	repeal
1455.30	repeal
1455.40	repeal
1455.45	repeal
1455.50	repeal
1455.55	repeal
1455.75	repeal
1455.80	repeal
1455.90	repeal
1455.100	repeal
1455.130	repeal
1455.140	repeal
1455.150	repeal
1455.160	repeal
1455.170	repeal
1455.180	repeal

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

1455.190 repeal

- 4) Statutory Authority: Implementing Section 18c-1202(3) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(3) and 1202(9)].
- 5) A Complete Description of the Subjects and Issues Involved: The substance of this Part has been incorporated into 92 Ill. Adm. Code 1457 and should now be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins

Illinois Commerce Commission

160 North LaSalle – C-800

Chicago, IL 60601

312/814/1934

Comments should be filed with within 45 days of the date of this issue of the Illinois Register.

- 12) Initial Regulatory Flexibility Analysis:
  - A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 4, 2003

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- B) Types of small businesses that will be affected: This amendment will affect those household goods carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping, or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized:  
Jan. 20\_\_ July 20\_\_ OR This rule was not included on either of the 2 most recent agendas because:

The commission did not anticipate the need for this repealed at that time.

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTYPART 1455  
TRANSPORTATION OF HOUSEHOLD GOODS IN INTRASTATE COMMERCE  
(REPEALED)

## Section

1455.10	Definitions and Interpretations
1455.15	Application of Part
1455.25	Estimates of Charges
1455.30	Establishment of Line-haul Rates
1455.40	Accessorial or Terminal Service Charges
1455.45	Payment of Charges Exceeding the Amount of the Estimate
1455.50	Bill of Lading and Freight Bill
1455.55	Inventory
1455.75	Acceptable Forms of Payment
1455.80	Standards of Service for Movers
1455.90	Advertising Practices
1455.100	Carrier/Agent Relationships
1455.130	Claims for Overcharge, Loss or Damage
1455.140	Loss or Damage Insurance
1455.150	Determination of Weights
1455.160	Information Pamphlets for Shippers
1455.170	Minimum Weights

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

1455.180 Storage Charges

1455.190 Guaranteed Delivery

AUTHORITY: Implementing Sections 18c-1202(3) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 18c-1202(3) and 18c-1202(9)).

SOURCE: Filed July 1, 1969; amended at 7 Ill. Reg. 4167, effective April 1, 1983; codified at 8 Ill. Reg. 19746; Part recodified at 10 Ill. Reg. 18002; Part repealed, new Part adopted at 11 Ill. Reg. 16522 and 16479, effective October 1, 1987; repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1455.10 Definitions and Interpretations

a) Definitions

"Accessorial services" means services performed which are incidental to the overall transportation service, i.e., services rendered which are separate from "over-the-road" transportation, e.g., packing or crating of articles by a mover.

"Agent" or "duly authorized agent" means a person or entity that is empowered by the mover to act on behalf of or is representative of that mover regulated by the Illinois Commerce Commission ("Commission").

"Commission" means the Illinois Commerce Commission.

"Estimate" means an estimate of total line-haul and accessorial service charges given to a shipper before rendition of the service.

"Household goods," when used in a license issued by the Commission, means:

Personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling;

Furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and

Articles, including, but not limited to, objects of art, displays, exhibits,

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copiers, computers, other electronic business machines and equipment, which, because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.

When used elsewhere in this Part, "household goods" means only personal effects and property used or to be used in a dwelling as part of the equipment or supply of such dwelling.

"Intercity" means transportation other than short haul.

"Line-haul" means transportation, not including pick-up, delivery, and accessorial services.

"Mover" means a common carrier of household goods.

"Short haul" means transportation from the point of origin to the final destination of not more than thirty-five (35) miles, except that moves wholly within countries having a population of 1,000,000 or more are not considered "short haul."

"Terminal area" means the area within 10 air miles of the corporate limits of an incorporated city, village, municipality, or community center, including all of any city, village, or municipality which lies within such area (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 18c-1104(34)). Air miles are shown on the Illinois Highway Map published by the Illinois Secretary of State and the distance scale shown on it.

- b) Interpretation of the definition of "household goods."
- 1) The first definition of "household goods" shall not be construed to include property moving from a factory or store, except such property moving from a factory or store, except such property as the householder has purchased with intent to use in his dwelling and which is transported at the request of, and the transportation charges paid to the carrier by, the householder.
  - 2) The second definition of "household goods" shall not be construed to include the stock-in-trade of any establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as an incident to the removal of the establishment, or a portion thereof, from one location to another.

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- 3) The third definition of "household goods" shall not be construed to include any article, whether crated or uncrated, which does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.

## Section 1455.15 Application of Part

- a) Application to household goods transportation. The provisions of this Part apply to the transportation of personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling.
- b) Application to transportation of other commodities. Except for Section 1455.10, the provisions of this Part do not apply to the transportation of commodities other than those described in subsection (a) of this Section. Transportation of such other commodities is governed by Commission regulations for transportation of freight generally.

## Section 1455.25 Estimates of Charges

- a) Estimates of the charges in relation to the transportation of household goods shall be based upon an inspection of the goods or upon a shipper's description of the goods, by telephone or other means, confirmed in writing before rendition of the service.
- b) Estimates of the charges in relation to the transportation of household goods shall be on a Commission approved household goods estimate form. The Commission shall approve any form that:
  - 1) Is identified at the top of the first page as an "Estimate of Charges;"
  - 2) Identifies on the first page the name of the mover as it appears on its Commission license, the address of the mover at which employees of the mover are on duty during business hours, and the telephone number of the mover;
  - 3) Identifies on the first page the name of the shipper and receiver and addresses at which the goods are to be picked up and delivered; and
  - 4) Does not contain provisions contrary to this Part.
- c) A signed copy of the estimate shall be delivered to the shipper before rendition of

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the service, and a copy shall be maintained by the mover as part of its records.

## Section 1455.30 Establishment of Line-haul Rates

- a) Hundredweight rates. All movers under this Commission's rate jurisdiction are required to establish rates in cents per 100 pounds, except as provided in subsections (b) and (c) of this Section.
- b) Unit of time rates. Rates may be established per unit of time:
  - 1) When the distance from the point of origin to the final destination of a shipment is not more than 35 miles; or
  - 2) When both the point of origin and the final destination of a shipment are within a county having a population of 1,000,000 or more; or
  - 3) When the transportation is exempt from Commission rate jurisdiction. Transportation is rate-exempt when both the point of origin and the final destination of a shipment are within the terminal area of a municipality, unless both the origin and destination are within a county having a population of 1,000,000 or more.
- c) Commingling. Shipments rated upon units of time shall, except as otherwise provided in this subsection, be transported singly and not commingled with any other freight. Where shipments rated upon units of time re commingled, the burden shall be on the carrier to demonstrate that the freight charges for each commingled shipment are not greater than the charges which would have applied if the shipments had been transported singly and not commingled.

## Section 1455.40 Accessorial or Terminal Service Charges

- a) Each mover shall establish charges for each accessorial or terminal service rendered in connection with line-haul transportation (See Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 18c-3201 through 18c-3206 on filing tariffs). The tariffs containing such charges shall separately describe each service and the charge therefor. Charges for packing and unpacking service shall be on a physical unit basis. Charges for miscellaneous labor performed at the request of the shipper shall be on an hourly basis.
- b) Specific request of the shipper for notification of weights. Whenever the shipper specifically requests notification of the actual weight and charges on an intercity

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shipment, the mover shall comply with such request immediately upon determining the actual weight and charges, by telephone or telegraph is so requested. Such notification shall be made no later than 24 hours prior to the time the shipment is offered by the mover to the shipper for delivery at the final destination except where the shipment is in transit less than 24 hours.

## Section 1455.45 Payment of Charges Exceeding the Amount of the Estimate

If the total tariff charges for any shipment exceed the estimated charges plus 10%, the shipper shall become entitled to credit terms from the mover tendering the shipment for delivery to cover that portion of the total charges which exceeds 110% of the estimated charges. The mover, in such event, shall advise the shipper that he/she has up to 30 days to pay these additional charges amounting to the balance between the applicable tariff charges and the estimate for the move plus 10%.

## Section 1455.50 Bill of Lading and Freight Bill

- a) Issuance of the bill of lading. At the time a shipment is picked up, all movers shall issue a bill of lading indicating the commodities transported, the weight or other unit used to compute freight charges, the points of origin and destination, and the names of the consignor and consignee.
- b) Information required on the bill of lading. Whenever a bill of lading is issued in compliance with subsection (a) of this Section, the mover shall show, in addition to the information specified in subsection (a), the following information:
  - 1) The names of the movers participating in the transportation of the shipment;
  - 2) The name, address, and telephone number of the office of the mover who should be contacted in relation to the shipment, should there be a need for such contact;
  - 3) The name, address, and telephone number of a person to whom notification provided for in Section 1455.80 (c) shall be given, except when this cannot be obtained from the shipper;
  - 4) With regard to pickup and delivery the:
    - A) Agreed pickup date

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- B) Actual pickup date, and
  - C) Agreed delivery date, or the agreed period of time within which delivery of the shipment is expected at the final destination;
- 5) Where applicable, the estimated amount due the mover to obtain possession of a Collect On Delivery ("C.O.D.") shipment;
- 6) A statement that, unless the shipper expressly releases the shipment to a value of 30 cents per pound per article, the mover's maximum liability for loss of or damage to the shipment shall be an amount equal to \$2.00 for each pound of weight in the shipment or the lump sum value declared by the shipper on this form, whichever is greater.
- c) Issuance of the freight bill. After rendition of the service, all movers shall issue to the person responsible for payment of freight charges a freight bill indicating the total charge for transportation service.
  - d) The bill of lading and the freight bill may be combined in a single document.
  - e) Bill of lading contract terms. The contractual provisions governing shipments under this part shall include, as implied terms, the provisions in the governing tariffs of each mover.

## Section 1455.55 Inventory

- a) When a written inventory is required. Each mover shall, prior to loading at the point of origin, prepare a written inventory of each intercity shipment and each shipment for which storage-in-transit service is requested.
- b) Shipper's copies of the inventory. A properly executed copy of the inventory, signed by both the mover and the shipper, shall be given to the shipper at the point of origin, prior to loading. Another properly executed copy, signed by the mover and the shipper, and reflecting any changes in the number, nature, or condition of the lading, shall be given to the shipper at the final destination, subsequent to unloading. A written inventory shall also be prepared for short haul movements at the request of the shipper, provided the shipper agrees to pay the tariff rate for preparation of an inventory. The mover, however, shall not require the preparation of an inventory at the shipper's expense for short haul movements.
- c) Information required on an inventory. Each inventory required under this Section

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shall:

- 1) Show the name and current address of the mover on file with the Commission where its employees may be reached;
  - 2) Show the shipper's name;
  - 3) Show the point of origin and the final destination of the shipment;
  - 4) Show the mover's description of the goods;
  - 5) Provide a column for the shipper to note exceptions to the inventory as prepared by the mover;
  - 6) Note any goods held by the mover pending payment of charges; and
  - 7) Identify spaces for both the shipper and mover to sign at the point of origin and the final destination.
- d) Shipper notations on the inventory. The shipper shall be permitted to make notations upon delivery concerning the condition or absence of goods in the shipment, and shall be made aware by the mover that such notations regarding the inventory are permitted upon delivery.
- e) The inventory shall be on a Commission-approved House-hold Goods Inventory Form. The Commission shall approve a mover's inventory form if it meets the requirements of this Section and does not contain provisions contrary to the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 18c-1101 et seq.) or any Commission rules.

## Section 1455.75 Acceptable Forms of Payment

- a) Restrictions on acceptable forms of payment. Each mover shall accept payment tendered in the following forms:
- 1) Cash;
  - 2) Cashier's check; or
  - 3) Money order.

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- b) A mover may accept payment in other forms, including credit cards, if to do so does not result in a practice which circumvents the statutory requirement that a mover charge no more or less than the rate in the applicable tariff (See Ill. Rev. Stat. 1985, ch. 95 1/2, par. 18c-3206).
- c) Duty to advise the shipper. A mover shall not refuse to accept any ordinary form of payment unless, before rendition of the service, the mover advised the shipper in writing that it would not accept payment in the form tendered.

## Section 1455.80 Standards of Service for Movers

- a) Personnel Standards
  - 1) Qualifications of personnel. No mover shall permit any driver, helper, and/or packer to be used in the transportation of any used household goods shipment or in the performance of accessorial services unless such person is trained in the movement of household goods;
  - 2) Working while under the influence. Movers shall not knowingly permit drivers, helpers and/or packers to go on duty who are under the influence of alcoholic beverages or liquors of any kind, or narcotics, or habit-forming drugs not prescribed by a physician. Nor shall the use of these substances be allowed while said employees are on duty. Knowledge by the mover is deemed to exist if known to the foreman or other manager of the crew.
- b) Equipment Standards
  - 1) Suitability of equipment. Equipment and facilities utilized by a mover for the transportation of household goods shall be maintained in a manner which is sufficient to protect the goods from damage or breakage. The interior of those vehicles used to transport household goods shipments shall be clean and free from vermin and debris.
  - 2) Sufficiency of equipment. For shipments transported at hourly rates, the mover shall determine the number of men and the size and the number of motor vehicle equipment which is appropriate to provide safe and timely transportation services for the requested movement. If the mover deviates from its initial determination, the shipper shall not be charged for any excess in charges resulting therefrom unless the shipper is informed and

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agrees thereto. A notation shall be placed on the bill of lading indicating the number of men and motor vehicles initially estimated and the number actually furnished and used for the move.

- c) Notification of Delays. Notification of any delay in pickup or delivery shall be given to the shipper by telephone, telegraph, or in person, at the mover's expense, as soon as it becomes apparent that the delay will occur, provided the shipper has given information sufficient for the communication.

## Section 1455.90 Advertising Practices

- a) For purposes of this Section, the term "advertisement" means any advertisement, solicitation, or other communication with the public in relation to the offer or sale of Illinois intrastate household goods transportation service. The term shall include advertisement by radio, television, or any other medium. The term shall not include a simple listing of movers' names, addresses, and telephone numbers, as in a telephone directory.
- b) Identification of mover required. Each mover shall include, and shall require each of its agents to include, in every advertisement the full name of the originating mover as it appears on the mover's license from the Commission. The advertisement shall also identify the mover by showing the characters "ILL.C.C." followed by the license number assigned to the mover by the Commission.
- c) Identification of agents. Movers who are duly authorized agents for other certificated movers, including movers operating under the jurisdiction of the Interstate Commerce Commission, may advertise and represent themselves as such an agent.
- d) Prohibited advertising practices. The following advertising practices shall not be conducted by movers:
  - 1) Movers shall not advertise rates in any telephone directory unless the following caveats are included in the advertisement:
    - A) "Rates effective (date), subject to change"; and
    - B) "Actual charges governed by applicable tariffs, this advertisement notwithstanding";
  - 2) Movers shall not misrepresent the scope of their services which are

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offered and made available to the public under authority of the license issued by the Commission; and

- 3) Movers shall not advertise that their operations are conducted at addresses or locations where duly authorized employees are not on duty during all business hours. The location of a telephone answering service does not constitute an address or location where duly authorized employees are on duty.

## Section 1455.100 Carrier/Agent Relationships

- a) Carrier responsible for actions of agent. Principal movers are absolutely responsible for all the acts or omissions of their agents which relate to the performance of Illinois intrastate transportation held out in the name of the principal mover, or where the shipper is led to believe the transportation would be performed by the principal mover.
- b) Carrier-agent rate disparities. No mover shall act for any other mover in the solicitation or transportation of shipments of household goods in Illinois intrastate commerce between points which both movers are authorized to serve unless the rates established by the two movers are identical.
- c) Authority for Agents' Operations
  - 1) Agents operating under their own licenses. When an agent of a mover moves a shipment under its own operating authority, the estimate of charges, bill of lading, freight bill, and other related documents shall be prepared and issued by the agent in its own name rather than in the name of the principal.
  - 2) Agents operating under their principals' licenses. When an agent of a household goods carrier moves a shipment under its principal's operating authority, the estimate of charges, bill of lading, freight bill, and other related documents shall all be prepared and issued in the name of the principal rather than in the name of the agent. In this situation, the agent shall act in all respects as if it were the principal.
  - 3) Agents operating beyond the scope of their own licenses. To the extent that an agent operates beyond the scope of its certificate, by using the principal's operating authority, it shall do so pursuant to an equipment

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lease (see 92 Ill. Adm. Code 1360) or a license transfer approved by the Commission. In such instance, the estimate of charges, bill of lading, freight bill, and other related documents shall all be prepared and issued by the agent in the name of the principal rather than in its own name.

- 4) Filing of agency agreements. Before operations are conducted by an agent on behalf of its principal, a copy of the agency agreement, duly executed by the parties, shall be filed with the Commission.

## Section 1455.130 Claims for Overcharge, Loss or Damage

- a) Carrier liability for loss or damage.
  - 1) Liability in the absence of a shipper release. Except as provided in subsection (a)(2), carrier liability for loss of or damage to lading is limited to the greater of:
    - A) Two dollars per pound per shipment times the weight of the shipment in pounds; or
    - B) The lump sum value declared in writing by the shipper.
  - 2) Liability with a shipper release. The shipper may agree, in writing, to have a shipment valued for loss or damage purposes at thirty cents per pound per article.
- b) Household goods claims. Claims for overcharge or for loss or damage relating to household goods transportation shall be subject to the provisions of 92 Ill. Adm. Code 1226.

## Section 1455.140 Loss or Damage Insurance

- a) Advertisement of Insurance Generally.
  - 1) Limited risk insurance. A mover or any employee, agent, or representative thereof, shall not advertise or represent to the public that insurance is provided against all risks, unless such insurance in fact affords protection to the shipper from every peril to which the shipment shall be exposed. When all except certain risks are insured against, this fact shall be indicated in any advertisement of and in any representations to shippers regarding the insurance. Such advertising and representations

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shall not deceive or mislead the public or any shipper regarding the scope of the exceptions. Policies providing coverage against specific perils only shall be advertised, represented, and designated as "limited-risk" policies or by some other appropriate designation which shall indicate clearly to the shipper that not all risks are covered thereby.

- 2) Prerequisites to advertising insurance. No mover or employee, agent or representative thereof, shall sell, or offer to sell, or procure for any shipper, any kind of insurance covering the loss of or damage to household goods to be transported by such mover unless the mover is in full compliance with the requirements of Article XXXI of the Illinois Insurance Code (Ill. Rev. Stat. 1985, ch. 73, pars. 1065.37-1 et seq.) and the rules promulgated implementing Article XXXI regarding licensing as a condition precedent to the sale of insurance.
- b) Inland marine insurance. Nothing in this Section shall prohibit a mover from enrolling its shippers under a master inland marine insurance policy issued to the carrier.
- c) Assessing charges for insurance coverage. No mover may charge a shipper for insurance unless the shipper agrees to the insurance, in writing, prior to the move.
- d) Providing the shipper with a copy of the insurance policy. Every mover selling insurance to a shipper must furnish a copy of the insurance policy to the shipper prior to rendition of the service.

## Section 1455.150 Determination of Weights

- a) Tare weight and loaded weight. Each mover shall determine the tare weight of each vehicle used in the transportation of household goods to be rated on a hundred-weight basis by having it weighed prior to the transportation of each shipment, at a public scale, without the crew on the vehicle. Scales used shall be certified by the Illinois Department of Agriculture (Ill. Rev. Stat. 1985, ch. 147, par. 110). When so weighed the vehicle shall contain all pads, chains, dollies, hand trucks, and other equipment needed in the transportation of such shipment. After the vehicle has been loaded, it shall be weighed, without the crew, at the point of origin of the shipment. The net weight of the shipment shall be obtained by deducting the tare weight from the loaded weight. Where no certified scale is available at the point of origin, the loaded weight shall be obtained at the nearest public scale either in the direction of the movement of the shipment, or in the

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direction of the next pickup or delivery in the case of part loads. Gross weight shall be obtained on the same scale as the tare weight with no addition of fuel between weighings.

- b) Constructive weight. if no certified scale is available at the point of origin, at any point en route, or at the final destination, a constructive weight based upon 7 pounds per cubic foot of properly loaded van space shall be used. Such constructive weight also shall be used for a part load where the circumstances are such that its scale weight could not be obtained at the point of origin, en route, or at the final destination without first unloading it or other part loads being carried in the same vehicle.
- c) Weight tickets. Whenever weights are required to be obtained pursuant to this Section, the mover shall obtain a weight ticket, and this weight ticket shall be maintained by the mover as part of its record of the shipment. A copy of the weight ticket shall be given to the shipper.

## Section 1455.160 Information Pamphlets for Shippers

Each mover shall provide to each non-commercial shipper, free of charge, and prior to rendition of service, a copy of the Commission's public information pamphlet for household goods shippers.

## Section 1455.170 Minimum Weights

No mover shall accept a shipment of household goods for transportation which is subject to the minimum weight or time provisions of the mover's tariff without first having advised the shipper of such minimum weight or time provisions. Failure to advise the shipper in writing of such provisions shall void the minimum rate application.

## Section 1455.180 Storage Charges

- a) Distinction between permanent storage and storage in transit. Upon receiving a request for storage service, the mover shall ascertain whether it is the intent of the shipper to have the shipment stored in excess of 180 days. The storage service shall be treated as permanent storage if the storage is in excess of 180 days or if the time period of intended storage is indefinite. Only storage incidental to transportation shall be deemed storage in transit.
- b) Charges for storage in transit shall be stated in an amount per 100 pounds per day or a fraction thereof.

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- c) Storage in transit rates. Storage in transit rates need not be established by a carrier which does not hold itself out to provide or arrange for storage in transit service. Such a carrier, however, must publish in its tariff a statement that it does not hold itself out to provide or arrange for storage services.

## Section 1455.190 Guaranteed Delivery

All movers shall hold themselves out to provide a guaranteed delivery service at the tariff charge. The term "guaranteed delivery" shall mean that a mover providing such service shall perform delivery on a specified date.

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- 1) Heading of the Part: Resolution of Household Goods Disputes
- 2) Code Citation: 92 Ill. Adm. Code 1456
- 3) 

<u>Section Numbers</u>	<u>Proposed Action</u>
1456.10	repeal
1456.20	repeal
1456.30	repeal
1456.40	repeal
1456.50	repeal
- 4) Statutory Authority: Implementing Section 18c-1202(3) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(3) and 1202(9)].
- 5) A Complete Description of the Subjects and Issues Involved: The substance of this Part has been incorporated into 92 Ill. Adm. Code 1457 and should now be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins

Illinois Commerce Commission

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160 North LaSalle – C-800

Chicago, IL 60601

312/814/1934

Comments should be filed with within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 4, 2003
- B) Types of small businesses that will be affected: This amendment will affect those household goods carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping, or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized:

Jan. 20\_\_ July 20\_\_ OR This rule was not included on either of the 2 most recent agendas because:

The commission did not anticipate the need for this repealed at that time.

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

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TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTYPART 1456  
RESOLUTION OF HOUSEHOLD GOODS DISPUTES [\(REPEALED\)](#)

## Section

- 1456.10 Introduction
- 1456.20 Definitions
- 1456.30 Shipper-Carrier Negotiation
- 1456.40 Mediation
- 1456.50 Arbitration

AUTHORITY: Implementing Section 18c-5202 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(9) and 18c-5202].

SOURCE: Adopted at 21 Ill. Reg. 3113, effective March 1, 1997; Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1456.10 Introduction

This Part implements the Illinois General Assembly's charge to the Commission in P.A. 89-444 to specify procedures for resolving disputes between household goods carriers and shippers. The provisions of this Part are intended to establish a program which provides a fair, fast, and inexpensive means of resolving the disputes that inevitably arise between household goods carriers and their shippers, and they shall be interpreted and applied to that end.

## Section 1456.20 Definitions

"Arbitration" means the process by which a dispute that has been voluntarily submitted by a shipper to the Commission for resolution is decided.

"Carrier" or "household goods carrier" means a person or entity that engages in the for-hire intrastate transportation of household goods.

"Dispute" means a disagreement between a shipper and a carrier relating to the propriety

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of charges for the services rendered, or loss of or damage to lading from the loading, unloading, or transportation of the lading.

"Household goods" means the personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling.

"Mediation" means the informal process, voluntarily agreed to by the shipper, by which a carrier and shipper attempt to achieve a mutually satisfactory resolution of a dispute with the assistance of a Commission-appointed mediator acting as a neutral, impartial, third party.

"Shipper" means a person who utilizes the services of a carrier for the collect-on-delivery transportation of household goods.

#### Section 1456.30 Shipper-Carrier Negotiation

Prior to invoking the dispute resolution procedures established by this Part, the shipper and carrier must make a good faith attempt to resolve the underlying dispute. Disputes are subject to the claims provisions of 92 Ill. Adm. Code 1226. Commission staff will, upon request, provide the parties with information necessary or helpful in negotiating a resolution to the dispute or in following established claim procedures.

#### Section 1456.40 Mediation

If a shipper and carrier are unable to resolve a dispute, either party may request the Commission staff's participation in the dispute resolution process as a mediator.

- a) Carriers are required to participate in mediation in good faith. "Good faith participation" includes participation by a representative of the carrier who has authority to agree to settlement. However, the fact that a settlement is not achieved does not in itself constitute evidence of lack of good faith participation.
- b) Mediation may take any form or employ any process to which the parties and the mediator agree. Mediation will terminate when the parties reach an agreement about all issues in dispute, when the shipper withdraws as a participant, or when the staff mediator determines that there is no reasonable likelihood that the parties will reach an agreement on any issues remaining in dispute.
- c) At the conclusion of mediation, the staff mediator will prepare a memorandum for the parties reflecting the terms of their agreement. If any issues remain unresolved, the staff mediator will give the parties a written opinion as to the

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merits of the issues remaining in dispute, based on the information available to the staff mediator and the applicable law. The opinion expressed by the staff mediator shall not be binding on the Commission.

## Section 1456.50 Arbitration

If some or all of the issues in dispute between a shipper and a carrier remain unresolved after mediation, the shipper may request arbitration of the dispute by a Commission arbitrator, appointed by the Commission. Carriers are deemed to join in a request for arbitration submitted by a shipper.

- a) To commence arbitration, a shipper must sign and submit an Agreement to Arbitrate form obtained from the Commission, along with an arbitration fee of \$25. When a shipper submits a form, the carrier and shipper thereby agree to abide by the terms of the arbitration award.
- b) The Agreement to Arbitrate will specify that the arbitration award will be based solely on written submissions, documents and exhibits, unless the arbitrator and both parties agree to an oral hearing. The Commission will serve a copy of any submissions from one party on the other party.
  - 1) Along with a signed Agreement to Arbitrate, the shipper shall submit two copies of a statement setting forth a brief description of the issues in dispute and its positions and arguments on the issues, accompanied by two copies of whatever documents, exhibits or other written submissions the shipper believes to be relevant to those issues.
  - 2) Within 10 business days after the Commission has mailed the Agreement to Arbitrate and shipper's submissions to the carrier, the carrier may submit two copies of a statement and other written submissions responding to the shipper's submissions and setting forth its own positions and arguments about the issues in dispute.
  - 3) Within 7 business days after the Commission has mailed the carrier's submissions to the shipper, the shipper may submit two copies of a reply to the carrier's submissions.
- c) Within 10 business days after the time for receiving the shipper's reply, the Commission arbitrator shall prepare, sign, and mail to the parties a written award disposing of all issues in dispute. The award shall include a brief statement of the

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findings of fact made by the arbitrator and the basis for the award.

- d) Unless otherwise provided by this Section, proceedings under this Section shall be governed by the provisions of the Uniform Arbitration Act [710 ILCS 5].

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- 1) Heading of the Part: Household Goods Carriers
- 2) Code Citation: 92 Ill. Adm. Code 1457
- 3) 

<u>Section Numbers</u>	<u>Proposed Action</u>
1457.10	Amend
1457.80	Amend
1457.90	Amend
1457.310	Amend
1457.330	Amend
1457.350	Add
1457.620	Amend
1457.1020	Amend
- 4) Statutory Authority: Implementing Sections 18c-1202 and 18c-2107 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 and 18c-2107].
- 5) A Complete Description of the Subjects and Issues Involved:

The Commission adopted a comprehensive rewrite last year of the rules governing carriers of household goods. These amendments are being proposed to address several issues identified since the adoption of that rewrite. Specifically, these amendments:

  - A) specify that it is the Motor Carrier Employee Board that has the responsibility of issuing the extension of the Temporary household goods authority;
  - B) allow a member or manager of an LLC or an officer of a corporation to take the pre-licensure exam. As currently written only someone holding "a controlling interest in the corporation" is eligible to take the exam, which means that for a publicly held corporation with no controlling shareholder, there would be no one eligible to take the exam;

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- C) specify that household goods movers who advertise insurance and personal property storage must be properly licensed, and that maintenance of statutorily required workers' compensation is a condition for continued fitness to hold a household goods license, not just a requirement for new applicants;
- D) create a hybrid mediation-arbitration alternative for resolving disputes;
- E) eliminate the requirement for inventories to be completed for "short haul" moves, and expands the definition of "short haul" to include moves made within Cook and the collar counties. Typically these moves are charged on an hourly basis and the requirement for an inventory adds needlessly to the expense of the move for a shipper. The amendment would also require an inventory for any move into storage, rather than just when storage-in-transit service is requested; and
- F) authorize the establishment of hourly rates for moves that are completely within the area covered by Cook and the collar counties.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins

Illinois Commerce Commission

160 North LaSalle – C-800

Chicago, IL 60601

312/814/1934

## ILLINOIS COMMERCE COMMISSION

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Comments should be filed with within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 4, 2003
- B) Types of small businesses that will be affected: This rulemaking will affect household goods movers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping, or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized:

Jan. 20\_\_ July 20\_\_ OR This rule was not included on either of the 2 most recent agendas because:

The commission did not anticipate the need for this repealed at that time.

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

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TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLYPART 1457  
HOUSEHOLD GOODS CARRIERS

## SUBPART A: APPLICATIONS

## Section

- 1457.10 Application for Temporary Household Goods Authority
- 1457.20 Notice of Application for Permanent Household Goods Authority
- 1457.30 Petitions for Leave to Intervene
- 1457.40 Application for Permanent Household Goods Authority
- 1457.50 Emergency Temporary Household Goods Authority Application
- 1457.60 Transfer of Permanent Household Goods Authority

## SUBPART B: FITNESS STANDARDS

## Section

- 1457.80 Requirements to Show Fitness
- 1457.90 Continued Fitness Standards

## SUBPART C: INSURANCE OR BOND COVERAGE

## Section

- 1457.100 Licenses Conditioned upon Compliance with Insurance Requirements
- 1457.110 Proof of Insurance or Bond Coverage
- 1457.120 Public Liability and Property Damage Coverage
- 1457.130 Cargo Damage Coverage
- 1457.140 Collect On Delivery (C.O.D.) Bond Coverage

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1457.150 Shipper Valuation Coverage

1457.160 Shipper Insurance Coverage

## SUBPART D: SELF-INSURANCE

## Section

1457.200 Effect of Qualification as Self-Insurer

1457.210 Minimum Requirements for Self-Insurers

1457.220 Reports to be Filed by Self-Insurers

1457.230 Revocation of Authorization to be a Self-Insurer

1457.240 Reinstatement

## SUBPART E: RESOLUTION OF HOUSEHOLD GOODS DISPUTES

## Section

1457.300 Introduction

1457.310 Definitions

1457.320 Shipper-Carrier Negotiation

1457.330 Mediation

1457.340 Arbitration

[1457.350](#) [Mediation - Arbitration](#)

## SUBPART F: CLAIMS FOR OVERCHARGES OR DUPLICATE PAYMENT

## Section

1457.400 Definitions

1457.405 Filing of Claims

1457.410 Documentation of Claims

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- 1457.415 Investigation of Claims
- 1457.420 Claim Records
- 1457.425 Acknowledgment of Claims
- 1457.430 Disposition of Claims
- 1457.435 Disposition of Unidentified Payments, Overcharges, and Duplicate Payments Not Supported by Claims

## SUBPART G: CLAIMS FOR LOSS OR DAMAGE

## Section

- 1457.440 Definitions
- 1457.450 Limitations for Filing a Claim
- 1457.455 Requirements for Form and Content of Claims
- 1457.460 Documents Not Constituting Claims
- 1457.465 Claims Filed for Uncertain Amounts
- 1457.470 Multiple Loss and Damage Claims for the Same Shipment
- 1457.475 Acknowledgement of Loss or Damage Claims
- 1457.480 Loss or Damage Claim Records
- 1457.485 Investigation of Loss or Damage Claims
- 1457.490 Disposition of Loss or Damage Claims
- 1457.495 Processing of Salvage

## SUBPART H: ACCOUNTING AND FINANCIAL RECORD REQUIREMENTS

## Section

- 1457.500 Generally Accepted Accounting Principles

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- 1457.510 Records
- 1457.520 Examination and Audit
- 1457.530 Annual Report Filing Requirement

## SUBPART I: BILLS OF LADING OR OTHER FORMS

## Section

- 1457.600 Bills of Lading and Freight Bills
- 1457.610 Estimate of Charges
- 1457.620 Inventory Forms
- 1457.630 Storage Charges
- 1457.640 Determination of Weights
- 1457.650 Information Pamphlets for Shippers
- 1457.660 Retention of Bills and Other Forms

## SUBPART J: CAB CARDS AND IDENTIFIERS

## Section

- 1457.700 Cab Card/Identifier Carrying Requirements
- 1457.710 Exemption of Vehicles from Cab Card Requirements
- 1457.720 Transfer of Cab Card/Identifier
- 1457.730 Expiration, Alteration, and Replacement of Cab Card/Identifier
- 1457.740 Revocation of Exemptions under Section 18c-4601(2) of the Law

## SUBPART K: CARRIER IDENTIFICATION

## Section

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1457.800 Carrier Identification of Vehicles and Format

## SUBPART L: EQUIPMENT LEASES

## Section

1457.900 Applicability

1457.910 Definitions

1457.920 General Leasing Requirements

1457.930 Actions Affecting Leases

1457.940 Lease Terms and Conditions

1457.950 Lease Form

1457.960 Possession and Control of Leased Equipment

1457.970 Additional Requirements for Trip Leases between Authorized Carriers

SUBPART M: RATES BASED ON VALUE (RELEASED VALUE RATES);  
LINE-HAUL RATES; AND ACCESSORIAL OR TERMINAL CHARGES

## Section

1457.1000 Authority to Establish Released Value Rates

1457.1010 Released Rate Application Form

1457.1020 Establishment of Line-haul Rates

1457.1030 Accessorial or Terminal Service Charges

## SUBPART N: APPLICATIONS FOR APPROVAL OF TARIFF BUREAU AGREEMENTS

## Section

1457.1100 Definition of Tariff Bureau

1457.1110 Contents of Application

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1457.1120 Required Exhibits

1457.1130 Independent Action

## SUBPART O: TARIFF BUREAU RECORDS AND REPORTS

## Section

1457.1200 Accounts

1457.1210 Ratemaking Records

1457.1220 Reporting Requirements

1457.1230 Prohibition Against Protests by Tariff Bureaus

## SUBPART P: CARRIER/AGENT RELATIONSHIPS

## Section

1457.1300 Carrier/Agent Relationships

## SUBPART Q: FEES

## Section

1457.1400 Filing Fees

AUTHORITY: Implementing Sections 18c-1202 and 18c-2107 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 and 18c-2107].

SOURCE: Adopted at 24 Ill. Reg. 17072, effective November 1, 2000; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1457.10 Application for Temporary Household Goods Authority

- a) Application for temporary household goods authority shall be filed on forms provided by the Commission.
- b) Public notice of application for temporary household goods authority shall be published in the official State newspaper and the Certificate of Publication must be received by the Commission no more than 30 days after the application has

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been filed. The published notice must include the docket number assigned to the application by the Commission.

- c) An application for temporary authority cannot be filed unless an application for permanent authority has been filed or is filed concurrently with the application for temporary authority.
- d) The applicant shall have 60 days from the issuance of the order granting a temporary authority to file the following with the Commission:
  - 1) Rates applicable to the full extent of the grant of temporary authority;
  - 2) If applicable, proof of insurance as required in compliance with the Workers Compensation Act [820 ILCS 305];
  - 3) Proof of liability insurance, and any cargo and C.O.D. affidavits or bonds/insurance required; and
  - 4) Payment of franchise fees for each truck to be operated under the temporary authority.
- e) Failure to submit the above within the specified 60 day period will result in the order granting the temporary authority being vacated and the application being dismissed.
- f) Temporary authority shall not be granted unless the application and the evidence presented at hearing demonstrate that a public need exists for the requested service and that the applicant is fit, willing, and able to provide the service requested.
- g) Fitness shall be determined in accordance with the provisions of Subpart B of this Part.
- h) In determining whether a public need exists for the requested service the Commission shall consider demographic statistics, supporting shipper testimony, or any other evidence presented that is material and relevant.
- i) An applicant may operate as a household goods carrier under a temporary authority for up to one year after the service date of the order granting temporary authority. During that year of operation, the temporary authority holder shall be subject to:

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- 1) A compliance audit conducted by the Commission;
  - 2) A review of any and all consumer complaints against the temporary authority holder.
- j) If substantial violations of the rules and regulations of the Commission are found in either the compliance audit or the consumer complaint review conducted under Subsection (i) of this Section, notice of revocation shall be sent to the temporary authority holder.
- 1) The temporary authority holder shall have 30 days from the service date of the notice of revocation to submit a written request to the Commission for [either or both of the following](#) :
    - A) A six month extension of its temporary authority to allow opportunity to come into compliance with the rules and regulations of the Commission; ~~or~~
    - B) A formal hearing regarding the allegations of violations.
  - 2) [The Motor Carrier Employee Board shall act on requests for extensions of temporary authorities.](#) A temporary authority holder shall be allowed only one six-month extension of its temporary operation authority.
    - A) During the six-month extension, the Commission will conduct a compliance audit of the temporary authority holder and a review of consumer complaints against the temporary authority holder.
    - B) The six-month extension shall terminate six months after the date granting the extension.
- k) A temporary authority shall be converted to a permanent authority ~~after one year~~ [upon expiration](#) if the authority holder is found to have operated in compliance with the rules and regulations of the Commission.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1457.80 Requirements to Show Fitness

The applicant shall present clear and convincing evidence that fitness has been established for the issuance of the requested authority.

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- a) In determining whether the applicant is fit to operate as a household goods carrier, the Illinois Commerce Commission shall require proof of the following factors:
- 1) The applicant has attended a seminar regarding Commission rules and regulations conducted or approved by the Commission's Compliance Advisory Service;
  - 2) The applicant has obtained a 75% or better passing grade on a written test administered by the Commission that tests the applicant's knowledge of rules and regulations related to the requested authority.
    - A) The applicant may not take this test more than once in any seven day period;
    - B) An applicant may not have more than one partner or controlling stockholder take this test in any seven day period.
  - 3) The applicant possesses, or can acquire, equipment and facilities of a type required for the transport of household goods as evidenced by a description, submitted with the application, of the equipment to be used by the applicant in the conduct of intrastate transportation (which shall include equipment that is currently owned by the applicant, leased by the applicant, or is to be otherwise acquired by the applicant);
  - 4) The applicant has established a safety, training, and maintenance program, including any policies regarding traffic citations issued against drivers and any refresher/remedial training courses required of drivers;
  - 5) The financial condition of the applicant as represented by the completed financial statement (Supporting Document FIS, consisting of balance sheet and projected income statement) included with the application. Evidence will be required at hearing to corroborate the information provided in the financial statement with the information in the shipper support statements;
  - 6) Required insurance coverage on file with the Commission including, where applicable, insurance in compliance with the Workers' Compensation Act [820 ILCS 305]
- b) In determining whether the applicant is fit to operate as a household goods carrier, the Commission shall consider the following:

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- 1) The applicant's safety record as evidenced by a certification or record from the Federal Motor Carrier Safety Administration of the United States Department of Transportation, the Illinois Department of Transportation, or the appropriate regulatory body of another state, setting forth:
  - A) Any motor carrier safety citations issued against the applicant during the three years preceding application; and
  - B) Whether the file contains any record of any disciplinary action, taken or pending, during the three years preceding application.
- 2) Any citations or disciplinary actions against the applicant to determine whether a pattern of violations exists and will consider the severity of the violations.
- 3) The conviction of the applicant of a crime punishable by death or imprisonment in excess of one year under the law under which he/she was convicted, or a crime involving dishonesty or false statement regardless of the punishment. The Commission will consider the type of crime, when the crime occurred, and the age of the applicant at the time of the incident.
- 4) Whether the applicant is currently, or has been, the subject of civil penalty action by the Commission. In determining whether to grant authority to an applicant who is currently, or has been, the subject of prior civil penalty action, the Commission shall consider:
  - A) Whether the violations were committed knowingly and willfully;
  - B) Whether the violations caused economic harm to authorized carriers;
  - C) Whether a pattern of violations exists;
  - D) The applicant's cooperation in resolving previous violations; and
  - E) Whether the applicant is delinquent in paying a monetary settlement or civil penalty assessed by the Commission.
- 5) Other facts that may bear on the applicant's fitness to hold the license applied for.

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- c) For purposes of subsections (a)(1) and (2) and (b)(4) of this Section, “applicant” shall mean proprietors, partners, [member or manager of a limited liability company](#), or, in the case of a corporation, [an officer or](#) anyone holding a controlling interest in the corporation.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1457.90 Continued Fitness Standards

- a) Personnel Standards
- 1) No household goods carrier shall permit any driver, helper, and/or packer to be used in the transportation of any household goods shipment or in the performance of accessorial services unless that person is trained in the movement of household goods.
  - 2) No household goods carrier shall knowingly permit drivers, helpers and/or packers to go on duty who are under the influence of alcoholic beverages or liquors of any kind, or narcotics, or habit-forming drugs not prescribed by a physician. Nor shall the use of these substances be allowed while the employees are on duty. Knowledge by the carrier is deemed to exist if known to the foreman or other manager of the crew.
- b) Equipment Standards
- 1) Equipment and facilities utilized by a household goods carrier for the transportation of household goods shall be maintained in a manner that is sufficient to protect the goods from damage or breakage. The interior of those vehicles used to transport household goods shipments shall be clean and free from vermin and debris.
  - 2) For shipments transported at hourly rates, the household goods carrier shall determine the number of men and the size and the number of motor vehicle equipment that is appropriate to provide safe and timely transportation services for the requested movement. If the carrier deviates from its initial determination as stated in the carrier’s written estimate, the shipper shall not be charged for any resulting excess charges unless the shipper is informed and agrees in writing. A notation shall be placed on the bill of lading indicating the number of men and motor vehicles initially estimated and the number actually furnished and used for the move.

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- c) Advertising Standards
- 1) For purposes of this Section, the term "advertisement" means any advertisement, solicitation, or other communication with the public in relation to the offer or sale of Illinois intrastate household goods transportation service. The term shall include advertisement by radio, television, internet, computer media or any other medium. The term shall not include a simple listing of household goods carriers' names, addresses, and telephone numbers, as in a telephone directory.
  - 2) Each household goods carrier shall include, and shall require each of its agents to include, in every advertisement the full name of the originating household goods carrier as it appears on the carrier's license from the Commission. The advertisement shall also identify the carrier by showing the characters "ILL.C.C." followed by the license number assigned to the household goods carrier by the Commission.
  - 3) Household goods carriers who are duly authorized agents for other licensed carriers, including carriers operating under the jurisdiction of the Federal Motor Carrier Safety Administration, may advertise and represent themselves as such an agent.
  - 4) The following advertising practices shall not be conducted by household goods carriers:
    - A) Household goods carriers shall not advertise rates unless the following caveats are included in the advertisement:
      - i) "Rates effective (date), subject to change"; and
      - ii) "Actual charges governed by applicable tariffs, this advertisement notwithstanding";
    - B) Household goods carriers shall not misrepresent the scope of services offered and made available to the public under authority of the license issued by the Commission; ~~and~~
    - C) Household goods carriers shall not advertise that their operations are conducted at addresses or locations where duly authorized employees are not on duty during all business hours. The location of a telephone answering service does not constitute an address or

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location where duly authorized employees are on duty; and

D) Household goods carriers shall not advertise or otherwise offer to provide insurance or storage of personal property for compensation unless the carrier is duly licensed to engage in the offered activity by the appropriate agency of the State of Illinois.

- d) Standards for Forms of Payment
- 1) Household goods carriers shall accept payment tendered in the following forms:
    - A) Cash;
    - B) Cashier's check; or
    - C) Money order.
  - 2) A household goods carrier may accept payment in other forms, including personal checks and credit cards, if to do so does not result in a practice that circumvents the statutory requirement that a carrier charge no more or less than the rate in the applicable tariff .
  - 3) A household goods carrier shall not refuse to accept any ordinary form of payment unless, before rendition of the service, the carrier has advised the shipper, in writing, that it would not accept payment in the form tendered.
- e) Notification of any delay in pickup or delivery shall be given to the shipper by telephone, telegraph, fax, or in person, at the carrier's expense, as soon as it becomes apparent that the delay will occur, provided the shipper has given information sufficient for the communication.
- f) All household goods carriers shall hold themselves out to provide a guaranteed delivery service at the tariff charge. The term "guaranteed delivery" shall mean that a carrier providing service shall perform delivery on a specified date.
- g) No household goods carrier shall accept a shipment of household goods for transportation that is subject to the minimum weight, distance, or time provisions of the carrier's tariff without first having advised the shipper of the minimum weight, distance, or time provisions. Failure to advise the shipper, in writing, of the provisions shall void the minimum rate application.

## ILLINOIS COMMERCE COMMISSION

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- h) [All household goods carriers shall maintain on file with the Commission all required insurance coverage including, where applicable, insurance in compliance with the Workers' Compensation Act \[820 ILCS 305\].](#)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1457.310 Definitions

For the purpose of this Subpart:

“Arbitration” means the process by ~~that~~ [which](#) a dispute, that has been voluntarily submitted by a shipper to the Commission for resolution, is decided.

“Carrier” or “household goods carrier” means a person or entity that engages in the for-hire intrastate transportation of household goods.

“Dispute” means a disagreement between a shipper and a carrier relating to the propriety of charges for the services rendered, or loss of or damage to lading from the loading, unloading, or transportation of the lading.

“Household goods” means the personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling.

“Mediation” means the informal process, voluntarily agreed to by the shipper, by ~~that~~ [which](#) a carrier and shipper attempt to achieve a mutually satisfactory resolution of a dispute with the assistance of a Commission-appointed mediator acting as a neutral, impartial, third party.

“Mediation - Arbitration”, or “Med-Arb” means the process by which any issues in a dispute which have not been resolved through mediation are heard immediately following the conclusion of the mediation by the mediator acting as the arbitrator.

“Shipper” means a person who utilizes the services of a carrier for the collect-on-delivery transportation of household goods.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1457.330 Mediation

If a shipper and carrier are unable to resolve a dispute, either party may request the Commission staff’s participation in the dispute resolution process as a mediator.

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- a) Carriers are required to participate in mediation in good faith. “Good faith participation” includes participation by a representative of the carrier who has authority to agree to settlement. However, the fact that a settlement is not achieved does not in itself constitute evidence of lack of good faith participation.
- b) Mediation may take any form or employ any process to ~~that~~ which the parties and the mediator agree. Mediation will terminate when the parties reach an agreement about all issues in dispute, when the shipper withdraws as a participant, or when the staff mediator determines that there is no reasonable likelihood that the parties will reach an agreement on any issues remaining in dispute.
- c) At the conclusion of mediation, the staff mediator will prepare a memorandum for the parties reflecting the terms of their agreement. If any issues remain unresolved, the staff mediator will give the parties a written opinion as to the merits of the issues remaining in dispute, based on the information available to the staff mediator and the applicable law. The opinion expressed by the staff mediator shall not be binding on the Commission.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1457.350 Mediation – Arbitration

- a) When a shipper requests mediation pursuant to Section 1457.330 the shipper may also request that the Commission’s staff mediator commence arbitration of any unresolved issues immediately after the mediator has concluded the mediation.
- b) The shipper must file an Agreement to Arbitrate form along with an arbitration fee of \$25 prior to the beginning of the med-arb session. If the form and fee are not filed, arbitration will not proceed at the conclusion of the mediation. The form will specify that if the shipper chooses med-arb the arbitration decision will be based solely on documents and oral statements made before or during the med-arb session. The form will also specify that a shipper will be given the option by the Commission’s staff mediator to withdraw the shipper’s request for arbitration when the mediator has concluded the mediation.
- c) During the arbitration portion of the med-arb, the shipper and carrier shall be allowed to make brief oral arguments addressing the issues subject to arbitration.
- d) The mediator, acting as a Commission arbitrator, shall, within 5 business days after the conclusion of the med-arb, prepare, sign, and mail to the parties a written

## ILLINOIS COMMERCE COMMISSION

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award disposing of all remaining issues in dispute. The award shall include a brief statement of the findings of fact made by the arbitrator and the basis for the award.

(Source: Added at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1457.620 Inventory Forms

- a) Definitions. As used in this Section, the term “intercity” means transportation other than “short haul”. As used in this Section, the term “short haul” means transportation from the point of origin to the final destination of not more than 35 miles, except that moves ~~wholly within counties having a population of 1,000,000 or more are not~~ which begin and end within the area covered by the counties of Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will shall be considered “short haul”.
- b) Each carrier shall, prior to loading at the point of origin, prepare a written inventory of each intercity shipment and of each shipment for ~~that storage-in-transit~~ which any type of storage service is requested.
- c) A properly executed copy of the inventory, signed by both the carrier and the shipper, shall be given to the shipper at the point of origin, prior to loading. Another properly executed copy, signed by the carrier and the shipper, and reflecting any changes in the number, nature, or condition of the lading, shall be given to the shipper at the final destination, subsequent to unloading. A written inventory shall also be prepared for short haul movements at the request of the shipper, provided the shipper agrees to pay the tariff rate for preparation of an inventory. The carrier, however, shall not require the preparation of an inventory at the shipper's expense for short haul movements.
- d) Information required on an inventory. Each inventory required under this Section shall:
  - 1) Show the name and current address of the carrier on file with the Commission where its employees can be reached;
  - 2) Show the shipper's name;
  - 3) Show the point of origin and the final destination of the shipment;
  - 4) Include the carrier's description of the goods contained within the

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shipment and the condition of those goods;

- 5) Provide a column for the shipper to note exceptions to the inventory as prepared by the carrier;
  - 6) Note any goods held by the carrier pending payment of charges; and
  - 7) Identify spaces for both the shipper and carrier to sign at the point of origin and the final destination.
- e) The shipper shall be permitted to make notations upon delivery concerning the condition or absence of goods in the shipment, and shall be made aware by the carrier that notations regarding the inventory are permitted upon delivery.
- f) The inventory shall be on a Commission-approved Household Goods Inventory Form. The Commission shall approve a carrier's inventory form if it meets the requirements of this Section and does not contain provisions contrary to the Illinois Commercial Transportation Law or any Commission rules.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1457.1020 Establishment of Line-haul Rates

- a) All carriers under the Commission's rate jurisdiction are required to establish rates in cents per 100 pounds, except as provided in subsections (b) and (c) of this Section.
- b) Rates may be established per unit of time:
  - 1) When the distance from the point of origin to the final destination of a shipment is not more than 35 miles; or
  - 2) When both the point of origin and the final destination of a shipment are within ~~a county having a population of 1,000,000 or more~~ [the area covered by the counties of Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will](#); or
  - 3) When the transportation is exempt from Commission rate jurisdiction. Transportation is rate-exempt when both the point of origin and the final destination of a shipment are within the terminal area of a municipality, unless both the origin and destination are within a county having a

## ILLINOIS COMMERCE COMMISSION

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population of 1,000,000 or more.

- c) Shipments rated upon units of time shall, except as otherwise provided in this subsection, be transported singly and not commingled with any other freight. Where shipments rated upon units of time are commingled, the burden shall be on the carrier to demonstrate that the charges for each commingled shipment are not greater than the charges that would have applied if the shipments had been transported singly and not commingled.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers:                    Proposed Action:  
112.110                                    Amendment  
112.115                                    Repeal
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments exempt educational benefits for the TANF Program. The Food Stamp Reauthorization Act of 2002 allows for certain types of income that are excluded for TANF and Medicaid to also be excluded for the Food Stamp Program. As a result, the Department is exempting all educational benefits for the TANF Program and the Food Stamp Program to agree with Medicaid policy. Companion amendments are also being proposed to 89 Ill. Adm. Code 114 and 121.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No  
If "yes" date:
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Karl Menninger, Acting Chief

## DEPARTMENT OF HUMAN SERVICES

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Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue East

3rd Floor Harris Bldg.

Springfield, IL 62762

(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) 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 form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112  
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

## SUBPART A: GENERAL PROVISIONS

## Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers

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- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

## SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

## Section

- 112.70 Employment and Work Activity Requirements
- 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
- 112.72 Participation/Cooperation Requirements
- 112.73 Adolescent Parent Program (Repealed)
- 112.74 Responsibility and Services Plan
- 112.75 Teen Parent Personal Responsibility Plan (Repealed)
- 112.76 TANF Orientation
- 112.77 Reconciliation and Fair Hearings

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- 112.78 TANF Employment and Work Activities
- 112.79 Sanctions
- 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
- 112.81 Responsible Relative Eligibility for JOBS (Repealed)
- 112.82 Supportive Services
- 112.83 Teen Parent Services
- 112.84 Employment Retention and Advancement Project
- 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

## SUBPART E: PROJECT ADVANCE

## Section

- 112.86 Project Advance (Repealed)
- 112.87 Project Advance Experimental and Control Groups (Repealed)
- 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.90 Project Advance Sanctions (Repealed)
- 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
- 112.93 Individuals Exempt From Project Advance (Repealed)
- 112.95 Project Advance Supportive Services (Repealed)

## SUBPART F: EXCHANGE PROGRAM

## Section

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112.98 Exchange Program (Repealed)

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## Section

112.100 Unearned Income

112.101 Unearned Income of Stepparent or Parent

112.105 Budgeting Unearned Income

112.106 Budgeting Unearned Income of Applicants Employed On Date of Application  
And/Or Date Of Decision

112.107 Initial Receipt of Unearned Income

112.108 Termination of Unearned Income

112.110 Exempt Unearned Income

112.115 Education Benefits (Repealed)

112.120 Incentive Allowances

112.125 Unearned Income In-Kind

112.126 Earmarked Income

112.127 Lump-Sum Payments

112.128 Protected Income (Repealed)

112.130 Earned Income

112.131 Earned Income Tax Credit

112.132 Budgeting Earned Income

112.133 Budgeting Earned Income of Employed Applicants

112.134 Initial Employment

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- 112.135 Budgeting Earned Income For Contractual Employees
- 112.136 Budgeting Earned Income For Non-Contractual School Employees
- 112.137 Termination of Employment
- 112.138 Transitional Payments (Repealed)
- 112.140 Exempt Earned Income
- 112.141 Earned Income Exemption
- 112.142 Exclusion From Earned Income Exemption
- 112.143 Recognized Employment Expenses
- 112.144 Income from Work-Study and Training Programs
- 112.145 Earned Income From Self-Employment
- 112.146 Earned Income From Roomer and Boarder
- 112.147 Income From Rental Property
- 112.148 Payments from the Illinois Department of Children and Family Services
- 112.149 Earned Income In-Kind
- 112.150 Assets
- 112.151 Exempt Assets
- 112.152 Asset Disregards
- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit

## SUBPART H: PAYMENT AMOUNTS

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## Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

## SUBPART I: OTHER PROVISIONS

## Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Retrospective Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees

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- 112.315 Young Parent Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

## SUBPART J: CHILD CARE

## Section

- 112.350 Child Care (Repealed)
- 112.352 Child Care Eligibility (Repealed)
- 112.354 Qualified Provider (Repealed)
- 112.356 Notification of Available Services (Repealed)
- 112.358 Participant Rights and Responsibilities (Repealed)
- 112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 112.364 Rates of Payment for Child Care (Repealed)
- 112.366 Method of Providing Child Care (Repealed)
- 112.370 Non-JOBS Education and Training Program (Repealed)

## SUBPART K: TRANSITIONAL CHILD CARE

## Section

- 112.400 Transitional Child Care Eligibility (Repealed)

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- 112.404 Duration of Eligibility for Transitional Child Care (Repealed)
- 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
- 112.408 Qualified Child Care Providers (Repealed)
- 112.410 Notification of Available Services (Repealed)
- 112.412 Participant Rights and Responsibilities (Repealed)
- 112.414 Child Care Overpayments and Recoveries (Repealed)
- 112.416 Fees for Service for Transitional Child Care (Repealed)
- 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

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; amendment 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

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24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory 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; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory 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; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum 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; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; preemptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9,

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1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990;

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amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662,

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effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## Section 112.110 Exempt Unearned Income

- a) The following unearned income ~~from governmental sources~~ shall be exempt from consideration in determining eligibility and the level of assistance payment:

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- ~~a1~~) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- ~~b2~~) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- ~~c3~~) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- ~~d4~~) Any funds distributed per capita to or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, P.L. 94-114 or P.L. 94-540;
- ~~e5~~) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3045 et seq.);
- ~~f6~~) Any compensation provided to individual volunteers under the Volunteers in Service to America (VISTA) Program (known as Americorps VISTA). Payments made under Americorps State/National programs, funded under the National and Community Service Act of 1993, are not exempt. Stipends or living allowance payments made under this program are considered nonexempt earned income. These payments are subject to the general rules concerning the budgeting of earned income;
- ~~g7~~) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25/4]. This includes both the benefits commonly known as the circuit breaker and additional grants;
- ~~h8~~) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113;
- ~~i9~~) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Workforce Investment Act (WIA)~~Jobs Training Partnership Act~~;
- ~~j10~~) Social Security death benefit expended on a funeral and/or burial;
- ~~k11~~) The value of supplemental food assistance received under the Child Nutrition Act

## DEPARTMENT OF HUMAN SERVICES

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of 1966, as amended (42 U.S.C. 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C. 1760);

- ~~l12~~) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1626);
- ~~m13~~) Payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b through 1989b-8);
- ~~n14~~) Payments received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c through 1989c-8);
- ~~o15~~) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;
- ~~p16~~) Payments received under the federal Radiation Exposure Compensation Act (42 U.S.C. 2210 nt);
- ~~q17~~) Federal subsidized housing payments under Section 8 of the Housing and Community Development Act (42 U.S.C. 1437f);
- ~~r18~~) Any adoption subsidy payment or foster care payment received from DCFS or from a state welfare agency of another state are exempt for MAG and MANG. Independent Living Arrangement Payments are not exempt for MAG and MANG;
- ~~s19~~) Supportive Service payments (Section 112.82);
- ~~t20~~) Benefits paid to eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to Section 2605(f) of P.L. 97-35;
- ~~u21~~) Disaster relief payments provided by federal, state or local government or a disaster assistance organization;
- ~~v22~~) Any payment provided by the Department of Human Services under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921;
- ~~w23~~) GA Emergency Financial Assistance issued through vendor payment. These payments can only be issued once in a twelve-month period to persons who do not currently receive TANF cash assistance;

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- x24) A nonrecurring lump-sum SSI or SSA payment made to an individual in a TANF assistance unit. The nonrecurring SSA lump sum is exempt if it is based on disability. The monthly amount, up to the monthly SSI level for one, is exempt. For those individuals not in a TANF assistance unit whose income is used to determine TANF eligibility for others (for example, stepparents, parents), the lump-sum payment is nonexempt income for the month received;
- y25) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286;
- z26) Payments to a member of the Passamquoddy Indian Tribe, the Penobscot Nation of the Houlton Band of the Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980;
- aa27) Up to \$2000 per year of income received by individual Indians, which is derived from leases or other uses of individually-owned trust or restricted lands pursuant to Section 13736 of P.L. 103-66;
- bb28) Payments based on disability status are disregarded in an amount up to the Supplemental Security Income (SSI) payment level for one person with no income. This disregard applies to disability benefits from Social Security (including SSI), Railroad Retirement Disability, Department of Veterans' Affairs (100% disability only) and Black Lung; and
- cc29) Payments made under the federal Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund).
- ~~b) In addition to the above, the following unearned income from non-governmental sources shall be exempt from consideration in determining eligibility and the level of assistance payment:~~
- dd1) Inconsequential income, which is defined as gifts, prizes or other unearned income (excluding those unearned income items referenced in subsections (a)(1) through (a)(28) described in other provisions of the Section) of up to \$50 per person per quarter;
- ee2) The value of home produce which is used for personal consumption;
- ff3) Child support payments made to an assistance unit by the Department which represents the first \$50 or any lesser amount of support collected in a month;

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- ~~gg4)~~ Two dollars of every \$3 of excess child support distributed by the child support agency to a family with earnings budgeted. This includes the wage supplementation programs of On-the-Job Training, Job Corps, Americorps VISTA, and work study;
  - ~~hh5)~~ Payments from the principal or trust of a trust fund made to or on behalf of a dependent child when the court orders the money released for a specific purpose other than the income maintenance needs of the child;
  - ~~ii6)~~ Earmarked child support payments received by the client for the support of a child not included in the assistance unit;
  - ~~jj7)~~ Cash which is exchanged for purposes of satisfying payment of shelter-related obligations in situations where the assistance unit shares a dwelling unit with another family, individual or individuals. The money is not available to meet the needs of the party who received and disburses the shelter-related payment; and
  - ~~kk8)~~ Employment-related reimbursements for past or future expenses to the extent that they do not exceed actual expenses incurred and do not represent a gain or benefit to the client.
- ~~ll) All educational loans, grants, scholarships, fellowships, veteran's educational benefits, federal and state work study programs.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_ )

Section 112.115 Education Benefits (Repealed)

- ~~a) Federal Loan and Grant Programs~~
  - ~~1) Income from educational loans and grants made or insured under any program administered by the Federal Department of Education is totally exempt whether the grant is paid directly to the schools or to the student.~~
  - ~~2) These loans and grants include, but are not limited to, the following:~~
    - ~~A) Pell Grants;~~
    - ~~B) National Direct Student Loans;~~
    - ~~C) PLUS Program;~~

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- ~~D) — Byrd Honor Scholarship Program;~~
- ~~E) — Supplementary Educational Opportunity Grant;~~
- ~~F) — College Work Study;~~
- ~~G) — Guaranteed Loan Program; and~~
- ~~H) — Assistance provided under the Carl D. Perkins Vocational and Applied Technology Education Act.~~

~~b) — Other Education Benefits~~

~~That portion of an educational benefit which is actually used for items such as tuition, books, fees, equipment, transportation, and child care expenses necessary for school attendance shall be exempt.~~

~~1) — Veterans Educational Assistance~~

~~— Income from educational benefits paid to a veteran or to a dependent of a veteran shall be exempt only to the extent that it is applied toward educational expenses.~~

~~2) — Social Security Administration Benefits~~

~~— Income received as an SSA benefit paid to or for an individual and conditioned upon the individual's regular attendance in a school, college or university, or a course of vocational or technical learning, shall be exempt to the extent that it is applied toward educational expenses.~~

~~3) — Loans and Grants~~

~~— Income from educational loans and grants obtained and used under conditions that preclude their use for current living costs shall be exempt.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Numbers:                    Proposed Action:  
114.210                                    Amendment  
114.220                                    Repeal
- 4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments exempt educational benefits for the General Assistance Program. The Food Stamp Reauthorization Act of 2002 allows for certain types of income that are excluded for TANF and Medicaid to also be excluded for the Food Stamp Program. In addition, the Department is also exempting all educational benefits for the General Assistance Program to agree with the TANF Program, Food Stamp Program and Medicaid policy. Companion amendments are also being proposed to 89 Ill. Adm. Code 112 and 121.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No  
If "yes" date:
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Karl Menninger, Acting Chief

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Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue East

3rd Floor Harris Bldg.

Springfield, IL 62762

(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) 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 form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 114  
GENERAL ASSISTANCE

## SUBPART A: GENERAL PROVISIONS

## Section

- 114.1 Description of the Assistance Program
- 114.2 Determination of Not Employable
- 114.3 Advocacy Program for Persons Receiving State Transitional Assistance
- 114.5 Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 114.9 Client Cooperation
- 114.10 Citizenship
- 114.20 Residence
- 114.30 Age
- 114.40 Relationship
- 114.50 Living Arrangement
- 114.52 Social Security Numbers
- 114.60 Work Registration Requirements (Outside City of Chicago only)
- 114.61 Individuals Exempt From Work Registration Requirements (Outside City of

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Chicago only)

- 114.62 Job Service Registration (Outside City of Chicago only)
- 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
- 114.64 Responsibility to Seek Employment (Outside City of Chicago only)
- 114.70 Initial Employment Expenses (Outside City of Chicago only)
- 114.80 Downstate General Assistance Work and Training Programs
- 114.85 Downstate General Assistance – Food Stamps Employment and Training Pilot Project
- 114.90 Work and Training Programs
- 114.100 General Assistance Jobs Program (Repealed)
- 114.101 Persons Ineligible for TANF Due to Time Limits

## SUBPART C: PROJECT ADVANCE

## Section

- 114.108 Project Advance (Repealed)
- 114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
- 114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)
- 114.111 Project Advance Sanctions (Repealed)
- 114.113 Project Advance Good Cause for Failure to Comply (Repealed)
- 114.115 Individuals Exempt From Project Advance (Repealed)
- 114.117 Project Advance Supportive Services (Repealed)

## SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

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## Section

- 114.120 Employment and Training Requirements
- 114.121 Persons Required to Participate in Project Chance (Repealed)
- 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
- 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
- 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
- 114.125 Employment and Training Program Orientation (Repealed)
- 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
- 114.127 Employment and Training Program Components (Repealed)
- 114.128 Employment and Training Sanctions (Repealed)
- 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
- 114.130 Employment and Training Supportive Services (Repealed)
- 114.135 Conciliation and Fair Hearings (Repealed)
- 114.140 Employment Child Care (Repealed)

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 114.200 Unearned Income
- 114.201 Budgeting Unearned Income
- 114.202 Budgeting Unearned Income of Applicants

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- 114.203 Initial Receipt of Unearned Income
- 114.204 Termination of Unearned Income
- 114.210 Exempt Unearned Income
- 114.220 Education Benefits (Repealed)
- 114.221 Unearned Income In-Kind
- 114.222 Earmarked Income
- 114.223 Lump-Sum Payments
- 114.224 Protected Income
- 114.225 Earned Income
- 114.226 Budgeting Earned Income
- 114.227 Budgeting Earned Income of Applicants
- 114.228 Initial Employment
- 114.229 Termination of Employment
- 114.230 Exempt Earned Income
- 114.235 Recognized Employment Expenses
- 114.240 Income From Work/Study/Training Program (Repealed)
- 114.241 Earned Income From Self-Employment
- 114.242 Earned Income From Roomer and Boarder
- 114.243 Earned Income From Rental Property
- 114.244 Earned Income In-Kind
- 114.245 Payments from the Illinois Department of Children and Family Services

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- 114.246 Budgeting Earned Income for Contractual Employees
- 114.247 Budgeting Earned Income for Non-contractual School Employees
- 114.250 Assets
- 114.251 Exempt Assets
- 114.252 Asset Disregards
- 114.260 Deferral of Consideration of Assets (Repealed)
- 114.270 Property Transfers (Repealed)
- 114.280 Supplemental Payments

## SUBPART F: PAYMENT AMOUNTS

## Section

- 114.350 Payment Levels
- 114.351 Payment Levels in Group I Counties
- 114.352 Payment Levels in Group II Counties
- 114.353 Payment Levels in Group III Counties

## SUBPART G: OTHER PROVISIONS

## Section

- 114.400 Persons Who May Be Included In the Assistance Unit
- 114.401 Eligibility of Strikers
- 114.402 Special Needs Authorizations (Repealed)
- 114.403 Institutional Status

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- 114.404 Budgeting
- 114.405 Budgeting Schedule
- 114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)
- 114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96
- 114.420 Redetermination of Eligibility
- 114.430 Extension of Medical Assistance Due to Increased Income from Employment
- 114.440 Attorney's Fees for VA Appellants
- 114.442 Attorney's Fees for SSI Applicants

## SUBPART H: CHILD CARE

## Section

- 114.450 Child Care (Repealed)
- 114.452 Child Care Eligibility (Repealed)
- 114.454 Qualified Provider (Repealed)
- 114.456 Notification of Available Services (Repealed)
- 114.458 Participant Rights and Responsibilities (Repealed)
- 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 114.464 Rates of Payment for Child Care (Repealed)
- 114.466 Method of Providing Child Care (Repealed)

## SUBPART I: TRANSITIONAL CHILD CARE

## Section

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- 114.500 Transitional Child Care Eligibility (Repealed)
- 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
- 114.506 Loss of Eligibility for Transitional Child Care (Repealed)
- 114.508 Qualified Provider (Repealed)
- 114.510 Notification of Available Services (Repealed)
- 114.512 Participant Rights and Responsibilities (Repealed)
- 114.514 Child Care Overpayments and Recoveries (Repealed)
- 114.516 Fees for Service for Transitional Child Care (Repealed)
- 114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13] and Public Act 92-538.

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; amendment 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

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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; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory 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; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory 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; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum 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; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14,

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1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a

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maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective January 20, 1999; amended at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amended at 23 Ill. Reg. 6948, effective May 30, 1999; emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13863, effective November 19, 1999; amended at 24 Ill. Reg. 2338, effective February 1, 2000; amended at 24 Ill. Reg. 5688, effective March 20, 2000; amended at 25 Ill. Reg. 10325, effective August 3, 2001; amended at 26 Ill. Reg. 164, effective January 1, 2002; amended at 26 Ill. Reg. 9821, effective June 24, 2002; emergency amendment at 26 Ill. Reg. 11009, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17198, effective November 15, 2002; amended at 27 Ill. Reg. 7263, effective April 7, 2003; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

## Section 114.210 Exempt Unearned Income

The following unearned income shall be exempt from consideration in determining eligibility and the level of assistance payment.

- a) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C 2017(b));
- b) The value of the U.S. Department of Agriculture donated foods (surplus

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commodities);

- c) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C 4636);
- d) Any per capita judgment funds paid under P.L. 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 U.S.C 1264);
- e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C 3030e);
- f) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program (42 U.S.C 5001) and the Foster Grandparent Program (42 U.S.C 5011) and Older Americans Community Service Employment Program (42 U.S.C 3056) established under Title II of the Domestic Volunteer Service Act (42 U.S.C 5001 thru 5023), as amended;
- g) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25/4(c)]. This includes both the benefits commonly known as the circuit breaker and "additional grants";
- h) Payments Under Certain Federal Programs
  - 1) Any payment to volunteers in programs under Title II of the 1973 Domestic Volunteer Services Act, as amended (42 U.S.C 5044(q)). Examples of these programs include RSVP, Foster Grandparents and other programs.
  - 2) Payments made under Title I (VISTA, University Year for Action and Urban Crime Prevention Program) are exempt only if the individual was receiving public assistance at the time he/she joined VISTA;
- i) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the ~~Workforce Investment Act Job Training Partnership Act (29 U.S.C 1501-1781)~~; [Workforce Investment Act](#)
- j) Any payment received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C 1989b thru 1989b-8);

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- k) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C 1989c thru 1989c-8);
- l) Payments made by the Illinois Department of Human Services under the Family Assistance Law for Mentally Disabled Children under P.A. 86-921 [405 ILCS 80/Art. III].
- m) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.
- n) Employment-related reimbursement for past or future expenses to the extent that they do not exceed actual expenses incurred and do not represent a gain or benefit to the client.
- o) Payments made under the federal Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund).
- p) All educational loans, grants, scholarships, fellowships, veteran's educational benefits, federal and state work study programs.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 114.220 Education Benefits (Repealed)

- ~~a) Income from loans, grants, scholarships, veteran's educational benefits and similar educational benefits is considered available income except:~~
  - ~~1) that portion of an educational benefit paid directly to the school for items necessary for school attendance (as determined and as verified by the school in order to fulfill particular course requirements), such as tuition, books, fees and equipment, is exempt. For persons participating in a DHS approved education and training plan, educational benefits used to pay expenses (e.g., tuition, books, fees, etc.) are exempt whether paid to the school or directly to the client (see Section 114.127(b));~~
  - ~~2) income from educational loans and grants made or insured under any program administered by the Secretary of the Department of Education shall be completely exempt whether the grant is paid directly to the school or to the student. These educational loans and grants include the National Direct Student Loans, Basic Educational Opportunity Grants, Supplementary Educational Opportunity Grants, Work Study Grants, and~~

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~~the Guaranteed Loan Program.~~

~~b) — Income from college work study is budgeted as nonexempt earned income.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers:                    Proposed Action:

121.31	Amendment
121.32	Repealed
121.34	Amendment
- 4) Statutory Authority: Implementing Section 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: The Food Stamp Reauthorization Act of 2002 allows for certain types of income that are excluded for TANF and Medicaid to also be excluded for the Food Stamp Program. As a result, these proposed amendments exempt educational benefits for the Food Stamp Program. In addition, these amendments increase the exemption for income received too infrequently or irregularly to be reasonably anticipated to \$50 per quarter. This rulemaking also exempts the Earned Income Tax Credit for the Food Stamp Program.

Companion amendments are also being proposed to 89 Ill. Adm. Code 112 and 114.

- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No  
If "yes" date:
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
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121.59	Expedited Correction	27 Ill. Reg. 5065, 03/21/03
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121.63                      Amendment                      27 Ill. Reg. 6479, 04/18/03

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Karl Menninger, Acting Chief

Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue East

3rd Floor Harris Bldg.

Springfield, IL 62762

(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) 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 form compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2003

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers

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- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income
- 121.32 Education Benefits (Repealed)
- 121.33 Unearned Income In-Kind
- 121.34 Lump Sum Payments and Income Tax Refunds
- 121.40 Earned Income
- 121.41 Budgeting Earned Income
- 121.50 Exempt Earned Income
- 121.51 Income from Work/Study/Training Programs
- 121.52 Earned Income from Roomer and Boarder
- 121.53 Income From Rental Property
- 121.54 Earned Income In-Kind

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121.55 Sponsors of Aliens

121.57 Assets

121.58 Exempt Assets

121.59 Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

## Section

121.60 Net Monthly Income Eligibility Standards

121.61 Gross Monthly Income Eligibility Standards

121.62 Income Which Must Be Annualized

121.63 Deductions from Monthly Income

121.64 Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

## Section

121.70 Composition of the Assistance Unit

121.71 Living Arrangement

121.72 Nonhousehold Members

121.73 Ineligible Household Members

121.74 Strikers

121.75 Students

121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

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## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

## Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting
- 121.91 Monthly Reporting
- 121.92 Retrospective Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.120 Recertification of Eligibility
- 121.130 Residents of Shelters for Battered Women and their Children

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- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

## Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## Section

- 121.160 Persons Required to Participate
- 121.162 Program Requirements
- 121.163 Vocational Training
- 121.164 Orientation (Repealed)
- 121.165 Community Work
- 121.166 Assessment and Employability Plan (Repealed)
- 121.167 Counseling/Prevention Services

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- 121.170 Job Search Activity
- 121.172 Basic Education Activity
- 121.174 Job Readiness Activity
- 121.176 Work Experience Activity
- 121.177 Illinois Works Component (Repealed)
- 121.178 Job Training Component (Repealed)
- 121.179 JTPA Employability Services Component (Repealed)
- 121.180 Grant Diversion Component (Repealed)
- 121.182 Earnfare Activity
- 121.184 Sanctions for Non-cooperation with Food Stamp Employment and Training
- 121.186 Good Cause for Failure to Cooperate
- 121.188 Supportive Services
- 121.190 Conciliation
- 121.200 Types of Claims (Recodified)
- 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
- 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
- 121.203 Collecting Claim Against Households (Recodified)
- 121.204 Failure to Respond to Initial Demand Letter (Recodified)
- 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
- 121.206 Determination of Monthly Allotment Reductions (Recodified)
- 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)

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121.208 Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

## Section

121.220 Work Requirement Components (Repealed)

121.221 Meeting the Work Requirement with the Earnfare Component (Repealed)

121.222 Volunteer Community Work Component (Repealed)

121.223 Work Experience Component (Repealed)

121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)

121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)

121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

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

**SOURCE:** Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective

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January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg.

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9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill.

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Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section 121.31 Exempt Unearned Income

The following unearned income is exempt:

- a) Vendor payments when these are made in behalf of a household by a nonhousehold member with nonhousehold funds, and paid directly to the household's creditors or person or organization providing the service to the household. (This includes rent and mortgage payments made to landlords or mortgagees by Housing and Urban Development (HUD));
- b) Monies that are legally obligated and otherwise payable to the household such as, but not limited to, garnished wages, public assistance grants directed to a protective payee, GA disbursing orders and payments directed to a vendor, and support or alimony payments legally obligated to a household member, but which

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are diverted by the provider of the payment to a third party for a household expense, are counted as income and not excluded as a vendor payment. The following are considered vendor payments and not diverted income:

- 1) Rent paid directly to a landlord by a household's employer in addition to paying the household its regular wages;
- 2) Assistance payments that would not normally be provided in a money payment to the household, and that are over and above normal public assistance or general assistance grants, if they are made directly to a third party for a household expense;
- 3) Child support or alimony payments specified by a court order or other legally binding agreement to go directly to a third party rather than to a household;
- 4) Support payments not required by a court order or other legally binding agreement (such as, payments in excess of an amount specified in a court order or written agreement) which are paid to a third party rather than to the household;
- 5) Public Assistance or General Assistance payments to a third party in behalf of a household for medical, child care, or energy assistance (Public Assistance means AFDC and AABD);
- 6) From October 20, 1987, to September 30, 1989, the entire amount of Public Assistance or General Assistance payments to third parties in behalf of a household for temporary housing, even any portion of the payment which is part of the normal Public Assistance or General Assistance payment, provided the housing lacks facilities for preparation and cooking of hot meals or refrigerated food storage; and
- 7) Emergency Public Assistance (PA) or General Assistance (GA) payments made directly to a third party (that is, vendor payment) on behalf of a migrant or seasonal farmworker household while the household is in the job stream. This assistance includes, but is not limited to, emergency vendor payments for housing or transportation.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- c) Cash donations based on need received on or after February 1, 1988, from one or more private nonprofit charitable organizations, but not to exceed \$300 in a federal fiscal year quarter;
- d) Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, not in excess of ~~\$50~~ \$30 per quarter;
- e) All loans ~~other than educational loans~~ on which repayment is deferred;
- f) Reimbursements for past or future expenses, to the extent they do not exceed actual expenses and do not represent a gain or benefit to the household. This does not include reimbursements for normal living expenses;
- g) Monies received and used for the care and maintenance of a third-party beneficiary who is not a household member. Foster care payments are considered income to the adult or child in foster care and not income to the household providing the foster care even if the payments are made to the provider household rather than to the adult or child or children in foster care. If the household chooses to include the adults and/or children in foster care as part of the household, the entire foster care payment is considered unearned income to the household;
- h) Income of nonhousehold members except ineligible household members who have been sanctioned for fraud or intentional program violation, for failure to comply with work registration requirements due to a voluntary job quit or reduction in work hours, or failure to comply with the FSE&T program, for failure to meet the social security number requirements, because of ineligible alien status, or due to questionable citizenship status (see Section 121.73);
- i) Payments to volunteers under the Domestic Volunteer Service Act (42 USC 4951-4993) (VISTA) are exempt only if the individual:
  - 1) was receiving food stamps or public assistance at the time he or she joined VISTA; and/or
  - 2) was receiving an exempted VISTA payment, or other subsistence payments under Title I of the Domestic Volunteer Services Act, prior to March 1, 1979, and the volunteer contract in effect March 1, 1979, has not expired;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- j) Income received from the disposition of funds to the Grand River Band of Ottawa Indians;
- k) Any income specifically excluded by any federal statute from income consideration for food stamp purposes;
- l) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances through the Job Training Partnership Act (29 USC 1501-1781);
- m) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921;
- n) Income received from the Social Security Administration under the PASS Program; and
- o) Payments made under the federal Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund).
- p) All educational loans, grants, scholarships, fellowships, veteran's educational benefits, including all federal and state work study programs.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 121.32 Education Benefits (Repealed)

- ~~a) Student financial assistance funded under Title IV of the Higher Education Act (20 U.S.C. 1001) or funded under the Bureau of Indian Affairs Higher Education Act is exempt in its entirety.~~
- ~~b) In addition to the exemptions provided in subsection (a) portions of non-Title IV income are exempt to the extent that the assistance is intended by the institution for expenses related to the education of the student. This includes charges for student loan origination fees and insurance premiums.~~
- ~~c) Funds from non-Title IV sources intended for a student's room and board are not exempt.~~
- ~~d) Income from educational benefits (grants, scholarships, fellowships, deferred loans, etc.) which is not exempt shall be averaged over the period of time for~~

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~which it is provided.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 121.34 Lump Sum Payments and Income Tax Refunds

- a) Lump Sum Payments. Lump sum payments received on a one time only basis are exempt as income.
- b) Earned Income Tax Credits. The Earned Income Tax Credit is exempt both as income and as an asset ~~as a resource for the month of receipt and the following month.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Hamilton

Tim Cena

Rules Unit Supervisor

Deputy Counsel

Department of Insurance

Department of Insurance

320 West Washington or

100 West Randolph Street, Ste. 5-570

Springfield, Illinois 62767-0001

Springfield, Illinois 60601

(217) 785-8560

(312) 814-5407

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will not affect small business, small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: No new requirements.

C) Types of professional skills necessary for compliance: No new requirements.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because the Department did not believe amendments to this Part would be necessary.

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

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIESPART 919  
IMPROPER CLAIMS PRACTICE

## Section

919.10	Authority
919.20	Scope and Purpose
919.30	Examinations
919.40	Definitions/Explanations
919.50	Required Practices for all Insurance Companies
919.60	Improper Practices or Procedures for all Insurance Companies
919.70	Required Claims Practices - Life, Accident and Health Companies
919.80	Required Claim Practices - Private Passenger Automobile - Property and Casualty Companies
919.90	Improper Practices or Procedures - Property and Casualty Companies
919.100	Severability Provision
919.EXHIBIT A	Total Loss Automobile Claims

AUTHORITY: Implementing Sections 154.5 and 154.6 of the Illinois Insurance Code [215 ILCS 5/154.5 and 154.6], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401], Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10], Section 25 of the Dental Service Plan Act [215 ILCS 110/25] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3].

SOURCE: Filed June 17, 1974, effective July 1, 1974; amended at 2 Ill. Reg. 22, p. 77, effective May 22, 1978; new rules adopted at 3 Ill. Reg. 31, p. 93, effective August 4, 1979; old rules repealed 3 Ill. Reg. 32, p. 42, effective August 6, 1979; emergency amendment and codified at 7

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 2755, effective February 28, 1983, for a maximum of 150 days; amended and codified at 7 Ill. Reg. 11489, effective October 1, 1983; amended at 10 Ill. Reg. 5125, effective March 17, 1986; amended at 13 Ill. Reg. 1204, effective January 11, 1989; amended at 26 Ill. Reg. 11915, effective July 22, 2002; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 919.50 Required Practices for all Insurance Companies

- a) The company shall affirm or deny liability on claims within a reasonable time and shall offer payment within 30 days after affirmation of liability, if the amount of the claim is determined and not in dispute. For those portions of the claim which are not in dispute and for which the payee is known, the company shall tender payment within said 30 days.
  - 1) On first party claims if a settlement of a claim is less than the amount claimed, or if the claim is denied, the company shall provide to the insured a reasonable written explanation of the basis of the lower offer or denial within 30 days after the investigation and determination of liability is completed. This explanation shall clearly set forth the policy definition, limitation, exclusion or condition upon which denial was based. Notice of Availability of the Department of Insurance shall accompany this explanation.
  - 2) Within 30 days after the initial determination of liability is made, if the claim is denied, the company shall provide the third party a reasonable written explanation of the basis of the denial.
- b) No company shall deny a claim upon information obtained in a telephone conversation or personal interview with any source unless such telephone conversation or personal interview is documented in the claim file.
- c) The company's standards for claims processing shall be such that notice of claim and proofs of loss submitted against one policy issued by that company shall fulfill the insured's obligation under any and all similar policies issued by that company and specifically identified by the insured to said company to the same degree that the same form would be required under any similar policy. If additional information is required to fulfill the insured's obligation under other similar policies, the company may request the additional information. When it is apparent to the company that additional benefits would be payable under an insured's policy upon receipt of additional proofs of loss from the insured, the

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

company shall communicate to and cooperate with the insured in determining the extent of the company's additional liability.

- d) The company shall adopt a written claim processing standard and methodology by July 1, ~~2004~~ 2003, which will allow the company to process a death or endowment or other claim being presented against a life insurance or accidental death or dismemberment policy; however, companies selling group life insurance policies or credit life insurance policies for which the company does not maintain records of the certificate holders shall be exempt from the requirements of this subsection (d). With the exception of the requirements of subsection (d)(3), this subsection (d) does not require the company to capture, identify or maintain any data in addition to that which is ordinarily captured, identified or maintained by the company for policies subject to the requirements of this subsection (d).

1) Required Search Criterion.

The company shall perform an electronic or manual search of all its records when a claim is filed to determine if any other life insurance policies exist that may provide death, endowment, maturity or other benefits due to the death of the named insured, or endowment of an existing policy or any accidental death and dismemberment policies that would provide additional death benefits. At the completion of the electronic or manual search, the company shall pay all verified benefits, by a claimant or identified through the above search, as is required by subsection (a) of this Part. The company shall investigate additional policy files identified by the search, for which liability is not immediately verified, and a determination of liability completed no later than 6 months following the claim filing date. The search shall include:

- A) First and last name (shall include, in addition to all exact first and last name matches with no middle name or middle initial, all policies containing the first and last name and any middle name or initial or any other designation, such as Jr., III, etc.);
- B) First initial, middle name and last name;
- C) First and middle initial and last name.

2) Optional Search Criterion.

## DEPARTMENT OF INSURANCE

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The policies the company has identified utilizing the search criterion established in subsection (d)(1), which require further investigation to determine liability, may be limited (or eliminated) by adding any one or all of the following informational field(s) to the search results yielded pursuant to subsection (d)(1):

- A) Date of birth and every date prior to and after the date of birth, plus or minus two years;
  - B) Sex/Gender (the absence of this information in the policies being searched does not permit the company to eliminate that record from the pool of policies being searched);
  - C) Social Security number, if available and to the extent permitted by law, or any other identifiable number, established for identification purposes by the company. Companies are only permitted to use a Social Security number, or other identifiable number, to limit or eliminate the unverified search results yielded pursuant to subsection (d) when the actual Social Security number, or other identifiable number, does not match. The absence of a Social Security number, or other identifiable number, in the policies being searched does not permit the company to eliminate that record from the pool of policies being searched;
  - D) Any policy not eliminated by the addition of the informational fields to the search in subsections (d)(2)(A), (B) and (C) shall be investigated and either affirmed or denied as a valid benefit based on a review of whether the insured is the same insured as the original claim and thus subject to payment by the company.
- 3) Companies shall also, as a part of their claim processing standard and methodology, inquire on every claim form filed with the company for death benefits, about other names by which the insured may have been known, such as maiden name, hyphenated name, nickname, derivative form of first and/or middle name or an alias. If the filer of the claim form includes such additional name information on the claim form or addendum (see subsection (d)(3)(A)), the company shall include this information as a part of its search criterion, consistent with the requirements of subsection (d)(1), to determine whether additional policies exist.

## DEPARTMENT OF INSURANCE

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- A) The information required to be collected by this subsection (d)(3) may be acquired by the company using an addendum attached to the claim form.
  - B) Beginning July 1, ~~2004~~ 2003, the information required to be collected by this subsection (d) must be a part of the claim form and not attached to the claim form as an addendum.
- 4) Claim records shall be maintained that demonstrate that the insurer has followed the processing and methodology procedures required by this Part.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENTS

1035 Outer Park Drive

Springfield, Illinois 62704

(217) 524-0770 (voice)

(217) 782-6133 (TDD)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Department believes that this rulemaking will have no direct impact on any small businesses, small municipalities or not for profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the regulatory agenda was published.

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

## DEPARTMENT OF NUCLEAR SAFETY

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TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER c: NUCLEAR FACILITY SAFETYPART 505  
SAFE OPERATION OF NUCLEAR FACILITY BOILERS AND PRESSURE VESSELS

## SUBPART A: GENERAL

## Section

505.10	Scope
505.20	Policy
505.30	Definitions
505.40	Standards Incorporated by Reference
505.50	Exemptions
505.60	Access to Facilities and Documents
505.70	Notification of Failures
505.80	Administrative Review and Hearings - Inspection Certificates
505.82	Administrative Review and Hearings - Authorized Inspection Agency
505.84	Administrative Review and Hearings - Special Permits
505.86	Actions Pending Before the United States Nuclear Regulatory Commission
505.90	Address and Telephone Number for Notifications and Inquiries
505.100	Standards for Design, Construction, Operation and Inspection (general)
505.110	Registration Requirements (general)
505.120	Inspection Certificates (general)

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENTS

- 505.130 Operation Requirements (general)
- 505.140 Inspection Requirements (general)
- 505.150 Repairs and Alterations (general)
- 505.160 Code Case Applications (general)
- 505.170 Use of Alternative Standards for Construction, Inspection and Repair (general)
- 505.180 Authorized Inspectors (general)
- 505.190 Authorized Inspection Agencies (general)

## SUBPART B: ISI BOILERS AND PRESSURE VESSELS

## Section

- 505.1000 Standards for Design, Construction, Operation and Inspection
- 505.1100 Registration Requirements
- 505.1200 Inspection Certificates
- 505.1300 Operation Requirements
- 505.1400 Inspection Requirements
- 505.1500 Repairs
- 505.1600 Code Case Applications
- 505.1700 Use of Alternative Standards for Construction, Inspection and Repair
- 505.1800 Authorized Inspectors
- 505.1900 Authorized Inspection Agencies

## SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

## Section

- 505.2000 Standards for Design, Construction, Operation and Inspection

## DEPARTMENT OF NUCLEAR SAFETY

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505.2100	Registration Requirements
505.2200	Inspection Certificates
505.2300	Operation Requirements
505.2400	Inspection Requirements
505.2500	Repairs and Alterations
505.2600	Code Case Applications
505.2700	Use of Alternative Standards for Construction, Inspection and Repair
505.2800	Authorized Inspectors
505.2900	Authorized Inspection Agencies

AUTHORITY: Implementing and authorized by Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(a)(8)], Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b], and Section 71(C) of the Civil Administrative Code of Illinois [20 ILCS 2005/71(C)].

SOURCE: Emergency Rule adopted at 17 Ill. Reg. 15667, effective September 10, 1993, for a maximum of 150 days; adopted at 18 Ill. Reg. 2317, effective February 7, 1994; amended at 20 Ill. Reg. 6455, effective April 26, 1996; amended at 23, Ill. Reg. 13089, effective October 6, 1999; amended at 27, Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

## Section 505.40 Standards Incorporated by Reference

The Department hereby adopts and incorporates by reference the following codes and standards.

- a) In accordance with the authority granted under Section 2a of the Act, the Department adopts the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers with addenda thereto made. Those Sections of the ASME Code listed in this Section are incorporated into and constitute a part of the whole rules and regulations of the Department.
  - 1) ASME Boiler and Pressure Vessel Code, 1952 Edition including all

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENTS

addenda and editions through the ASME Boiler and Pressure Vessel Code, ~~2001~~ ~~1998~~ Edition [with 2002 Addenda](#), for the following:

AGENCY NOTE: The edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component can be traced using the date of construction of the component in light of Sections 505.170, 505.1000 and 505.2000 of this Part. For more information see Sections 505.170, 505.1000 and 505.2000 of this Part.

- A) Section I, Rules for Construction of Power Boilers;
- B) Section II, Material Specifications
  - Part A - Ferrous
  - Part B - Nonferrous
  - Part C - Welding Rods, Electrodes and Filler Metals
  - Part D - Properties;
- C) Section III, Rules for Construction of Nuclear Power Plant Components, Division 2 - Concrete Reactor Vessels and Containments;
- D) Section IV, Rules for Construction of Heating Boilers;
- E) Section V, Nondestructive Examination;
- F) Section VI, Recommended Rules for [the](#) Care and Operation of Heating Boilers;
- G) Section VII, Recommended Guidelines for [the](#) Care of Power Boilers;
- H) Section VIII, Rules for Construction of Pressure Vessels
  - Division 1,
  - Division 2 - Alternative Rules,

## DEPARTMENT OF NUCLEAR SAFETY

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Division 3 - Alternative Rules for Construction of High Pressure Vessels;

- D) Section IX, Welding and Brazing Qualifications; and
  - J) Section X, ~~Fiberglass~~-Reinforced Plastic Pressure Vessels.
- 2) ASME Boiler and Pressure Vessel Code, editions and addenda referenced in Title 10 of the Code of Federal Regulations (CFR) Part 50, Section 50.55a (10 CFR 50.55a), revised as of [February 11, 2003](#) ~~January 1, 1998~~, including all limitations and modifications contained therein, for the following:
- A) Section III, Rules for Construction of Nuclear Power Plant Components, Division 1 - Nuclear Power Plant Components; and
  - B) Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components, Division 1 - Rules for Inspection and Testing of Light-Water Cooled Plants.

AGENCY NOTE: The Department will review programs at specific plants on the basis of the edition and addenda of Sections III and XI approved by the NRC for the specific plant.

- b) The Department adopts the National Board Inspection Code, [2001](#) ~~1995~~ edition with addenda through [2002](#) ~~1997~~, published by the National Board, except that "jurisdiction" shall be read as "Department" .
- c) The Department adopts the following nationally recognized standards and their addenda:
  - 1) ASME CSD, [2002 edition](#) ~~1a, 1993~~, Controls and Safety Devices for Automatically Fired Boilers; [and](#)
  - 2) NFPA [85, 2001 edition, Boiler and Combustion Systems Hazards Code. 8501-92, Single Burner Boilers—Furnaces;](#)
  - 3) ~~NFPA 85-C, 1991, Multiple Burner Boilers—Furnaces; and~~
  - 4) ~~NFPA 85-F, 1988, Pulverized Fuel Systems.~~

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENTS

- d) The Department adopts ANSI/ASME N626, Qualification and Duties of Authorized Nuclear Inspection Agencies and Personnel, 1974 Edition including all addenda and editions through the N626b-1992 addendum. The Department also adopts the successor standard to this standard, ASME QAI-1, Qualification for Authorized Inspection, 1995 edition.

AGENCY NOTE: The edition and addenda of ANSI/ASME N626 or QAI-1 applicable to the qualifications of the authorized nuclear inspection agency and its personnel can be traced using the edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component.

- e) For documents included in subsections (a) through (d) of this Section, the Department is incorporating only those editions and addenda indicated. The Department is not incorporating any subsequent edition or addendum to these documents. All documents are available for public review at the Department offices, 1035 Outer Park Drive, Springfield, Illinois.

AGENCY NOTE: This Section is applicable to the following nuclear power plants: Braidwood Station, Units 1 & 2; Byron Station, Units 1 & 2; Clinton Station, Unit 1; Dresden Station, Units 1, 2 & 3; LaSalle County Station, Units 1 & 2; Quad Cities Station, Units 1 & 2; and Zion Station, Units 1 & 2.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3) Section Numbers:                      Proposed Action:  
1150.10                                      Amendment  
1150.30                                      Amendment  
1150.60                                      Amendment  
1150.95                                      Amendment
- 4) Statutory Authority: The Illinois Architecture Practice Act of 1989 [225 ILCS 305].
- 5) A Complete Description of the Subjects and Issues Involved: Obsolete language has been removed and other technical changes are being made in Section 1150.10. Section 1150.30 adds clarification for completing the application for licensure by examination. Section 1150.60 adds clarifying language for licensure by endorsement. Section 1150.95 is being amended to explain the process by which the Department will carry out emergency investigations from complaints involving structures which could cause imminent danger to the public.
- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

Attention: Barb Smith

320 West Washington, 3rd Floor

Springfield IL 62786

217/785-0813

Fax #: 217/782-7645

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing licensed architects and licensed architects.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2003

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

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1150  
ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

## Section

- 1150.10 Education Requirements and Diversified Professional Training Requirements
- 1150.20 Category II - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990 (Repealed)
- 1150.30 Application for Licensure by Examination/Acceptance of Examination
- 1150.40 Examination
- 1150.50 Approved Architecture Programs
- 1150.60 Licensure by Endorsement
- 1150.65 Inactive Status
- 1150.70 Restoration
- 1150.75 Fees
- 1150.80 Professional Design Firm
- 1150.85 Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act
- 1150.90 Standards of Professional Conduct
- 1150.95 Architecture Complaint Committee
- 1150.100 Renewals
- 1150.105 Continuing Education Requirements

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1150.110 Granting Variances  
 1150.APPENDIX A Categories of Diversified Professional Training (Repealed)  
 1150.APPENDIX B Historical Summary of Minimum Requirements to Qualify for Examination for Licensure as an Architect in Illinois  
 1150.APPENDIX C Historical Summary of Examination Requirements  
 1150.ILLUSTRATION A Architect Seal Requirements

**AUTHORITY:** Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] 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 Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; 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; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 7873, effective May 30, 1996; amended at 21 Ill. Reg. 5928, effective April 24, 1997; amended at 22 Ill. Reg. 15324, effective August 10, 1998; amended at 24 Ill. Reg. 559, effective December 31, 1999, amended at 24 Ill. Reg. 13710, effective August 28, 2000; amended at 25 Ill. Reg. 1754, effective January 8, 2001; amended at 26 Ill. Reg. 4667, effective March 11, 2002; amended at 26 Ill. Reg. 16954, effective November 12, 2002; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1150.10 Education Requirements and Diversified Professional Training Requirements

The education and diversified professional training required for examination for licensure under the Illinois Architecture Practice Act [225 ILCS 305] (the Act) are set forth in this Section. Applicants shall meet the requirements set forth in this Section.

- a) Education Requirements
  - 1) Applicants with a professional degree from a program accredited by the

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) not later than 2 years after termination of an applicant's enrollment, or with a professional degree in architecture from a Canadian university certified as accredited by CACB:

- A) Bachelor of Architecture degree; or
  - B) Master of Architecture degree.
- 2) Applicants with a degree from a program not accredited by the NAAB or CACB:
- A) A pre-professional 4 year baccalaureate degree program in architecture approved by the Board in accordance with Section 1150.50 of this Part, which is accepted for direct entry into a professional Master of Architecture degree program accredited by the NAAB or the CACB; or
  - B) Completion of the education requirements as specified in the National Council of Architectural Registration Boards (NCARB) Education Standard. This includes the requirement that applicants with a degree from a program not accredited by the NAAB or the CACB must obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants may request the report from the National Architectural Accrediting Board, 1735 New York Avenue, NW, 3rd Floor, Washington, DC 20006; phone (202) 783-2007; or [www.naab.org](http://www.naab.org).
- b) Diversified Professional Training Requirements
- 1) An applicant must complete the Intern Development Program (IDP) of the National Council of Architectural Registration Boards (NCARB), 1801 K Street, NW, Suite 1100, Washington, D.C. 20006-1310, as set forth in the NCARB IDP Guidelines ([July 1, 2003 to June 30, 2004](#) ~~July 1, 2000 to June 30, 2004~~, no later additions or amendments included). (A copy of these Guidelines is available from the Department or NCARB.)
  - 2) To satisfy diversified professional training requirements, each applicant must acquire a minimum number of training units (TUs) based on the

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education requirements set forth in subsection (b)(3) below. One TU equals eight hours of acceptable activity. Acceptable activities and conditions affecting training are set forth in the IDP Guidelines.

- 3) TUs shall be acquired in prescribed categories and areas and under requirements set forth in the NCARB IDP Training Requirements included in the IDP Guidelines. The required number of TUs will vary according to the following educational requirements:
  - A) Applicants who meet the educational requirements set forth in subsections (a)(1) and (a)(2)(B) shall complete 700 TUs pursuant to the IDP Training Requirement.
  - B) Applicants with a pre-professional 4 year baccalaureate degree set forth in subsection (a)(2)(A) shall complete 1170 TUs pursuant to the IDP Training Requirements where twice the listed minimum TUs required for each training category and area shall be acquired.
- 4) The required minimums in IDP Training Categories A, B, C and D total 465 TUs for the education requirements set forth in subsections (a)(1) and (a)(2)(B) and 930 TUs for the education requirements set forth in subsection (a)(2)(A), allowing for the additional TUs to be acquired in any of the listed categories.
- 5) To satisfy the Illinois Diversified Professional Training requirements, an applicant must have satisfied the training requirements in accordance with the NCARB IDP Training Requirements and subsection (b)(3)(A) or (B). An applicant who has satisfied the training requirements is expected to have been exposed to the comprehensive practice of architecture. Accordingly, each applicant must demonstrate that his or her training has been sufficiently diversified as to include exposure to each of the training areas set forth in the IDP Training Requirement. (An applicant with the required number of TUs may nonetheless be denied approval of training if that training is not diversified.)
- 6) The training settings in which TUs may be acquired are set forth in the NCARB IDP Guidelines.
- 7) Program Requirements

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- A) No TUs may be earned prior to satisfactory completion of:
- i) Three years in an NAAB-accredited professional degree program; or
  - ii) The third year of a 4 year pre-professional degree program in architecture accepted for direct entry to an NAAB-accredited professional master's degree program; or
  - iii) One year in an NAAB-accredited professional master's degree program following receipt of a non-professional undergraduate degree; or
  - iv) 96 semester credit hours as evaluated by Education Evaluation Services for Architects (EESA) in accordance with NCARB Education Standard of which no more than 60 hours can be in the general education category.
- B) No experience used to meet education requirements described in subsection (a) of this Section may be used to earn TUs.
- C) To earn TUs in IDP Training Settings A, B, C, D and E, an applicant must work at least 35 hours per week for a minimum period of 10 consecutive weeks or at least 20 hours per week for a minimum period of 6 consecutive months.
- D) To earn TUs in IDP Training Setting F, the applicant must be employed on a full-time basis.
- E) A "licensed architect" is a person licensed to practice architecture in the jurisdiction in which he or she practices.
- F) A person practices as a "principal" by being:
- i) A licensed architect; and
  - ii) The person in charge of the organization's architectural practice, either alone or with other licensed architects.
- G) A person who has completed the education requirements, is actively participating in the diversified professional training and maintains in good standing a training record as required by this Section may use the title "architectural intern", but may not engage in the practice of architecture except to the extent that such

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practice is exempted from the requirement for licensure.

- 8) Explanation of Requirements
- A) TUs may be acquired only if the applicant meets the time requirements of Section 1150.10(b)(7)(C). Full TU credit is earned for acceptable full-time and part-time employment in the training settings described in Section 1150.10(b)(5).
  - B) No TUs may be acquired prior to meeting the requirements of Section 1150.10(b)(7)(A).
  - C) Applicants with a post-professional degree in architecture may qualify for TU credit as set forth in the IDP Guidelines.
  - D) An applicant may earn TUs by completing Board-approved supplementary education programs. Supplementary education cannot be used to satisfy the minimum TU requirements. No TUs may be earned for supplementary education unless the applicant is employed in a recognized training setting (refer to IDP Guidelines). Credit for supplementary education activities may not exceed 235 TUs.
  - E) To satisfy Category A of the IDP Training Requirement, TUs (including TUs earned from supplementary education) in those categories must be acquired when employed in the training settings described in Section 1150.10(b)(6). A minimum of 235 TUs must be acquired in Training Setting A.
  - ~~F) In evaluating training, the Board may, prior to licensure, require substantiation of the quality and character of the training, notwithstanding the fact that the IDP applicant has complied with the technical training requirements set forth above.~~
  - ~~F)G)~~ For a detailed description of the IDP training categories, settings and conditions and supplementary education requirements, see IDP Guidelines.
- c) All applicants shall utilize NCARB to collect, evaluate and certify all training data and records required for compliance with this Part.

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- d) The verification of training shall be submitted to the Department at the time of application.
- e) If the accuracy of any submitted documentation or the relevance or sufficiency of the training is questioned by the Department or the Architecture Licensing Board (the Board) because of discrepancies or conflicts in information, a need for additional information or clarification, the applicant will be requested to provide such information as is necessary.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1150.30 Application for Licensure by Examination

An applicant for licensure as an architect shall file an application on forms supplied by the Department. The application shall include:

- a) Proof of successful completion of the examination set forth in Section 1150.40;
- b) Proof of having completed the necessary education and training, as required by Section 1150.10.
  - 1) The proof shall be in the form of certifications of education completed by the school, college or university attended, and certification of completion of the training requirements.
  - 2) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense. Applicants shall obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants may request the report from the National Architectural Accrediting Board, 1735 New York Avenue, NW, 3rd Floor, Washington, D.C. 20006; phone (202) 783-2007; or [www.naab.org](http://www.naab.org). The Board will review all transcripts and the comprehensive evaluation submitted to the Department to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20;
- c) A complete work history, on forms provided by the Department, indicating all professional architectural experience [since completion of the Diversified Professional Training Requirements set forth in Section 1150.10\(b\)](#);

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- d) Certification from the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice including the following, if the applicant has ever been licensed in another jurisdiction:
  - 1) The date of issuance of the applicant's license and the current status of such license;
  - 2) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;
- e) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part;
- f) The required fee; and
- g) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 for 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 an architectural 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 architectural program from which the applicant graduated was taught in English.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1150.60 Licensure by Endorsement

- a) An applicant who holds an active license or registration to practice architecture under the laws of another state or territory and who desires to become licensed by endorsement shall file an application with the Department together with:
  - 1) Either:
    - A) Council Certification, issued by and forwarded directly to the Department by the NCARB; or
    - B) Other Proof of Qualifications and Licensure
      - i) Proof that the applicant has met requirements substantially equivalent to those in force in this State at the time of

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original or subsequent licensure by written examination in the other state or territory, including certification of education, and affidavits of training.

- ii) A certification by the state or territory of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the date of issuance of the applicant's license and the current status of each license; 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 whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;

- 2) The required fee as set forth in Section 1150.75;
- 3) A complete work history since graduation from an architecture program;
- 4) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part;

b) [Applicants filing an application under subsection \(a\)\(1\)\(B\) are subject to the following requirements and provisions:](#)

- 1)5) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense. Applicants shall obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants may request the report from the National Architectural Accrediting Board, 1735 New York Avenue, NW, 3rd Floor, Washington, D.C. 20006; phone (202) 783-2007; or [www.naab.org](http://www.naab.org). The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20; and
- 2)6) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 for 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 an architectural

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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 architectural program from which the applicant graduated was taught in English.

- ~~3)~~b) The Department shall examine each endorsement application to determine whether the requirements in the state or territory of original or subsequent licensure were substantially equivalent to the requirements then in force in this State. The Department 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.
- ~~4)~~e) The Department shall, in individual cases, upon recommendation of the Board, waive passage of one or more parts of the examination upon proof that the applicant has been lawfully engaged in the practice of architecture in another jurisdiction for a minimum of five years and has provided evidence demonstrating competence in the area or areas of the examination being considered for waiver (i.e., architectural education, training and experience). If an applicant has previously failed to pass a part or parts of the examination, the applicant shall not be granted a waiver for ~~that~~ the part or parts pursuant to this provision.
- ~~c)~~d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1150.95 Architecture Complaint Committee

- a) The Architecture Complaint Committee of the Architecture Licensing Board, authorized by Sections 10 and 24 of the Act, shall be composed of at least

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2 members of the Architecture Licensing Board, a Supervisor over Design Investigations and a Chief of Prosecutions over Design Prosecutions. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee.

- b) The Complaint Committee shall meet at least once every 2 months to exercise its functions and duties set forth in subsection (c) below. The Complaint Committee may meet concurrently with the Complaint Committees of the Land Surveyors Examining Board, the State Board of Professional Engineers and the Structural Engineering Board to discuss interrelated professional matters. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.
- c) The Complaint Committee shall have the following duties and functions:
  - 1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings.
  - 2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.
  - 3) To recommend that a case file be closed.
  - 4) To recommend that an Administrative Warning Letter be issued and the case file closed.
  - 5) To refer the case file to Prosecutions for review and action.
  - 6) To report the actions of the Complaint Committee at each Board meeting and to present enforcement statistics such as the type of alleged violation.
- d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare;

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the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.

- e) At any time after referral to Prosecutions, the Department may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Department.
- f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Architecture Licensing Board. Those case files that previously have been before the Board and are the subject of a Consent Order or Formal Order of the Director may be closed without further recommendation or approval of the Architecture Licensing Board or the Complaint Committee.
- g) Complaints Involving Imminent Danger to the Public
  - 1) When a complaint is made to the Department that alleges that a building, or other structure that requires the involvement of an architect in its design, is under construction, construction is imminent, or construction has been completed, and an architect is not or was not involved in its design, the investigation of that complaint shall be expedited to ensure the health and safety of the public. This investigation will be referred to as an "Emergency Investigation".
  - 2) An Emergency Investigation will be given priority attention and assigned to an investigator as soon as possible.
  - 3) Once assigned to an investigator, the investigator will convene a meeting of the Complaint Committee by teleconference to determine if the complaint shall continue to be treated as an Emergency Investigation. Such meetings will be deemed an emergency and notice of the meeting shall be provided in accordance with the Open Meetings Act.
  - 4) Upon determination by the Complaint Committee that the complaint should be treated as an Emergency Investigation, the complaint will be investigated as soon as possible.

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5) Upon completion of the Emergency Investigation, the investigator will again convene a meeting of the Complaint Committee by teleconference. This meeting shall also be considered an emergency and notice of the meeting shall be provided in accordance with the Open Meetings Act. The Complaint Committee will then decide whether to recommend to the Department that the complaint be referred to the Attorney General to seek a temporary restraining order and permanent injunction against the start or further construction of the project or, where the project has already been completed, to enjoin the use of the building or structure. The Complaint Committee will recommend that the case be referred to the Attorney General only upon a finding that the facts alleged in the complaint are credible and constitute an imminent danger to the public.

h)g) Disqualification of an Architecture Licensing Board member.

- 1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.
- 2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.

i)h) An informal conference is the procedure established by the Department that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a Department attorney and shall include a member or members ~~member(s)~~ of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code of Citation: 89 Ill. Adm. Code 300
- 3) Section Numbers:                    Proposed Action:  
300.20    Amended  
300.30    Amended  
300.130     Amended
- 4) Statutory Authority: Abused and Neglected Child Reporting Act [325 ILCS 5]
- 5) Effective Date of Rule(s): June 9, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted amendment is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 8, 2002 at 26 Ill. Reg. 16353
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version: No changes were made to the amendments other than edits recommended by the Joint Committee.
- 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 rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule Amendments: The amended Rule Sections implement Public Act 92-0801, which requires members of clergy to report cases of sexual abuse under the Abused and Neglected Child Reporting Act; and Public Act 92-0319, which allows the disclosure of appropriate information about the findings and actions taken to

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ensure the safety of the children who were the subjects of the investigation by the Child Protective Service Unit to an extended family member interviewed for relevant information in the course of the investigation.

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

Mr. Jeff Osowski

Office of Child and Family Policy

Department of Children and Family Services

406 E. Monroe, Station #65

Springfield, Illinois 62703-1498

Telephone: (217) 524-1983

TDD: (217) 524-3715

E-Mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us)

The full text of the adopted rule begins on the next page.

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

## Section

300.10	Purpose
300.20	Definitions
300.30	Reporting Child Abuse or Neglect to the Department
300.40	Content of Child Abuse or Neglect Reports
300.50	Transmittal of Child Abuse or Neglect Reports
300.60	Special Types of Reports (Recodified)
300.70	Referrals to the Local Law Enforcement Agency and State's Attorney
300.80	Delegation of the Investigation
300.90	Time Frames for the Investigation
300.100	Initial Investigation
300.110	The Formal Investigative Process
300.120	Taking Children into Temporary Protective Custody
300.130	Notices Whether Child Abuse or Neglect Occurred
300.140	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.150	Referral for Other Services
300.160	Special Types of Reports

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- 300.170 Child Death Review Teams  
300.APPENDIX A Acknowledgement of Mandated Reporter Status  
300.APPENDIX B Child Abuse and Neglect Allegations

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

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendment at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13590, effective November 15, 1999; amended at 24 Ill. Reg. 7707, effective June 1, 2000; amended at 25 Ill. Reg. 12781, effective October 1, 2001; amended at 26 Ill. Reg. 7435, effective May 15, 2002; amended at 26 Ill. Reg. 11730, effective August 1, 2002; amended at 27 Ill. Reg. 1114, effective January 15, 2003; amended at 27 Ill. Reg. 9431, effective June 9, 2003.

## Section 300.20 Definitions

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

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child, or a paramour of the child's parent:

*inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;*

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

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

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

*inflicts excessive corporal punishment; or*

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

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

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

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

*"Child Protective Service Unit" (CPS) means certain specialized State employees of the Department assigned by the Director or his designee to perform the duties and responsibilities as provided under this Part. They are also known as investigative staff.*

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[325 ILCS 5/3]

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

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

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

"Delegation of an investigation" means the investigation of a report of child abuse or neglect has been deferred to another authority. The Department maintains responsibility for determining whether the report is indicated or unfounded, entering information about the report in the State Central Register and notifying the subjects of the report and mandated reporters of the results of the investigation.

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

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

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

"Formal investigation" means those activities conducted by Department investigative staff necessary to make a determination as to whether a report of suspected child abuse or neglect is indicated or unfounded. ~~Those~~ ~~Such~~ activities shall include: *an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such report, the name, age and condition of other children in the environment; and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation*

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*services were provided. After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report, in writing, of the existence of the report and their rights existing under the Act in regard to amendment or expungement. [325 ILCS 5/3]*

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

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

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

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

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

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

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

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

*"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), or other care necessary for a child's well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood, urine or meconium contains any amount of controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act. Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, such child is subject to the requirements of this Act for the reporting of, investigation of, and provision of protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for such necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code. [325 ILCS 5/3]*

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

*"Person responsible for the child's welfare" means the child's parent, guardian, foster parent, relative caregiver, an operator, supervisor, or employee of a public or private*

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*residential agency or institution or public or private profit or not-for-profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, members of the clergy and volunteers or support personnel in any setting where children may be subject to abuse or neglect. [325 ILCS 5/3]*

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

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

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

*is the spouse of such a relative, or*

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

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

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

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

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

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the basis of information provided to the Department.

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

(Source: Amended at 27 Ill. Reg. 9431, effective June 9, 2003)

## Section 300.30 Reporting Child Abuse or Neglect to the Department

a) Reports of suspected child abuse or neglect may be immediately made to the State Central Register via its toll-free number [1-800-25A-BUSE] at any time, day or night, or on any day of the week. Reports may also be made to the nearest Department office. The Department encourages use of the toll-free hotline number.

b) Persons Mandated to Report Child Abuse or Neglect

1) Types of Mandated Reporters

Any of the following individuals who have reasonable cause to believe that a child known to them in their professional or official capacity may be abused or neglected shall immediately report or cause a report to be made to the Department. These mandated reporters include:

- A) physicians, residents, and interns;
- B) hospitals;
- C) hospital administrators and personnel engaged in the examination, care and treatment of persons;
- D) surgeons;
- E) dentists;
- F) dentist hygienists;
- G) osteopaths;
- H) chiropractors;

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- I) podiatrists;
- J) Christian Science practitioners;
- K) coroners;
- L) medical examiners;
- M) emergency medical technicians;
- N) crisis line or hotline personnel;
- O) school personnel;
- P) educational advocate assigned to a child pursuant to the School Code;
- Q) truant officers;
- R) social workers;
- S) social services administrators;
- T) domestic violence program personnel;
- U) registered nurses;
- V) licensed practical nurses, advanced practice nurses, home health aides;
- W) directors or staff assistants of nursery schools or child day care centers;
- X) recreational program or facility personnel;
- Y) law enforcement officers;
- Z) registered psychologists;
- AA) assistants working under the direct supervision of a psychologist or psychiatrist;

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- BB) field personnel of the Illinois Departments of Public Aid, Public Health, Mental Health and Developmental Disabilities, Corrections, Children and Family Services, Human Rights or Rehabilitation Services;
- CC) probation officers;
- DD) foster parents, homemakers or any other child care worker;
- EE) supervisors and administrators of General Assistance under the Illinois Public Aid Code;
- FF) substance abuse treatment personnel; ~~or~~
- GG) funeral home directors or their employees; ~~or~~
- HH) members of the clergy.

2) Members of the Clergy

Members of the clergy are only required to report or cause a report to be made when they have reasonable cause to believe that a child known to them in their professional or official capacity may be a sexually abused child.

32) Acknowledgement of Reporting Responsibility

- A) Individuals who became mandated reporters on or after July 1, 1986, by virtue of their employment shall sign statements acknowledging that they are mandated to report suspected child abuse and neglect in accordance with Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/4]. The statement shall be on a form prescribed by the Department, but provided by the employer. (See Appendix A.) The statement shall be signed before beginning employment and shall be retained by the employer as a permanent part of the personnel record.
- B) The Department shall provide, upon request at a reasonable cost of \$.50 each, copies of the Abused and Neglected Child Reporting Act to all employers employing persons who are mandated to report under this Act.

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43) Interference with Reporting Prohibited

A) ~~Whenever such person is required to report under the Act~~~~Mandated reporters who report instances of child abuse or neglect in his~~~~their~~ capacity as ~~a member~~~~members~~ of the staff of a medical or other public or private institution, school, facility or agency, ~~or as a member of the clergy, he shall make report immediately to the Department in accordance with provisions of the Act and may~~ ~~may~~ also notify the person in charge ~~or designee~~ of such institution, school, facility or agency, ~~or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such a report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque or other religious institution, or designated agent to whom such notification has been made~~ ~~However, the person in charge or designee may not~~ exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department. [325 ILCS 5/4]

B) ~~Any person who knowingly transmits a false report to the Department commits the offence of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 1961. Any person who violates this provision a second or subsequent time shall be guilty of a Class 4 felony.~~

~~Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in this subsection, is shall be~~ guilty of a Class A misdemeanor ~~for the first violation and a~~ Class 4 felony for a second or subsequent violation. [325 ILCS 5/4]

C) ~~No employer shall discharge, demote or suspend, or threaten to discharge, demote or suspend, or in any manner discriminate~~ ~~Employers shall not discriminate in any manner against any~~ ~~employee~~~~employees~~ who ~~makes any~~ ~~make~~ good faith ~~oral or written report~~ ~~reports~~ of suspected child abuse or neglect, ~~or who is or will be a witness~~ ~~act as witnesses~~ or testify in ~~any~~ ~~an~~ investigation or proceeding concerning a report of suspected child

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*abuse or neglect.* [325 ILCS 5/9.1]

54) Consequences of Failure to Report

- A) The privileged quality of communication between any professional person required to report and patient or client shall not constitute grounds for failure to report suspected child abuse or neglect. Mandated reporters who willfully fail to report suspected child abuse or neglect are subject to license suspension or revocation in accordance with the following statutes:
- i) Nursing and Advanced Practice Nursing Act [225 ILCS 65];
  - ii) Medical Practice Act of 1987 [225 ILCS 60];
  - iii) Podiatric Medical Practice Act of 1987 [225 ILCS 100];
  - iv) Clinical Psychologist Licensing Act [225 ILCS 15];
  - v) Clinical Social Work and Social Work Practice Act [225 ILCS 20];
  - vi) The School Code [105 ILCS 5];
  - vii) The Illinois Dental Practice Act [225 ILCS 25];
  - viii) Physician Assistant Practice Act of 1987 [225 ILCS 95];
  - ix) Illinois Optometric Practice Act of 1987 [225 ILCS 80];
  - x) Illinois Physical Therapy Act [225 ILCS 90]; and
  - xi) Illinois Athletic Trainers Act [225 ILCS 5].
- B) *Any physician who willfully fails to report child abuse or neglect shall be referred to the Illinois State Medical Disciplinary Board for action. Any other person required to report suspected child abuse or neglect who willfully fails to report such abuse or neglect shall be guilty of a Class A misdemeanor.* [325 ILCS 5/4]

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C) Members of the clergy of any religious denomination accredited by the religious body to which he or she belongs shall not be compelled to disclose a confession or admission made to him or her in his or her professional character or as a spiritual advisor.

65) Written Confirmation of Reports

Mandated reporters shall confirm their telephone report in writing on a form prescribed by the Department within 48 hours of the oral report. The Department shall provide forms to mandated reporters – one for the exclusive use of medical professionals and another for use by all other mandated reporters. These confirmation reports shall be admissible as evidence in any administrative or judicial proceeding related to child abuse or neglect. Local investigative staff shall transmit confirmation reports to the State Central Register within 24 hours of receipt.

c) Other Persons May Report

Other persons may report suspected child abuse or neglect if they have reasonable cause to believe a child may be abused or neglected.

d) Consequences of False Reporting

*Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 1961 [720 ILCS 5/26-1(a)(7)]. A violation of this subsection is a Class B misdemeanor, punishable by a term of imprisonment for not more than 6 months, or by a fine not to exceed \$500, or both. Any person who violates this provision a second or subsequent time shall be guilty of a Class 4 felony. [325 ILCS 5/4] The Department shall refer cases of false reporting to the local State's Attorney when the reporter is known.*

e) Cooperation in Court or Administrative Hearings

Any person who makes a report or who investigates a report may be ordered by the Court to testify fully in any judicial proceeding resulting from the report about any evidence of the abuse or neglect or the cause of the abuse or neglect. Any mandated reporter listed in subsection (b)(1) who makes a report of suspected child abuse or neglect shall testify fully in any administrative hearing resulting from such report, as to any evidence of abuse or neglect or the cause thereof. No

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evidence shall be excluded because of any common law or statutory privilege regarding communications between the alleged perpetrator or the child subject and the person making or investigating the report.

f) Referrals to Public Health

All mandated reporters listed in subsection (b)(1) may refer to the Department of Public Health any pregnant person in Illinois who is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

g) Depending upon Spiritual Means Through Prayer Alone for the Treatment or Cure of Disease or Remedial Care

*A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian, or custodian accepts and practices such beliefs.* [325 ILCS 5/4] Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and medical care necessary to treat or prevent that harm or risk of harm is not being provided because a parent or other person responsible for the child's welfare depends upon such spiritual means, the child shall be subject to the requirements of the Abused and Neglected Child Reporting Act for the reporting of, investigation of, and provision of protective services with respect to the child and his health needs.

(Source: Amended at 27 Ill. Reg. 9431, effective June 9, 2003)

Section 300.130 Notices Whether Child Abuse or Neglect Occurred

a) Written Notices of Decision

The Department provides a written notice to mandated reporters who reported suspected child abuse or neglect as well as to the child's parent, personal guardian, or legal custodian; the Juvenile Court Judge (when a State ward is involved); and the alleged perpetrator concerning the final determination of the report.

b) Mandated Reporters

1) Mandated reporters who have reported suspected child abuse or neglect are informed via a written notice that a formal investigation was conducted. The written notice also provides an explanation of how further

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information on an indicated report may be secured. Department staff will notify them in writing:

- A) of the name of the child who was the subject of a report of abuse or neglect;
  - B) whether the report was indicated or unfounded;
  - C) whether the Department took temporary protective custody.
- 2) Requests for additional information must be directed, in writing, to the State Central Register and must include:
- A) the identity of the requestor;
  - B) the subject's name for whom the record is requested;
  - C) a notary public's attestation as to the identity of the requestor;
  - D) the purpose of the request.
- 3) Upon receipt of an appropriate request, only the following information will be disclosed to the mandated reporter:
- A) whether a Department case has been opened for the family or children; and
  - B) what Department services are being provided to the family or children.
- 4) All requested information is sent in writing through certified mail and is deliverable only to the mandated reporter who made the request.
- 5) Whenever the Department determines that a reported incident of child abuse or neglect from a mandated reporter is unfounded, the mandated reporter may request a review of the investigation within ten days after the notification of the final findings. Multi-disciplinary Review Committees established in each of the Department's regions shall conduct requested reviews.
- 6) Multi-disciplinary Review Committees shall draw upon the expertise of

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the Child Death Review Teams (see Section 300.170 of this Part). Each committee shall be composed of a health care professional, Department employee, law enforcement official, licensed social worker, and representative of a State's Attorney's office. When appointing committee members, primary consideration shall be given to candidates with prior child abuse and neglect case experience.

- 7) Multi-disciplinary Review Committees will have access to all information in the Department's possession related to the case being reviewed. Committee recommendations concerning the adequacy of the investigation and accuracy of the final finding determination shall be made to the regional Child Protection Manager.
  - 8) Department records of investigations provided to committees and committee recommendation reports shall not be public record.
- c) Parents, Personal Guardians, Legal Custodians, and Alleged Perpetrators
- 1) Custodial and non-custodial parents, personal guardians, or legal custodians of child subjects, and alleged perpetrators shall receive notification within five calendar days after the report has been indicated or unfounded which indicate that the allegations were either:
    - A) unfounded, and that all identifying information in the computer and local index files will be retained in accordance with 89 Ill. Adm. Code 431 (Confidentiality of Information of Persons Served by the Department); or
    - B) indicated, and all Department records will be maintained intact.
  - 2) In addition, written notices shall explain that:
    - A) the subjects of the report have access to the Department's records on the report, with the exception of the identity of the reporter or other persons who cooperated in the investigation;
    - B) the subjects of the report have the right to request a review of the determination that the report was indicated including the decision to maintain a record of the report in the Department's computer and local index files. 89 Ill. Adm. Code 336 (Appeal of Child Abuse and Neglect Investigation Findings) fully explains the

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Department's review and appeal process; and

- C) the subjects of the report may request, within 10 days of the date on the written notice, that an unfounded report be retained in the Department's computer and local index files, if the subjects of the report believe the report was not made in good faith. All such requests will be honored.

d) Extended Family

An extended family member interviewed for relevant information during the course of an investigation by the Child Protective Service Unit may request and receive the following information about the findings and actions taken by the Child Protective Service Unit to ensure the safety of the child or children who were the subjects of the investigation:

- 1) name of the child who was the subject of the abuse or neglect report;
- 2) whether the report was indicated or unfounded;
- 3) whether the Department took protective custody;
- 4) whether a Department case has been opened for the family or children;
- 5) what Department services are being provided the family or children; and
- 6) whether a safety plan has been established.

~~ed~~) Child's School

- 1) The Department shall send a copy of final finding reports involving indicated allegations of physical or sexual abuse to the indicated victim's school within ten days after the investigation is completed. Reports completed during the summer months shall be sent to the last known school attended by the child.
- 2) The final finding report shall be sent confidential and the school shall ensure that the report remains confidential in accordance with the Illinois School Student Records Act.
- 3) The victim's school shall purge the final finding report from the student's

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record and return the report to the Department upon notification from the Department that the report was overturned in an appeal or hearing or an indicated finding has been expunged from the State Central Register or that the Department has determined that the child is no longer at risk of physical or sexual harm.

**fe)** Other Parties

The Department shall notify, in writing, those supervisors or administrators referenced in Section 300.100(i) of this Part whether a report involving the persons they supervise was indicated or unfounded and, if unfounded, that Section 13 of the Personnel Record Review Act [820 ILCS 40/13] requires that any record of the investigation must be expunged from the employee's personnel records. The Department shall also notify the employee, in writing, that notification has been sent to the employer informing the employer that the Department's investigation has resulted in an unfounded report. The notice to the employee shall also contain a statement of the employee's right to take the notice to the employer to have any record of the investigation expunged from the employee's record.

**gf)** Child Abuse and Neglect Reports on Children in Department Custody

- 1) When a child is reported to the Department as being abused or neglected while in a foster home or relative home placement, whether by the foster parent, caregiver, or any other person residing in the home, the Department shall promptly notify the following persons when the report has been made, when an investigation is pending, and when the report has been indicated or unfounded:
  - A) the parents or private guardians of the alleged abuse or neglect victim;
  - B) all Department caseworkers or case managers responsible for the alleged victim and for any other children in the same foster home or relative home placement;
  - C) those persons designated by the Director as responsible for evaluating the investigation and the disposition of the report;
  - D) Department staff responsible for licensing and making placements

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with the facility.

- 2) When a child is reported to the Department as being abused or neglected while in residential placement, the Department shall promptly notify the following persons when the report has been made, an investigation is pending, and when the report has been indicated or unfounded:
  - A) the parents or private guardians of the alleged abuse or neglect victim;
  - B) those Department caseworkers or case managers responsible for the alleged victim, for each child alleged to be a witness to the incident, and for each child alleged to be a perpetrator of the incident;
  - C) those persons designated by the Director responsible for evaluating the investigation and the disposition of the report;
  - D) Department staff responsible for licensing and making placements with the facility.
- 3) The Department shall notify the following when a report involving a child in Department custody is indicated:
  - A) the Juvenile Court. If services are being provided by the Department or its providers, the notice shall also give the name and location of the Department office serving the children;
  - B) the Department's administrative case reviewer responsible for reviewing the case plans of the children involved.
- 4) The Department shall transmit a copy of the report to the guardian ad litem appointed under the Juvenile Court Act of 1987 when a report has been indicated, unfounded, or undetermined and the minor who is the subject of the report is also the minor for whom the guardian ad litem has been appointed.

(Source: Amended at 27 Ill. Reg. 9431, effective June 9, 2003)

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- 1) Heading of the Part: Administration of Social Service Programs
- 2) Code Citation: 89 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:

130.15	Amended
130.20	Amended
130.25	Amended
130.30	Amended
130.35	Amended
130.40	Amended
130.45	Amended
130.46	Amended
130.50	Amended
130.60	Amended
130.70	Repealed
130.71	Repealed
130.80	Amended
130.85	Added
130.100	Amended
130.110	Amended
130.120	Amended
130.130	Amended

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- |         |          |
|---------|----------|
| 130.140 | Amended  |
| 130.150 | Amended  |
| 130.152 | Amended  |
| 130.154 | Amended  |
| 130.160 | Amended  |
| 130.161 | Repealed |
| 130.162 | Amended  |
| 130.170 | Repealed |
- 4) Statutory Authority: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13]; and Sections 2 and 3 of the Domestic Violence Shelters Act [20 ILCS 1310/2 and 3].
- 5) Effective Date of Amendments: June 9, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 4, 2002 (26 Ill. Reg. 14463)
- 10) Has JCAR Issued a Statement of Objection to this rulemaking? No
- 11) Difference(s) between proposal and final version:
- In the "Table of Contents", deleted "for"; reinstated "For"; and added "(Repealed)" at entries for both 130.70 and 130.71
- In Section 130.15 (Definitions):

In the definition of "In-kind Contributions", struck "third parties" and added

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“sources or allowable federal sources”; struck “cost-type” and added “cost reimbursement type”.

Added the following new definitions:

“Public” means local governmental units, i.e., cities, counties, townships, villages, colleges/universities, and/or mental health boards.

In Section 130.25, added “Examples of the service activities include, but are not limited to, counseling, employment and training, transportation, health support, community maintenance, child care, and rehabilitation and treatment for substance abuse.”

In Section 130.30, added “the annual federal allocation of the” before “Title XX”; struck “of” and deleted “1986”.

In Section 130.35(b), added “45 CFR 96.71(a) (2001)” before the semicolon.

In Section 130.35(f), added “(the School Code [105 ILCS 5/Art.14])” after “income”.

In Section 130.35(g), added “(the Child Care Act of 1969 [225 ILCS 10])” after “law”.

In Section 130.35(h), deleted the semicolon after “42 USC 1937” and struck the period and added a semicolon after the closing parentheses.

In Section 130.35(i)(1), changed “1985” to “1395”.

In Section 130.40, re-inserted, with some new revision, previously stricken language at subsection (c) as follows:

“c) Standards for eligibility shall be based on:

1) characteristics of the individuals to be served that ~~which~~ are verifiable (i.e., ~~income~~, age, residence, handicap, or area of residence); ~~and/or~~

~~2) Common geographic area of residence of individuals to be served if it can be documented (through survey, census information, etc.) that substantially all of the individuals in the geographic area have incomes within an established guideline, as determined by the allied agency; and/or~~

23) common characteristics of individuals that ~~which~~ would document

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a need for the services to be provided, as ~~directed-determined~~ by the ~~sponsoring-allied~~ agency; and/or

3) eligibility for child care for children may be based on family income. Fees may be assessed for this service in accordance with State law and administrative policies of the Department.

4) ~~Individual or family income.~~

In Section 130.46, deleted “in a manner prescribed by the”, “Department and”, “and established by policy and procedure”; and added “Examples of the case record documentation include, but are not limited to, intake, assessment of service needs, reassessment of service needs, and service plans.”.

In Section 130.50, struck “Purchasing Act”; added “Procurement Code”; changed “[30 ILCS 505]” to “[30 ILCS 500]”; struck “1983”; and added “2001”.

In Section 130.60, deleted “in a manner prescribed by the Department and”.

In Section 130.70, deleted “for” and reinserted “For”.

In Section 130.71, deleted “for” and reinstated “For”.

In Section 130.80, changed “prescribed by the” to “set forth in the contractual agreements”; deleted “Department and set forth in established policy and procedures”.

In Section 130.85, deleted “prescribed by the”, “Department and as”, “and established policy and”; added “the” after “in”; and deleted “procedure”.

In Section 130.110(c), reinserted, with minor revisions, the following:

“Opportunities ~~may-will~~ be made available to ~~sponsoring-allied~~ agencies to solicit proposals from service providers under the donated funds initiative, through issuance of a Request for Proposal at such times as funds are available due to increases in ~~the an~~ agency’s allocation or the withdrawal of an existing provider. ~~All But in all cases the~~ conditions for ~~funding eo-funding~~ must be approved by the Department.”

In Section 130.130, added “previously obligated or new” between “If” and “funds”; struck “will” and replaced with/added “may”.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: These amendments are promulgated to clarify and more accurately reflect the services provided under the Title XX Social Services Block Grant.
- 16) Information and questions regarding this adopted rule shall be delivered to:

Mr. Karl Menninger

Acting Chief

Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue, East, Third Floor

Springfield, Illinois 62762

Telephone: (217) 785-9772

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER c: SOCIAL SERVICESPART 130  
ADMINISTRATION OF SOCIAL SERVICE PROGRAMSSUBPART A: TITLE XX SOCIAL SERVICES BLOCK GRANT PROGRAM

## Section

130.10	Program Administration
130.15	Definitions
130.20	Goal of Services
130.25	Service Activities
130.30	Expenditure of Block Grant Funds
130.35	Limitations on Services and Expenditures
130.40	Eligibility For Services
130.45	Opportunity to Apply For and Receive Services
130.46	Client Case Records
130.50	Purchase of Services
130.60	Record Retention
130.70	Fees For Purchased Services <u>(Repealed)</u>
130.71	Fees For Services Provided Through Grants-In-Aid <u>(Repealed)</u>
130.80	Reporting Requirements
<u>130.85</u>	<u>Reporting and Audit Requirements</u>

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## SUBPART B: LOCAL INITIATIVE FUND PROGRAM

## Section

- 130.100 Applicability ~~of~~ ~~Of~~ Other Sections
- 130.110 Overview
- 130.120 Program Administration
- 130.130 Request For Proposal
- 130.140 ~~Sponsoring Allied~~ Agency Responsibilities
- 130.150 Funding Mechanism
- 130.152 Sources of Local Funds
- 130.154 Sources of Locally Generated Funds ~~and In-kind Contributions~~ Used to Match Title XX Funds
- 130.158 Donor Restrictions on Donations (Repealed)
- 130.160 Reimbursement Process – Donations (Transferred Funds or Co-Payments)
- 130.161 Advance Disbursement System ~~(Repealed)~~
- 130.162 Reimbursement Process (Certification of Expended Funds)
- 130.170 Assignment of Budget Costs ~~(Repealed)~~

## SUBPART C: DOMESTIC VIOLENCE PROGRAM

## Section

- 130.200 Domestic Violence Shelter and Service Programs

## SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

## Section

- 130.300 Program Administration

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- 130.301 Definitions (Repealed)
- 130.302 Allocation Methodology for Federal Surplus Commodities (Repealed)
- 130.310 Distribution Network Agencies (Repealed)
- 130.311 Local Distribution Centers (Repealed)
- 130.312 Liability of Distribution Network Agencies (Repealed)
- 130.313 Reports and Maintenance of Records (Repealed)
- 130.314 Payment for Distribution (Repealed)
- 130.315 Second Harvest Shared Maintenance Fees (Repealed)
- 130.320 Eligibility to Receive Commodities (Repealed)
- 130.321 Issue Rates of Commodities (Repealed)
- 130.322 General Program and Provider Requirements

## SUBPART E: SERVICES FOR THE HOMELESS

## Section

- 130.400 Emergency Food and Shelter Program

## SUBPART F: INCORPORATION BY REFERENCE

## Section

- 130.500 Incorporation By Reference

**AUTHORITY:** Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13]; and Sections 2 and 3 of the Domestic Violence Shelters Act [20 ILCS 1310/2 and 3].

**SOURCE:** New rules adopted and codified at 8 Ill. Reg. 6069, effective April 25, 1984; amended at 9 Ill. Reg. 8645, effective May 22, 1985; amended at 9 Ill. Reg. 15882, effective October 6, 1985; amended at 10 Ill. Reg. 11915, effective July 3, 1986; amended at 11 Ill. Reg.

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2828, effective January 30, 1987; amended at 13 Ill. Reg. 3831, effective March 17, 1989; amended at 13 Ill. Reg. 16756, effective October 13, 1989; amended at 14 Ill. Reg. 13772, effective August 20, 1990; amended at 14 Ill. Reg. 14537, effective August 29, 1990; amended at 15 Ill. Reg. 16112, effective November 1, 1991; amended at 16 Ill. Reg. 13292, effective September 1, 1992; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 24 Ill. Reg. 13669, effective August 23, 2000; amended at 27 Ill. Reg. 9452, effective June 9, 2003.

SUBPART A: TITLE XX SOCIAL SERVICES BLOCK GRANT PROGRAM

## Section 130.15 Definitions

~~“Allied agency” means any State department, commission, board, bureau, institution, or other body of the State described in Title XX Projected Expenditure Report as providing social services under the auspices of the Title XX Social Services Block Grant.~~

“Community Services Agreement” means the agreement between the Department and a provider of social services detailing the activities to be performed by the provider and the manner and amount of payment a provider is to receive.

“Donated Funds Initiative” means the funding mechanism established by the State to make federal funds available to local service providers on a cost sharing basis through ~~either~~ the Local Initiative Fund or the Special Purposes Trust Fund, ~~or the Special Purposes Trust Fund.~~

“In-kind Contributions” means property or services that benefit a federally assisted project or program and that are contributed by non-federal sources or allowable federal sources without charge to the grantee, or a cost reimbursement type contractor under the Community Services Agreement.

“Local Initiative Fund” means the State account, established outside the treasury, used to receive and disburse federal funds to be utilized to reimburse contract social service providers for services provided.

“Public” means local governmental units, i.e., cities, counties, townships, villages, colleges/universities, and/or mental health boards.

“Report on Projected Expenditures for the Title XX Social Services Block Grant” means the report that describes the intended use of funds made available through the Title XX

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Social Services Block Grant.

~~“Purchase of Service Contract” means the contract between an allied agency and a provider of social services detailing the activities to be performed by the provider and the manner and amount of payment a provider is to receive.~~

“Service Provider” means any entity that provides social services either directly or through contract with the Department or through subcontract.

“Social Services” means services included and defined in the State of Illinois Report on Projected Expenditures for the Title XX Social ~~Services~~ ~~Service~~ Block Grant.

“Sponsoring Agency” means any State department described in the Report on Projected Expenditures for the Title XX Social Services Block Grant as collaborating with the Department in planning for the provision of social services under the auspices of the Title XX Social Services Block Grant.

~~“Title XX Projected Expenditure Report” means the report which describes the intended use of funds made available through the Title XX Social Services Block Grant.~~

“Title V” means the Maternal and Child Health Services Block Grant.

“Title XVIII” means the Health Insurance for the Aged and Disabled.

“Title XIX” means Grants to States for Medical Assistance programs.

“Title XX Social Services Block Grant” means the consolidated federal assistance granted to states in a single grant, increasing state flexibility in using social service grants, and encouraging each state, as far as practicable, to furnish services directed at one or more of the five national goals.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.20 Goal of Services

The Department ~~Each allied agency~~ shall determine ~~define~~ the services ~~service(s)~~ it intends to provide with the Title XX Social Services Block Grant Funds. Services must be directed at one or more of the following national goals:

- a) achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

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- b) achieving or maintaining self-sufficiency, including reduction or prevention of dependency;
- c) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, ~~rehabilitating-rehabilitating~~, or reuniting families;
- d) preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and
- e) securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.25 Service Activities

~~The a)Each Allied Agency must provide the~~ Department shall provide each sponsoring agency with a description of all such service activities for inclusion in the Report on Title XX Projected Expenditures Expenditure for the Title XX Social Services Block Grant. Examples of the service activities include, but are not limited to, counseling, employment and training, transportation, health support, community maintenance, child care, and rehabilitation and treatment for substance abuse. Report. The description must include:

- 1) ~~estimates of projected expenditures and the number of clients for each service to be provided;~~
  - 2) ~~the categories or characteristics of individuals to be served with Title XX Block Grant funds with any changes in client categories or characteristics from the preceding year and the reasons for the change;~~
  - 3) ~~the agency's programmatic directions for the year; and~~
  - 4) ~~the services to be provided including any changes from the preceding year.~~
- b) ~~In instances where an allied agency changes, adds, or deletes a service, or major service component (a principle agency cost item or benefit derived by an individual from the service, as identified in the Title XX Projected Expenditure Report), or changes service availability, it must provide information concerning the following:~~

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- 1) ~~needs assessment activities it has undertaken in the development of programmatic direction; and~~
- 2) ~~service planning and evaluation activities, either recently completed, underway, or planned which relate to the changes made.~~

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.30 Expenditure of Block Grant Funds

Expenditures ~~Allied agency expenditures~~ for social services that Social Services which are used as a basis for claiming the annual federal allocation of the Title XX Social Services Block Grant program funds may include expenditures for:

- a) administration (including planning and evaluation);
- b) personnel training and retraining directly related to the provision of services included in the Report on Projected Expenditures for the Title XX Social Services Block Grant ~~Projected Expenditure Report~~; and
- c) conferences or workshops and training or retraining through grants to non-profit organizations within the meaning of Section 501(c)(3) of the Internal Revenue Code ~~of the United States, 1954 (26 U.S.C., 501(C)(3))~~ or to individuals with social services expertise, or through financial assistance to individuals allied agency and service provider staff participating in such conferences, workshops, and training or retraining.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.35 Limitations on Services and Expenditures

Pursuant to 42 USC 1397d, funds made available ~~to allied agencies~~ through the Title XX Social Services Block Grant may not be used ~~for~~:

- a) ~~for the~~ The purchase or improvement of land, or the purchase, construction, or permanent improvement (other than minor remodeling) of any building or other facility;
- b) ~~for the~~ The provision of cash payments for costs of subsistence or for the provision of room and board (other than costs of subsistence during rehabilitation, room and board provided for a short term as an integral but subordinate part of a

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social service, or temporary emergency shelter provided as a protective service-) 45 CFR 96.71(a) (2001); 45 CFR 96.71(a)(1982).

- c) for the ~~The~~ provision of medical care (other than family planning services, rehabilitation services, or initial detoxification of an alcoholic or drug dependent individual) unless it is an integral but subordinate part of a social service for which grants may be used under Title XX and the medical activity is not available to the individual under another federal or state program.
- d) for social ~~Social~~ services (except services to an alcoholic or drug dependent individual or rehabilitation services) provided in and by employees of any hospital, skilled nursing facility, intermediate care facility, or prison, to any individual living in such institutions;:-
- e) for the ~~The~~ payment of the wages of any individual as a social service (other than payments of the wages of welfare recipients employed in the provision of child day care services);:-
- f) for the ~~The~~ provision of any educational service ~~which~~ the State-state makes generally available to residents without cost and without regard to income (the School Code [105 ILCS 5/Art. 14]; (Sections 14-1.01 et seq. of "The School Code", Ill. Rev. Stat. 1983, ch. 122, pars. 14-1.01 et seq.);
- g) for any ~~Any~~ child day care services ~~which do not unless such services~~ meet applicable standards of State established by state law and local law (the Child Care Act of 1969 [225 ILCS 10]); (Section 2211 et seq. of "The Child Care Act of 1969", Ill. Rev. Stat. 1983, Ch. 23, pars. 1 et seq.); or,
- h) for the ~~The~~ provision of cash payments as a service (except as otherwise provided permitted in 42 USC 1937 this section);:-
- i) for the payment for any item or service (other than an emergency item or service furnished:
  - 1) by an individual or entity during the period when the individual or entity is excluded under Title XX, Title V, Title XVIII, or Title XIX pursuant to 42 USC 1320a-7, 1320a-7a, 1320c-5 or 1395u(j)(2); or
  - 2) at the medical direction or on the prescription of a physician during the period when the physician is excluded under Title XX, Title V, Title XVIIIa, or Title XIX pursuant to 42 USC 1320a-7, 1320a-7a, 1320c-5 or

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1395u(j)(2) and when the person furnishing the item or service knew or had reason to know of the exclusion after a reasonable time period and after reasonable notice has been furnished to the person; or

- j) in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997 (42 USC 14401 et seq.).

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.40 Eligibility For Services

- a) The Department, through the Report on Projected Expenditures for the Title XX Social Services Block Grant, Each allied agency which provides services through the Title XX Block Grant Program shall define the criteria on which eligibility for services so provided will be based.
- b) The service provider shall further define the characteristics for the population to be served in accordance ~~criteria shall be consistent~~ with the mission or inherent responsibility of the sponsoring agency as and be promulgated in official policy and/or State administrative rule, as appropriate, for by the sponsoring agency.
- c) Standards for eligibility shall be based on:
- 1) characteristics of the individuals to be served ~~that which~~ are verifiable (i.e., ~~income~~, age, residence, handicap, or area of residence); and/or
  - ~~2) Common geographic area of residence of individuals to be served if it can be documented (through survey, census information, etc.) that substantially all of the individuals in the geographic area have incomes within an established guideline, as determined by the allied agency; and/or~~
  - ~~23)~~ common characteristics of individuals ~~that which~~ would document a need for the service to be provided, as ~~directed determined~~ by the sponsoring allied agency; and/or
  - ~~3)~~ eligibility for child care for children may be based on family income. Fees may be assessed for this service in accordance with State law and administrative policies of the Department.
  - ~~4) Individual or family income.~~

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- d) ~~If more than one allied agency uses income as the primary basis for eligibility for the same or like services, the income standard and eligibility level shall be the same for all agencies. The standard to be used shall be agreed to by the allied agencies involved.~~

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.45 Opportunity to Apply For and Receive Services

- a) Service providers ~~Allied agencies~~ shall provide each individual wishing to do so an opportunity to apply for services offered through the ~~agency's~~ Title XX Social Services Block Grant ~~program~~.
- b) To the extent that financial and program resources are available, all service providers ~~agencies~~ shall provide services to clients determined eligible in accordance with established criteria, ~~established by the allied agency~~.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.46 Client Case Records

Service providers ~~Each service provider~~ participating in the Title XX Social Services Block Grant ~~program~~ must maintain client case record information set forth in the contractual agreements. Examples of the case record documentation include, but are not limited to, intake, assessment of service needs, reassessment of service needs, and service plans. ~~which documents:~~

- a) ~~The persons to whom services are being provided,~~
- b) ~~Services being provided,~~
- e) ~~That the client meets the established eligibility criteria for the service as specified in the Title XX Projected Expenditure Report, the client has a need for the service being provided, and the client is likely to benefit from the service(s), and~~
- d) ~~The dates of service eligibility and specific service provision.~~

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

Section 130.50 Purchase of ~~Of~~ Services

The Department ~~Allied agencies~~ may purchase social services for eligible clients through the

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Title XX Social Services Block Grant under the following conditions:

- a) A written contractual agreement must be executed between the ~~Department-allied agency~~ and the service provider ~~that which~~ meets all requirements of the Illinois Procurement Code [30 ILCS 500] Purchasing Act (Ill. Rev. Stat. 1983, ch. 127, pars. 132.1 et seq.), ~~policies and procedures of the allied agency~~, and federal regulations (45 CFR 96, 2001-1983) established for the administration of the Title XX Social Services Block Grant program. ~~(See SUBPART B of this Part for specific requirements relating to a service provider(s) participating in the Local Initiative Fund).~~
- ~~b) —~~ ~~Where applicable, rates of payment for purchased services may not exceed rates established by the Governor's Purchased Care Review Board which may be found through the Office of Health Finance, Department of Public Health (see Department of Children and Family Services 89 Ill. Adm. Code 356 for Rate Setting).~~
- be) The service provider is subject to audit under terms of the contractual agreement contract in accordance with 42 USC 1397(e) and Section 130.85-130.80 of this Part.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.60 Record Retention

- a) ~~Service providers must~~ Each allied agency which participates in the program shall maintain or, in the case of contract service providers, assure the maintenance of records as enumerated in the contractual agreement, necessary for the proper and efficient administration of services provided with Title XX Social Services Block Grant funds. ~~Such records include: records regarding application for services and documentation of eligibility, the provision of a specific service, the administrative costs, and statistical and fiscal records.~~
- b) In accordance with the contractual agreement, all ~~All~~ records shall be maintained for a period of five ~~three~~ years beyond the close of the fiscal year in which the expenditures occurred, unless there is an audit in which case the records shall be maintained until the audit is concluded.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

Section 130.70 Fees For Purchased Services (Repealed)

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- ~~a) Allied agencies may provide for a schedule of fees to be associated with a service or set of services provided under the Title XX Block Grant Program. Proposal for fees for service must be submitted to the Department for review. A schedule of fees must meet the following conditions:~~
- ~~1) The maximum fee for a service may not exceed the cost of the service.~~
  - ~~2) The fee for service must be related to the individual's or family's ability to pay.~~
  - ~~3) Fee schedules must be officially promulgated in allied agency policy and/or state administrative rule as appropriate.~~
  - ~~4) Fee schedules may be different for different services or different geographic areas but must be consistent within geographic areas, as established by the allied agencies, and service type as established in the Title XX Projected Expenditure report.~~
  - ~~5) Fees may not serve to compensate a contract service provider for a unit of service rate which exceeds a rate established for that service by the Governor's Purchased Care Review Board and/or the Purchase of Service Contract.~~
  - ~~6) There must be a written guidelines for collection and disposition of fees including minimum requirements detailing procedures which must be followed to collect fees.~~
- ~~b) Specific geographic areas or classes of individuals may be exempted from fees if it can be documented that:~~
- ~~1) There is a pervasiveness of poverty in the geographic area (according to annual poverty guidelines published annually by the United States Department of Agriculture or the Department of Health and Human Services in the Federal Register); or~~
  - ~~2) The imposition of a fee for certain individuals would detract from the effectiveness of the service.~~
- ~~c) Allied agencies which have a schedule of fees for a service funded through the Title XX Block Grant must advise service providers of the schedule of fees and the requirements for fee collection and disposition.~~

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- ~~d) — Service providers must assess fees, make a reasonable effort to collect fees, and maintain records which document assessment, collection and disposition of fees. A reasonable effort to collect fees includes: Documentation that fees are actually collected to a significant degree in accordance with the guidelines for the collection and disposition of fees established by the allied agencies and approved by the Department and collection notices are routinely issued by the service provider.~~
- ~~e) — No fees for Title XX services shall be imposed by a service provider other than those set by the allied agency through an approved schedule of fees.~~

(Source: Repealed at 27 Ill. Reg. 9452, effective June 9, 2003)

Section 130.71 Fees For Services Provided Through Grants-In-Aid (Repealed)

~~Allied agencies may provide for fees to be associated with a service or set of services funded through Title XX and provided by programs receiving grants-in-aid. Fee schedules must meet the following conditions:~~

- ~~a) — The maximum fee for a service may not exceed the cost of providing the service.~~
- ~~b) — The fee for service must be reasonably related to the individual's or family's ability to pay (i.e., no fees are assessed to any recipient of a financial assistance program established by the State or Federal government and the fees at the upper end of the schedule must approximate actual cost of the services).~~
- ~~c) — Guidelines for the development of fee schedules of Grant In Agencies must be officially promulgated in allied agency policy and/or state administrative rule as appropriate.~~
- ~~d) — Fees may not serve to compensate a contract service provider in excess of the total amount specified in the grant proposal. Excess fees must be used to offset State grant in-aid funds.~~
- ~~e) — There must be written guidelines for collection and disposition of fees including minimum requirements detailing procedures which must be followed to collect fees.~~

(Source: Repealed at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.80 Reporting Requirements

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Annually service providers shall provide the Department, in a manner set forth in the contractual agreements, with reports pertaining to activities carried out with Title XX Social Services Block Grant funds. The Department reserves the right to require additional reporting based on data collection needs.

- a) ~~Annually each allied agency shall provide the Department with information concerning the socio-demographic characteristics, or other documentable characteristics of individuals or families being served by the allied agency. The information, submitted in such manner and such form as prescribed by the Department, shall include actual or projected expenditure categories of clients served by service, socio-demographic data, and other information necessary to meet requirements of Federal and State law and regulations related to each specific service offered by the allied agency through funds made available by the Title XX Social Services Block Grant.~~
- b) ~~Allied agencies shall provide the Department with reports concerning the activities carried out with Title XX Block Grant funds. Reports are to include the actual expenditures and categories of clients served.~~
- c) ~~The Department shall, not less frequently than every two years, cause the records of expenditures and services delivered by allied agencies with Title XX Block Grant Program funds to be audited. Such audits shall be conducted by an independent entity in accordance with generally accepted auditing principles (Standards for Audit of Governmental Organizations, Programs, Activities and Functions (1981)).~~

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

Section 130.85 Reporting and Audit Requirements

- a) The Department shall, not less frequently than every two years, cause the records of expenditures and services delivered by service providers receiving Title XX Social Services Block Grant funds to be audited in a manner set forth in the contractual agreements.
- b) Such audits shall be conducted by an independent entity in accordance with generally accepted auditing standards, Government Auditing Standards (1988) and OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations".

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- c) A representative sample of service providers' client case records shall be tested for compliance with reporting requirements established in Section 130.46 of this Part and reconciled to monthly service reports forwarded to the Department.
- d) For those contracts requiring the service provider to obtain/provide matching funds, a representative sample of the service providers' matching fund receipts/transfers shall be tested for compliance with the requirements established in Subpart B, Sections 130.150 through 130.160 of this Part.

(Source: Added at 27 Ill. Reg. 9452, effective June 9, 2003)

## SUBPART B: LOCAL INITIATIVE FUND PROGRAM

Section 130.100 Applicability ~~of~~ Other Sections

Subpart A of this Part is applicable to the Local Initiative Fund ~~and Special Purpose Trust Fund.~~

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.110 Overview

- a) The Local Initiative Fund was established to make a portion of the Title XX Social Services Block Grant ~~Federal~~ monies received by the Department available to local public and private service providers. This fund is also the mechanism for funding the Donated Funds Initiative.
- b) The Department will make use of the Local Initiative Fund as governed by the appropriations authority established by the Illinois General Assembly (Section 12-10.1 of the Illinois Public Aid Code [305 ILCS 5/12-10.1]) for the purpose of purchasing social services. This authority is through the appropriation from the Local Initiative Fund, which is the designated account into which the Department receives federal funds and out of which it reimburses up to 75% of the costs of services provided under the Donated Funds Initiative.
- c) The Department shall decide if and when to co-fund service programs utilizing locally generated funds for a portion of the service program. This decision will be based upon the ability of the provider to assure the availability of the co-payment share, the eligibility of the services to be provided, past experience with the provider in the provision of services, record keeping and general contractual compliance, availability of State and ~~federal~~ federal funds, the need for the service in the geographic area as evidenced by research available to the

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Department concerning the need for services, the recommendations of sponsoring allied agencies and the best interests of the client population. The Department reserves the right to unconditionally refuse to contract with any provider. Opportunities may will be made available to sponsoring allied agencies to solicit proposals from service providers under the donated funds initiative, through issuance of a Request for Proposal at such times as funds are available due to increases in the an agency's allocation or the withdrawal of an existing provider. All But in all cases the conditions for funding eo-funding must be approved by the Department.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.120 Program Administration

- a) The Local Initiative Fund is administered by the Department through contracts with public with allied agencies, local governmental units and private non-profit agencies that which provide social services to people who are elderly, people with developmental disabilities, neglected children and adults, people with physical disabilities, offenders and ex-offenders, victims of domestic violence and other low-income individuals. Aid to Families with Dependent Children (AFDC) recipients and other low income individuals.
- b) Public Allied agencies, local governmental units and private non-profit service providers are subject to the supervision of the Department for the management of the Local Initiative Fund and Donated Funds Initiative program programs.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.130 Request For Proposal

If previously obligated or new funds are made available, the Department may prepare a Request for Proposal, in accordance with Central Management Services Standard Procurement rules (44 Ill. Adm. Code 1). The Request for Proposal will contain information that describes the Donated Funds Initiative including the 25% (10% for family planning services) match requirement, the services to be provided, the target population, the activities that may be expected of the service provider and the Department and the evaluation criteria.

- a) ~~Allied agencies which are making a portion of their Donated Funds Initiative allocation available for new providers or programs must prepare Request For Proposal in accordance with Central Management Services' Standard~~

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~~Procurement Rules (Sections 1.0 through 23.70).~~

- ~~b) The Request for Proposal must contain information which describes the Title XX Donated Funds Initiative, the services the allied agency is seeking to provide, the target population and the activities which may be expected of both the allied agency and the provider.~~

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

Section 130.140 ~~Sponsoring Allied~~ Agency Responsibilities

Each ~~sponsoring allied~~ agency must:

- ~~a) Design and implement procedures which assure an open and fair process for awarding available monies (i.e. the process must be a public process available to all service providers and at least advertised in the State recognized newspaper, and be in accordance with the Illinois Purchasing Act [30 ILCS 505];~~
- ~~b) Design procedures to assure timely communication of all policies, procedures and guidelines to all applicants (i.e. normally at least 30 days written notice, provider workshops or other direct technical assistance);~~
- ~~ae) Provide reasonable and necessary technical assistance to applicants (i.e., clarifications and instructions on completing materials);~~
- ~~bd) Advise Inform the Office for Social Services of the Department of Human Services, prior to issuing the Request For Proposal of programmatic changes in programs or targeted client populations that which may require revisions in the Report on Projected Expenditures for the report describing the intended use of Title XX Social Services Service Block Grant, and Funds;~~
- ~~e) Provide to the Office for Social Services, upon request, information regarding the current status of the agency's local initiative fund activities;~~
- ~~cf) Assure that each service provider receives instructions and all necessary forms to document and report service provision and financial information and, where applicable, determine eligibility; and~~
- ~~g) Develop management controls to assure equity in the distribution of funds across allied agency service and geographic areas.~~

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(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.150 Funding Mechanism

~~Public Local public~~ or private not-for-profit agencies providing services funded through the Local Initiative Fund are required to provide cash and in-kind contributions for 25% of the cost of the program being funded ~~through the purchase of service contract~~ (10% in the case of family planning Family Planning services). No more than 15% (4% in the case of family planning services) of the total cost of the program may be represented by in-kind contributions. The other 75% (90% in the case of family planning Family Planning services) is made available from federal funds provided through the Title XX Social Services Block Grant.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.152 Sources of Local Funds

- a) Local funds constitute 25% (10% for family planning services) share of expenditures when the funds are provided for in either of two ways:
  - 1) Transferred Funds or In-kind Contributions – Contributing non-federal agencies or individuals make cash transfers of funds directly to the service provider for subsequent expenditure on services or qualifying non-cash contributions. These funds/contributions must be placed in ~~a~~ separate accounts account, or otherwise separately identified along with the State's share of the funds identified in the Donated Funds Initiative agreement ~~donated funds initiative contract~~.
  - 2) Certification of Expended Funds – Public agencies may certify that their expenditures were for Title XX eligible services to eligible individuals.
- b) In subsection (a)(1), the funds/contributions are donated by or to the provider and are under the provider's administrative control prior to billing the Department. The value of third-party, in-kind goods and services must be verifiable in the service provider's records and directly benefit, and be specifically identifiable to, the project or program. In subsection (a)(2), no transfer takes place; rather, the contributing public agency retains the administrative control and certifies to the State that 100% of the costs reported to the Department of its program were incurred for Title XX eligible services. In turn, the State reimburses the agency for 75% (90% for family planning services) of the service services costs.
- c) Local public agencies whose co-payment share (or certified expenditures) are

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derived from sources in addition to their own tax generated monies must segregate private sources from public sources of funds, and all funds must be unencumbered at the time of utilization in the program and meet all ~~federal~~ ~~Federal~~ and State restrictions. Otherwise, funds from private vendors must be regarded as private funds and are not subject to certification.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

Section 130.154 Sources of Locally Generated Funds and In-kind Contributions Used to Match Title XX Funds

- a) ~~In-kind contributions~~ ~~Donations~~ or co-payment funds from private or public sources may not be derived from ~~consist of~~ restricted ~~federal~~ ~~Federal~~ or State funds, nor may ~~they~~ ~~the donations or co-payment funds~~ be used as the match for other ~~federal~~ ~~Federal~~ or State programs.
- b) Funds derived from this program may not be used as match to gain additional ~~federal~~ ~~Federal~~ or State funds except as provided by law.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

Section 130.160 Reimbursement Process – Donations (Transferred Funds or Co-Payments)

- a) Contributing public or private agencies make cash transfers or establish special accounts or ledgers equal to 25% (10% for family planning services) of their contract.
- b) No payment will be made to a provider without documentation that 25% (10% for family planning services) of the vouchered amount (local match) has been received by the provider and is in a separate account or separately identified in the provider's books. The service provider will then be reimbursed by the State for 75% (90% for family planning services) of the eligible amount. All agreements and requirements for the reimbursement process are contained in the Community Services Agreement.
- c) In the event costs are determined inappropriate for claiming:
  - 1) The State will assume financial responsibility for 75% (90% for family planning services) share when the Department has determined through audit procedures that the reason for the deferral, disallowance or costs that are determined inappropriate for claiming is not directly related to a

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violation of the Community Services Agreement Purchase of Service Contract by the service provider.

- 2) The service provider must assume full financial responsibility if a violation of the agreement contract requirements by the service provider has occurred, as determined by the Secretary of the Department.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

Section 130.161 Advance Disbursement System (Repealed)

~~Allied agencies may elect to utilize the Advance Disbursement System to stabilize providers cash flow situation by extending funding to providers based on anticipated contractual expenditures.~~

- a) ~~Allied agencies which elect to participate in the Advance Disbursement System must do so prior to the beginning of each fiscal year and the decision may not be rescinded during the course of the fiscal year.~~
- b) ~~The allied agency's decision to participate in the Advance Disbursement System must be applicable to all providers funded through the agency.~~
- c) ~~The provider must submit a completed Illinois Department of Human Services Donated Fund Initiative Fiscal Summary Report/Invoice Voucher (DHS-1943) at the beginning of the contract period to initiate advance disbursement.~~
- d) ~~Following initial submission of DPA-1943 the provider must submit a new DPA-1943 monthly with a Illinois Department of Human Services, Donated Funds Initiative. Providers Detailed Statement of Cases, Invoice Voucher Back Up (DHS-1946).~~
- e) ~~Reconciliation of overpayments which may occur through the Advance Disbursement System will be made at the conclusion of the contract period.~~

(Source: Repealed at 27 Ill. Reg. 9452, effective June 9, 2003)

## Section 130.162 Reimbursement Process (Certification of Expended Funds)

- a) Public agencies may certify that they made expenditures for Title XX eligible services to eligible clients. Certification of expenditures involves no cash transfer. The certifying agency provides the 25% (10% for family planning

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services) match by providing for 100% of the costs and is then reimbursed by the State for 75% (90% for family planning services) of the eligible expenditures. All agreements and requirements for the reimbursement ~~this~~ process are contained in the Community Services Agreement-Purchase of Service Contract.

- b) Financial liability resulting from a deferral or disallowance or a determination that costs are not eligible for reimbursement must be borne solely by the certifying public agency.

(Source: Amended at 27 Ill. Reg. 9452, effective June 9, 2003)

Section 130.170 Assignment of Budget Costs (Repealed)

~~Service providers shall develop project costs and allocate them to program budget as line items. Costs included in any budget must:~~

- ~~a) Be necessary to and reasonable for proper and efficient program operation (based on comparison and statistical relationship to similar programs);~~
- ~~b) Be in accordance with State and/or Federal law and regulations applicable to this program (Title XX legislation and regulation (42 USC 1397 et seq. and 45 CFR 96) and the Illinois Purchasing Act (Ill. Rev. Stat. 1983, ch. 127, par. 132.1 et seq.);~~
- ~~e) Be related to the provision of Title XX services rendered to a Title XX eligible client; and~~
- ~~d) Conform to generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants.~~

(Source: Repealed at 27 Ill. Reg. 9452, effective June 9, 2003)

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- 1) Heading of the Part: Illinois Athletic Trainers Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1160
- 3) Section Numbers: Adopted Action:

1160.40	Amendment
1160.50	Amendment
1160.60	Amendment
1160.64	New Section
1160.65	Amendment
1160.70	Repealed
- 4) Statutory Authority: Illinois Athletic Trainers Practice Act [225 ILCS 5].
- 5) Effective Date of Amendments: June 9, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: January 10, 2003, at 27 Ill. Reg. 450.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: Clarification is made that up to 10 hours of EMT training or recertification may be accepted toward the CE requirement.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No

## DEPARTMENT OF PROFESSIONAL REGULATION

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- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 1160.64 has been added to clarify the supervision of unlicensed individuals gaining experience as athletic trainers. Section 1160.65 is amended to allow CE credit for licensees who complete Emergency Medical Technician training or meet recertification requirements in accordance with 77 Ill. Code 515. Obsolete language has also been removed and other technical changes are made.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation

Attention: Barb Smith

320 West Washington, 3rd Floor

Springfield, Illinois 62786

217/785-0813 Fax: 217/782-7645

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

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1160  
ILLINOIS ATHLETIC TRAINERS PRACTICE ACT

## Section

1160.20	Examination
1160.30	Application for Licensure
1160.31	Approved Programs
1160.35	Fees
1160.40	Renewals
1160.50	Restoration
1160.60	Endorsement
<a href="#">1160.64</a>	<a href="#">Supervision</a>
1160.65	Continuing Education
1160.70	Annual Report of Board ( <a href="#">Repealed</a> )
1160.80	Granting Variances

AUTHORITY: Implementing the Illinois Athletic Trainers Practice Act [225 ILCS 5] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 4759, effective March 12, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 20731, effective December 1, 1986; amended at 11 Ill. Reg. 9939, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 60 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1160 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2935; amended at 20 Ill. Reg. 2408, effective January 29, 1996; amended at

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24 Ill. Reg. 3611, effective February 15, 2000; amended at 27 Ill. Reg. 9476, effective June 9, 2003.

## Section 1160.40 Renewals

- ~~a) — All current registration holders shall be required to obtain a new 2-year athletic trainer license and pay the current renewal fee by May 31, 1996.~~
- ~~a)b)~~ Each license issued under the Act shall expire on May 31 of even-numbered years. The holder of the license may renew the license during the month preceding the expiration date ~~thereof~~ by paying the required fee and completing 40 hours of continuing education in accordance with Section 1160.65.
- ~~b)e)~~ It is the responsibility of each license holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- ~~c)d)~~ Practice on an expired license shall be considered the unlicensed practice of athletic training and subject to discipline or other penalties set forth in Section 16 of the Act.
- ~~e) — Beginning with the May 31, 1998, renewal and every renewal thereafter, a renewal applicant shall complete 40 hours of continuing education in accordance with Section 1160.65 of this Part.~~

(Source: Amended at 27 Ill. Reg. 9476, effective June 9, 2003)

## Section 1160.50 Restoration

- a) A person seeking restoration of a license that has expired for less than 5 years shall have the license restored upon payment of \$20 plus all lapsed renewal fees as set forth in Section 1160.35(g) of this Part. ~~After May 31, 1998, a~~ Δ person seeking restoration of a license shall provide evidence of successful completion of 40 hours of continuing education in accordance with Section 1160.65 earned within the 2 years immediately preceding the restoration.
- b) A person seeking restoration of a license that has been placed on inactive status for less than 5 years shall have the license restored upon payment of the current renewal fee specified in Section 1160.35(d) of this Part. ~~After May 31, 1998, a~~ Δ person seeking restoration of a license shall provide evidence of successful completion of 40 hours of continuing education in accordance with

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Section 1160.65 earned within the 2 years immediately preceding the restoration.

- c) A person 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 Department, together with the fees set forth in subsections (a) and (b) ~~above~~. The application shall also include one of the following documents:
- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of ~~the said~~ active practice; or
  - 2) An affidavit attesting to military service as provided in Section 12 of the Act; or
  - 3) Other evidence of continued active participation in athletic training for at least the last 2 years.
    - A) ~~The~~ Such evidence shall show that he/she has been employed in a responsible capacity under the supervision of a licensed athletic trainer; or
    - B) Been an officer or employee of the United States government as a practicing athletic trainer; or
    - C) Been teaching athletic training in a college or university; or
    - D) Has attended, during the 2 years preceding application for restoration, athletic training educational programs conducted by an accredited college or university or a professional athletic training association or similar program approved by the Department upon recommendation of the Illinois Board of Athletic Trainers. After May 31, 1998 an applicant shall submit proof of 40 hours of continuing education in accordance with Section 1160.65 of this Part.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 12 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.

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- e) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the Department because of lack of information, discrepancies or conflicts in information given or a need for clarification, the person seeking restoration of a license shall be required to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an ~~interview~~ ~~interviews~~ before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Department, an applicant shall have the license restored.

(Source: Amended at 27 Ill. Reg. 9476, effective June 9, 2003)

## Section 1160.60 Endorsement

- a) An applicant seeking licensure in Illinois who is licensed/registered under the laws of another jurisdiction shall file an application with the Department, on forms provided by the Department, ~~that~~ ~~which~~ includes:
- 1) Certification of education;
  - 2) Proof of successful completion of the examination set forth in Section 1160.20 of this Part;
  - 3) Certification from the state or territory of the United States in which the applicant was originally licensed, and the states in which the applicant is currently licensed, stating:
    - A) The time during which the applicant was licensed/registered in that jurisdiction;
    - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
    - ~~C) A brief description of the licensure examination taken and the scores received.~~
- b) The Department may request additional information to determine if the requirements in the state or territory of original licensure were substantially

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equivalent to the requirements then in effect in Illinois or to determine whether the requirements of another state or territory, together with education and professional experience qualifications of the applicant, are substantially equivalent to the requirements in Illinois at the time of application.

- c) The Department shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

(Source: Amended at 27 Ill. Reg. 9476, effective June 9, 2003)

#### Section 1160.64 Supervision

Individuals, who are completing a course of study in an approved educational program who are performing athletic training as a part of their supervised experience, or any person who is fulfilling the 1500 hours supervised work experience for licensure pursuant to Section 4(3) and (4) of the Act, shall be supervised by a licensed athletic trainer. If the experience has been completed in another state where licensure is not required, the experience shall be under the supervision of a NABOTC certified athletic trainer.

(Source: Added at 27 Ill. Reg. 9476, effective June 9, 2003)

#### Section 1160.65 Continuing Education

- a) Continuing Education Hour Requirements
  - 1) Beginning with the May 31, 1998, renewal and for every renewal thereafter, renewal applicants shall complete 40 hours of Continuing Education (CE) relevant to the practice of athletic training during each prerenewal period. The Department shall conduct audits to verify compliance with this Section. The prerenewal period is the 24 months preceding the expiration date of the license.
  - 2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
  - 3) Athletic trainers licensed in Illinois but residing and practicing in another state must comply with the CE requirements set forth in this Section.
- b) Activities for which CE credit may be earned are as follows:
  - 1) Verified attendance or participation in any continuing education course

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approved by the National Athletic Trainers' Association Board of Certification or the Illinois Athletic Trainers' Association.

- 2) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1) of this Section.
- 3) A maximum of 26 hours per prerenewal period for:
  - A) Papers prepared for or delivered before recognized athletic trainer organizations;
  - B) Papers published in nationally recognized athletic training journals;
  - C) Writing a chapter in a book about athletic training;
  - D) Self-study courses taken through an accredited college or university or an approved sponsor; and
  - E) Training taken via teleconferencing with a live moderator through an accredited college or university or an approved sponsor.
- 4) A licensee who has completed an Emergency Medical Technician training program for EMT-B, EMT-I or EMT-P certification in accordance with 77 Ill. Adm. Code 515 or who has taken continuing education for renewal of those certifications in accordance with 77 Ill. Code 515.590 may apply those hours toward meeting the continuing education hours set forth in this Section.
- 5)4) A licensee who serves as an instructor, speaker or discussion leader of a course given by an approved sponsor will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course. In no case shall credit for actual time of presentation and preparation be given for more than 9 hours during any renewal period.
- 6)5) The continuing education hours used to satisfy the CE requirements for renewal of an athletic trainer license held in another jurisdiction shall be applied toward the CE requirements for renewal of an Illinois athletic trainer license.

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- ~~7)6)~~ Three semester hours of course work relevant to athletic training completed at an accredited college or university. One semester of course work is equivalent to 15 hours of CE and one quarter of course work is equivalent to 10 hours of CE.
- ~~8)7)~~ A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
- ~~9)8)~~ Cardiopulmonary resuscitation (CPR) certification by the American Red Cross, American Heart Association, National Safety Council, or their international affiliates, or automated external defibrillation (AED) certification by the American Red Cross or other qualified organization as authorized by the Automated External Defibrillator Act. Five hours of continuing education may be earned for one CPR or AED certification. No more than 2 certifications may be submitted per renewal.

## c) CE Sponsors and Programs

- 1) Sponsor, as used in this Section, shall mean:
- A) The National Athletic Trainers' Association Board of Certification or the Illinois Athletic Trainers' Association;
  - B) Any other school, college or university, State agency, or any other person, firm or association that has been approved and authorized by the Department to coordinate and present continuing education courses and programs in conjunction with this Section.
- 2) An entity seeking approval as a CE sponsor shall file an application, along with the required fee set forth in Section 1160.35(e) of this Part, which includes:
- A) Certification:
    - i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(5) below and all other criteria in this Section;
    - ii) That the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(7);

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and

- iii) That, upon request by the Department, the sponsor will submit ~~such~~ evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;
  - B) A copy of a Certificate of Attendance or Participation ~~that which~~ meets the requirements set forth in subsection (c)(7); and
  - C) A sample of a CE course ~~that which~~ includes, but is not limited to, course materials, books, instructor credentials.
- 3) Each sponsor shall submit by May 31 of even numbered years a renewal application along with the required renewal fee set forth in Section 1160.35(f) of this Part. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the past 2 years, which includes a description, location, date and time the course was offered.
- 4) State agencies, colleges and universities shall submit a sponsor application in accordance with subsections (c)(2) and (3) ~~above~~; however, they shall be exempt from payment of the fee.
- 5) All courses and programs shall:
- A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of athletic training;
  - B) Specify the course objectives, course content and teaching methods to be used;
  - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and

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- E) Include some mechanism whereby participants evaluate the overall quality of the program.
- 6) All programs given by sponsors shall be open to all licensed athletic trainers and not be limited to the members of a single organization or group.
  - 7) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation which shall contain the following information:
    - A) The name, address and license number of the sponsor;
    - B) The name and license number of the participant;
    - C) A brief statement of the subject matter;
    - D) The number of clock hours actually attended in each program;
    - E) The date and place of the program; and
    - F) The signature of the sponsor.
  - 8) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(7) ~~above~~ for not less than 5 years, except for the signature of the sponsor.
  - 9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
  - 10) The Department, upon recommendation of the Board, shall withdraw, suspend or place on probation the approval of a CE sponsor when, at any time, the quality of the CE fails to meet the established criteria as set forth in this Section or if the sponsorship approval was based upon false or deceptive information or if any other related license of the sponsor or instructor is suspended, revoked or otherwise disciplined.
  - 11) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any continuing education program at any time.

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- 12) The Department shall maintain a list of all approved continuing education sponsors.
- d) Continuing Education Earned in Other Jurisdictions-
- 1) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, the applicant is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(5) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted at least 90 days prior to the expiration date of the license.
  - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$20 processing fee plus a \$10 per CE hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
- e) 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), ~~above~~.
  - 2) The Department 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~~ Such additional documentation will be required in the context of a Department 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).

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- f) Restoration of Nonrenewed License. Upon evidence of compliance with CE requirements, the Department may restore the license upon payment of the required fee.
- g) 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 Department a renewal application, the required renewal fee, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of these facts. The applicant may request an interview with the Board at the time of the waiver request. If the Department, 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 Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
  - 2) If an interview with the Board is requested at the time the request for ~~such~~ waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of ~~the such~~ interview by certified mail, return receipt requested.
  - 3) Extreme hardship shall be determined on an individual basis by the Board 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 illness, 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 Section.

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shall be deemed to be in good standing and may practice until the Department's final decision on the waiver has been made.

(Source: Amended at 27 Ill. Reg. 9476, effective June 9, 2003)

Section 1160.70 Annual Report of Board [\(Repealed\)](#)

~~The Illinois Board of Athletic Trainers (the Board) shall submit a written report, on an annual basis, to the Director in which it shall evaluate its own and the Department's performance, inform the Department of practice developments within the athletic training profession, and provide recommendations for statutory or regulatory program changes.~~

(Source: Repealed at 27 Ill. Reg. 9476, effective June 9, 2003)

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Regulations under Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) Section Numbers: 130.492 Adopted Action: Added
- 4) Statutory Authority: 815 ILCS 5/1
- 5) Effective Date of Rules(s): June 9, 2003
- 6) Does this rulemaking contain an automatic repeal date? \_\_\_\_ Yes XX No  
If so, please specify date: \_\_\_\_\_
- 7) Does this (these) rule(s) contain incorporations by reference? No
- 8) A statement that a copy of the adopted rule including any material incorporated, is on file in the agency's principal office and is available for public inspection. Yes
- 9) Notice(s) of Proposed Published in the Illinois Register:  
December 20, 2002, 26, Ill. Reg. 8771 (issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) rules(s)? If answer is "yes," please complete the following: No
  - A) Statement of Objection: \_\_\_\_\_, \_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)
  - B) Agency Response: \_\_\_\_\_, \_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)
  - C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A
- 13) Will this (these) rule(s) replace an emergency rule currently in effect? No

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- 14) Are there any amendments pending on this Part? No

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
------------------------	------------------------	-----------------------------------

- 15) Summary and Purpose of Rule(s): This amendment is to add specific exemption from registration.

Section 130.492 Added to remedy certain transactions for Canadian citizens temporarily residing in Illinois.

- 16) Information and questions regarding this (these) adopted rule(s) shall be directed to:

Name: Vickie Moseley

Address: 520 South Second Street, Springfield, Illinois 62701

Telephone: (217) 524-0654

- 17) Does this (rule/amendment/repealer) require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code?

[30 ILCS 500/5- 25] No

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

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE  
SUBTITLE A: REGULATION OF BUSINESS  
CHAPTER I: SECRETARY OF STATEPART 130  
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

## SUBPART A: RULES OF GENERAL APPLICATION

## Section

- 130.100 Business Hours of the Securities Department
- 130.101 Computation of Time
- 130.110 Payment of Fees
- 130.120 Place of Filing
- 130.130 Date of Filing
- 130.135 Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
- 130.140 Requirements as to Proper Form
- 130.141 Additional Information
- 130.142 Additional Exhibits (Repealed)
- 130.143 Information Unknown or Not Reasonably Available
- 130.144 Requirements as to Paper, Printing, and Language
- 130.145 Number of Copies--Signatures
- 130.190 Provisions for Granting of Variance from Rules

## SUBPART B: DEFINITIONS

## Section

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 133.200 Definitions of Terms Used in the Act and the Rules
- 130.201 Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
- 130.202 Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
- 130.205 Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
- 130.210 Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
- 130.211 Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6, 7 or 8 of the Act
- 130.212 Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)
- 130.215 Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
- 130.216 Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions
- 130.220 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
- 130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
- 130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
- 130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
- 130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed)

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- 130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed)
- 130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
- 130.242 Definition of the Term "Financial Institution" under Section 4.C of the Act
- 130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4.F(1) of the Act
- 130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
- 130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G of the Act and "General Advertising or General Solicitation" Under Sections 4.G, 4.H, 4.M and 4.R of the Act
- 130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
- 130.248 Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act
- 130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act
- 130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act
- 130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
- 130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act
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Federal Covered Investment Adviser, as Used in Section 8 of the Act

- 130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
- 130.285 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
- 130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities involving an Oil, Gas or Other Mineral Lease, Right or Royalty

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- 130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees
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- 130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act
- 130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act
- 130.440 Procedures for Filing Reports of Sale under Section 4.G of the Act
- 130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
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130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act

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- 130.821 Reporting of Dealer Branch Office Location(s) and Required Fees
- 130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer
- 130.823 Procedure for Requesting Waiver of Dealer, Salesperson, Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements
- 130.824 Financial Statements to be Filed by a Registered Dealer
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- 130.837 Transition to Electronic Filing
- 130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act
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- 130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act
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- 130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D(9) of the Act Prior to Registration as an Investment Adviser
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- 130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements
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130.1520 Request for Non-Binding Statements

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130.1701 Inspection of Applications

130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records

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130.APPENDIX A Uniform Consent to Service of Process

130.APPENDIX B Uniform Application to Register Securities

130.APPENDIX C Uniform Application for Broker-Dealer Registration

130.APPENDIX D Subordinated Loan Agreement for Equity Capital

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1,

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1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7401, effective May 1, 2000; emergency amendment at 25 Ill. Reg. 973, effective January 1, 2001, for a maximum of 150 days; emergency expired May 30, 2001; amended at 25 Ill. Reg. 8817, effective July 6, 2001; amended at 26 Ill. Reg. 14843 effective September 30, 2002; amended at 27 Ill. Reg. 9490, effective June 9, 2003.

Note: Capitalization denotes statutory language

## SUBPART D: EXEMPT TRANSACTIONS

[Section 130.492 Exemption from Registration for Certain Canadian Broker-Dealers and Agents and for Transactions Effected by Certain Canadian Broker-Dealers.](#)

- a) [A broker-dealer who is a resident of Canada and who has no office or other physical presence in this State is exempted from the broker-dealer registration requirements in Section 8 of the Act, provided the broker-dealer:](#)

  - 1) [is registered with or is a member of a self-regulatory organization in Canada, stock exchange in Canada or the Bureau des Services Financiers;](#)
  - 2) [maintains in good standing its provincial or territorial registration and its registration with or membership in a self-regulatory organization in Canada, stock exchange in Canada or the Bureau des Services Financiers; and](#)
  - 3) [effects or attempts to effect transactions in securities only;](#)

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## NOTICE OF ADOPTED AMENDMENTS

- A) with or for a person from Canada who is temporarily present in this State with whom the Canadian person had a bona fide business-client relationship before the person entered this State;
  - B) with or for a person present in this State whose transactions are in a Canadian self-directed tax advantaged retirement account of which the person is the holder or contributor.
- b) Salesperson registration under Section 8 of the Act is not required if the salesperson:
- 1) represents a Canadian broker-dealer acting in accordance with the provisions of subsection (a) of this Section; and
  - 2) is registered and maintains in good standing the agent's provincial or territorial registration.
- c) An offer or sale of a security is exempt from the securities registration requirements of Sections 5, 6, and 7 of the Act if the offer or sale is effected by a Canadian broker-dealer acting in accordance with the provisions of subsection (a) of this Section.

(Source: Amended at 27 Ill. Reg. 9490, effective June 9, 2003)

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 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 June 3, 2003 through June 9, 2003 and have been scheduled for review by the Committee at its July 8, 2003 meeting in Chicago. 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.

Second Notice Expires	<a href="#">Agency and Rule</a>	Start Of First Notice	JCAR Meeting
7/16/03	<a href="#">Department of Public Aid</a> , Practice in Administrative Hearings (89 Ill. Adm. Code 104)	2/28/03 27 Ill. Reg. 3227	7/8/03
7/16/03	<a href="#">Department of Public Aid</a> , Medical Payment (89 Ill. Adm. Code 140)	2/28/03 27 Ill. Reg. 3241	7/8/03
7/17/03	<a href="#">Environmental Protection Agency</a> , Brownfields Redevelopment Grant Program (35 Ill. Adm. Code 885)	1/3/03 27 Ill. Reg. 37	7/8/03
7/18/03	<a href="#">Department of Natural Resources</a> , Camping on Department of Natural Resources Properties (17 Ill. Adm. Code 130)	4/4/03 27 Ill. Reg. 5704	7/8/03
7/18/03	<a href="#">Department of Natural Resources</a> , Squirrel Hunting (17 Ill. Adm. Code 690)	4/11/03 27 Ill. Reg. 6041	7/8/03

## EXECUTIVE ORDERS AND PROCLAMATIONS

## EXECUTIVE ORDERS

2003-14

**EXECUTIVE ORDER IN RESPONSE TO ORTHOPOX OUTBREAK**

WHEREAS, Illinois State authorities, as well as the United States Centers for Disease Control and Prevention (CDC) and Wisconsin State authorities, have determined that an indeterminate number of prairie dogs held by an exotic pet distributor in Illinois have been infected or may have been infected with an orthopox virus, which virus has been determined by the CDC to be monkeypox or a closely-related infectious agent;

WHEREAS, these prairie dogs have been held in close proximity with other animals of numerous species, some of which may be susceptible to infection with orthopox viruses, and these animals include Gambian rats which previously have been associated with transmission of orthopox viruses;

WHEREAS, a number of prairie dogs and other animals from the pet distributor in question have been transported in recent weeks to various other distributors, retailers and purchasers of exotic pets in Illinois and throughout the United States, through in-person sale transactions, pet swap events, internet sale transactions and other means;

WHEREAS, in recent days there have been 12 human illnesses in Wisconsin and 1 human illness in Illinois, in which the individuals have exhibited symptoms consistent with an orthopox virus;

WHEREAS, the CDC has conducted laboratory testing indicating that certain of these human cases have monkeypox or a closely-related infectious agent;

WHEREAS, there is reliable information that some of these individuals have had contact with prairie dogs from the exotic pet dealership in question;

WHEREAS, there previously have been no known human cases of monkeypox in the United States;

WHEREAS, monkeypox and other orthopox viruses are known to be contagious between and among certain animals and humans;

WHEREAS, monkeypox can cause serious human illness, and in some cases can be fatal; and

WHEREAS, it is necessary and appropriate for the State of Illinois immediately to take measures to protect the public's health in response to this orthopox outbreak.

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, I order the following:

1. The Illinois Department of Public Health (IDPH), in consultation with the Illinois Department of Agriculture, is directed immediately to:

- (a) Develop and implement a plan for handling animals in Illinois who are or may have been infected with or exposed to the orthopox virus, such plan to include provisions, as appropriate, for the quarantine, isolation or other

## EXECUTIVE ORDERS AND PROCLAMATIONS

## EXECUTIVE ORDERS

disposition of such animals, in order to protect public health; effective immediately, the following is prohibited in Illinois with respect to prairie dogs or Gambian rats until IDPH determines that the threat to the public health no longer exists: importation, sale or distribution, public display or any other activity that could result in unnecessary human contact.

(b) Develop and implement a plan for evaluating the presence of orthopox virus and related infectious material in facilities and equipment that has housed or is housing animals that are or may have been infected with or exposed to the orthopox virus, and to implement a plan for appropriate handling and disposition of such equipment and facilities.

2. IDPH is further directed immediately to undertake all necessary and appropriate epidemiological investigation and analysis, and other communicable disease precautions and measures as are appropriate to respond to this orthopox virus outbreak, in order to protect the public health.

3. All other state agencies, including without limitation the Illinois State Police, the Illinois Emergency Management Agency, and the Illinois Environmental Protection Agency, are directed to cooperate and assist in the implementation of this Executive Order.

This Executive Order is effective immediately upon filing with the Secretary of State.

Issued by the Governor: June 7, 2003

Filed with the Secretary of State: June 7, 2003

## EXECUTIVE ORDERS AND PROCLAMATIONS

## PROCLAMATIONS

**2003-154****June 9-15, 2003, as Men's Health Week**

WHEREAS, despite advances in medical technology and research, men continue to live an average of six years less than women, with African-American men having the lowest life expectancy; and

WHEREAS, educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems will result in reducing rates of mortality from disease; and

WHEREAS, men who are educated about the value of preventative health will be more likely to participate in health screening; and

WHEREAS, the Men's Health Network worked with the United States Congress to develop National Men's Health Week as a special campaign to help educate men and their families about the importance of positive health attitudes and preventative health practices; and

WHEREAS, Illinois Men's Health Week will focus on a broad range of men's health issues, including heart disease, diabetes, prostate, testicular, and colon cancer; and

WHEREAS, the citizens of the State of Illinois are encouraged to increase awareness of the importance of a healthy lifestyle, regular exercise, and medical check-ups;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 9-15, 2003, as MEN'S HEALTH WEEK in Illinois, and encourage all of our citizens to pursue preventative health practices and early detection efforts.

Issued by the Governor      June 05, 2003

Filed by the Secretary of State      June 09, 2003

**2003-155****June 6, 2003, as Macoupin County Laps for Life Day**

WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

WHEREAS, 255 new cases of cancer are estimated to occur in Macoupin County in 2003, and approximately 130 are expected to die from cancer this year; and

WHEREAS, the American Cancer Society is a voluntary community-based health organization, dedicated to eliminating cancer as a major health problem; and

WHEREAS, the Laps for Life is a "celebration of life" benefiting the American Cancer Society; and

WHEREAS, the Laps for Life is a community affair held throughout the County of Macoupin which presents an opportunity to benefit a worthy cause along with business associates, family, and friends; and

## EXECUTIVE ORDERS AND PROCLAMATIONS

## PROCLAMATIONS

WHEREAS, this is Macoupin County's seventh year in its fundraising efforts that have generated over \$150,000 in support of cancer research, advocacy, education in prevention and early detection, and services to cancer patients and their families;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 6, 2003, as MACOUPIN COUNTY LAPS FOR LIFE DAY in Illinois, and I encourage all families to join in celebration of this occasion.

Issued by the Governor      June 03, 2003

Filed by the Secretary of State      June 09, 2003

**2003-156****July 2003 as Lakes Appreciation Month**

WHEREAS, the State of Illinois is fortunate to have more than 84,000 lakes, ponds and reservoirs within its boundaries; and

WHEREAS, lakes and ponds are important resources to the State of Illinois' way of life and its environment, providing sources of recreation, scenic beauty and habitat for wildlife; and

WHEREAS, Illinois lakes are valuable economic resources for Illinois businesses, tourism and municipal governments; and

WHEREAS, thousands of citizen volunteers have demonstrated their interest in Illinois lakes by actively monitoring lake quality over the last 22 years through the Volunteer Lake Monitoring Program; and

WHEREAS, the State of Illinois recognizes the need to protect these lakes and ponds for future generations;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 2003 as LAKES APPRECIATION MONTH in Illinois.

Issued by the Governor      May 30, 2003

Filed by the Secretary of State      June 09, 2003

**2003-157****June 28, 2003, as Stop Blindness Day**

WHEREAS, there are over 31 million Americans who have eyesight loss preventing them from reading ordinary print; and

WHEREAS, the incidence of low vision leading to blindness increases yearly, making the need for medical eye research and low vision help an important priority; and

WHEREAS, Rentititis Pigmentosa (R.P.) International was founded by Helen Harris and her family for the purpose of bringing about awareness of degenerative

## EXECUTIVE ORDERS AND PROCLAMATIONS

## PROCLAMATIONS

blindness, and appropriating medical research funds to ensure better testing and quality of life programs for children and adults; and

WHEREAS, the organization has brought information to the White House and to the United States House and Senate regarding medical research and the needs of the blind community for the purpose of curing blindness and providing better quality education and employment opportunities to those suffering from impending blindness; and

WHEREAS, under the direction of R.P. International, the first medical book was written for scholars on eye diseases such as retinitis pigmentosa, night blindness, legal blindness, and programs including public service, the first telethon, newspaper articles, publicity, and talk show presentations to draw attention to the overlooked needs of the blind; and

WHEREAS, today, the medical research future for degenerative blindness has improved tremendously through these efforts, so that the hope for reversing blindness is now a reality for many citizens; and new audio description technology for motion pictures, and television has been brought to the forefront by the founder Helen Harris allowing blind viewers an equal opportunity to watch movies, television, and audio in keeping with the need for learning and information when eyesight fails;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 28, 2003, as STOP BLINDNESS DAY in Illinois.

Issued by the Governor          June 03, 2003

Filed by the Secretary of State          June 09, 2003

**2003-158****June 16-20, 2003, as Healthcare Risk Management Week**

WHEREAS, health care risk managers are responsible for the development and implementation of safe and effective patient care practices at many hospitals and healthcare systems throughout the State of Illinois; and

WHEREAS, healthcare risk managers play important roles on behalf of patients, their communities and the hospitals and healthcare systems they work for; and

WHEREAS, Chicago-area hospitals and healthcare systems continue to face significant pressures that may continue to significantly impact their ability to provide timely and appropriate health care to their patients and communities; and

WHEREAS, these pressures include triple-digit liability insurance rate increases, increasing costs of pharmaceuticals and new technologies, increased disaster preparedness and response efforts and shortages of nurses and other skilled caregivers; and

WHEREAS, health care risk managers often use their collective expertise in caregiving, finance, law and advocacy to provide a unique perspective that allows their organizations to develop innovative solutions to meet these pressures and continue provide quality health care to their patients and communities;

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim June 16-20, 2003, as HEALTHCARE RISK MANAGEMENT WEEK in Illinois.

Issued by the Governor      May 30, 2003

Filed by the Secretary of State      June 09, 2003

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE RESCINDED UNDER  
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") and 205 ILCS 635/4-5 (H), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has rescinded the fine of \$500 against Preferred Funding Services, Inc., License No. #5232 of Wrightstown, NJ a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 3, 2003.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Standards For Customer-Provided Inside Wiring (CPIW) (General Order 216) (Repealed)
- 2) Code Citation: 83 Ill. Adm. Code 740
- 3) Register citation of proposed or adopted rulemaking and other pertinent action: 27 Illinois Register 9023.
- 4) Explanation: The title of the part was published correctly in the table of contents but the notice page read as follows:

Standards for Customer-Provided Inside Wiring (CPIW)

The text page stated:

Standards for Customer-Provided Inside Wiring (CPIW) (Repealed)

And should have been published as:

Standards for Customer-Provided Inside Wiring (CPIW) (General Order 216)  
(Repealed)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Motor Carrier Safety Regulations: General
- 2) Code Citation: 92 Ill. Adm. Code 393
- 3) Register citation of proposed or adopted rulemaking and other pertinent action: 27 Ill. Reg. 9247.
- 4) Explanation: The effective date on the notice page was June 23, 2003. The correct effective date is June 2, 2003.

# ILLINOIS ADMINISTRATIVE CODE

## Issue Index

Rules acted upon in Volume 27, Issue 25 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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