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Editor's Note: A reminder to all Agencies submitting rules to the Administrative Code Division.
The office is closed on December 23 and December 26, for the Holiday.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Carnival and Amusement Ride Safety Act
- 2) Code Citation: 56 Ill. Adm. Code 6000
- 3)

<u>Section Numbers:</u>	<u>Proposed Action</u>
6000.10	Amend
6000.50	Amend
6000.85	Amend
6000.302	Amend
6000.305	Amend
6000.308	Amend
- 4) Statutory Authority: 430 ILCS 85/2-1 et seq.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will implement action taken by the Carnival-Amusement Safety Board at its July 14, 2005 special meeting and its September 14, 2005 public hearing. The Board believes that the amendments need to be updated to the latest industry accepted guidelines. The amendments create a definition of the term "Dune Buggy" and "Kiddie Kart" in the definitions; provide guidance for governmental bodies that operate carnival rides and/or attractions regarding the type of liability insurance governmental bodies need to maintain in order to operate amusement rides and/or attractions; increase inspection fees; and correct errors that were discovered when amendments to go-karts, dune buggies and all terrain vehicles were promulgated.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporation by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This proposed amendment does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Owners of carnival rides and amusement attractions.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The rulemaking was not anticipated because the Carnival-Amusement Safety Board and the Department discovered that there were errors to the rules to the go-karts, dune buggies and all terrain vehicle sections and a problem with governmental bodies complying with the insurance requirements of the Act and the rules.

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

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARDPART 6000
CARNIVAL AND AMUSEMENT RIDE SAFETY ACT

Section

6000.10	Definitions
6000.20	Exemptions
6000.30	Inspections
6000.40	Application for a Permit to Operate
6000.50	Permit, Inspection and Associated Fees
6000.60	Revocation of Permit to Operate (Repealed)
6000.65	Suspension of Permit to Operate
6000.70	Ride Design and Construction
6000.80	Insurance
6000.85	Requirements for Liability Insurance, Bond or Deposit of Security
6000.90	Penalties
6000.100	Appeals
6000.110	Assembly and Disassembly
6000.120	Operator Requirements
6000.130	Passenger Conduct
6000.140	Signal Systems
6000.150	Daily Inspection and Test
6000.160	Reports
6000.170	Maintenance
6000.180	Stop Operation Order
6000.190	Fire Prevention and Protection
6000.200	Internal Combustion Engines
6000.210	Means of Access and Egress
6000.220	Electrical Equipment
6000.230	Hydraulic Systems
6000.240	Air Compressors and Equipment
6000.250	Wire Rope
6000.260	Chain
6000.270	Inflated Amusement Attractions and Inflated Buildings
6000.280	Non-Destructive Testing
6000.290	Ski Lifts, Aerial Tramways, and Rope Tows
6000.300	Go-Karts, Dune Buggies, and All-Terrain Vehicles (Repealed)
6000.302	Outdoor <u>and Indoor</u> Concession Go-Karts

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

6000.305	Racing Indoor Concession Go-Karts
6000.308	Dune Buggies and All-Terrain Vehicles
6000.310	Water Slides (Repealed)
6000.320	Dry Type Slides
6000.330	Trams
6000.340	Bungee Jumping

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85].

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days; emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days; emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; emergency amendment at 16 Ill. Reg. 7716, effective May 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12436, effective August 1, 1992; amended at 16 Ill. Reg. 15415, effective September 28, 1992; amended at 17 Ill. Reg. 14910, effective September 1, 1993; amended at 18 Ill. Reg. 13384, effective September 1, 1994; amended at 21 Ill. Reg. 5135, effective April 15, 1997; amended at 21 Ill. Reg. 14954, effective December 1, 1997; amended at 24 Ill. Reg. 490, effective January 1, 2000; amended at 26 Ill. Reg. 871, effective January 9, 2002; amended at 28 Ill. Reg. 10569, effective July 19, 2004; amended at 30 Ill. Reg. _____, effective _____.

Section 6000.10 Definitions

In addition to those definitions found in Section 2-2 of the Carnival and Amusement Rides Safety Act (the Act) [430 ILCS 85/2-2], the following definitions shall apply for the purposes of this Part:

"Administrative Hearing Fee" means a fee assessed by the Department upon an operator when the Department issues a notice for an administrative hearing to suspend the Permit to Operate and/or collect past due fees.

"All-Terrain Vehicle" (ATV) means any vehicle designed and manufactured for off-road use.

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"Annual Inspection" is the official inspection of a ride or device made by the Director or his designee.

"ANSI" is the abbreviation for the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

"ASNT" is the abbreviation for the American Society for Nondestructive Testing, Inc., 1711 Arlingate Plaza, P.O. Box #28518, Columbus, Ohio 43228-0518.

"ASTM" is the abbreviation for American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.

"Carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides. (Section 2-2(5) of the Act)

"Concession Go-kart" means a go-kart specifically designed and manufactured for indoor and/or outdoor use [for up to 15 mph](#).

"Department" means Illinois Department of Labor. (Section 2-2 of the Act)

"Director" means the Director of the Illinois Department of Labor or his designee. (Section 2-2 of the Act)

"Dry Slides" means an inclined surface with a change in elevation of twenty feet or more upon which people slide or are conveyed.

["Dune Buggy" means a small vehicle generally made from standard compact rear engine chassis and prefabricated, often fiberglass body, originally equipped with wide low-pressure tires for driving on sand.](#)

"Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated. (Section 2-2(6) of the Act)

"In-line Riding" means one person in front of the other.

["Kiddie Kart" means karts that are designed for 75 pounds or less per passenger and go less than 10 mph.](#)

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"Kiddie Rides" are those rides which are designed for 75 pounds or less per passenger.

"Major Alteration" means a change in the type or capacity of an amusement ride or amusement attraction or a change in the structure or mechanism that materially affects its functions or operation. This includes, but is not limited to changing its mode of transportation from non-wheeled to a truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.

"Major Breakdown" means a stoppage of operation of an amusement ride or amusement attraction occurring from damage of a structural component.

"Major Rides" are those rides that are designed for more than 75 pounds per passenger unit.

"NFPA" is the abbreviation for National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

"Operator" means a person, or agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions. (Section 2-2 of the Act) For the purpose of this Part:

Owner means the person, partnership, company, corporation, or any other entity, or agency of the State or any of its political subdivisions, that owns an amusement ride or amusement attraction.

Agent means a person employed by the Owner to carry out the responsibilities of management on the Owner's behalf.

Manager means a person employed by the Owner and who is responsible to the Agent or the Owner for the day-to-day on-site management of the amusement rides and/or amusement attractions.

Attendant means a person employed by the Owner to physically operate an amusement ride or amusement attraction when it is open to the public.

Assistant means a person employed by the Owner to assist the Attendant

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in operating an amusement ride or amusement attraction when it is open to the public.

"Payment of Fees" as used in this Part shall be deemed made when the Department receives in the Springfield office all fees due as calculated on the application in the form of a check or money order made payable to "Illinois Department of Labor". All fees shall be paid before a permit to operate an amusement ride or an amusement attraction is issued.

"Permit" means a permit issued annually by the Department allowing an amusement ride or an amusement attraction unit to be operated in the State of Illinois.

"Public Use" means an operator of an amusement ride or amusement attraction does not prohibit or restrict access to the ride or attraction by members of the community, except as permitted under Section 2-19 of the Act and Section 6000.130 of this Part.

"Racing Go-Kart" means a go-kart specifically designed and manufactured for racing at 15 mph or more, for indoor or outdoor use.

"Roll Over Protection System" means a system that supports the combined driver and/or passenger weight capacity, as specified by the manufacturer, and the weight of the vehicle.

"Reinspection" is an inspection, other than the annual inspection made during the year, as a result of any necessary repairs not being completed while the inspector is on site.

"SAE" means the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale PA 15096-0001.

"Serious Injury" means an injury for which treatment by a licensed physician is required.

"Snell Foundation" means Snell Memorial Foundation, 3628 Madison Avenue, North Highlands CA 95660.

"Tram" means: *Any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the*

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secretary of state, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides. (Section 2-2 of the Act)

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 6000.50 Permit, Inspection and Associated Fees

Fees assessed under the Act will be:

a) Permit Fees

- 1) Kiddie Rides: \$10.00 each
- 2) Major Rides: \$25.00 each
- 3) Amusement Attractions: \$25.00 each
- 4) Ski Lifts, Aerial Tramways, and Rope Tows: \$25.00 each
- 5) Inflated Amusement Attractions: \$10.00 each
- 6) Permit issued upon resolution of a Stop Operation Order: \$10.00 each

b) Inspection Fees

- 1) Kiddie Rides: \$2520.00 each
- 2) Major Rides: \$6050.00 each
- 3) Amusement Attractions: \$6050.00 each
- 4) Ski Lifts, Aerial Tramways, and Rope Tows: \$6050.00 each
- 5) Inflated Amusement Attractions: \$2520.00 each
- 6) Reinspection to resolve a Stop Operation Order: \$250.00 each
- 7) Reinspection: \$3020.00 each

CARNIVAL-AMUSEMENT SAFETY BOARD

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- c) Administrative Hearing Fee: \$250.00 per hearing.
- d) ~~The fee increases are effective January 1, 2006. Fees double if not paid within 45 days after the inspector issues an invoice for an inspection or permit fee or the Department issues a notice involving an administrative hearing fee.~~

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 6000.85 Requirements for Liability Insurance, Bond or Deposit of Security

The Owner, Operator, Agent or Manager shall have in force liability insurance, a bond or a deposit in cash or security in the amounts specified in Section 2-14 of the Act.

- a) Liability Insurance
 - 1) Proof of insurance shall be a copy of the policy or policies, including all endorsements, or a certificate of insurance issued by the insurer and filed with the Department's Carnival and Amusement Ride Inspection Division.
 - 2) The company or companies affording coverage shall have a current Best's rating of "B" or better and a current Best's financial class of "V" or better.
 - 3) Policies and certificates issued by companies not a part of the Illinois Insurance Guaranty Fund shall bear a surplus lines stamp.
- b) Bonds
 - 1) The bonding company shall have:
 - A) A current Best's rating of "B" or better and a current Best's financial class of "V" or better.
 - B) A duly issued license in the State of Illinois by the Department of Financial and Professional Regulation-Division of Insurance.
 - 2) The bonding company shall not have an unacceptable record of improper conduct or financial problems with the DivisionIllinois Department of Insurance.

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- 3) The bond shall be in effect for a minimum of 3 years or until any pending litigation has been finalized.
- c) Deposit of Cash or Other Security
- 1) The acceptability of any deposit of cash or other security shall be determined by the Chairman of the Carnival-Amusement Safety Board with agreement from a majority of the Board and the Director.
 - 2) The deposits shall be held, interest free, by the Department for a minimum of 3 years or until any pending litigation has been finalized.
- d) Self-Insured Governmental Bodies
- 1) A governmental body that is self-insured shall submit a Statement of Self-Insurance at least as great as those required by Section 2-14 of the Act.
 - 2) If the governmental body's self-insurance is not as great as required, then the body shall also submit documentation of its excess coverage, either through a conventional insurance company or an insurance pool. If the excess coverage is through a conventional insurance carrier, then the A.M. Best ratings as stated in this Section shall apply. If a pool is used, the pool shall be registered with the Division of Insurance, and shall submit a financial statement to the Department's Carnival and Safety Division evidencing a surplus to liability ratio of at least 2.5 to 1.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 6000.302 Outdoor and Indoor Concession Go-Karts

- a) Vehicle Requirements
- 1) All vehicles shall be equipped with driver padding and passenger padding, if applicable, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.
 - 2) All vehicles shall be guarded to prevent interlocking of wheels during operation.

CARNIVAL-AMUSEMENT SAFETY BOARD

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- 3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.
 - 4) Vehicles' shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The guarding system shall also cover the exhaust to protect the passenger when entering or exiting the vehicle.
 - 5) Vehicles' fuel tanks shall be mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to SAE Recommended Practice J-1241 (1999).
 - 6) Wheels shall be retained by a castellated nut and cotter pin or other positive method recommended by the manufacturer. Nuts with inserts of nylon or other material shall not be re-used~~used~~.
- b) Track and Course Requirements
- 1) The surface of the track or course used by go-karts shall be of a solid and binding material.
 - 2) Minimum width requirements for go-kart tracks shall be 20 feet throughout the entire length of the track.
 - 3) A barrier system shall be installed around the inner and outer edges of the track or course used by go-karts. It shall be securely anchored and extend the entire length of the track or course. The system may be a guardrail, rubber tires, a runoff strip or embankment of friable earth or gravel or a combination thereof.
 - A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to form a continuous train. Tires shall never be stacked over two high.
 - B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there are no loose or unsecured areas.

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- C) A barrier system shall be installed to designate and protect opposing traffic, the pit area or passenger loading area.
 - D) Access to the entire track and course shall be restricted to the public.
- 4) A fence or railing system shall be installed at maintenance buildings, driveways, pit areas, and fuel storage pumping areas to keep patrons awaiting rides and spectators from entering these track areas without the permission of, or direction by, track personnel.
 - 5) No intersecting ~~Figure 8 or~~ course configurations, including but not limited to a Figure 8 course configuration, shall be permitted.
- c) Operation
- 1) The attendants or assistants shall be able to clearly view the entire course.
 - 2) Fire extinguishers shall be charged and readily available to the track personnel at all times in accordance with ASTM Standard F-2007 (2004).
 - 3) The refueling of vehicles with internal combustion engines or the charging of batteries in electric powered karts shall take place in the pit areas.
 - 4) All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190 – Fire Prevention and Protection.
 - 5) Beginning at twilight at an outdoor~~During~~ operation, track lighting is required. During indoor operation, track lighting is required. Track lighting shall be in accordance with ASTM Standard F-2007 (2004).
 - 6) Monitoring
 - A) A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.

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- B) Effective January 1, 2006, each vehicle shall be equipped with a throttle control device that can be activated from the ride attendant's station.
- 7) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for ~~inspector's~~inspector review. All ~~replacement~~replacing of parts should be ~~documented in the maintenance log for that vehicle~~noted. A comment section should be provided. ~~On a daily basis, the~~The track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall include, but not be limited to, the following information:
- A) Brake inspection;
 - B) Tire wear and pressure;
 - C) Steering inspection;
 - D) Body inspection;
 - E) Padding inspection;
 - F) Lubrication and engine oil check; and
 - G) Drive mechanism.
- 8) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.
- d) Special Circumstances/Waiver of this Section
- 1) The Director may approve an operating permit for an existing and operating facility that does not meet the requirements of this Section if the following apply:
 - A) A written request for waiver is submitted to the Director; and
 - B) The facility requesting waiver was built and licensed prior to 2006.

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- 2) If, after 2006, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.
- 3) Tracks constructed after 2006 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 6000.305 ~~RacingIndoor-Concession~~ Go-Karts

a) Vehicle Requirements

- 1) All vehicles shall be equipped with driver padding and passenger padding, if applicable, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.
- 2) All vehicles shall be guarded to prevent interlocking of wheels during operation.
- 3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.
- 4) Vehicles shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The exhaust system shall be located or guarded to protect the passenger when entering or exiting the vehicle.
- 5) Vehicles with fuel tanks shall have the tanks mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to SAE Recommended Practice J-1241 (1999) and be designed and maintained so as not to leak.
- 6) Wheels shall be retained by a castellated nut and cotter pin or other positive method recommended by the manufacturer. Nuts with inserts of nylon or other material shall not be re-usedused.

b) Track and Course Requirements

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- 1) The surface of the track or course used by go-karts shall be of a solid and binding material.
- 2) Minimum width requirements for tracks shall be 20 feet throughout the entire length of the track or course.
- 3) A barrier system shall be installed around the inner and outer edges of the track or course used by go-karts and shall extend the entire length of the track or course.
 - A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to form a continuous train. Tires shall never be stacked over two high.
 - B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there is no loose or unsecured areas.
 - C) A barrier system shall be installed to designate and protect the pit area or passenger loading area.
 - D) Access to the entire track shall be restricted.
- 4) A fence or railing system shall be installed at maintenance buildings or areas, driveways, pit areas, and fuel storage/pumping areas to keep patrons awaiting rides and spectators from entering these track areas without the permission of, or direction by, track personnel.
- 5) No intersecting ~~Figure 8 or~~ course configurations, including but not limited to a Figure 8 course or opposing traffic configuration, shall be permitted.

c) Operation

- 1) The attendants or assistants shall be able to clearly view the entire course.
- 2) Fire extinguishers shall be charged and readily available to the track personnel at all times.

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- 3) The refueling of the vehicles with internal combustion engines or the recharging and/or exchanging of batteries shall take place in the pit areas.
- 4) All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190 – Fire Prevention and Protection.
- 5) Beginning at twilight~~During nighttime operation~~, track lighting is required.
- 6) Monitoring
 - A) A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.
 - B) Effective January 1, 2006, each vehicle shall be equipped with a throttle control device that can be activated from the ride attendant's station.
- 7) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector review. All replacing of parts should be noted. A comment section should be provided. The track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall include, but not be limited to, the following information:
 - A) Brake inspection;
 - B) Tire wear and pressure;
 - C) Steering inspection;
 - D) Body inspection;
 - E) Padding inspection;

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- F) Lubrication and engine oil check; and
 - G) Drive mechanism.
- 8) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.
- 9) Personal Safety Equipment. Drivers of karts that are not equipped with seatbelts and roll bars shall wear the following personal safety equipment while on the track or course.
- A) Drivers of karts shall wear the following personal safety equipment while on the track or course:
 - iA) Head Gear – A full-face helmet with head sock complying with a Snell Foundation test specification (1998), or later edition, is mandatory. A full-face shield is mandatory. The helmet must be secured by a chinstrap.
 - iiB) Neck Brace – The use of unaltered collar-type neck brace designed for racing is mandatory. Any driver losing his or her neck brace shall immediately precede to the pits and may, upon replacing the missing neck brace, return to the track.
 - B) Drivers of indoor karts that are not equipped with seatbelts and roll bars, and that go less than 7 mph, are not required to wear personal safety equipment as stated in this Section and are called kiddie karts.
- d) Special Circumstances/Waiver of this Section
- 1) The Director may approve an operating permit for an existing and operating facility that does not meet the requirements of this Section if the following apply:
 - A) A written request for waiver is submitted to the Director; and
 - B) The facility requesting waiver was built and licensed prior to 2006.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) If, after 2006, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.
- 3) Tracks constructed after 2006 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 6000.308 Dune Buggies and All-Terrain Vehicles

a) Vehicle Requirements

- 1) All vehicles shall be equipped with driver padding and passenger padding, if applicable, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.
- 2) All vehicles shall be guarded to prevent interlocking of wheels during operation.
- 3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.
- 4) Vehicles shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The guarding system shall also cover the exhaust to protect the passenger when entering or exiting the vehicle.
- 5) Vehicles' fuel tanks shall be mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to SAE Recommended Practice J-1241 (1999).
- 6) Wheels shall be retained by a castellated nut and cotter pin or other positive method recommended by the manufacturer. Nuts with inserts of nylon or other material shall not be re-used.

b) Track and Course Requirements

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) A minimum width of 10 feet shall be maintained throughout the entire course or track.
 - 2) The track or course shall be marked with signs to indicate designated path and to prohibit pedestrian or other traffic.
 - 3) A fence or railing system shall be installed at maintenance buildings, driveways, pit areas, and fuel storage pumping areas to keep patrons awaiting rides and spectators from entering these track areas without the permission of, or direction by, track personnel.
 - 4) No intersecting ~~Figure 8 or course~~ configurations, including but not limited to a Figure 8 course or opposing traffic configuration, shall be permitted.
- c) Operation
- 1) Fire extinguishers shall be charged and readily available to the track personnel at all times.
 - 2) The refueling of the vehicles shall take place in the pit areas. All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190 – Fire Prevention and Protection.
 - 3) Beginning at twilight~~During nighttime operation,~~ track lighting is required.
 - 4) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for ~~inspector's~~inspector review. All ~~replacement~~replacing of parts should be documented in the maintenance log for each vehicle~~noted~~. A comment section should be provided. On a daily basis, the~~The~~ track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall include, but not be limited to, the following information:
 - A) Brake inspection;
 - B) Tire wear and pressure;
 - C) Steering inspection;

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

- D) Body inspection;
 - E) Padding inspection;
 - F) Lubrication and engine oil check; and
 - G) Drive mechanism.
- 5) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.
- 6) Personal Safety Equipment
- A) Head Gear – A full-face helmet with head sock complying with a Snell Foundation test specification (1998), or later edition, is mandatory. A full-face shield is mandatory. The helmet must be secured by a chinstrap.
 - B) Neck Brace – The use of unaltered collar-type neck brace designed for racing is mandatory. Any driver losing his or her neck brace shall immediately precede to the pits and may, upon replacing the missing neck brace, return to the track.

d) Special Circumstances/Waiver of this Section

- 1) The Director may approve an operating permit for an existing and operating facility that does not meet the requirements of this Section if the following apply:
 - A) A written request for waiver is submitted to the Director; and
 - B) The facility requesting waiver was built and licensed prior to 2006.
- 2) If, after 2006, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Tracks constructed after 2006 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section Number: 1.2036 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking provides more definition to the existing rule on the multiple award method of source selection and contracting. Specifically, there are circumstances where it is difficult to obtain quality service providers in the time frames normally used at reasonable prices. The proposed amendments would competitively qualify vendors that meet requirements and who agree to pricing set by the State. The State would make this determination after receipt and review of bid prices and consideration of price information available from other sources. Those vendors would be awarded master contracts. When an agency had a need, it would accept the vendor selected by a random process or could set additional qualifications and conduct an expedited competitive process. Agencies would be able to have services start almost immediately and would not have to wait the several weeks or months necessary to conduct a normal procurement. This amendment brings low pricing, expedited processing and more competition, especially for small and Business Enterprise Program (BEP) vendors.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 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 amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
1.4545	Amendment	29 Ill. Reg. 1486; 01/28/05
1.08	Amendment	29 Ill. Reg. 15678; 10/21/05
1.15	Amendment	29 Ill. Reg. 15678; 10/21/05
1.25	Amendment	29 Ill. Reg. 15678; 10/21/05
1.1040	Amendment	29 Ill. Reg. 15678; 10/21/05
1.1050	Amendment	29 Ill. Reg. 15678; 10/21/05

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

1.1525	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2005	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2010	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2012	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2015	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2020	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2025	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2030	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2037	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2038	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2040	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2045	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2046	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2050	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2060	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2560	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2575	New Section	29 Ill. Reg. 15678; 10/21/05
1.2800	Amendment	29 Ill. Reg. 15678; 10/21/05
1.4535	Amendment	29 Ill. Reg. 15678; 10/21/05
1.4575	New Section	29 Ill. Reg. 15678; 10/21/05
1.5520	Amendment	29 Ill. Reg. 15678; 10/21/05
1.5550	Amendment	29 Ill. Reg. 15678; 10/21/05

- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand 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: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson
 Illinois Department of Central Management Services
 720 Stratton Office Building
 Springfield, Illinois 62706

217/785-1793

OR

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Ben Bagby
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/557-3761

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed changes will not have an adverse impact on small business. To the contrary, for some applications, these changes will benefit small business by creating a competitive environment where small businesses will be able to compete with large business. Municipalities will not be impacted by these changes other than to possibly benefit from resulting contracts if they are made available to units of local government.
 - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments do not create additional reporting or procedural requirements.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This amendment was not included on either of the 2 most recent regulatory agendas because: the changes were a result of new policy and not anticipated.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment and begins on page 20540 in this issue of the Illinois Register:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure
- 2) Code Citation: 26 Ill. Adm. Code 125
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
125.620	Amendment
125.630	Amendment
125.640	Amendment
125.670	Amendment
125.680	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 1A-8(9),.
- 5) A Complete Description of the Subjects and Issues involved: This Rulemaking eliminates the current requirement of holding two public hearings in connection with any proposed rulemaking by the Board. Such hearings will only be held if the Board determines that they are the most efficient way of soliciting public comment, or if a request for hearing is received within 14 days of the publication of the rulemaking in the Illinois Register. This is consistent with the discretion given to agencies by Section 5-40 of the Illinois Administrative Procedure Act. In all cases, the Board will accept written comments during the 45 day first notice period on all proposed rulemakings. This Rulemaking also eliminates the requirement of posting the notice of a public hearing in newspapers in Chicago and Springfield. The Board will determine whether the newspaper posting is the most efficient way to give the required notice. Notice will always be provided by posting on the Board website and at the principal and permanent branch office of the State Board of Elections.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain any incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
125.60	Amendment	29 Ill. Reg. 19766; 12/9/2005
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate under the State Mandates Act [30 ILCS 805].

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, place and manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication in the *Illinois Register* to:
- Steven S. Sandvoss, Acting General Counsel
State Board of Elections
1020 S. Spring St.
PO Box 4187
Springfield IL 62708
- 217/557-9939
ssandvoss@elections.state.il.us
- 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 for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: At the time of the publication of the regulatory agendas, this amendment had not been anticipated.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 125

PRACTICE AND PROCEDURE

SUBPART A: DEFINITION AND GENERAL PROVISIONS

Section	
125.5	Applicability
125.10	Definitions
125.15	Board Offices and Business Hours
125.20	Documents Pertaining to Hearings
125.30	Form of Documents
125.40	Service of Documents
125.50	Computation of Time
125.55	Time of Notices
125.60	Appearances
125.70	Non-Legal Assistance
125.75	Parties
125.80	Answer
125.90	Qualifications of Hearing Examiner
125.95	Authority of Hearing Examiner
125.100	Disqualification of Hearing Examiner
125.110	Motions
125.115	Consolidation and Severance of Claims: Additional Parties
125.120	Amendments
125.130	Intervention
125.135	Pre-hearing Conferences
125.140	Settlement Pursuant to Conference
125.150	Record of Conferences
125.160	Continuances
125.170	Order of Proceedings
125.175	Failure of Party to Appear
125.180	Evidence
125.185	Official Notice
125.190	Examination of Adverse Party or Agent
125.192	Participation by Board Members and Staff
125.195	Hostile Witnesses
125.197	Admission of Business Records in Evidence

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

125.199 Compelling Appearance at Hearing

SUBPART B: CLOSED PRELIMINARY HEARINGS

Section

125.210 Applicability
125.220 Commencement of Proceeding
125.230 Form of Complaint
125.235 Board Members as Complainants
125.240 Service of Complaint
125.245 Appointment of Examiner - Order of Closed Preliminary Hearing
125.250 Time of Preliminary Hearing (Repealed)
125.252 Scope of Preliminary Hearing - Procedures - Evidence
125.253 Responsibilities of the General Counsel
125.254 Stipulated Settlement
125.255 Transcript of Preliminary Hearing (Repealed)
125.260 Report of Hearing Examiner (Repealed)
125.262 Board Determination
125.265 Judicial Review
125.270 Record of Preliminary Hearing on Appeal Administrative Review
125.272 Order of Public Hearing
125.275 Time and Conduct of Public Hearing (Repealed)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section

125.310 Applicability
125.320 Initiation of Hearing
125.330 Appointment of Hearing Examiner
125.340 Notice of Hearing
125.350 Discovery Procedures
125.360 Subpoenas
125.370 Transcript of Proceedings
125.380 Official Record
125.390 Briefs and Oral Argument

SUBPART D: FINAL ORDERS

Section

125.410 Hearing Examiners Report

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 125.420 Order of the Board; Civil Penalties
- 125.425 Civil Penalty Assessments
- 125.430 Enforcement Actions in the Circuit Court
- 125.440 Reconsideration

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS
PURSUANT TO SECTION 9-18

- Section
- 125.510 Applicability (Repealed)
- 125.520 Staff Review and Enforcement of Reporting Requirements
- 125.530 Compliance Conference
- 125.540 Staff Initiated Complaint (Repealed)
- 125.550 Investigations, Inquiries or Hearings

SUBPART F: RULEMAKING AND NON-ADJUDICATIVE HEARINGS

- Section
- 125.610 Applicability
- 125.620 Adoption of Rules
- 125.630 ~~Rulemaking~~ ~~Non-Adjudicative~~ Hearings
- 125.640 Notice of Hearing
- 125.650 Conduct of the Hearing
- 125.660 Examination of Witness
- 125.670 Record
- 125.680 Report of Hearing

SUBPART G: ADVISORY OPINIONS

- Section
- 125.710 Advisory Opinions
- 125.720 Reconsideration of Advisory Opinions
- 125.730 Public Availability of Advisory Opinion
- 125.740 Conflict Between this Part and the APA

SUBPART H: MISCELLANEOUS PROVISIONS

- Section
- 125.810 Ex Parte Communications
- 125.820 Effective Date

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

125.830 Interpretation
125.840 Severability

AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].

SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278; amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at 19 Ill. Reg. 6546, effective May 1, 1995; emergency amendment at 23 Ill. Reg. 1122, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6807, effective May 24, 1999; amended at 24 Ill. Reg. 14203, effective September 11, 2000; emergency amendment at 28 Ill. Reg. 1408, effective January 5, 2004, for a maximum of 150 days; emergency expired June 2, 2004; amended at 29 Ill. Reg. 18796, effective November 7, 2005; amended at 30 Ill. Reg. _____, effective _____.

SUBPART F: ~~RULEMAKING~~ ~~RULE-MAKING~~ AND NON-ADJUDICATIVE HEARINGS

Section 125.620 Adoption of Rules

~~Whenever the Board proposes to adopt, amend or repeal a rule, the Board shall conduct a public hearing if it determines that this would be the most efficient way to facilitate public comment on the rulemaking or if it receives a request for a public hearing within 14 days after publication of the rulemaking in the Illinois Register. In all cases, the Board shall accept from interested persons all written comments pertaining to the rulemaking that are submitted during the 45 day First Notice period. If the Board finds that an emergency requires adoption of a rule, it may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule that shall be effective for a period of up to 150 days. Except in cases of emergency no substantive rule shall be adopted, amended or repealed by the Board until after public hearings held in at least two areas of the State. If the Board finds that an emergency requires adoption of a rule, it may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule which shall be effective for a period of up to 150 days.~~

- a) Revision of Proposed Rules. After ~~any rulemaking~~ ~~rule-making~~ hearing, the Board may revise the proposed rules before adoption in response to suggestions made at the hearing and written submissions received ~~prior or~~ subsequent ~~to the hearing~~ ~~thereto~~, without conducting a further hearing on the revisions.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- b) Notice of Final Rule. Any person heard on the original proposal, who has given his or her name and address to the Board, ~~or is on the Board's mailing list,~~ shall be given notice of the Board's final action.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 125.630 Rulemaking ~~Non-Adjudicative~~ Hearings

The Board may either:

- a) hold such hearings itself; ~~as are required hereunder~~; or
- b) designate a subcommittee of the Board, a member of the Board's staff, or a Hearing Examiner to hold such a hearing. Whenever possible any person designated as a Hearing Examiner shall be a licensed attorney.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 125.640 Notice of Hearing

- a) Notice of hearing shall be given at least ~~ten~~ (10) days prior to the date of the hearing:
- 1) By posting the Notice on the State Board of Elections website; ~~To all persons on the Board's mailing list, and~~
 - 2) By Posting the Notice at the principal and permanent branch offices of the State Board of Elections; and
 - 3) If the Board determines necessary, by public advertisement in a newspaper of general circulation in Chicago ~~and~~ Springfield, depending on where the hearing is to take place and in the area where the hearing is to be held if other than Chicago or Springfield.
- b) The Board shall make available copies of any proposed rules and supporting statements, if any, at the time the hearing date on proposed rules is announced.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Section 125.670 Record

All testimony shall be recorded either stenographically or by tape recording. The transcript, all written testimony, all exhibits offered in connection with the hearing, and all written submissions shall constitute the record.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 125.680 Report of Hearing

If a hearing is conducted by a member of the Board's staff, or by a Hearing Examiner, then ~~within twenty one (21) days after the conclusion of the hearing(s)~~, a written report shall be submitted to the Board at its next regularly scheduled meeting. This report shall also be included in the submission of the proposed rulemaking to the Joint Committee on Administrative Rules (JCAR). ~~The~~Such report shall summarize the record, and shall include such other comments, suggestions, conclusions or recommendations as the party preparing ~~the~~such report deems necessary.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985
- 2) Code Citation: 68 Ill. Adm. Code 1175
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1175.100	Amendment
1175.105	Amendment
1175.110	Amendment
1175.115	Amendment
1175.200	Amendment
1175.205	Amendment
1175.210	Amendment
1175.215	Amendment
1175.220	Amendment
1175.225	Amendment
1175.230	Amendment
1175.235	Amendment
1175.300	Amendment
1175.305	Amendment
1175.310	Amendment
1175.315	Amendment
1175.320	Amendment
1175.325	Amendment
1175.330	Amendment
1175.335	Amendment
1175.340	Amendment
1175.345	Amendment
1175.350	Amendment
1175.355	Amendment
1175.360	Amendment
1175.365	Amendment
1175.370	Amendment
1175.400	Amendment
1175.405	Amendment
1175.410	Amendment
1175.415	Amendment
1175.420	Amendment
1175.425	Amendment
1175.430	Amendment
1175.435	Amendment

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1175.500	Amendment
1175.505	Amendment
1175.510	Amendment
1175.515	Amendment
1175.520	Amendment
1175.525	Amendment
1175.530	Amendment
1175.535	Amendment
1175.536	Amendment
1175.540	Amendment
1175.545	Amendment
1175.550	Amendment
1175.555	Amendment
1175.560	Amendment
1175.565	Amendment
1175.570	Amendment
1175.700	Amendment
1175.705	Amendment
1175.710	Amendment
1175.715	Amendment
1175.720	Amendment
1175.725	Amendment
1175.730	Amendment
1175.735	Amendment
1175.800	Amendment
1175.805	Amendment
1175.810	Amendment
1175.815	Amendment
1175.820	Amendment
1175.825	Amendment
1175.830	Amendment
1175.835	Amendment
1175.840	Amendment
1175.841	Amendment
1175.845	Amendment
1175.850	Amendment
1175.855	Amendment
1175.860	Amendment
1175.865	Amendment
1175.870	Amendment

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1175.875	Amendment
1175.1001	Amendment
1175.1005	Amendment
1175.1010	Amendment
1175.1015	Amendment
1175.1020	Amendment
1175.1025	Amendment
1175.1030	Amendment
1175.1035	Amendment
1175.1100	Amendment
1175.1105	Amendment
1175.1110	Amendment
1175.1125	Amendment
1175.1130	Amendment
1175.1135	Amendment
1175.1140	Amendment
1175.1141	Amendment
1175.1145	Amendment
1175.1150	Amendment
1175.1155	Amendment
1175.1160	Amendment
1175.1165	Amendment
1175.1170	Amendment
1175.1175	Amendment
1175.1200	Amendment
1175.1205	Amendment
1175.1210	Amendment
1175.1215	Amendment
1175.1300	Amendment

- 4) Statutory Authority: The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410].

- 5) A Complete Description of the Subjects and Issues Involved: Public Act 91-863, effective January 1, 2006, is the sunset reauthorization of the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985; this proposed rulemaking implements its various provisions. Among the changes are the inclusion in Section 1175.115 of pedicure equipment cleaning and disinfecting procedures. Also included is the continuing education exemption for licensees over 62 or with 25 years licensure, and the requirements for the 20 hour instructor's institutes for cosmetology, esthetics, and nail technology clinic teachers.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Makes numerous non-substantive changes, including changing references throughout the entire Part from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.

- 6) Will this 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 Amendments 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 Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786

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

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

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Barber, cosmetology, esthetics, and nail technology salons and schools.
 - B) Reporting, bookkeeping or other procedures required for compliance: Requires schools to maintain records on their students.
 - C) Types of professional skills necessary for compliance: Barber, cosmetologist, esthetician or nail technician skills are necessary for licensure.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

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

PART 1175

THE BARBER, COSMETOLOGY, ESTHETICS,
AND NAIL TECHNOLOGY ACT OF 1985

SUBPART A: GENERAL

Section

1175.100	Fees
1175.105	English Translations
1175.110	Granting Variances
1175.115	Sanitary Standards

SUBPART B: BARBER

Section

1175.200	Examination – Barber
1175.205	Examination – Barber Teacher
1175.210	Examination Requirements
1175.215	Application for Licensure
1175.220	Endorsement
1175.225	Renewals
1175.230	Restoration – Barber
1175.235	Restoration – Barber Teacher

SUBPART C: BARBER SCHOOLS

Section

1175.300	School Approval Application
1175.305	Physical Site Requirements
1175.310	Student Contracts
1175.315	Advertising
1175.320	Recordkeeping – Transcripts
1175.325	Recordkeeping – Hours Earned
1175.330	Curriculum Requirements – Barber
1175.335	Curriculum Requirements – Barber Teacher
1175.340	Final Examination

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1175.345	Change of Ownership
1175.350	Change of Location
1175.355	Change of Name
1175.360	Expansion
1175.365	Discontinuance of Program
1175.370	Withdrawal of Approval

SUBPART D: COSMETOLOGY

Section	
1175.400	Examination – Cosmetology
1175.405	Examination – Cosmetology Teacher
1175.410	Examination Requirements
1175.415	Application for Licensure
1175.420	Endorsement
1175.425	Renewals
1175.430	Restoration – Cosmetology
1175.435	Restoration – Cosmetology Teacher

SUBPART E: COSMETOLOGY SCHOOLS

Section	
1175.500	School Approval Application
1175.505	Physical Site Requirements
1175.510	Enrollment Agreements and Refund Policies
1175.515	Advertising
1175.520	Recordkeeping – Transcripts
1175.525	Recordkeeping – Hours Earned
1175.530	Curriculum Requirements – Cosmetology
1175.535	Curriculum Requirements – Cosmetology Teacher
1175.536	Curriculum Requirements – Cosmetology Clinic Teacher
1175.540	Final Examination
1175.545	Change of Ownership
1175.550	Change of Location
1175.555	Change of Name
1175.560	Expansion
1175.565	Discontinuance of Program
1175.570	Withdrawal of Approval

SUBPART F: CONTINUING EDUCATION –

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COSMETOLOGY/COSMETOLOGY TEACHER

Section

1175.600	Sponsor Approval (Repealed)
1175.605	Department Supervision (Repealed)
1175.610	Credit Hours (Repealed)
1175.615	Waiver of Continuing Education Requirements (Repealed)

SUBPART G: ESTHETICS

Section

1175.700	Examination – Esthetics
1175.705	Examination – Esthetics Teacher
1175.710	Examination Requirements
1175.715	Application for Licensure
1175.720	Endorsement
1175.725	Renewals
1175.730	Restoration – Esthetics
1175.735	Restoration – Esthetics Teacher

SUBPART H: ESTHETICS SCHOOLS

Section

1175.800	Esthetics School Application
1175.805	Cosmetology Schools Approved to Teach Esthetics
1175.810	Physical Site Requirements
1175.815	Enrollment Agreements and Refund Policy
1175.820	Advertising
1175.825	Recordkeeping – Transcripts
1175.830	Recordkeeping – Hours Earned
1175.835	Curriculum Requirements – Esthetics
1175.840	Curriculum Requirements – Esthetics Teacher
1175.841	Curriculum Requirements – Esthetics Clinic Teacher
1175.845	Final Examination
1175.850	Change of Ownership
1175.855	Change of Location
1175.860	Change of Name
1175.865	Expansion
1175.870	Discontinuance of Program
1175.875	Withdrawal of Approval

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SUBPART I: CONTINUING EDUCATION – ESTHETICIAN/ESTHETICS TEACHER

Section

1175.900	Sponsor Approval (Repealed)
1175.905	Department Supervision (Repealed)
1175.910	Credit Hours (Repealed)
1175.915	Waiver of Continuing Education Requirements (Repealed)

SUBPART J: NAIL TECHNOLOGY

Section

1175.1000	Application for Licensure under Sections 3C-4 and 3C-5 of the Act (Grandfather) (Repealed)
1175.1001	Examination – Nail Technician
1175.1005	Examination – Nail Technology Teacher
1175.1010	Examination
1175.1015	Application for Licensure
1175.1020	Endorsement
1175.1025	Renewals
1175.1030	Restoration – Nail Technician
1175.1035	Restoration – Nail Technology Teacher

SUBPART K: NAIL TECHNOLOGY SCHOOLS

Section

1175.1100	Nail Technology School Application
1175.1105	Cosmetology Schools Approved to Teach Nail Technology
1175.1110	Physical Site Requirements
1175.1115	Enrollment Agreements and Refund Policies
1175.1120	Advertising
1175.1125	Recordkeeping – Transcripts
1175.1130	Recordkeeping – Hours Earned
1175.1135	Curriculum Requirements – Nail Technology
1175.1140	Curriculum Requirements – Nail Technology Teacher
1175.1141	Curriculum Requirements – Nail Technology Clinic Teacher
1175.1145	Final Examination
1175.1150	Change of Ownership
1175.1155	Change of Location
1175.1160	Change of Name

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- 1175.1165 Expansion
- 1175.1170 Discontinuance of Program
- 1175.1175 Withdrawal of Approval

SUBPART L: CONTINUING EDUCATION

Section

- 1175.1200 Sponsor Approval
- 1175.1205 ~~Division~~Department Supervision
- 1175.1210 Credit Hours
- 1175.1215 Waiver of Continuing Education Requirements

SUBPART M: SHOP REGISTRATION

Section

- 1175.1300 Application for a Barber Shop or Cosmetology, Nail Technician or Esthetics Salon Certificate of Registration

AUTHORITY: Implementing the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 12 Ill. Reg. 20488, effective November 29, 1988; emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15034, effective September 7, 1989; amended at 14 Ill. Reg. 14090, effective August 20, 1990; amended at 16 Ill. Reg. 13276, effective August 18, 1992; amended at 18 Ill. Reg. 4856, effective March 14, 1994; amended at 21 Ill. Reg. 7277, effective May 29, 1997; amended at 23 Ill. Reg. 5749, effective April 30, 1999; amended at 27 Ill. Reg. 19293, effective December 11, 2003; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1175.100 Fees

- a) Licensure fees for cosmetologists, barbers, estheticians, nail technicians, cosmetology teachers, cosmetology clinic teachers, barber teachers, esthetics teachers, esthetics clinic teachers, nail technology teachers and nail technology clinic teachers are:
 - 1) License. The fee for a license is \$30 and is to be submitted with the

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application.

- 2) Examination. Applicants for any examination shall be required to pay, either to the Department of [Financial and Professional Regulation – Division of Professional Regulation](#) (~~the Division Department~~) or to the designated testing service, a fee covering the cost of providing the examination.
 - 3) Renewal. The fee for renewal of a license shall be calculated at the rate of \$25 per year.
 - 4) Restoration. The fee for restoration of a license is \$10 plus payment of all lapsed renewal fees, but not to exceed \$135.
 - 5) Restoration From Inactive Status. The fee for restoration of a license from inactive status is the current renewal fee.
 - 6) Endorsement. The fee for a license for a cosmetologist, barber, esthetician, nail technician, cosmetology teacher, barber teacher, esthetics teacher or nail technology teacher licensed under the laws of another jurisdiction is \$45.
- b) Licensure fees for cosmetology schools, barber schools, esthetics schools or nail technology schools are:
- 1) License. The fee for a license is \$150 plus the cost of inspection (\$50).
 - 2) Change of Ownership. The fee for a license resulting from a change of ownership is \$150 plus the cost of inspection (\$50).
 - 3) Change of Location. The fee for a license resulting from a change of location is \$150 plus the cost of inspection (\$50).
 - 4) Change of Name. The fee for a license resulting from a change of name is \$20.
 - 5) Renewal. The fee for renewal of a license shall be calculated at \$100 per year.
 - 6) Expansion. The fee for on-site and off-site expansion is \$50.

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- 7) Cosmetology School Approval to Teach Esthetics. The fee for approval to upgrade to teach esthetics shall be the cost of the inspection (\$50).
 - 8) Cosmetology School Approval to Teach Nail Technology. The fee for approval to upgrade to teach nail technology shall be the cost of the inspection (\$50).
- c) Salon Fees
- 1) Registration. The fee for registration of a barber shop or cosmetology, nail technician or esthetics salon (salon) is \$40.
 - 2) Change of Name. The fee for changing the name or address of a registered barber shop or salon is \$20.
 - 3) Renewal. The fee for renewal of a registration for a barber shop or salon is calculated at \$20 per year.
- d) Sponsor Fees
- 1) Registration. The fee for registration as a continuing education sponsor shall be \$500 pursuant to Section 4-1.5(c) of the Act.
 - 2) Renewal. The fee for renewal as a continuing education sponsor shall be \$250 every two years pursuant to Section 4-1.5(c) of the Act. If a sponsor allows the registration to lapse, he/she will be required to submit \$500 to restore the registration pursuant to Section 4-1.5(c) of the Act.
 - 3) State agencies, State colleges and State universities in Illinois who are approved as continuing education sponsors shall be exempt from registration and renewal fees.
- e) General Fees
- 1) Duplicate/Replacement. The fee for the issuance of a duplicate or replacement license is \$20.
 - 2) Change of Name or Address. The fee for issuance of a license with a change of name or address other than during the renewal period is \$20.

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No fee is required for name and address changes on ~~Division~~Department records when no license is issued.

- 3) Certification of Record. The fee for certification of a licensee's record for any purpose is \$20.
- 4) Wall Certificate. The fee for a wall certificate showing licensure is the actual cost of producing such a certificate.
- 5) Roster. The fee for a roster of persons licensed as cosmetologists, cosmetology teachers, cosmetology clinic teachers, barbers, barber teachers, estheticians, esthetics teachers, esthetics clinic teachers, nail technicians, nail technology teachers, nail technology clinic teachers, cosmetology schools, esthetics schools, nail technology schools, barber schools, and shops and salons is the actual cost of producing such a roster.
- 6) Inactive Status. The fee to place a license on inactive status, other than during renewal, is \$20.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.105 English Translations

Any document submitted to the ~~Division~~Department, in accordance with the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (the Act) [225 ILCS 410] and this Part, in a foreign language must be accompanied by an original, notarized English translation. The translator must be fluent in both English and the foreign language and must certify to the accuracy of the translation.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.110 Granting Variances

- a) The Director of the Department of Financial and Professional Regulation-
Division of Professional Regulation (Director) may grant variances from this Part in individual cases where he/she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;

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- 2) No party will be substantially injured by granting the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director of the ~~Division~~Department shall notify the Barber, Cosmetology, Esthetics and Nail Technology ~~Board (Board)~~Committee of the granting of such variance, and the reasons therefor, at the next meeting of the ~~Board~~Committee.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.115 Sanitary Standards

The sanitary standards set forth in this Section shall be followed by all licensees as appropriate to their practice. Failure to comply with these standards shall be considered unprofessional conduct and may be determined to be a violation pursuant to Section 4-7 of the Act.

- a) Definitions
 - 1) "Hospital Grade Disinfectant" is defined as a disinfectant that is registered with the Environmental Protection Agency as a hospital-level disinfectant and that performs the functions of bactericides (kill harmful bacteria), virucides (kill pathogenic viruses), and fungicides (destroy fungus).
 - 2) "Disinfect" means to clean with an agent that eliminates microbacteria growth.
 - 3) "Sanitize" means to clean with hot water and soap.
- b) Sanitary Requirements
 - 1) All instruments and tools shall be sanitized before and after each patron and kept in an air tight container until used.
 - 2) All nondisposable manicure implements shall be cleaned with a hospital grade disinfectant.
 - 3) Manicure tables shall be cleaned with an antibacterial disinfectant.
 - 4) Clean towels shall be used for each patron.

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- 5) Wood sticks and files (except sanitizable file and buffing blocks) shall be discarded after each use.
- 6) Shampoo bowls must be sanitized after each use.
- 7) Hands must be cleansed before and after serving each patron.
- 8) Head rests of any chair shall be protected with a disposable cover and changed after each use, or a clean washable towel may also be used.
- 9) All cosmetics shall be applied with sanitized or disposable applicators and removed from the container with a sanitary spatula.
- 10) Clean ~~or disposable~~~~nondisposable~~ esthetics sheets, gowns and head coverings shall be used for each patron.
- 11) Animals, such as birds and cats, are not permitted (with the exception of ~~animal assistant~~~~seeing eye animals~~ for the physically impaired).
- 12) All floors, walls and furniture shall ~~be~~ kept clean at all times.
- 13) All soiled towels shall be kept in a covered container.
- 14) All clean towels shall be kept in a closed or covered space.
- 15) All hair that is swept up from the floor shall be kept in a covered container.
- 16) Proper disposal of unused products and packaging is required.
- 17) Proper disposal and handling of hazardous materials is required.
- 18) The use of nail products or the distribution of nail products containing monomer Methyl Methacrylate (MMA) is prohibited.
- 19) No owner or manager of a salon or shop shall knowingly permit any person suffering from a serious communicable disease, as defined in public health regulations, to work on the premises.

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- 20) All owners or managers of salons or shops shall provide adequate ventilation as required by the city, county or municipality and insure that an adequate supply of hot and cold running water is available.

c) Pedicure Equipment Cleaning and Disinfecting Procedures
The following procedures, as developed by the International Nail Technicians Association, shall be followed for all pedicure equipment such as whirlpool pedicure foot spas, self-contained foot basins, sinks and pedicure bowls:

- 1) After each client:
- A) Drain all water from the foot spa, pedicure basin or bowl;
 - B) Clean the interior surfaces and walls of the foot spas or basin with soap or detergent to remove all visible debris; rinse with clean, clear water;
 - C) Disinfect by spraying the interior surface of the foot basin or bowl with either an EPA-registered disinfectant (demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions), or 10% bleach solution; and
 - D) Wipe dry.
- 2) At the end of every day, after the last client:
- A) Perform the procedures of (c)(1);
 - B) Remove the screen from whirlpool basin. All debris trapped behind the screen of each foot spa shall be removed with a brush and soap or detergent; then the screen and the inlet shall be cleaned to remove all visible debris with soap or detergent and water;
 - C) Before replacing the screen, totally immerse the screen in either an EPA-registered disinfectant or 10% bleach solution;
 - D) Fill the basin with warm water and low-sudsing soap, turn the system on and flush the spa system for 5 minutes, then rinse and drain.

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- 3) Once every week:
- A) Repeat the procedures of (c)(2); then fill the foot spa or basin with cold water and one tablespoon of 5.25% liquid household bleach (or the equivalent) for each one gallon of water based on the capacity of unit;
 - B) Turn unit on and circulate the bleach solution through the system for 5 to 10 minutes; turn unit off;
 - C) Let the bleach solution sit in the spa or pedicure basin overnight (at least 6-10 hours);
 - D) The following morning, and before the first client, drain bleach solution;
 - E) Fill the basin with clean water, turn the system on and flush the system with clean water and drain;
 - F) Make a record of the date and time of this cleaning and disinfecting. The record for the last 90 days shall be readily accessible and available upon client or inspector request. Separate logs for weekly and daily procedures are needed but may be kept in the same document log.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART B: BARBER

Section 1175.200 Examination – Barber

- a) Eligibility.
- 1) Each applicant must meet the requirements in Section 2-2(a), (b) and (c) or 2-3(a), (b), (c) and (d) of the Act prior to filing an application for the ~~Division~~Department authorized examination.
 - 2) An applicant's training must be received from a barber school approved by the ~~Division~~Department that meets the requirements set forth in Subpart C of this Part.

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- b) Application. Each applicant shall file an application for examination, on forms provided by the ~~Division~~Department, at least 45 days prior to an examination date. The application shall include:
- 1) An official transcript showing successful completion of the required training outlined in Section 2-2(c) and 2-3(c) and (d) of the Act and a passing grade on the final examination administered by the school as set forth in Section 1175.340;
 - 2) A complete work history since graduation from barber school;
 - 3) Proof of any name change (i.e., marriage license, divorce decree, affidavit, or court order); and
 - 4) The required examination fee.
- c) Individuals who do not obtain a license within 5 years of graduation from barber school will be required to complete a 250 hour refresher course before they may obtain a license.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.205 Examination – Barber Teacher

- a) Eligibility. Each applicant must meet the requirements in Section 2-4(a), (b), (c) and (d) of the Act prior to filing an application for the barber teacher examination.
- b) Application. Each applicant shall file an application, on forms provided by the ~~Division~~Department, at least 45 days prior to an examination date. The application shall include:
- 1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order);
 - 2) The required examination fee;
 - 3) Either:
 - A) An official transcript from an approved barber school (see Subpart

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- C) showing successful completion of 500 hours of teacher training as outlined in Section 1175.335 of this Part; employment verification showing at least 3 years of practical experience as a registered barber; or
- B) An official transcript from an approved barber school showing successful completion of 1000 hours of barber teacher training as outlined in Section 1175.335 of this Part;
- 4) A complete work history since graduation from barber school; and
- 5) A copy of the applicant's current Illinois barber license.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.210 Examination Requirements

- a) Examinations shall be administered by the ~~Division~~Department or its designated testing service for barbers and teachers of barbering.
- b) The passing grade on each examination is 75.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.215 Application for Licensure

Each applicant shall submit to the ~~Division~~Department:

- a) A signed and completed licensure application which the applicant will receive with the notification of successful completion of the examination;
- b) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and
- c) The required fee set forth in Section 1175.100.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.220 Endorsement

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- a) An applicant who is currently licensed as a barber in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division~~Department~~, which shall include:
- 1) A certification from the state of original licensure stating:
 - A) A brief description of any licensure examination taken and the grades received; and
 - B) Whether the applicant's file contains any record of disciplinary actions taken or pending;
 - 2) Official transcripts from the school~~school(s)~~ attended by the applicant showing the courses completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;
 - 3) Certification of current licensure if other than original licensure;
 - 4) Two completed Verification of Employment forms showing at least 3 years of lawful practice in another jurisdiction if:
 - A) the jurisdiction of original licensure does not require a licensing examination or has not provided an examination score; or
 - B) the applicant is applying under Section 2-4a of the Act;
 - 5) A complete work history showing all employment since graduation from barber school to present;
 - 6) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;
 - 7) The required fee set forth in Section 1175.100; and
 - 8) A copy of the licensing act applicable on the date of original licensure showing the requirements for licensure if requested by the Division~~Department~~ in the application review. The Division~~Department~~

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will make such a request if the application materials are incomplete.

- b) An applicant who is currently licensed as a barber teacher in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the ~~Division~~Department, which shall include:
- 1) A certification from the state of original licensure stating:
 - A) A brief description of any licensure examination taken and the grades received; and
 - B) Whether the applicant's file contains any record of disciplinary action taken or pending;
 - 2) Official transcripts from the ~~school~~school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;
 - 3) Certification of current licensure if other than original licensure;
 - 4) Two Verification of Employment forms shall be submitted by the applicant who completed at least 500 hours of teacher training but less than 1000 hours. A barber teacher applicant shall verify 3 years of lawful practice as a barber;
 - 5) A complete work history showing all employment since graduation from basic barber school to present;
 - 6) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;
 - 7) A copy of the applicant's barber license or verification from the licensing authority that the applicant has the ability to practice barbering with a barber teacher license;
 - 8) The required fee set forth in Section 1175.100; and

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- 9) A copy of the licensing act applicable on the date of original licensure showing the requirements for licensure if requested by the ~~Division~~Department in the application review. The ~~Division~~Department will make such a request if the application materials are incomplete.
- c) An applicant for licensure as a barber who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he/she was lawfully employed as a barber. To obtain credit for work experience, the applicant must submit verification of employment on forms provided by the ~~Division~~Department in support of the work experience. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.
- d) An applicant applying for licensure as a barber or barber teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination. The successful completion of the substantially equivalent examination must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.225 Renewals

- a) Barber, barber teacher and barber school licenses shall expire on July 31 of each odd numbered year. The holder of a license may renew that license during the month preceding its expiration date.
- b) Applicants for renewal shall:
- 1) Return a completed renewal application; and
 - 2) Submit the required fee set forth in Section 1175.100.
- c) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to pay the renewal fee or to renew a license.

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(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.230 Restoration – Barber

- a) A person applying for restoration of his/her license as a barber which has been expired for less than 5 years shall submit an application on forms provided by the ~~Division~~~~Department~~ and \$10 plus payment of lapsed renewal fees as set forth in Section 1175.100(a)(4). If restoring after active military service, the applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.
- b) A person applying for restoration of his/her license as a barber which has been expired for 5 years or more shall submit an application on forms provided by the ~~Division~~~~Department~~ along with:
- 1) Verification of employment as a barber in another jurisdiction within the 5 years preceding application for restoration;
 - 2) Certification of licensure from the licensing authority in the jurisdiction of employment;
 - 3) A complete work history showing all employment since the Illinois license lapsed;
 - 4) A completed Restoration Questionnaire;
 - 5) The required fee set forth in Section 1175.100; or
 - 6) If restoring from active military service, a copy of the applicant's DD-214 and the current renewal fee.
- c) An applicant for restoration who has not maintained a practice in another jurisdiction shall also submit official transcripts showing successful completion of a 250 hour refresher course from a licensed barber or cosmetology school or successful completion of the examination set forth in Section 1175.210 within 2 years before application for restoration.
- d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

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(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.235 Restoration – Barber Teacher

- a) A person applying for restoration of a license as a barber teacher which has been expired for less than 5 years shall file an application, on forms provided by the ~~Division~~Department, and the required fee. If restoring after active military service, the applicant shall submit a copy of the applicant's DD-214 and the current renewal fee.
- b) A person applying for restoration of a license as a barber teacher which has been expired for 5 years or more shall submit an application on forms provided by the ~~Division~~Department, along with:
- 1) Verification of employment as a barber teacher in another jurisdiction within the 5 years preceding application for restoration;
 - 2) A certification of licensure from the appropriate licensing authority in the jurisdiction of employment;
 - 3) A complete work history showing all employment since the Illinois teacher license lapsed;
 - 4) A completed restoration questionnaire;
 - 5) The required fee set forth in Section 1175.100; or
 - 6) If restoring after active military service, a copy of the applicant's DD-214 form and the current renewal fee.
- c) An applicant for restoration who has not maintained an active teaching practice in another jurisdiction shall also submit official transcripts showing successful completion of a 250 hour barber teacher refresher course or successful completion of the examination set forth in Section 1175.210 within 2 years after applying for restoration of the license.
- d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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SUBPART C: BARBER SCHOOL

Section 1175.300 School Approval Application

- a) An applicant for a barber school license shall submit a completed application to the ~~Division~~~~Department~~ with the following information and documentation:
- 1) A detailed floor plan consistent with the requirements of Section 1175.305 of this Part;
 - 2) A copy of a lease showing at least a 1 year commitment to the use of the school site or certification of ownership of the proposed school site;
 - 3) If owner is a corporation, a copy of the Articles of Incorporation;
 - 4) If owner is a partnership, a listing of all partners and their current addresses;
 - 5) A signed fire inspection report by the local fire inspection authority within the last 6 months giving approval for use of the site as a school;
 - 6) A financial statement prepared by a public accountant licensed under the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, indicating sufficient finances exist to operate the school for at least 3 months~~1 full year~~;
 - 7) A copy of the official student contract to be used by the school which shall be consistent with the requirements of Section 1175.310 of this Part;
 - 8) A listing of all teachers, including their teacher license numbers, who will be in the school's employ;
 - 9) A copy of the curricula that will be followed;
 - 10) A copy of the school's official transcript; and
 - 11) The required fee set forth in Section 1175.100.
- b) When the above items have been received, the ~~Division~~~~Department~~ shall inspect

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the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not commence nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the ~~Division~~Department. Approval will be granted if the requirements of this Subpart have been met.

- c) Barber schools shall only offer instruction in barbering and barber teacher education.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.305 Physical Site Requirements

- a) Space Requirements
- 1) A school shall have a minimum of 1,000 square feet of work space for a maximum of 25 students in the work area. An additional 30 square feet of work space is required for each additional student if attendance exceeds 25 at any given time.
 - 2) Work space shall include: dispensary and laboratory area; work space shall not include classrooms, rest rooms, halls, checkrooms, locker space, conference rooms, storage space or other areas or facilities for school administration.
 - 3) Two restrooms shall be provided.
 - 4) Separate cloak space shall be provided which may be used both by students and the public.
 - 5) A public waiting area must be provided.
 - 6) Schools shall provide a student lounge area which shall be separated from the work area.
 - 7) All areas of the school shall be ventilated and lighted.
- b) Equipment Requirements – All equipment shall be in working condition and sufficient for the number of students enrolled. Minimum requirements for school equipment are:

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- 1) An entrance sign designating the name of the school.
 - 2) A school seal.
 - 3) A time clock or other equipment necessary for verification of attendance and hours earned.
 - 4) Four shampoo chairs and 4 shampoo bowls with adequate hot and cold running water.
 - 5) Clinic station shall have at least 3 feet per student in the class including electrical outlets, mirror space, wet sanitizer and either a barber chair or styling chair.
 - 6) Desk/table space and a chair for each student in the classroom.
 - 7) Locker space for each student in attendance.
 - 8) Adequate covered disposal cans placed at convenient locations.
 - 9) One covered container for soiled towels for each 10 students in clinical work area.
 - 10) Closed cabinets equipped for storing towels. Cabinets must have storage space for 10 dozen towels per 20 students in clinical work area.
- c) Sanitary Regulations
- 1) Clean outer garments must be worn at all times. No open toed shoes shall be worn by students.
 - 2) All instruments shall be sanitized before and after use on each patron.
 - 3) Clean towels shall be used for each patron.
 - 4) Shampoo bowls must be sanitized after each use.
 - 5) Hands must be cleansed before and after serving each patron.

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- 6) After each patron is served, combs and brushes must be cleansed, then immersed in a disinfectant, then rinsed in water and dried. Combs and brushes shall be kept in a closed container apart from appliances that have not been disinfected.
 - 7) The head rests of any chair shall be protected with a disposable cover and changed after each patron.
 - 8) Non-disposable head coverings must be laundered and sanitized after each separate use.
 - 9) All powders, lotions, creams, and other cosmetics shall be kept in clean, closed containers. All cosmetics shall be applied by sanitary applicators and removed from the container with a sanitary spatula.
 - 10) No owner, manager, teacher, or school administrator shall knowingly permit any person suffering from a serious communicable disease as defined in 77 Ill. Adm. Code 690 to work on the premises, or knowingly permit a student to serve a patron with a serious communicable disease.
 - 11) No animals or pets, except animal assistants for the physically impaired~~seeing-eye dogs~~, shall be permitted on school premises.
 - 12) The floors, walls and furniture shall be kept clean at all times.
 - 13) An adequate supply of hot and cold running water shall be available for school operation.
- d) Textbooks/Teaching Materials – Textbooks shall be provided for each student in attendance.
 - e) Teachers – The student/teacher ratio shall not exceed a 25 to 1 ratio.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.310 Student Contracts

- a) All student contracts ~~between used with~~ students or prospective students and by an approved barber school shall be clearly labeled as a contract and shall include the following information:

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- 1) The name and address of the school;
- 2) The date the contract is signed;
- 3) The total cost of the course of instruction, including any charges made by the school for tuition, books, materials, supplies and other expenses;
- 4) A clear and conspicuous statement that the contract is a legally binding instrument when signed by the student and accepted by the school;
- 5) A clear and conspicuous statement that, if an approved barber school transfers any student contract or interest in the contract to another party, the student shall have the same rights afforded to him or her by the transferee as by the transferor;
- 6) The contents of the following notice, in at least 10 point bold type:

"NOTICE TO THE STUDENT"

"Do not sign this contract before you read it or if it contains any blank spaces.

You are entitled to an exact copy of the contract you sign."; and

- 7) A clear and concise statement of the school's refund policy.
- b) The school shall comply with all applicable requirements of the Retail Installment Sales Act [815 ILCS 405] in its student contracts.
 - c) No student contract shall contain a wage assignment provision or a confession of judgment clause.
 - d) Any provision in a student contract that purports to waive the student's right to assert against the school, or any assignee, any claim or defense he/she may have against the school arising under the contract shall be void.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.315 Advertising

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All school advertising for patrons must conspicuously contain the words "Work Done Exclusively by Students" or "All Work Done by Students:"

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.320 Recordkeeping – Transcripts

- a) Each school shall provide an official transcript showing the entire course work of each student. The official transcript shall contain the following information:
 - 1) School name and address;
 - 2) School seal;
 - 3) School license number;
 - 4) Signature of owner, registrar or director of the school;
 - 5) Student's name, address and social security number;
 - 6) Actual dates student attended;
 - 7) Subject areas, hours earned and grades received;
 - 8) Any transfer hours citing the name and address of school transferred from, subject areas, hours earned and grades received;
 - 9) Final examination grades; and
 - 10) Graduation date.
- b) The official transcript and school records for each student shall be permanently maintained by the school in the following manner:
 - 1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet.

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- 2) If records cannot be maintained on the premises in locked fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the ~~Division~~~~Department~~. Such records shall be accessible to ~~Division~~~~Department~~ officials for inspection.
- c) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school provided the student has met all financial obligations of the student contract as set forth in Section 1175.310.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.325 Recordkeeping – Hours Earned

- a) A complete and accurate record of hours of attendance for each student must be recorded and maintained by the school.
- b) If a time clock is used, each student shall punch his/her own time card. No student, teacher or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records ~~shall~~~~must~~ be in a form that allows the student to receive a written report of hours earned. This written report of hours earned shall be provided to the student on a monthly basis and shall be placed on a cumulative record by the school.
- c) Credit for hours earned away from school premises shall be awarded only if students are supervised by a licensed instructor. Credit hours for outside study may include workshops, educational programs, films and demonstrations.
- d) Hours earned away from the school premises shall be recorded on school time forms. These forms shall include: the school seal, name of student, event or program attended, date attended, signature of student, signature of supervising licensed instructor.
- e) Instructors shall review the hours earned by each student monthly. Each month the instructor shall issue a signed monthly report to the student showing the actual number of hours earned by the student.
- f) Time cards may be destroyed upon the student's permanent exit from the school and after all hours earned are recorded on the official transcript.

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- g) An hour ~~shall be considered 50-60~~~~is not less than 50 nor more than 60~~ minutes of instruction.
- h) A licensed instructor shall supervise all classroom and practical instruction. No credit shall be given for unsupervised study.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.330 Curriculum Requirements - Barber

Each licensed barber school shall provide a curriculum of a minimum of 1500 hours as follows:

- a) 150 hours of classroom instruction in general theory which shall be divided into specific subject areas as specified in subsection (b) ~~below~~.
- b) 1350 hours shall be at the discretion of the instructor based on the instructor's evaluation of the individual student's needs. However, the training shall cover, at least, the subject areas set forth in Section 2A-7(4) of the Act.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.335 Curriculum Requirements – Barber Teacher

- a) Each licensed barber school that provides teacher training shall provide a curriculum that includes a minimum of 1000 hours ~~in. This curriculum shall contain~~ the following subject areas:
- 1) Practice of barbering;
 - 2) Theory of barbering;
 - 3) Methods of teaching; and
 - 4) School management.
- b) A minimum of 100 hours in each subject area shall be required. The remaining 600 hours shall be at the discretion of the instructor, based on the instructor's evaluation of the individual student's needs.

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- c) The approved curriculum for a 500 hour Teacher Training Course shall be based upon 3 years of practical experience for a barber and shall consist of a minimum of 50 hours in each of the subject areas in subsection (a) ~~above~~. The remaining 300 hours shall be at the discretion of the instructor based on the instructor's evaluation of the individual student's needs.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.340 Final Examination

- a) A school shall require each candidate for graduation to pass a final examination that tests the student's theoretical and practical knowledge of the curriculum studied.
- b) The practical examination shall test the candidate's skills in the following areas:
- 1) Hair cutting;
 - 2) Sanitation; and
 - 3) Shaving.
- c) The examination shall be administered by the uniform application of standard performance criteria established by the school for each skill area. The standard performance criteria for each skill area shall be delineated in the examination records as specified in subsection (h) ~~below~~.
- d) A passing score of 75 or greater shall be required on both the theoretical and practical portions of the final examination.
- e) The school shall allow each candidate for graduation at least 3 attempts to pass the final exam.
- f) The ~~Division~~Department may monitor the administration of the final examination:
- 1) As a result of a complaint received;
 - 2) For random sampling;
 - 3) To collect data; and/or

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- 4) When the failure rate on the licensure examination for school graduates is greater than 25%.
- g) The ~~Division~~Department shall maintain records of each school's graduate failure rate on the licensing examination. The records shall reflect only first examination attempts for each graduate. The ~~Division~~Department shall review the records on an annual basis to identify those approved schools that have an average annual failure rate greater than 25%. An average annual failure rate greater than 25% is grounds for school disapproval.
- h) The school shall maintain records of the final examination for a period of no less than 5 years in the manner prescribed in Section 1175.320 of this Part. These records shall include:
 - 1) A copy of the final examination administered; and
 - 2) Each student's examination grades.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.345 Change of Ownership

- a) When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the ~~Division~~Department the following:
 - 1) A signed and completed school application;
 - 2) A floor plan if any expansion is to be done by the new owner;
 - 3) A copy of a lease agreement showing at least a 1 year commitment or certification of school site ownership;
 - 4) A copy of the student contract that will be utilized by the new owner;
 - 5) A copy of the Articles of Incorporation, if the owner is a corporation;
 - 6) A listing of all partners and their addresses, if the owner is a partnership;

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- 7) A signed inspection report by the local fire inspection authority within 6 months after application approving the school site;
 - 8) A certified financial statement prepared by a licensed public accountant who is not an employee of the school, indicating sufficient finances exist to operate the school for 1 full year;
 - 9) If a name change is to also occur, the new owner must submit a sample of the new school seal and a photo of the new school sign; and
 - 10) The required fee set forth in Section 1175.100.
- b) Once the ~~above~~ items listed in subsection (a) have been received, the ~~Division~~Department shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if the requirements of Subpart C have been met.
- c) If the new owner fails to submit a new application, or if the ~~Division~~Department does not approve the school, the school shall remain closed until final ~~Division~~Department approval is received.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.350 Change of Location

- a) When the location of an approved school is changed, the school owner shall submit to the ~~Division~~Department the following:
- 1) Written notice to the ~~Division~~Department at least 30 days in advance of the school site change;
 - 2) A signed and completed school application;
 - 3) A floor plan;
 - 4) A copy of a lease agreement showing at least a 1 year commitment or certification of ownership of the school site;
 - 5) A signed inspection report by the local fire inspection authority within 6 months prior to application approving the site; and

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- 6) The required fee set forth in Section 1175.100.
- b) Once the ~~above~~ items listed in subsection (a) have been received, the Division~~Department~~ shall inspect the premises to determine compliance with this Part. School operations shall not commence at the new location until the owners have received written notice of approval from the Division~~Department~~. Approval will be granted if the requirements of Subpart C have been met.
- c) If the change of location is due to natural destruction of the original premises, a temporary site may be used to teach theory classes only.
 - 1) The temporary site must be inspected prior to its use and must possess light and ventilation, tables and chairs for the number of students in a classroom, and must be clean.
 - 2) The temporary site may be used for a period of 2 months. The 2 month period can be extended for good cause. Good cause includes, but is not limited to, unexpected delays in construction, delays in lease arrangements, or delays in equipment delivery.
- d) If the site is not approved, the school shall not solicit new students for this location until the school has been approved.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.355 Change of Name

When changing the name of a licensed school, a written request for a name change, along with the required fee specified in Section 1175.100, shall be mailed 30 days in advance of any name change. The Division~~Department~~ shall then issue a new certificate. At the time of the change of name, all identifying signs and materials must be changed to conform with the new name on the school license.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.360 Expansion

- a) Written notice shall be given to the Division~~Department~~ 30 days prior to any expansion of an approved school.

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- b) When the expansion will result in an off-site classroom location, a completed school application must be submitted along with:
- 1) A detailed floor plan;
 - 2) A copy of a lease showing at least a 1 year commitment to the use of the site or certification of ownership of the proposed site;
 - 3) A signed fire inspection report from the local fire inspection authority within the last 6 months giving approval for use of the site as an off-site classroom location;
 - 4) A statement from the school owner outlining the purpose of the off-site classroom location;
 - 5) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion;
 - 6) A certified financial statement prepared by a licensed public accountant who is not an employee of the school, indicating sufficient finances exist to operate the school for 1 full year; and
 - 7) The required fee set forth in Section 1175.100.
An off-site classroom location is defined as a separate classroom located within 5 miles of the main school site that serves to provide adequate space in which to train an overflow of students. A clinic may not be operated at an off-site classroom location. A school may establish only one off-site classroom location. All identifying signs and materials must reflect the name of the main school.
- c) When an on-site expansion is to accommodate an increased enrollment, a completed school application shall be submitted along with:
- 1) A detailed floor plan;
 - 2) A statement from the school owner outlining the purpose of the expansion;
 - 3) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion; and

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- 4) The required inspection fee.
- d) Upon receipt of the ~~above~~ items listed in subsections (b) and (c), the DivisionDepartment shall inspect the expansion site to determine compliance with this Part. The site shall not be used until such inspection has occurred and the owner has received written notification of approval from the DivisionDepartment. Approval will be granted if all of the requirements of Subpart C have been met.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.365 Discontinuance of Program

- a) The DivisionDepartment shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.
- b) The school owner shall notify the DivisionDepartment in writing of the actual closing date of the school.
- c) All school records shall be maintained after the school closes.
- d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.
- e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.370 Withdrawal of Approval

- a) The DivisionDepartment may withdraw, suspend or place on probation, pursuant to 68 Ill. Adm. Code 1110, the approval of a school of barbering when the quality of the program has been affected by any of the following causes:
- 1) Gross or repeated violations of any provisions of the Act or this Part;
 - 2) Fraud or dishonesty in furnishing transcripts or documentation for evaluation of the school;

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- 3) Failure to meet the criteria for school approval in Section 1175.300;
 - 4) Failure to administer the final examination as specified in this Part;
 - 5) Failure to maintain final examination grades for each student and a master of the examination administered by the school as specified in this Part;
 - 6) Fraud or dishonesty in providing transcripts to students;
 - 7) Failure to provide transcripts to students who have fulfilled all obligations under Section 1175.310;
 - 8) A finding by the U.S. Office of Education or Illinois State Scholarship Commission that a school has misappropriated or misused grant or loan monies or has aided in obtaining such monies by providing fraudulent or untruthful information; or
 - 9) Any other violations of the Act or this Part.
- b) Performance Record on Licensing Examination
- 1) When a school's graduates have a 25% or greater failure rate on the licensing examination, ~~Division~~Department approval of a school shall be reviewed pursuant to Section 1175.300.
 - 2) The performance record of a school's graduates on the licensing examination as compared with the statewide performance record shall be considered by the ~~Division~~Department when reviewing ~~Division~~Department approval of a school.
 - 3) The ~~Division~~Department shall give written notice and a hearing pursuant to 68 Ill. Adm. Code 1110 when ~~Division~~Department approval of a school is being reviewed.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART D: COSMETOLOGY

Section 1175.400 Examination – Cosmetology

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- a) Eligibility.
- 1) Each applicant must meet the requirements in either Section 3-2(a), (b) and (c) or 3-3(a), (b) and (c) of the Act prior to filing an application for the Division~~Department~~ authorized cosmetology examination.
 - 2) An applicant's training must be received from a school of cosmetology approved by the Division~~Department~~ that meets the requirements set forth in Subpart E of this Part.
- b) Application. Each applicant shall file an application for examination, on forms provided by the Division~~Department~~, at least 45 days prior to an examination date. The application shall include:
- 1) An official transcript showing successful completion of the required training outlined in Section 3-2(c) or 3-3(c) of the Act; official transcripts showing successful completion of remedial training when required by Section 1175.410(c) of this Part and a passing grade on the final examination administered by the school as set forth in Section 1175.540;
 - 2) A request, if desired, to take the written examination in the Spanish language;
 - 3) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any documents submitted;
 - 4) If licensed as a cosmetologist in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice;
 - 5) A complete work history since graduation from cosmetology school; and
 - 6) The required examination fee.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.405 Examination – Cosmetology Teacher and Cosmetology Clinic Teacher

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- a) Eligibility. Each applicant must meet the requirements in Section 3-4(a) and (b) of the Act prior to filing an application for the cosmetology teacher examination.
- b) Application. Each applicant shall file an application, on forms provided by the ~~Division~~Department, at least 45 days prior to an examination date. The application shall include:
- 1) Proof of any name change (i.e., marriage license, divorce decree, affidavit, or court order) if name is other than that shown on any document submitted;
 - 2) The required examination fee;
 - 3) For cosmetology teacher:
 - A) Either:
 - i) An official transcript from an approved school of cosmetology showing successful completion of a program of 500 hours of teacher training as outlined in Section 1175.535 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist; or
 - ii)B) An official transcript from an approved school of cosmetology (see Subpart E) showing successful completion of a program of 1000 hours of teacher training as outlined in Section 1175.535 of this Part; and
 - B) If licensed as a cosmetology teacher in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice;
 - 4) For cosmetology clinic teacher:
 - A) ~~an~~An official transcript from an approved school of cosmetology showing successful completion of a program of 250 hours of clinic teacher training in a licensed school of cosmetology; or as outlined in Section 1175.536 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed

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~~cosmetologist within 5 years prior to application;~~

B) Proof that the teacher, within 5 years preceding the examination, has obtained a minimum of 2 years of practical experience working at least 30 full-time hours per week as a licensed cosmetologist and has completed an instructor's institute of 20 hours, as approved by the Division, prior to submitting an application for examination;

- 5) A complete work history since obtaining a cosmetologist license~~graduation~~ from cosmetology school; and
- 6) A copy of the applicant's current Illinois cosmetology license.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.410 Examination Requirements

- a) Examinations shall be administered by the ~~Division~~Department or its designated testing service and shall cover subject matter as set forth in Section 3-6 of the Act.
- b) The passing grade on each examination is 75.
- c) Retakes
 - 1) A cosmetology applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school showing successful completion of a 250 hour refresher course prior to taking the examination a fourth time.
 - 2) A cosmetology teacher or cosmetology clinic teacher applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school showing successful completion of 80 hours of additional study in teaching methodology and educational psychology prior to taking the examination a fourth time.
 - 3) Upon failing the fourth examination, an applicant must submit an official transcript from an approved cosmetology school showing successful repetition of the entire program of training prior to taking the examination a fifth time, or a cosmetology clinic teacher may complete training in an instructor's institute of 20 hours.

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- 4) The requirement for remedial training set forth in this Section may be waived in whole or in part by the Division upon proof to the Division that the applicant has demonstrated competence to again sit for the examination.
- 5) For purposes of the examination retakes, the fifth attempt shall count as the first.
- 65) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1), (2) and (3).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.415 Application for Licensure

- a) Each applicant shall submit to the Division~~Department~~:
 - 1) A signed and completed licensure application that the applicant will receive with the notification of successful completion of the examination;
 - 2) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and
 - 3) The required fee set forth in Section 1175.100.
- b) Any licensed nail technology teacher or licensed esthetics teacher shall not be required to take the examination set forth in Section 1175.405. An application shall be submitted to the Division that includes:
 - 1) A copy of his/her current nail technician teacher license or esthetics teacher license;
 - 2) A copy of his/her nail technician license or esthetics license;
 - 3) A complete work history since obtaining a nail technology teacher license or esthetics teacher license;

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- 4) Either:
- A) Proof of two years experience as an esthetician or nail technician;
or
- B) An official transcript verifying completion of 500 hours of post-graduate school training that includes all subjects in the basic cosmetology curriculum in Section 1175.535, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education; and
- 5) The required fee set forth in Section 1175.100.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.420 Endorsement

- a) An applicant who is currently licensed as a cosmetologist in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division~~Department~~, that shall include:
- 1) A certification from the state of original licensure stating:
 - A) A brief description of any licensure examination taken and the grades received; and
 - B) Whether the applicant's file contains any record of disciplinary actions taken or pending;
 - 2) Official transcripts from the schools attended by the applicant showing the programs completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;
 - 3) Certification of current licensure if other than original licensure;
 - 4) Two completed Verification of Employment forms showing at least 3

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years of lawful practice in another jurisdiction if:

- A) The jurisdiction of original licensure does not require a licensing examination or has not provided an examination score; or
 - B) The applicant is applying under Section 3-8 of the Act;
- 5) A complete work history showing all employment since graduation from cosmetology school to present;
 - 6) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on submitted documents;
 - 7) The required fee set forth in Section 1175.100; and
 - 8) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the ~~Division~~Department in the application review. The ~~Division~~Department will make such a request if the application materials are incomplete.
- b) An applicant who is currently licensed as a cosmetology teacher or cosmetology clinic teacher in another jurisdiction and who is seeking licensure as a cosmetology teacher or cosmetology clinic teacher in Illinois by endorsement shall file an application, on forms provided by the ~~Division~~Department, which shall include:
- 1) A certification from the state of original licensure stating:
 - A) A brief description of any licensure examination taken and the grades received; and
 - B) Whether the applicant's file contains any record of disciplinary action taken or pending;
 - 2) Official transcripts from the schools attended by the applicant showing the programs completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;

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- 3) Certification of current licensure if other than original licensure;
 - 4) Either:
 - A) Two Verification of Employment forms submitted by an applicant who completed a program of at least 500 hours of teacher training. A cosmetology teacher applicant shall verify 2 years of lawful practice as a cosmetologist; or
 - B) Two Verification of Employment forms submitted by an applicant who completed a program of at least 250 hours of clinic teacher training. A cosmetology clinic teacher applicant shall verify 2 years of lawful practice as a cosmetologist; or
 - C) Two completed Verification of Employment forms showing at least 3 years of lawful practice as a cosmetology teacher or cosmetology clinic teacher submitted by an applicant who is applying as a cosmetology teacher or cosmetology clinic teacher on the basis of 3 years of lawful practice;
 - 5) A complete work history showing all employment since graduation from basic cosmetology school to present;
 - 6) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;
 - 7) The required fee set forth in Section 1175.100; and
 - 8) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Division~~Department~~ in the application review. The Division~~Department~~ will make such a request if the application materials are incomplete.
- c) An applicant for licensure as a cosmetologist who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he/she was lawfully employed as a cosmetologist. To obtain credit for work experience, the applicant must submit verification of employment on forms provided by the Division~~Department~~ in support of the work experience. A certification of licensure from the jurisdiction in which the lawful practice is

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claimed must also be submitted.

- d) An applicant applying for licensure as a cosmetologist or cosmetology teacher or cosmetology clinic teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.410(c). The successful completion of the substantially equivalent examination and fulfillment of applicable requalification requirements must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.425 Renewals

- a) Every license issued under the Act shall expire as follows:
- 1) Cosmetology teacher, cosmetology clinic teacher and cosmetology school licenses shall expire on September 30 of each even numbered year.
 - 2) Cosmetologist licenses shall expire on September 30 of each odd numbered year. A prerenewal period is the 24 month period preceding September 30th in the year of renewal.
 - 3) The holder of a license may renew that license during the month preceding its expiration date.
- b) Applicants for renewal shall:
- 1) Return a completed renewal application.
 - 2) Cosmetologist – Certify on the renewal application to successful completion of a minimum of 14 hours of continuing education from a cosmetology sponsor registered with the ~~Division~~Department, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license, if renewing a cosmetology license.
 - 3) Cosmetology Teacher and Cosmetology Clinic Teacher – Certify on the renewal application to successful completion of a minimum of 24 hours of

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continuing education from a sponsor registered with the ~~Division~~~~Department~~, in accordance with Section 1175.1200 of this Part, within the 2 years prior to renewal if renewing a cosmetology teacher or cosmetology clinic teacher license. Ten of 24 hours shall be in the following areas:

- A) Teaching methodology;
 - B) Educational psychology;
 - C) Classroom management; or
 - D) Other teaching related courses.
- 4) Submit the required fee set forth in Section 1175.100.
- c) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.
- d) A licensee who is at least 62 years of age or has been licensed as a cosmetologist, cosmetology teacher or cosmetology clinic teacher for at least 25 years is exempt from the continuing education requirement.
- ed) The ~~Division~~~~Department~~ may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the ~~Division's~~~~Department's~~ random audit.
- fe) It is the responsibility of each licensee to notify the ~~Division~~~~Department~~ of any change of address. Failure to receive a renewal form from the ~~Division~~~~Department~~ shall not constitute an excuse for failure to renew a license.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.430 Restoration – Cosmetology

- a) Application for Registration

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- 1) A person applying for restoration of a license as a cosmetologist that has expired or been on inactive status for less than 5 years shall submit an application on forms provided by the ~~Division~~Department and:
- A)1) Pay the required fee set forth in Section 1175.100; and
- B)2) Provide evidence of successful completion of 14 hours of continuing education earned within the 2 years immediately preceding the restoration.
- 2) If restoring after active military service, the applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.
- b) A person applying for restoration of a license as a cosmetologist that has been expired or been on inactive status for 5 years or more shall submit an application on forms provided by the ~~Division~~Department along with either:
- 1) All of the following:
- A) Verification of employment as a cosmetologist in another jurisdiction within the 5 years preceding application for restoration;
- B) Certification of licensure from the licensing authority in the jurisdiction of employment stating that said practice was authorized;
- C) A complete work history showing all employment since the Illinois license lapsed or was placed on inactive status;
- D) A completed Restoration Questionnaire;
- E) Evidence of successful completion of 14 hours of continuing education earned within the 2 years immediately preceding restoration if restoring a cosmetology license; and
- F) The required fee set forth in Section 1175.100; or
- 2) A copy of the applicant's DD-214 form and the current renewal fee, if

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restoring from active military service.

- c) An applicant for restoration who has not maintained a practice in another jurisdiction shall also submit official transcripts showing successful completion of a 250 hour refresher course from a licensed cosmetology or barber school or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration. A cosmetology applicant who completes this refresher course or takes the examination shall not be required to complete 14 hours of continuing education.
- d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.435 Restoration – Cosmetology Teacher

- a) A person applying for restoration of a certificate as a licensed cosmetology teacher or cosmetology clinic teacher that has been expired or been on inactive status for less than 5 years shall file an application, on forms provided by the ~~Division~~Department. An applicant shall also submit proof of 24 hours of continuing education in accordance with Section 1175.1200 earned within the 2 years preceding the restoration and the required fee set forth in Section 1175.100. If restoring after active military service, an applicant shall submit a copy of his/her DD-214 and the current renewal fee.
- b) A person applying for restoration of a license as a cosmetology teacher or cosmetology clinic teacher that has been expired for 5 years or more shall submit an application on forms provided by the ~~Division~~Department, along with either:
 - 1) All of the following:
 - A) Verification of employment as a cosmetology teacher or cosmetology clinic teacher in another jurisdiction within the 5 years preceding application for restoration;
 - B) Certification of licensure from the licensing authority in the jurisdiction of employment;
 - C) Evidence of successful completion of 24 hours of continuing

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education earned within the 2 years immediately preceding the restoration;

- D) A complete work history showing all employment since the Illinois teacher license lapsed;
 - E) A completed restoration questionnaire; and
 - F) The required fee set forth in Section 1175.100; or
- 2) If restoring after active military service, a copy of the applicant's DD-214 form and the current renewal fee.
- c) An applicant for restoration of a cosmetology teacher license who has not maintained an active teaching practice in another jurisdiction shall submit official transcripts showing successful completion of a 250 hour cosmetology teacher refresher course or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 250 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license.
- d) An applicant for restoration of a cosmetology clinic teacher license who has not maintained an active teaching practice in another jurisdiction shall submit official transcripts showing successful completion of a 60 hour cosmetology teacher refresher course or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 60 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license.
- e) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART E: COSMETOLOGY SCHOOLS

Section 1175.500 School Approval Application

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- a) An applicant for a cosmetology school license shall submit a completed application to the DivisionDepartment with the following information and documentation:
- 1) A detailed floor plan consistent with the requirements of Section 1175.505 of this Part;
 - 2) A copy of a lease showing at least a 1 year commitment to the use of the school site or certification of ownership of the proposed school site;
 - 3) If owner is a corporation, a copy of the Articles of Incorporation;
 - 4) If owner is a partnership, a listing of all partners and their current addresses;
 - 5) A signed fire inspection report from the local fire inspection authority within 6 months prior to filing an application giving approval for use of the site as a school;
 - 6) A financial statement prepared by a public accountant licensed by the DivisionDepartment pursuant to the Illinois Public Accounting Act who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;
 - 7) A copy of the official student contract to be used by the school which shall be consistent with the requirements of Section 1175.510 of this Part;
 - 8) A listing of all teachers, including their teacher license numbers, who will be in the school's employ;
 - 9) A copy of the curricula that will be followed;
 - 10) A copy of the school's official transcript; and
 - 11) The required fee set forth in Section 4-1.5(d) of the Act.
- b) New schools that wish to offer nail technology and/or esthetics in addition to cosmetology shall comply with Section 1175.805 and 1175.1105.
- c) When the above items have been received, the DivisionDepartment shall inspect

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the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not commence nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the ~~Division~~Department. Approval will be granted if all of the requirements of Subpart E have been met.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.505 Physical Site Requirements

- a) Space Requirements
 - 1) A school shall have a minimum of 1,000 square feet of work space for a maximum of 20 students. An additional 30 square feet of work space is required for each additional student if attendance on the clinic floor exceeds 20 at any given time.
 - 2) Work space shall include: dispensary and laboratory area. Work space shall not include: classrooms, facial areas, rest rooms, halls, checkrooms, locker space, conference rooms, storage space or other areas or facilities for school administration.
 - 3) Separate restrooms for males and females shall be provided.
 - 4) Cloak space separate from the work space shall be provided which may be used both by students and the public.
 - 5) A public waiting area must be provided and separated from the work area.
 - 6) Schools shall provide a student lounge area which shall be separated from the work area.
 - 7) All areas of the school shall be ventilated and lighted.
 - 8) Licensed cosmetology schools will not be required to comply with these requirements. However, if an existing licensed school expands, it will be required to comply with subsection (a) ~~above~~.
- b) Equipment Requirements – All equipment shall be in working condition and sufficient for the number of students enrolled. Minimum requirements for school

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equipment are:

- 1) An entrance sign designating the name of the school.
 - 2) A school seal.
 - 3) A time clock or other equipment necessary for verification of attendance and hours earned.
 - 4) Two facial chairs to be placed in an enclosed or screened area. Facial chairs shall only be used for facials.
 - 5) One facial supply cabinet containing astringents, lotions, creams, makeup and other necessary supplies for facials.
 - 6) Four shampoo chairs and 4 shampoo bowls with adequate hot and cold running water.
 - 7) One hood hair dryer for every 5 clinic stations.
 - 8) Clinic station shall have at least 3 feet per student in the class including electrical outlets, mirror space, wet sanitizer and either a barber chair or styling chair.
 - 9) Desk/table space and a chair for each student in the classroom.
 - 10) Locker space for each student in attendance.
 - 11) Adequate number of covered disposal cans placed at convenient locations.
 - 12) One covered container for soiled towels for each 10 students in clinical work area.
 - 13) Closed cabinets equipped for storing towels. Cabinets must have storage space for 10 dozen towels per 20 students in clinical work area.
 - 14) One mannequin for each student in attendance.
- c) Sanitary Regulations

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- 1) Clean outer garments must be worn at all times. No open toed shoes shall be worn by students.
 - 2) All instruments shall be sanitized before and after use on each patron.
 - 3) Clean towels shall be used for each patron.
 - 4) Shampoo bowls must be sanitized after each use.
 - 5) Hands must be cleansed before and after serving each patron.
 - 6) After each patron is served, combs and brushes must be cleansed, then immersed in a disinfectant, then rinsed in water and dried. Combs and brushes shall be kept in a closed container apart from appliances that have not been disinfected.
 - 7) The head rests of any chair shall be protected with a disposable cover and changed after each patron.
 - 8) Non-disposable head coverings must be laundered and sanitized after each separate use.
 - 9) All powders, lotions, creams and other cosmetics shall be kept in clean, closed containers. All cosmetics shall be applied by sanitary applicators and removed from the container with a sanitary spatula.
 - 10) No owner, manager, teacher or school administrator shall knowingly permit any person suffering from a serious communicable disease as defined in 77 Ill. Adm. Code 690 to work on the premises, or knowingly permit a student to serve a patron with a serious communicable disease.
 - 11) No animals or pets, except animal assistants for the physically impaired~~seeing eye dogs~~, shall be permitted on school premises.
 - 12) The floors, walls and furniture shall be kept clean at all times.
 - 13) An adequate supply of hot and cold running water shall be available for school operation.
- d) Textbooks/Teaching Materials – Textbooks shall be provided for each student in

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attendance.

- e) Teachers – The student/teacher ratio during clinical instruction shall not exceed a 20 to 1 ratio.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.510 Enrollment Agreements and Refund Policies

- a) All licensed cosmetology schools shall have enrollment agreements that meet the requirements of Section 3B-12 of the Act.
- b) All licensed cosmetology schools shall implement refund policies pursuant to Section 3B-13 of the Act and this Part.

- 1) *When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain no more than the application and registration fee, plus the cost of any books or materials which have been provided by the school and retained by the student (Section 3B-13(b)).*

The cost of books, for purposes of refunds, is the cost of the books charged to the student, not the cost of the books to the school.

- 2) For students who enroll in and begin classes, tuition adjustment shall be made in the following manner:

PERCENTAGE TIME TO TOTAL TIME OF COURSE	AMOUNT OF TOTAL TUITION OWED TO THE SCHOOL
0.01% to 4.9%	10%
5% to 9.9%	30%
10% to 14.9%	40%
15% to 24.9%	45%
25% to 49.9%	70%
50% and over	100%

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.515 Advertising

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All school advertising for patrons must ~~conspicuously~~ contain the words "Work Done Exclusively by Students" or "All Work Done by Students" displayed in a conspicuous manner.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.520 Recordkeeping – Transcripts

- a) Each school shall provide an official transcript showing the entire program work of each student. The official transcript shall contain the following information:
 - 1) School name and address;
 - 2) School seal;
 - 3) School license number;
 - 4) Signature of the owner, registrar or director of the school;
 - 5) Student's name, address and social security number;
 - 6) Actual dates student attended;
 - 7) Subject areas, hours earned and grades received;
 - 8) Any transfer hours citing the name and address of school transferred from, subject areas, hours earned and grades received;
 - 9) Final examination grades; and
 - 10) Graduation date.
- b) The official transcript and school records for each student who completed the program shall be permanently maintained by the school in the following manner:
 - 1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet.

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- 2) If records cannot be maintained on the premises in locked fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the ~~Division~~Department. Such records shall be accessible to ~~Division~~Department officials for inspection.
- c) An official transcript and school records for students who withdrew or dropped out of a program shall be maintained by the school for 7 years from the student's first day of attendance at the school.
- d) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school provided the student has met all financial obligations set forth in the enrollment agreement set forth in Section 3B-12 of the Act.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.525 Recordkeeping – Hours Earned

- a) Student Hours. A licensed school of cosmetology, esthetics and nail technology shall have a written, published attendance policy.
 - 1) When determining student hours, a school may define its attendance requirements to include 100% ~~percent~~ attendance for the program length or may allow excused absences for not more than 10% ~~percent~~ of the program for satisfactory completion. Satisfactory completion is defined as completion of all theory and practical work as outlined in school's curricula.
 - 2) Student attendance policies shall be written and applied uniformly and fairly.
 - 3) The school must maintain documentation of excused absences for a period of not less than 5 years.
 - 4) The school must maintain attendance records for each student to verify that the minimum attendance standard set forth by the school is being met.
- b) A complete and accurate record of hours of attendance for each student must be recorded and maintained by the school.

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- c) If a time clock is used, each student shall punch his/her own time card. No student, teacher or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records must be in a form that allows the student to receive a written report of hours earned. This report of hours earned shall be provided to the student on a monthly basis.
- d) Credit for hours earned away from the school premises shall be awarded only if students are supervised by a licensed instructor or by a licensed cosmetologist in the case of an internship. Credit hours for outside study may include workshops, educational programs, films, demonstrations and internship training in a registered salon.
- e) Hours earned away from the school premises shall be recorded on school time forms. These forms shall include: the school seal, name of student, event or program attended, date attended, signature of student, signature of supervising licensed instructor.
- f) Instructors shall review the hours earned by each student monthly. Each month the instructor shall issue a signed monthly report to the student showing the actual number of hours earned by the student.
- g) Time cards may be destroyed upon the student's permanent exit from the school and after all hours earned are recorded on the official transcript.
- h) An hour is 60 minutes of instruction but not less than 50 minutes.
- i) A licensed instructor shall supervise all classroom and practical instruction. No credit shall be given for unsupervised study.
- j) A cosmetology student is not permitted to serve the public until he/she has successfully completed a combination of the 150 hours of basic training requirements specified in Section 1175.530(a) of this Part.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.530 Curriculum Requirements – Cosmetology

Each licensed cosmetology school shall provide a program consisting of a minimum of 1500

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clock hours or a 50 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:

- a) Basic Training – 150 hours of classroom instruction in general theory and practical application shall be provided ~~that~~which shall include a minimum of the following subject areas:

tools and their use

shampoo

understanding chemicals and use

types of hair

sanitation

hygiene

skin diseases and conditions

anatomy and physiology

electricity

ethics

nail technology

esthetics

- b) Practical Chemical Application/Hair Treatment – 500 hours of instruction, which shall be a combination of classroom instruction and hands on experience, shall be provided in the following subject areas:

chemical safety

permanent waving

hair coloring, tinting and bleaching

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hair relaxing

hair and scalp conditioning

shampooing, toning and rinsing

- c) Hair Styling/Hair Dressing – 475 hours of instruction in hair styling, which shall be a combination of classroom instruction and hands on experience, shall be provided in the following subject areas:

cutting

thinning

shaping

trimming

application of electrical/mechanical equipment

curling

hair treatments

marcelling

- d) Shop Management, Sanitation and Interpersonal Relations – 200 hours of classroom instruction shall be provided in the following subject areas:

labor law

workers' compensation

client relations

bookkeeping

marketing and merchandising

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emergency first aid

right-to-know laws

pertinent State and local laws and rules

business ethics

sanitation

electrical devices

personal grooming and hygiene

- e) Esthetics – 85 hours of instruction shall be provided
- f) Nail Technology – 55 hours of instruction shall be provided
- g) Electives – 35 hours
- h) Internship program is an optional part of the curriculum. Each licensed cosmetology school may choose to set up an internship program and shall follow the guidelines set forth in this subsection [\(h\)](#):
 - 1) An internship program:
 - A) May be substituted for 150 hours of the 1500 hours as set forth in this Section.
 - B) May be part of the curriculum of a licensed cosmetology school and shall be an organized preplanned training program designed to allow a student to learn hair dressing, sanitation, safety and shop management, hair treatment, nail technology and esthetics under the direct supervision of a licensed cosmetologist in a registered salon.
 - 2) A student in the internship program:
 - A) May participate in an internship program only after completing 750 hours of training with a minimum average grade of 80. A

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school may, however, set the average grade higher and set other standards that a student must meet to participate in the internship program.

- B) May not spend more than 150 hours in an internship program.
 - C) May not be paid while participating in this internship program as it is a part of the cosmetology curriculum of the school.
 - D) May work a maximum of 8 hours a day and shall be required to spend 1 day a week at the school.
 - E) Shall be under the direct on site supervision of a licensed cosmetologist. Only 1 student shall be supervised by 1 licensed cosmetologist.
- 3) A licensed cosmetology school shall state clearly in the student contract that the school offers an internship program.
- 4) The licensed cosmetology school shall enter into a contract with the student, the registered salon and licensed cosmetologist. The contract shall contain all the provisions set forth in subsection (h)(2) of this Section and any other requirements of the internship established by the school. The contract shall be signed by the student, the school and the licensed cosmetologist. Any party to the contract may terminate the contract at any time.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.535 Curriculum Requirements – Cosmetology Teacher

- a) An approved school that intends to provide teacher training must utilize a teacher program that includes a minimum of 1000 clock hours or a 34 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:
 - 1) 500 hours of Post-Graduate School Training that includes all subjects in the basic cosmetology curriculum in Section 1175.530, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.

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- 2) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.
 - 3) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods-Secondary Level at an accredited college or university.
 - 4) 150 hours of Application of Teaching Methods that include preparation and organization of subject matter to be presented on a unit by unit basis and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.
 - 5) 50 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.
 - 6) 260 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.
- b) The approved program for a 500 hour Teacher Training Course shall be based ~~upon~~ 2 years of practical experience and shall consist of the Teacher Training Curriculum outlined in subsection (a) of this Section with the exception of the 500 hours of ~~post-graduate training~~Post-Graduate Training.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.536 Curriculum Requirements – Cosmetology Clinic Teacher

- a) An approved school that intends to provide cosmetology clinic teacher training

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must utilize a teacher program that includes a minimum of 250 clock hours or a 9 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:

- 1) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.
- 2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods – Secondary Level at an accredited college or university.
- 3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.
- 4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed cosmetology teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.

- b) Completion of an instructor's institute of 20 hours as provided in Section 3-4 of the Act may be done in lieu of the 250 hour clinic teacher curriculum if an individual has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed cosmetologist prior to submitting an application for examination. This institute shall, at a minimum, consist of 10 hours of Educational Psychology and 10 hours of Teaching Methods (Theory). The approved curriculum for a 250-hour Clinic Teacher Training Program shall be based upon 2 years of practical experience.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.540 Final Examination

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- a) A school shall require each candidate for graduation to pass a final examination that shall test the student's theoretical and practical knowledge of the curriculum studied.
- b) The practical examination shall test the candidate's skills in the following areas:
- 1) Hair cutting
 - 2) Thermal curl and blow drying;
 - 3) Chemical permanent waving and relaxing;
 - 4) Hair coloring and lightening;
 - 5) Esthetics; and
 - 6) Nail technology.
- c) The examination shall be administered by the uniform application of standard performance criteria established by the school for each skill area. The standard performance criteria for each skill area shall be delineated in the examination records as specified in subsection (h), ~~below~~.
- d) A passing score of 75 or greater shall be required on both the theoretical and practical portions of the final examination.
- e) The school shall allow each candidate for graduation at least 3 attempts to pass the final exam.
- f) The ~~Division~~Department may monitor the administration of the final examination:
- 1) As a result of a complaint received;
 - 2) For random sampling;
 - 3) To collect data; and/or
 - 4) When the failure rate on the licensure examination for school graduates is greater than 25%.

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- g) The ~~Division~~~~Department~~ shall maintain records of each school's graduate failure rate on the licensing examination. The records shall reflect only first examination attempts for each graduate. The examination results shall not count toward the failure rate on the licensing examination if the student transfers to the school from a closed school with one-half or more of the required hours for graduation.
- h) The school shall maintain records of the final examination for a period of no less than 5 years in the manner prescribed in Section 1175.520 of this Part. These records shall include:
- 1) A copy of the final examination administered; and
 - 2) Each student's examination grades.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.545 Change of Ownership

- a) When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the ~~Division~~~~Department~~ the following:
- 1) An affidavit stating that the contract is contingent on a certificate being issued to the new owner. If this is not provided, the school must close on the date of the transfer and remain closed until a new certificate is issued;
 - 2) A signed and completed school application;
 - 3) A floor plan drawn to scale if any expansion is to be done by the new owner;
 - 4) A copy of a lease agreement showing at least a 1 year commitment or certification of school site ownership;
 - 5) A copy of the enrollment agreement that will be utilized by the new owner;
 - 6) A copy of the written, published attendance policy that will be utilized by the new owner;

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- 7) A copy of curricula that will be used by the new owner;
 - 8) A copy of the school's official transcript;
 - 9) A Commitment Statement signed and dated by the school's chief managing employer and a statement signed and dated by each partner or each officer of the corporation;
 - 10) List of all the names, addresses and current status of all schools in which the applicant has previously owned any interest, and a declaration as to whether any of these schools were ever denied accreditation or licensing or lost accreditation or licensing from any government body or accrediting agency;
 - 117) If owner is a corporation, a copy of the Articles of Incorporation;
 - 128) If owner is a partnership, a listing of all partners and their addresses;
 - 139) A signed inspection report by the local fire inspection authority within 6 months prior to application approving the school site;
 - 1440) A financial statement prepared by a public accountant licensed by the ~~Division~~Department pursuant to the Illinois Public Accounting Act who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;
 - 1544) If a name change is to also occur, the new owner must submit a sample of the new school seal and a photo of the new school sign; and
 - 1642) The required fee set forth in Section 1175.100.
- b) Once the ~~above~~ items listed in subsection (a) have been received, the ~~Division~~Department shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if all of the requirements of Subpart E have been met.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.550 Change of Location

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- a) When the location of an approved school is changed, the school owner shall submit to the ~~Division~~Department the following:
- 1) Written notice to the ~~Division~~Department at least 30 days in advance of the school site change;
 - 2) A signed and completed school application;
 - 3) A floor plan;
 - 4) A copy of a lease agreement showing at least a 1 year commitment or certification of ownership of school site;
 - 5) A signed inspection report by the local fire inspection authority within 6 months prior to application approving the site; and
 - 6) The required fee set forth in Section 1175.100.
- b) Once the ~~above~~ items listed in subsection (a) have been received, the ~~Division~~Department shall inspect the premises to determine compliance with this Part. School operations shall not commence at the new location nor may the school in any way solicit student enrollment until the owners have received written notice of approval from the ~~Division~~Department. Approval will be granted if all of the requirements of Subpart E have been met.
- c) If the change of location is due to natural destruction of the original premises, a temporary site may be used to teach theory classes only.
- 1) The temporary site must be inspected prior to its use and must possess light and ventilation, tables and chairs for the number of students in a classroom, and must be clean.
 - 2) The temporary site may be used for a period of 2 months. The 2 month period can be extended for good cause. Good cause includes, but is not limited to, unexpected delays in construction, delays in lease arrangements, or delays in equipment delivery.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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Section 1175.555 Change of Name

When changing the name of a licensed school, a written request for a name change, along with the required fee specified in Section 1175.100, shall be mailed 30 days in advance of any name change. The ~~Division~~Department shall then issue a new certificate. At the time of the change of name, all identifying signs and materials must be changed to conform with the new name on the school license.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.560 Expansion

- a) Written notice shall be given to the ~~Division~~Department 30 days prior to any expansion of an approved school.
- b) Off-Site Classrooms
 - 1) When the expansion will result in an off-site classroom location, a completed school application must be submitted along with:
 - A)1) A detailed floor plan drawn to scale;
 - B)2) A copy of a lease showing at least a 1 year commitment to the use of the site or certification of ownership of the proposed site;
 - C)3) A signed fire inspection report from a local fire authority within 6 months prior to application giving approval for use of the site as a classroom location;
 - D)4) A statement from the school owner outlining the purpose of the classroom location;
 - E)5) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion;
 - F)6) A financial statement prepared by a public accountant licensed by the ~~Division~~Department pursuant to the Illinois Public Accounting Act who is not an employee of the school, indicating sufficient finances exist to operate the school for at least 3 months; and

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- ~~G)7)~~ The required fee set forth in Section 1175.100.
- 2) An off-site classroom location is defined as a separate classroom that is located within 5 miles of the main school site that serves to provide adequate space in which to train an overflow of students. A clinic may not be operated at an off-site classroom location. A school may establish only 1 off-site classroom location. All identifying signs and materials must reflect the name of the main school.
- c) When an on-site expansion is to accommodate an increased enrollment, a completed school application shall be submitted along with:
- 1) A detailed floor plan;
 - 2) A statement from the school owner outlining the purpose of the expansion;
 - 3) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion; and
 - 4) The required inspection fee.
- d) Upon receipt of the ~~above~~ items listed in subsections (b) and (c), the ~~Division~~Department shall inspect the expansion site to determine compliance with this Part. The site shall not be used until such inspection has occurred and the owner has received written notification of approval from the ~~Division~~Department. Approval will be granted if all of the requirements of Subpart E have been met.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.565 Discontinuance of Program

- a) The ~~Division~~Department shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.
- b) The school owner shall notify the ~~Division~~Department in writing of the actual closing date of the school.
- c) All school records shall be maintained after the school closes.

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- d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.
- e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.
- f) Students who have acquired 750 or more clock hours before their school closes shall be allowed to transfer all accumulated hours to another licensed cosmetology school. Schools accepting these hours shall not be credited with the students' pass/fail statistics, set forth in Section 1175.570(b), resulting from their first attempt on the Illinois Cosmetology examination.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.570 Withdrawal of Approval

- a) The ~~Division~~Department may withdraw, suspend or place on probation, pursuant to 68 Ill. Adm. Code 1110, the approval of a school of cosmetology when the quality of the program has been affected by any of the following causes:
 - 1) Gross or repeated violations of any provisions of the Act or this Part;
 - 2) Fraud or dishonesty in furnishing transcripts or documentation for evaluation of the school;
 - 3) Failure to meet the criteria for school approval in Section 1175.500;
 - 4) Failure to administer the final examination as specified in this Part;
 - 5) Failure to maintain final examination grades for each student and a master of the examination administered as specified in this Part;
 - 6) Fraud or dishonesty in providing transcripts to students who have fulfilled all obligations under Section 1175.510;
 - 7) Failure to provide transcripts to students;
 - 8) A finding by the U.S Office of Education or Illinois State Scholarship Commission that a school has misappropriated or misused grant or loan monies or has aided in obtaining such monies by providing fraudulent or

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untruthful information; or

- 9) Any other violations of the Act and this Part.
- b) Performance Record on Licensing Examination
- 1) When a school's graduates have 25% or greater failure rate on the licensing examination, DivisionDepartment approval of a school shall be reviewed pursuant to Section 1175.500.
 - 2) The performance record of a school's graduates on the licensing examination as compared with the statewide performance record shall be considered by the DivisionDepartment when reviewing DivisionDepartment approval of a school.
 - 3) The DivisionDepartment shall give written notice and a hearing pursuant to 68 Ill. Adm. Code 1110 when DivisionDepartment approval of a school is being reviewed.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART G: ESTHETICS

Section 1175.700 Examination – Esthetics

- a) Eligibility. Each applicant must meet the following requirements:
- 1) Be at least 16 years of age.
 - 2) Pursuant to Section 3A-2 of the Act:
 - A) Be a high school graduate or its equivalent or be beyond the age of compulsory school attendance; and
 - B) Graduate from an esthetics or cosmetology school approved by the DivisionDepartment to teach esthetics in accordance with Subpart H of this Part, which includes a 750 hour program in the study of esthetics extending over a period of not less than 18 weeks nor more than 4 consecutive years.

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- b) Application. Each applicant shall file an application for examination, on forms provided by the ~~Division~~Department, at least 45 days prior to an examination date. The application shall include:
- 1) An official transcript showing successful completion of the required training outlined in subsection (a) ~~above~~ and a passing grade on the final examination administered by the school as set forth in Section 1175.845; or official transcripts showing successful completion of remedial training (125 hour refresher course) when required by Section 3A-2 of the Act;
 - 2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if different than shown on the supporting documents;
 - 3) If licensed as an esthetician or holding a related license in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice;
 - 4) A complete work history since graduation from an esthetics school or a cosmetology school approved to teach esthetics; and
 - 5) The required fee set forth in Section 1175.100.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.705 Examination – Esthetics Teacher and Esthetics Clinic Teacher

- a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3A-3 of the Act prior to filing an application for the esthetics teacher examination.
- 1) Be at least 18 years of age;
 - 2) Be a high school graduate or its equivalent;
 - 3) Hold a current license as a cosmetologist or esthetician;
 - 4) For esthetics teacher:
 - A) Complete a program of 500 hours of teacher training in an approved cosmetology or esthetics school and 2 years of

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experience as a licensed cosmetologist or esthetician within 5 years preceding application; or

- B) Complete a program of 750 hours of teacher training in a licensed cosmetology school approved to teach esthetics or in an esthetics school; and
- 5) For esthetics clinic teacher: An official transcript from an approved school of esthetics or cosmetology showing successful completion of a program of 250 hours of clinic teacher training as outlined in Section 1175.536 or 1175.841 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist within 5 years prior to application.
- b) Application. Each applicant shall file an application, on forms provided by the ~~Division~~Department, at least 45 days prior to an examination date. The application shall include:
- 1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if different than shown on supporting documents;
 - 2) The required fee set forth in Section 1175.100;
 - 3) For an esthetics teacher:
 - A) An official transcript from an approved school of esthetics or cosmetology showing successful completion of a 500 hour program of teacher training as outlined in Section 1175.535 or 1175.840 of this Part and 2 employment verification forms showing at least 2 years of the last 5 years preceding the examination of practical experience as a licensed esthetician or cosmetologist; or
 - B) An official transcript from an approved school of esthetics or cosmetology showing completion of a program of 750 hours of teacher training as outlined in Section 1175.535 or 1175.840 of this Part;
 - 4) For an esthetics clinic teacher:

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- A) An official transcript from an approved school of esthetics or cosmetology showing successful completion of a program of 250 hours of clinic teacher training; ~~or as outlined in Section 1175.536 or 1175.841 of this Part and 2 employment verification forms showing at least 2 years of the last 5 years preceding the examination of practical experience as a licensed esthetician or cosmetologist;~~
- B) Proof that the teacher, within 5 years preceding the examination, has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed esthetician and has completed an instructor's institute of 20 hours, approved by the Division, prior to submitting an application for examination;

- 5) A complete work history since graduation from an esthetics or cosmetology school;
- 6) A copy of the applicant's current Illinois esthetician or cosmetology license;
- 7) For any person who holds a cosmetologist's license, a certificate of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. Such certificate shall be from the school of cosmetology or esthetics or the manufacturer of such machines used in esthetics; and
- 8) If licensed in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.710 Examination Requirements

- a) Examinations shall be administered by the ~~Division~~Department or its designated testing service for estheticians, esthetics teachers and esthetics clinic teachers and shall cover both theoretical and practical knowledge that shall include but not be limited to: subject matter as set forth in Section 3A-5 of the Act.

- 1) Product chemistry;

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- 2) Sanitary rules and regulations;
 - 3) Sanitary procedures;
 - 4) Chemical service procedures;
 - 5) Knowledge of the anatomy of the skin as it relates to applicable services under the Act;
 - 6) The provisions and requirements of the Act; and
 - 7) Labor and compensation laws.
- b) The passing grade on each examination is 75.
- c) Retakes
- 1) Esthetician. An applicant who fails to pass a third examination to become a licensed esthetician must submit an official transcript from a cosmetology school approved to teach esthetics or an esthetics school approved by the ~~Division~~Department showing successful completion of a 125 hour refresher course prior to taking the examination a fourth time.
 - 2) Esthetics Teacher or Esthetics Clinic Teacher. An applicant who fails to pass a third examination to become a licensed esthetics teacher or esthetics clinic teacher must submit an official transcript from a licensed esthetics or cosmetology school approved to instruct esthetics teachers showing successful completion of an 80 hour refresher course prior to taking the examination a fourth time.
 - 3) An applicant, upon failing the fourth examination to become a licensed esthetician, esthetics teacher or esthetics clinic teacher, must submit an official transcript from an approved esthetics or cosmetology school showing successful repetition of the entire program of training prior to taking the examination a fifth time.
 - 4) For purposes of the examination retakes, the fifth attempt shall count as the first.

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- 5) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1) and (2).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.715 Application for Licensure

- a) Applicants for licensure based on examination shall submit to the Division~~Department~~:
 - 1) A signed and completed licensure application which the applicant will receive with the notification of successful completion of the examination;
 - 2) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and
 - 3) The required fee set forth in Section 1175.100.
- b) Cosmetology teachers licensed in Illinois who are applying for an esthetics teacher's license will not be required to take the examination set forth in Section 1175.705. An application shall be submitted to the Division that ~~Department~~ which includes:
 - 1) A copy of the applicant's~~their~~ current cosmetology teacher license;
 - 2) A complete work history since completion of teacher training;
 - 3) A certificate of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. Such certificate shall be from the school of cosmetology or esthetics or the manufacturer of such machines used in esthetics; and
 - 4) The required fee set forth in Section 1175.100.
- c) A licensed cosmetology teacher who will be teaching esthetics in an approved esthetics school or in a cosmetology school approved to teach esthetics, however, will be required to submit a written request to the Division~~Department~~ notifying it

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of his/her intent to teach esthetics.

- 1) The written request shall be accompanied by:
 - A) A copy of his/her cosmetology teacher license; and
 - B) A certificate of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. Such certificate shall be from the school of cosmetology or esthetics or the manufacturer of such machines used in esthetics.
- 2) The ~~Division~~Department shall issue a letter of authority to the individual that he/she is approved to teach esthetics in Illinois.
- d) Nothing in this Part requires a licensed cosmetologist to obtain a license to practice esthetics or a licensed cosmetology teacher to obtain a license to practice or to teach esthetics.
- e) Nail technology teachers licensed in Illinois who are applying for an esthetics teacher's license will not be required to take the examination set forth in Section 1175.710. An application shall be submitted to the ~~Division~~Department that includes:
 - 1) A copy of his/her current nail technology teacher license;
 - 2) A copy of his/her esthetics license;
 - 3) A complete work history since obtaining a nail technology teacher license;
 - 4) Either:
 - A) Proof of two years experience as an esthetician; or
 - B) An official transcript verifying completion of 250 hours of Post-Graduate School Training that includes all subjects in the basic esthetics curriculum in Section 1175.835, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education; and

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- 5) The required fee set forth in Section 1175.100.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.720 Endorsement

- a) An applicant who is currently licensed as an esthetician in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the ~~Division~~**Department**, which shall include:
- 1) A certification from the jurisdiction of original licensure stating:
 - A) A brief description of any licensure examination taken and the grades received; and
 - B) Whether the applicant's file contains any record of disciplinary actions taken or pending;
 - 2) Official transcripts from the schools attended by the applicant showing the programs completed and the hours received with the school seal affixed;
 - 3) Certification of current licensure if other than original licensure;
 - 4) A complete work history showing all employment since graduation from esthetics school to present;
 - 5) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;
 - 6) The required fee set forth in Section 1175.100; and
 - 7) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the ~~Division~~**Department** in the application review. The ~~Division~~**Department** will make such a request if the application materials are incomplete.
- b) An applicant who is currently licensed as an esthetics teacher or esthetics clinic teacher in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the

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Division~~Department~~, that~~which~~ shall include:

- 1) A certification from the jurisdiction of original licensure stating:
 - A) A brief description of any licensure examination taken and the grades received; and
 - B) Whether the applicant's file contains any record of disciplinary action taken or pending;
- 2) Official transcripts from the schools attended by the applicant showing the programs completed and the hours received with the school seal affixed;
- 3) Certification of current licensure if other than original licensure;
- 4) Either:
 - A) Two Verification of Employment forms submitted by an applicant who completed a program of at least 500 hours of teacher training. An esthetics teacher applicant shall submit verification of 2 years of lawful practice as an esthetician; or
 - B) Two Verification of Employment forms submitted by an applicant who completed a program of at least 250 hours of clinic teacher training. An esthetics clinic teacher applicant shall submit verification of 2 years of lawful practice as an esthetician; or
 - C) Two Verification of Employment forms indicating 3 years of lawful practice in another jurisdiction submitted by an applicant who is applying as an esthetics teacher or esthetics clinic teacher on the basis of 3 years of lawful practice;
- 5) A complete work history showing all employment since graduation from basic esthetics school to present;
- 6) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;

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- 7) The required fee set forth in Section 1175.100; and
 - 8) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Division~~Department~~ in the application review. The Division~~Department~~ will make such a request if the application materials are incomplete.
- c) An applicant for licensure as an esthetician who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he/she was lawfully employed as an esthetician. To obtain credit for work experience, the applicant must submit verification of employment in support of the work experience on forms provided by the Division~~Department~~. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.
- d) An applicant applying for licensure as an esthetician, esthetics teacher or esthetics clinic teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.710(c). The successful completion of the substantially equivalent examination and fulfillment of applicable requalification requirements must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.725 Renewals

- a) Every license issued under the Act shall expire as follows:
 - 1) Esthetics teacher, esthetics clinic teacher and esthetics school licenses shall expire on September 30 of each even numbered year.
 - 2) Esthetician licenses shall expire on September 30 of each odd numbered year.
 - 3) The holder of a license may renew the license during the month preceding its expiration date.

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- b) Applicants for renewal shall:
- 1) Return a completed renewal application.
 - 2) Esthetician. Certify on the renewal application to successful completion of a minimum of 10 hours of continuing education from a sponsor registered with the DivisionDepartment, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license.
 - 3) Esthetics Teacher and Esthetics Clinic Teacher. Certify on the renewal application to successful completion of a minimum of 20 hours of continuing education from a sponsor registered with the DivisionDepartment, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license. Ten of the 20 hours shall be in the following areas:
 - A) Teaching methodology;
 - B) Educational psychology;
 - C) Classroom management; or
 - D) Other teaching related courses.
 - 4) Submit the required fee set forth in Section 1175.100.
- c) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.
- d) The DivisionDepartment may require additional evidence demonstrating compliance with the CE requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Division'sDepartment's random audit.
- e) It is the responsibility of each licensee to notify the DivisionDepartment of any change of address. Failure to receive a renewal form from the DivisionDepartment shall not constitute an excuse for failure to renew a license.

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- f) Practicing or operating on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.730 Restoration – Esthetics

- a) A person applying for restoration of a license as an esthetician that has been expired for less than 5 years shall submit an application on forms provided by the Division~~Department~~ and either:
- 1) All of the following:
 - A) pay the required fee; and
 - B) provide evidence of successful completion of 10 hours of continuing education in accordance with Section 1175.1200 of this Part; earned within the 2 years immediately preceding the restoration
 - 2) If restoring after active military service, a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.
- b) A person applying for restoration of a license as an esthetician that has been expired for 5 years or more shall submit an application on forms provided by the Division~~Department~~ along with either:
- 1) All of the following:
 - A) Verification of employment attesting to lawful practice in another jurisdiction within the 5 years preceding application for restoration;
 - B) Certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed;
 - C) A complete work history showing all employment since the Illinois license lapsed or was placed on inactive status;

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- D) A completed Restoration Questionnaire;
 - E) Evidence of successful completion of 10 hours of continuing education earned within the 2 years immediately preceding restoration; and
 - F) The required fee set forth in Section 1175.100; or
- 2) If restoring from active military service, a copy of the applicant's DD-214 and the current renewal fee.
- c) An applicant for restoration who has not maintained a lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 125 hour esthetics refresher course from an approved cosmetology or esthetics school or pass the esthetics licensure examination pursuant to Section 1175.710 within 2 years prior to or within 2 years after application for restoration. An applicant who completes this refresher course or takes the examination shall not also be required to complete 10 hours of continuing education.
- d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.735 Restoration – Esthetics Teacher

- a) A person applying for restoration of a license as an esthetics teacher or esthetics clinic teacher that has been expired or been on inactive status for less than 5 years shall submit an application on forms provided by the ~~Division~~Department. An applicant shall also submit evidence of successful completion of 20 hours of continuing education in accordance with Section 1175.1210 earned within the 2 years immediately preceding the restoration and the required fee set forth in Section 1175.100. If restoring after active military service, an applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.
- b) A person applying for restoration of a certificate as an esthetics teacher or esthetics clinic teacher that has been expired for 5 years or more shall submit an application on forms provided by the ~~Division~~Department, along with either:

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- 1) All of the following:
 - A) Verification of employment as an esthetics teacher or esthetics clinic teacher in another jurisdiction within the 5 years preceding application for restoration;
 - B) A certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed;
 - C) Evidence of successful completion of 20 hours of continuing education earned within 2 years immediately preceding restoration;
 - D) A complete work history showing all employment since the Illinois esthetics teacher or esthetics clinic teacher license lapsed;
 - E) A completed restoration questionnaire; and
 - F) The required fee set forth in Section 1175.100; or
 - 2) If restoring after active military service, a copy of the applicant's DD-214 form and the current renewal fee.
- c) An applicant for restoration of an esthetics teacher license who has not maintained a lawful esthetics teaching practice (as determined by the laws of that jurisdiction) in another jurisdiction shall submit official transcripts showing successful completion of a 125 hour teacher refresher course from an approved esthetics or cosmetology school or pass the esthetics teacher examination in accordance with Section 1175.710 within 2 years prior to application for restoration. An applicant who completes this refresher course shall not also be required to complete 20 hours of continuing education.
 - d) An applicant for restoration of an esthetics clinic teacher license who has not maintained an active teaching practice in another jurisdiction shall submit official transcripts showing successful completion of a 60 hour teacher refresher course or passage of the examination set forth in Section 1175.710 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 60 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license.

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(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART H: ESTHETICS SCHOOLS

Section 1175.800 Esthetics School Application

- a) An applicant for an esthetics school license shall submit a completed application to the ~~Division~~~~Department~~ with the following information and documentation:
- 1) A detailed floor plan consistent with the requirements of Section 1175.810(a)(1) of this Part;
 - 2) A copy of a lease showing at least a 1 year commitment to the use of the school site or certification of ownership of the proposed school site;
 - 3) If owner is a corporation, a copy of the Articles of Incorporation;
 - 4) If owner is a partnership, a listing of all partners and their current addresses;
 - 5) A signed fire inspection report from the local fire authority within 6 months prior to application giving approval for use of the site as a school;
 - 6) A financial statement prepared by a public accountant licensed by the ~~Division~~~~Department~~ pursuant to the Illinois Public Accounting Act who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;
 - 7) A copy of the official enrollment agreement to be used by the school which shall be consistent with the requirements of Section 1175.815 of this Part;
 - 8) A listing of all esthetics and cosmetology teachers, including their teacher license numbers, who will be in the school's employ;
 - 9) A copy of the curricula that will be followed;
 - 10) A copy of the school's official transcript; and
 - 11) The required fee set forth in Section 1175.100.

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- b) When the ~~above~~ items listed in subsection (a) have been received, the ~~Division~~Department shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not commence nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the ~~Division~~Department. Approval will be granted if all of the requirements of this Subpart H have been met.
- c) Esthetics schools shall only offer instruction in esthetics and esthetics teacher education.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.805 Cosmetology Schools Approved to Teach Esthetics

- a) Existing cosmetology schools that wish to provide esthetics instruction shall:
- 1) provide 200 square feet of space to accommodate 5 work stations and a maximum of 10 students. If attendance exceeds 10 on the clinic floor at any time, an additional 40 square feet is required for each additional work station required by subsection (a)(4)(B) of this Section. The use of this space shall not reduce the square footage for the conduct of an approval cosmetology school below the minimum requirements set forth in this Part.
 - 2) File an application with the ~~Division~~Department, on forms provided by the ~~Division~~Department, which shall include:
 - A) A detailed floor plan;
 - B) A signed copy of fire inspection report from the local fire authority within 6 months prior to application giving approval for use of the site as a school;
 - C) A financial statement prepared by a public accountant licensed by the ~~Division~~Department pursuant to the Illinois Public Accounting Act who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;
 - D) A copy of the enrollment agreement to be used by the school;

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- E) A copy of the esthetics curriculum;
 - F) A listing of all esthetics and cosmetology teachers, including their teacher license numbers, who will be in the school's employ;
 - G) A copy of the school's official transcript; and
 - H) The required fee set forth in Section 1175.100.
- 3) When the ~~above~~ items listed in subsection (a)(2) have been received, the Division~~Department~~ shall inspect the school premises, prior to school approval, to determine compliance.
- 4) In addition, the school shall have the following:
- A) At least one facial chair for every 2 students enrolled.
 - B) At least one work station or position for every 2 students.
 - C) Every work station shall have 1 set of facial equipment to include manual, mechanical, or electrical apparatus as follows:
 - i) Steamer
 - ii) Brushing
 - iii) Vacuum/spray machine
 - iv) Glass electrode or high frequency current
 - v) Disencrustation machine
 - vi) One magnification lamp
 - vii) Woods lamp.
 - D) Provide an esthetics curriculum in accordance with Sections 1175.835 and 1175.840.

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- b) Cosmetology schools approved to teach esthetics shall be required to comply with all provisions in this Part except for Section 1175.810(a) and (b).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.810 Physical Site Requirements

- a) Space Requirements
- 1) A school shall have a minimum of 1,800 square feet for a maximum of 20 students. An additional 40 square feet is required for each additional student if attendance exceeds 20 on the clinic floor at any given time.
 - 2) The school shall be partitioned to provide for the following areas:
 - A) Dispensary
 - B) Laboratory
 - C) Classrooms
 - D) Separate restrooms for males and females
 - E) Cloak space
 - F) Public waiting area separated from the work area
 - G) Student lounge area
 - H) Storage space
 - I) Locker space
 - J) Conference room
 - K) Other areas for school administration
 - L) Work stations.
 - 3) All areas of the school shall be ventilated and lighted.

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- b) Equipment Requirements – All equipment shall be in working condition and sufficient for the number of students enrolled. Minimum requirements for school equipment are:
- 1) An entrance sign designating the name of the school;
 - 2) A school seal;
 - 3) A time clock or other equipment necessary for verification of attendance and hours earned;
 - 4) A minimum of 10 facial chairs. For enrollment over 20, one facial chair per 2 students;
 - 5) A minimum of 10 work stations. For enrollment over 20, 1 work station or position per 2 students;
 - 6) Every station shall have 1 set of facial equipment to include manual, mechanical, or electrical apparatus as follows:
 - A) Steamer
 - B) Brushing
 - C) Vacuum/spray machine
 - D) Glass electrode or high frequency current
 - E) Disencrustation machine
 - F) Magnification lamp
 - G) Wood lamp;
 - 7) Trays for facial supplies;
 - 8) One dry sterilizer per 2 work stations;
 - 9) One facial supply cabinet containing astringents, lotions, creams, makeup

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and other necessary supplies for facials;

- 10) Desk/table space and a chair for each student in the classroom;
- 11) Adequate covered disposal cans placed at convenient locations;
- 12) One covered container for soiled towels for each 10 students in clinical work area;
- 13) Closed cabinets equipped for storing towels; and
- 14) One head form or chart per class.

c) Sanitary Regulations

- 1) Clean outer garments must be worn at all times. No open toed shoes shall be worn by students.
- 2) All instruments shall be sanitized before and after use on each patron.
- 3) Clean towels shall be used for each patron.
- 4) Hands must be cleansed before and after serving each patron.
- 5) After each patron is served, electrical equipment must be sanitized according to manufacturer's specifications. All other equipment should be washed in water and sanitized before use.
- 6) The head rests of any chair shall be protected with a disposable cover and changed after each patron.
- 7) Non-disposable head coverings must be laundered and sanitized after each separate use.
- 8) All powders, lotions, creams, and other cosmetics shall be kept in clean, closed containers. All cosmetics shall be applied by sanitary applicators and removed from the container with a sanitary spatula.
- 9) No owner, manager, teacher or school administrator shall knowingly permit any person suffering from a serious communicable disease as

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defined in 77 Ill. Adm. Code 690 to work on the premises, or knowingly permit a student to serve a patron with a serious communicable disease.

- 10) No animals or pets, except animal assistants for the physically impaired seeing-eye/hearing dogs, shall be permitted on school premises.
 - 11) The floors, walls and furniture shall be kept clean at all times.
 - 12) An adequate supply of hot and cold running water shall be available for school operation.
- d) Textbooks/Teaching Materials – Textbooks shall be provided for each student in attendance.
 - e) Teachers – The student/teacher ratio during clinical instruction shall not exceed a 20 to 1 ratio.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.815 Enrollment Agreements and Refund Policy

- a) All licensed esthetics schools shall have enrollment agreements that meet the requirements of Section 3B-12 of the Act.
- b) All licensed esthetics schools shall implement refund policies pursuant to Section 3B-13 of the Act and this Part.
 - 1) *When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain no more than the application and registration fee, plus the cost of any books or materials that~~which~~ have been provided by the school and retained by the student (Section 3B-13(b)). The cost of books for purposes of refunds is the cost of the books charged to the student, not the cost of the books to the school.*
 - 2) For students who enroll in and begin classes, tuition adjustment shall be made in the following manner:

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PERCENTAGE TIME TO TOTAL TIME OF COURSE	AMOUNT OF TOTAL TUITION OWED TO THE SCHOOL
0.01% to 4.9%	10%
5% to 9.9%	30%
10% to 14.9%	40%
15% to 24.9%	45%
25% to 49.9%	70%
50% and over	100%

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.820 Advertising

All school advertising for patrons ~~shall~~**must** conspicuously contain the words "Work Done Exclusively by Students" or "All Work Done by Students".

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.825 Recordkeeping – Transcripts

- a) Each school shall provide an official transcript showing the entire program work of each student. The official transcript shall contain the following information:
- 1) School name and address;
 - 2) School seal;
 - 3) School license number;
 - 4) Signature of owner, registrar or director of the school;
 - 5) Student's name, address and social security number;
 - 6) Actual dates student attended;
 - 7) Subject areas, hours earned and grades received;
 - 8) Any transfer hours citing the name and address of school transferred from, subject areas, hours earned and grades received;

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- 9) Final examination grades; and
 - 10) Graduation date.
- b) The official transcript and school records for each student shall be permanently maintained by the school in the following manner:
- 1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet.
 - 2) If records cannot be maintained on the premises in locked fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the ~~Division~~~~Department~~. Such records shall be accessible to ~~Division~~~~Department~~ officials for inspection.
- c) An official transcript and school records for students who withdrew or dropped out of a program shall be maintained by the school for 7 years from the student's first day of attendance at the school.
- d) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school provided the student has met all financial obligations established in the enrollment agreement as set forth in Section 1175.815.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.830 Recordkeeping – Hours Earned

- a) When determining student hours, a school may define its attendance requirements to include 100 percent attendance for the program length or may allow excused absences for not more than 10 percent of the program for satisfactory completion. Satisfactory completion is defined as completion of all theory and practical work as outlined in the school's curricula.
- 1) Student attendance policies shall be written and applied uniformly and fairly.

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- 2) The school ~~shall~~**must** maintain documentation of excused absences for a period of not less than 5 years.
 - 3) The school ~~shall~~**must** maintain attendance records for each student to verify that the minimum attendance standard set forth by the school is being met.
- b) A complete and accurate record of hours of attendance for each student ~~shall~~**must** be recorded and maintained by the school.
 - c) If a time clock is used, each student shall punch his/her own time card. No student, teacher or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records ~~shall~~**must** be in a form that allows the student to receive a written report of hours earned. This report of hours earned shall be provided to the student on a monthly basis.
 - d) Credit for hours earned away from school premises shall be awarded only if students are supervised by a licensed instructor or by a licensed esthetician or licensed cosmetologist in the case of an internship. Credit hours for outside study may include workshops, educational programs, films, demonstrations and internship training in a registered salon.
 - e) Hours earned away from the school premises shall be recorded on school time forms. These forms shall include: the school seal, name of student, event or program attended, date attended, signature of student and signature of supervising, licensed instructor.
 - f) Instructors shall review the hours earned by each student monthly. Each month the instructor shall issue a signed written monthly report to the student showing the actual number of hours earned by the student.
 - g) Time cards may be destroyed upon the student's permanent exit from the school and after all hours earned are recorded on the official transcript.
 - h) An hour is 60 minutes of instruction but not less than 50 minutes.
 - i) A licensed instructor shall supervise all classroom, practical and clinical instruction. No credit shall be given for unsupervised study.

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(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.835 Curriculum Requirements – Esthetics

- a) Each licensed cosmetology school teaching an esthetics curriculum and each licensed esthetics school shall provide a program consisting of a minimum of 750 clock hours or a 25 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:
- 1) Basic Training – 75 hours of classroom instruction in general theory and practical application shall be provided which shall be divided into the following subject areas:
 - history of skin care
 - personal hygiene and public health
 - professional ethics
 - sterilization and sanitation
 - introduction to skin analysis and skin care and facial treatments
 - 2) Scientific Concepts – 150 hours of classroom instruction shall be provided in the following subject areas:
 - cells, metabolism and body systems
 - bacteriology
 - physiology and histology of the skin
 - human anatomy
 - chemistry – understanding chemicals and their use
 - disorders of the skin and special esthetics procedures
 - 3) Practices and Procedures – 500 hours of instruction, which shall be a

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combination of classroom instruction and clinical application, shall be provided in the following subject areas:

non-therapeutic massage, excluding the scalp

nutrition and health of skin

skin analysis

cleansing the skin

mask therapy and facial treatments

facial treatments without the aid of machines

electricity, machines and apparatus

facial treatments with the aid of machines

hair removal; including tweezer method, depilators, waxing and their use

professional makeup techniques

product knowledge as it relates to esthetics

- 4) Business Practices – 25 hours of classroom instruction shall be provided in the following subject areas:

Illinois Barber, Cosmetology, Esthetics and Nail Technology Act and Rules management

OSHA standards relating to chemical use

- 5) Internship Program is an optional part of the curriculum. Each licensed esthetics school may choose to set up an internship program and shall follow the guidelines set forth [in this subsection \(a\)\(5\) below](#):

- A) An internship program:

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- i) May be substituted for 75 hours of the 750 hours set forth in this subsection (a).
 - ii) May be part of the curriculum of a licensed esthetics school and shall be an organized preplanned training program designed to allow a student to learn esthetics under the direct supervision of a licensed cosmetologist or licensed esthetician in a registered salon.
- B) A student in the internship program:
- i) May participate in an internship program only after completing 375 hours of training and have a minimum average grade of 80. A school may set the average grade higher and set other standards that a student must meet to participate in the internship program.
 - ii) May not spend more than 75 hours in an internship program.
 - iii) May not be paid while participating in this internship program as it is a part of the esthetics curriculum of the school.
 - iv) May work a maximum of 8 hours a day and shall be required to spend 1 day a week at the school.
 - v) Shall be under the direct on-site supervision of a licensed cosmetologist or licensed esthetician. Only 1 student shall be supervised by 1 licensed cosmetologist or licensed esthetician.
- C) A licensed esthetics school shall state clearly in the student contract or enrollment agreement that the school offers an internship program.
- D) The licensed esthetics school shall enter into a contract with the student, the registered salon and licensed cosmetologist or licensed esthetician. The contract shall contain all of the provisions set forth in this subsection (a)(5) and any other requirements of the

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internship program established by the school. The contract shall be signed by the student, the school and the licensed cosmetologist or licensed esthetician. Any party to the contract may terminate the contract at any time.

- b) An esthetics student is not permitted to practice on the public until the successful completion of 75 hours of basic training specified in subsection (a)(1).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.840 Curriculum Requirements – Esthetics Teacher

- a) An approved school that intends to provide teacher training must utilize a teacher curriculum ~~that~~^{which} includes a program consisting of a minimum of 750 clock hours or a 25 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:
- 1) 250 hours of Post-Graduate School Training that includes: all subjects in the basic esthetics curriculum in Section 1175.835, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.
 - 2) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of esthetics teacher students who have completed a course in Educational Psychology at an accredited college or university.
 - 3) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. These hours shall be waived on behalf of esthetics teacher students who have completed a course in Teaching Methods-Secondary Level at an accredited college or university.
 - 4) 150 hours of Application of Teaching Methods that include: preparation and organization of subject matter to be presented on a unit by unit basis;

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and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.

- 5) 50 hours of Business Methods that include: Inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.
 - 6) 260 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.
- b) The approved program for a 500 hour Teacher Training Course shall be based upon 2 years of practical experience and shall consist of the Teacher Training Curriculum outlined in this Section with the exception of the 250 hours of Post-Graduate Training.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.841 Curriculum Requirements – Esthetics Clinic Teacher

- a) An approved school that intends to provide esthetics clinic teacher training must utilize a teacher curriculum that includes a program consisting of a minimum of 250 clock hours or a 9 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:
- 1) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.
 - 2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods – Secondary Level at an

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accredited college or university.

- 3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.
- 4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.

- b) Completion of an instructor's institute of 20 hours, as provided in Section 3A-3 of the Act, may be done in lieu of the 250 hour clinic teacher curriculum if an individual has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed esthetician prior to submitting an application for examination. This institute shall, at a minimum, consist of 10 hours of Educational Psychology and 10 hours of Teaching Methods (Theory). The approved program for a 250 hour Clinic Teacher Training Course shall be based upon 2 years of practical experience.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.845 Final Examination

- a) A school shall require each candidate for graduation to pass a final examination that shall test the student's theoretical and practical knowledge of the curriculum studied.
- b) The practical examination shall test the candidate's skills in the following areas:
 - 1) Non-therapeutic massage;
 - 2) Electrical facial treatments;
 - 3) Other kinds of facial treatments;
 - 4) Makeup application; and
 - 5) Hair removal.

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- c) The examination shall be administered by the uniform application of standard performance criteria established by the school for each skill area. The standard performance criteria for each skill area shall be delineated in the examination records as specified in subsection (h), ~~below~~.
- d) A passing score of 75 or greater shall be required on both the theoretical and practical portions of the final examination.
- e) The school shall allow each candidate for graduation at least 3 attempts to pass the final exam.
- f) The ~~Division~~~~Department~~ may monitor the administration of the final examination:
- 1) As a result of a complaint received;
 - 2) For random sampling;
 - 3) To collect data; and/or
 - 4) When the failure rate on the licensure examination for school graduates is greater than 25%.
- g) The ~~Division~~~~Department~~ shall maintain records of each school's graduate failure rate on the licensing examination. The records shall reflect only first examination attempts for each graduate. The examination results shall not count toward the failure rate on the licensing examination if the student transfers to the school from a closed school with one-half or more of the required hours for graduation.
- h) The school shall maintain records of the final examination for a period of no less than 5 years in the manner prescribed in Section 1175.825(b) of this Part. These records shall include:
- 1) A copy of the final examination administered; and
 - 2) Each student's examination grades.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.850 Change of Ownership

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- a) When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the ~~Division~~~~Department~~ the following:
- 1) An affidavit stating that the contract is contingent on a certificate being issued to the new owner. If this is not provided, the school must close on the date of the transfer and remain closed until a new certificate is issued;
 - 2) A signed and completed school application;
 - 3) A floor plan if any expansion is to be done by the new owner;
 - 4) A copy of a lease agreement showing at least a 1 year commitment or certification of school site ownership;
 - 5) A copy of the enrollment agreement that will be utilized by the new owner;
 - 6) A copy of the written, published attendance policy that will be utilized by the new owner;
 - 7) A copy of curricula that will be used by the new owner;
 - 8) A copy of the school's official transcript;
 - 9) A Commitment Statement signed and dated by the school's chief managing employer and a statement signed and dated by each partner or each officer of the corporation;
 - 10) List of all the names, addresses and current status of all schools in which the applicant has previously owned any interest, and a declaration as to whether any of these schools were ever denied accreditation or licensing or lost accreditation or licensing from any government body or accrediting agency;
 - 117) If owner is a corporation, a copy of the Articles of Incorporation;
 - 128) If owner is a partnership, a listing of all partners and their addresses;
 - 139) A signed inspection report by the local fire inspection authority within 6

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months prior to application approving the school site;

~~1410~~) A financial statement prepared by a public accountant licensed by the ~~Division~~~~Department~~ pursuant to the Illinois Public Accounting Act who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;

~~1511~~) If a name change is to also occur, the new owner must submit a sample of the new school seal and a photo of the new school sign; and

~~1612~~) The required fee set forth in Section 1175.100.

- b) Once the ~~above~~-items listed in subsection (a) have been received, the ~~Division~~~~Department~~ shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if the requirements of Subpart H have been met.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.855 Change of Location

- a) When the location of an approved school is changed, the school owner shall submit to the ~~Division~~~~Department~~ the following:
- 1) Written notice to the ~~Division~~ ~~Department~~-at least 30 days in advance of the school site change;
 - 2) A signed and completed school application;
 - 3) A floor plan;
 - 4) A copy of a lease agreement showing at least a 1 year commitment or certification of ownership of school site;
 - 5) A signed inspection report by the local fire inspection authority within 6 months prior to application approving the site; and
 - 6) The required fee set forth in Section 1175.100.
- b) Once the ~~above~~-items listed in subsection (a) have been received, the

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~~Division~~~~Department~~ shall inspect the premises to determine compliance with this Part. School operations shall not commence at the new location nor may the school in any way solicit student enrollment until the owners have received written notice of approval from the ~~Division~~~~Department~~. Approval will be granted if the requirements of Subpart H have been met.

- c) If the change of location is due to natural destruction of the original premises, a temporary site may be used to teach theory classes only.
- 1) The temporary site must be inspected prior to its use and must possess light and ventilation, tables and chairs for the number of students in a classroom, and must be clean.
 - 2) The temporary site may be used for a period of 2 months. The 2 month period can be extended for good cause. Good cause includes, but is not limited to, unexpected delays in construction, delays in lease arrangements or delays in equipment delivery.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.860 Change of Name

When changing the name of a licensed school, a written request for a name change, along with the required fee specified in Section 1175.100, shall be mailed 30 days in advance of any name change. The ~~Division~~~~Department~~ shall then issue a new certificate. At the time of the change of name, all identifying signs and materials must be changed to conform with the new name on the school license.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.865 Expansion

- a) Written notice shall be given to the ~~Division~~~~Department~~ 30 days prior to any expansion of an approved school.
- b) When the expansion will result in an off-site classroom location, a completed school application must be submitted along with:
 - 1) A detailed floor plan;

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- 2) A copy of a lease showing at least a 1 year commitment to the use of the site or certification of ownership of the proposed site;
- 3) A signed fire inspection report from the local fire authority within 6 months prior to application giving approval for use of the site as an off-site classroom location;
- 4) A statement from the school owner outlining the purpose of the classroom location;
- 5) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion;
- 6) A financial statement prepared by a public accountant licensed by the Division~~Department~~ pursuant to the Illinois Public Accounting Act who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months; and
- 7) The required fee set forth in Section 1175.100.

An off-site classroom location is defined as a separate classroom that is located within 5 miles of the main school site that serves to provide adequate space in which to train an overflow of students. A clinic may not be operated at an off-site classroom location. A school may establish only one off-site classroom location. All identifying signs and materials must reflect the name of the main school.

- c) When an on-site expansion is to accommodate an increased enrollment, a completed school application shall be submitted along with:
 - 1) A detailed floor plan;
 - 2) A statement from the school owner outlining the purpose of the expansion;
 - 3) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion; and
 - 4) The required inspection fee set forth in Section 1175.100.
- d) Upon receipt of the ~~above~~ items listed in subsections (b) and (c), the Division~~Department~~ shall inspect the expansion site to determine compliance with

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this Part. The site shall not be used until such inspection has occurred and the owner has received written notification of approval from the DivisionDepartment. Approval will be granted if all of the requirements of Subpart H have been met.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.870 Discontinuance of Program

- a) The DivisionDepartment shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.
- b) The school owner shall notify the DivisionDepartment in writing of the actual closing date of the school.
- c) All school records shall be maintained after the school closes.
- d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.
- e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.
- f) All refunds shall be given to students in accordance with the refund provisions set forth in the enrollment agreement.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.875 Withdrawal of Approval

- a) The DivisionDepartment may withdraw, suspend or place on probation, pursuant to 68 Ill. Adm. Code 1110, the approval of a school of cosmetology or esthetics school when the quality of the program has been affected by any of the following causes:
 - 1) Gross or repeated violations of any provisions of the Act or this Part;
 - 2) Fraud or dishonesty in furnishing transcripts or documentation for evaluation of the school;

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- 3) Failure to meet the criteria for school approval in Section 1175.800;
 - 4) Failure to administer the final examination as specified in this Part;
 - 5) Failure to maintain final examination grades for each student and a master of the examination administered by the school as specified in this Part;
 - 6) Fraud or dishonesty in providing transcripts to students who have fulfilled all obligations under Section 1175.815;
 - 7) Failure to provide transcripts to students;
 - 8) A finding by the U.S. Office of Education or Illinois Student Assistance Commission that a school has misappropriated or misused grant or loan monies or has aided in obtaining such monies by providing fraudulent or untruthful information; and
 - 9) Any other violations of the Act or this Part.
- b) Performance Record on Licensing Examination
- 1) When a school's graduates have a 25% or greater failure rate on the licensing examination, ~~Division~~Department approval of a school shall be reviewed pursuant to Section 1175.800.
 - 2) The performance record of a school's graduates on the licensing examination as compared with the statewide performance record shall be considered by the ~~Division~~Department when reviewing ~~Division~~Department approval of a school.
 - 3) The ~~Division~~Department shall give written notice and a hearing pursuant to 68 Ill. Adm. Code 1110 when ~~Division~~Department approval of a school is being reviewed.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART J: NAIL TECHNOLOGY

Section 1175.1001 Examination – Nail Technician

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- a) Eligibility. Each applicant must meet the following requirements:
- 1) Be at least 16 years of age.
 - 2) Pursuant to Section 3C-2 of the Act:
 - A) Is beyond the age of compulsory school attendance or has a certificate of graduation from a school providing secondary education or the recognized equivalent of that certificate ~~Be a graduate of an eighth grade elementary school or its equivalent;~~ and
 - B) Be a graduate of a cosmetology or nail technology school approved by the Division~~Department~~ to teach nail technology in accordance with Subpart K of this Part, that includes a program of 350 hours in the study of nail technology extending over a period of not less than 8 weeks nor more than 2 consecutive years.
- b) Application. Each applicant shall file an application for examination, on forms provided by the Division~~Department~~, at least 45 days prior to an examination date. The application shall include:
- 1) An official transcript showing successful completion of the required program outlined in subsection (a)(2)(B) and a passing grade on the final examination administered by the school as set forth in Section 1175.1145; or, for those retaking the Division~~Department~~ examination after 2 unsuccessful attempts, official transcripts showing successful completion of remedial training (60 hour refresher course) as required by Section 3C-7 of the Act;
 - 2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if a different name appears on supporting documents;
 - 3) A complete work history since graduation from a nail technology school or a cosmetology school approved to teach nail technology; and
 - 4) The required fee set forth in Section 1175.100 of this Part.
- c) An applicant who has graduated from a nail technology program in another jurisdiction with less than 350 hours may only acquire a maximum of 50 hours of

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nail technology training from a licensed Illinois cosmetology school or nail technology school.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1005 Examination – Nail Technology Teacher or Nail Technology Clinic Teacher

- a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3C-3 of the Act prior to filing an application for the nail technology teacher examination:
- 1) Be at least 18 years of age;
 - 2) Have graduated from high school or its equivalent;
 - 3) Hold a current license as a cosmetologist or nail technician;
 - 4) For nail technology teacher, either:
 - A) Have completed a 500 hour program of teacher training in an approved cosmetology or nail technology school and have at least 2 years of ~~full time~~ ~~full-time~~ experience as a practicing nail technician; or
 - B) Have completed a 625 hour program of teacher training in a school of cosmetology approved in accordance with Section 1175.1105 or school of nail technology approved in accordance with Section 1175.1100; and
 - 5) For nail technology clinic teacher, have completed a 250 hour program of clinic teacher training in an approved cosmetology or nail technology school or within 5 years preceding the examination, has obtained a minimum of and have at least 2 years of practical experience working at least 30 full time hours per week as a licensed nail technician and has completed an instructor's institute of 20 hours, as approved by the Division, within 5 years prior to submitting an application for examination.
- b) Application. Each applicant shall file an application, on forms provided by the Division ~~Department~~, at least 45 days prior to the examination date. The

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application shall include:

- 1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if a different name appears on supporting documents;
- 2) The required fee set forth in Section 1175.100;
- 3) For nail technology teacher, either:
 - A) An official transcript from an approved school of nail technology or cosmetology showing successful completion of a 500 hour program of teacher training as outlined in Section 1175.535 or 1175.1140 of this Part and 2 employment verification forms showing at least 2 years of full-time experience as a practicing nail technician; or
 - B) An official transcript from an approved school of nail technology or cosmetology, showing successful completion of a 625 hour program of teacher training as outlined in Section 1175.535 or 1175.1140 of this Part;
- 4) For nail technology clinic teacher:
 - A) ~~An~~ official transcript from an approved school of nail technology or cosmetology showing successful completion of a program of 250 hour program of clinic teacher training; ~~or as outlined in Section 1175.1141 of this Part and 2 employment verification forms showing at least 2 years of full-time experience as a practicing nail technician;~~
 - B) Proof that the teacher, within 5 years preceding the examination, has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed nail technician and has completed an instructor's institute of 20 hours, approved by the Division, prior to submitting an application for examination.
- 5) A complete work history since graduation from a nail technology or cosmetology school;
- 6) A copy of the applicant's current Illinois nail technology or cosmetology

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license; and

- 7) If the applicant is licensed in another state, a certification of licensure from the state of original licensure and from the state in which the applicant predominantly practices and is currently licensed.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1010 Examination

- a) Examinations shall be administered by the ~~Division~~Department or its designated testing service for nail technicians, nail technology teachers and nail technology clinic teachers and shall cover subject matter as set forth in Section 3C-7 of the Act.
- b) The passing score on each examination is 75.
- c) Retakes for Nail Technicians
 - 1) An applicant who fails to pass a third examination for licensure as a nail technician must submit an official transcript from a cosmetology school approved to teach nail technology or a nail technology school approved by the ~~Division~~Department showing successful completion of a 60 hour refresher course prior to taking the examination a fourth time.
 - 2) An applicant upon failing the fourth examination must submit an official transcript from an approved nail technology or cosmetology school showing successful repetition of the entire program of nail technology training prior to taking the examination a fifth time.
 - 3) For purposes of examination retakes, the fifth attempt shall count as the first.
 - 4) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1) and (2) .
- d) Retakes for Nail Technology Teachers or Nail Technology Clinic Teachers

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- 1) An applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school approved to teach nail technology teachers or nail technology clinic teachers or a licensed nail technology school approved to teach nail technology showing successful completion of an 80 hour refresher course prior to taking the examination a fourth time.
- 2) An applicant, upon failing the fourth examination, must submit an official transcript from an approved nail technology or cosmetology school showing successful repetition of the entire program of teacher training prior to taking the examination a fifth time.
- 3) For purpose of examination retakes, the fifth attempt shall count as the first.
- 4) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (d)(1) and (2) of this Section.
- 5) If the applicant is licensed in another state, a certification of licensure from the state of original licensure and from the state in which the applicant predominantly practices and is currently licensed.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1015 Application for Licensure

- a) Applicants for licensure based on successful completion of the examination shall submit to the ~~Division~~Department:
 - 1) A completed and signed licensure application that the applicant will receive with the notification of successful completion of the examination;
 - 2) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and
 - 3) The required fee as set forth in Section 1175.100.

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- b) Any cosmetology teacher licensed in Illinois who is applying for a nail technology teacher's license shall not be required to take the examination set forth in Section 1175.1005. An application shall be submitted to the Division~~Department~~ that includes:
- 1) A copy of his/her current cosmetology and cosmetology teacher license;
 - 2) A complete work history since completion of teacher training; and
 - 3) The required fee set forth in Section 1175.100.
- c) Nothing in this Part requires a licensed cosmetologist or licensed cosmetology teacher to obtain a license to practice or to teach nail technology.
- d) Esthetics teachers licensed in Illinois who are applying for a nail technician teacher's license will not be required to take the examination set forth in Section 1175.1010. An application shall be submitted to the Division~~Department~~ that includes:
- 1) A copy of his/her current esthetics teacher license;
 - 2) A copy of his/her current nail technician license;
 - 3) A complete work history since completion of esthetics teacher training;
 - 4) Either:
 - A) Proof of two years experience as a nail technician; or
 - B) An official transcript verifying completion of 250 Post-Graduate School Training that includes all subjects in the basic esthetics curriculum in Section 1175.1140, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.
 - 5) The required fee set forth in Section 1175.100.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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Section 1175.1020 Endorsementa) Nail Technician

1) An applicant currently licensed as a nail technician in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division~~Department~~, that~~which~~ shall include:

A)1) A certification from the jurisdiction of original licensure stating:

i)A) A brief description of any licensure examination taken and the scores received; and

ii)B) Whether the applicant's file contains any record of disciplinary actions taken or pending;

B)2) Official transcripts from the school attended by the applicant showing the program completed and the hours received with the school seal affixed;

C)3) Certification of current licensure if other than original licensure;

D)4) A complete work history showing all employment since graduation from nail technology school to present;

E)5) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;

F)6) The required fee set forth in Section 1175.100; and

G)7) Successful completion of the Illinois Nail Technician Licensure Examination.

2) An applicant who has graduated from a nail technology program in another jurisdiction with less than 350 hours may only acquire a maximum of 50 hours of nail technology training from a licensed Illinois cosmetology or nail technology school.

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3) If the nail technology school from which the applicant graduated has closed, verification of education hours must come from the original state of licensure.

b) An applicant currently licensed as a nail technology teacher or nail technology clinic teacher in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division~~Department~~, ~~that~~which shall include:

1) A certification from the jurisdiction of original licensure stating:

A) A brief description of any licensure examination taken and the scores received; and

B) Whether the applicant's file contains any record of disciplinary action taken or pending;

2) Official transcripts from the ~~school~~schools attended by the applicant showing the program completed and the hours received with the school seal affixed;

3) Certification of current licensure if other than original licensure;

4) One of the following:~~Either:~~

A) Two Verification of Employment forms submitted by the applicant who completed at least a 500 hour program of teacher training. A nail technology teacher applicant shall submit verification of 2 years of lawful practice as a nail technician or cosmetologist; or

B) Two Verification of Employment forms shall be submitted by the applicant who completed at least a 250 hour program of clinic teacher training. A nail technology clinic teacher applicant shall submit verification of 2 years of lawful practice as a nail technician or cosmetologist; or

C) Two Verification of Employment forms shall be submitted by the applicant for a nail technology teacher or nail technology clinic teacher license who is applying on the basis of 3 years of lawful

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practice as a nail technology teacher in another jurisdiction;

- 5) A complete work history showing all employment since graduation from basic nail technology school to present;
 - 6) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;
 - 7) The required fee set forth in Section 1175.100; and
 - 8) Successful completion of the Illinois Nail Technician Teacher Licensure Examination.
- c) An applicant for licensure as a nail technician who is licensed in another jurisdiction shall be given 75 hours of educational credit for every 12 month period during which he/she was lawfully employed as a nail technician. To obtain credit for work experience, the applicant shall submit verification of employment in support of the work experience on forms provided by the [DivisionDepartment](#). A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1025 Renewals

- a) Every nail technician, nail technology teacher, nail technology clinic teacher and nail technology school license shall expire on October 31 of each even numbered year. The holder of a license may renew the license during the month preceding its expiration date.
- b) Applicants for renewal shall:
 - 1) Return a completed renewal application.
 - 2) Nail Technician. Certify on the renewal application that they have successfully completed a minimum of 10 hours of continuing education from a sponsor registered with the [DivisionDepartment](#) in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license.

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- 3) Nail Technology Teacher and Nail Technology Clinic Teacher. Certify on the renewal application that they have successfully completed a minimum of 20 hours of continuing education from a sponsor registered with the ~~Division~~Department, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license. Ten of the 20 hours shall be in the following areas:
 - A) Teaching Methodology;
 - B) Educational Psychology;
 - C) Classroom Management; or
 - D) Other teaching related courses.
- 4) Submit the required fee set forth in Section 1175.100.
- c) A renewal applicant is not required to comply with continuing education requirements for the first renewal after issuance of the original license.
- d) The ~~Division~~Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the ~~Division's~~Department's random audit.
- e) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to renew a license.
- f) Practicing or operating on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1030 Restoration – Nail Technician

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- a) A person applying for restoration of a nail technician license that has been expired or placed on inactive status for less than 5 years shall submit an application on forms provided by the ~~Division~~Department and:
- 1) Pay the required fee as set forth in Section 1175.100; and
 - 2) Provide evidence of successful completion of 10 hours of continuing education in accordance with Section 1175.1200(c).
- b) A person applying for restoration of a nail technician license that has been expired or placed on inactive status for 5 years or more shall submit an application on forms provided by the ~~Division~~Department along with:
- 1) Verification of employment, attesting to lawful practice in another jurisdiction within the 5 years preceding application for restoration;
 - 2) Certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed. An applicant for restoration who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 60 hour nail technology refresher course from an approved cosmetology or nail technology school or pass the examination set forth in Section 1175.1001 within 2 years prior to or within 2 years after the restoration application. An applicant who completes this refresher course or takes the examination shall not also be required to complete 10 hours of continuing education;
 - 3) A complete work history showing all employment since the Illinois license lapsed;
 - 4) A completed Restoration Questionnaire;
 - 5) Evidence of successful completion of 10 hours of continuing education earned within the 2 years immediately preceding restoration; and
 - 6) The required fee as set forth in Section 1175.100.
- c) If restoring after active military service, the applicant shall submit a copy of his/her Honorable Discharge form (DD-214) and the current renewal fee.

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- d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1035 Restoration – Nail Technology Teacher or Nail Technology Clinic Teacher

- a) A person applying for restoration of a nail technology teacher or nail technology clinic teacher license that has been expired or been on inactive status for less than 5 years shall submit an application on forms provided by the ~~Division~~Department. An applicant shall also submit evidence of successful completion of 20 hours of continuing education in accordance with Sections 1175.1200 and 1175.1210 earned within 2 years immediately preceding the restoration and the required fee set forth in Section 1175.100.
- b) A person applying for restoration of a nail technology teacher or nail technology clinic teacher license that has been expired for 5 years or more shall submit an application on forms provided by the ~~Division~~Department along with:
- 1) Verification of employment as a nail technology teacher or nail technology clinic teacher in another jurisdiction within the 5 years preceding application for restoration;
 - 2) Certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed;
 - 3) A complete work history showing all employment since the Illinois license lapsed;
 - 4) A completed Restoration Questionnaire;
 - 5) Evidence of successful completion of 20 hours of continuing education earned within the 2 years immediately preceding restoration; and
 - 6) The required fee as set forth in Section 1175.100.
- c) An applicant for restoration of a nail technology teacher license who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful

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completion of a 125 hour nail technology teacher refresher course from an approved cosmetology or nail technology school or pass the teacher examination set forth in Section 1175.1010 within 2 years prior to or within 2 years after the restoration application. An applicant who completes this refresher course or takes the examination shall not also be required to complete 20 hours of continuing education.

- d) An applicant for restoration of a nail technology clinic teacher license who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 60 hour nail technology clinic teacher refresher course from an approved cosmetology or nail technology school or pass the teacher examination set forth in Section 1175.1010 within 2 years prior to or within 2 years after the restoration application. An applicant who completes the refresher course or takes the examination shall not also be required to complete 20 hours of continuing education.
- e) If restoring after active military service, the applicant shall submit a copy of his/her Honorable Discharge form (DD-214) and the current renewal fee.
- f) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART K: NAIL TECHNOLOGY SCHOOLS

Section 1175.1100 Nail Technology School Application

- a) An applicant for a nail technology school license shall submit a completed application to the ~~Division~~Department with the following information and documentation:
 - 1) A detailed floor plan consistent with requirements of Section 1175.1110(a)(1) of this Part;
 - 2) A copy of a lease showing at least a 1 year commitment to the use of the school site or certification of ownership of the proposed school site;
 - 3) If the owner is a corporation, a copy of the Articles of Incorporation;

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- 4) If the owner is a partnership, a listing of all partners and their current addresses;
- 5) A signed fire inspection report from the local fire authority within 6 months prior to the application giving approval for use of the site as a school;
- 6) A certified financial statement prepared by a licensed public accountant who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;
- 7) A copy of the official enrollment agreement to be used by the school that shall be consistent with the requirements of Section 1175.1115 of this Part;
- 8) A listing of all nail technology and cosmetology teachers, including their teacher license numbers, who will be in the school's employ;
- 9) A copy of the curriculum that will be followed;
- 10) A copy of the school's official transcript; and
- 11) The required fee set forth in Section 1175.100.

- b) When the ~~above~~ items listed in subsection (a) have been received, the ~~Division~~Department shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not begin nor shall the school in any way solicit student enrollment until the school has received written notice of approval from the ~~Division~~Department. Approval shall be granted if all the requirements of Subpart K have been met.
- c) Nail technology schools shall only offer instruction in nail technology and nail technology teacher education.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1105 Cosmetology Schools Approved to Teach Nail Technology

- a) Existing cosmetology schools that wish to provide nail technology instruction

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shall:

- 1) Provide at least 200 square feet of space to accommodate 5 work stations. If attendance exceeds 10 on the clinic floor at any time, an additional 30 square feet is required for each additional work station required by subsection (a)(4)(A) ~~below~~. The use of this space shall not reduce the square footage for the conduct of an approved cosmetology school below the minimum requirements set forth in this Part.
- 2) File an application with the ~~Division~~Department, on forms provided by the ~~Division~~Department, that shall include:
 - A) A detailed floor plan;
 - B) A signed copy of a fire inspection report from the fire inspection authority within 6 months prior to the application giving approval for use of the site as a school;
 - C) A financial statement prepared by a public accountant licensed by the ~~Division~~Department pursuant to the Illinois Public Accounting Act who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;
 - D) A copy of the enrollment agreement to be used by the school;
 - E) A copy of the nail technology curriculum;
 - F) A listing of all nail technology and cosmetology teachers, including their teacher license numbers, who will be in the school's employ;
 - G) A copy of the school's official transcript; and
 - H) The required fee set forth in Section 1175.100.
- 3) When the ~~above~~ items listed in subsection (a)(2) have been received, the ~~Division~~Department shall inspect the school premises, prior to approving the school, to determine compliance.
- 4) In addition, the school shall meet the following:

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- A) At least 1 patron work station, including patron chair, manicuring table and student chair, for every 2 students enrolled.
 - B) Every work station shall have a disinfectant tray and disinfectant solution.
 - C) Provide a nail technology curriculum in accordance with Sections 1175.1135 and 1175.1140.
- b) Cosmetology schools approved to teach nail technology shall be required to comply with all provisions in this Part except Section 1175.1110(a) and (b).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1110 Physical Site Requirements

- a) Space Requirements
 - 1) A nail school shall have a minimum of 500 square feet of work space for a maximum of 10 students. An additional 30 square feet is required for each additional work station if attendance exceeds 10 students in the clinic area at any given time.
 - 2) Work space shall include the dispensary area but shall not include classrooms, restrooms, halls, checkrooms, locker space, storage areas, student lounge, cloak space, public waiting area or other areas or facilities for administration.
 - 3) The school shall be partitioned to provide for the following areas:
 - A) Dispensary
 - B) Classrooms
 - C) Separate restrooms for males and females
 - D) Cloak space
 - E) Public waiting area separated from the work area

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- F) Student lounge area
 - G) Storage space
 - H) Locker space
 - I) Other areas for school administration
 - J) Work stations.
- 4) All areas of the school shall be ventilated and lighted.
- b) Equipment Requirements – All equipment shall be in working condition and sufficient for the number of students enrolled. Minimum requirements for school equipment are:
- 1) An entrance sign designating the name of the school;
 - 2) A school seal;
 - 3) A time clock or other equipment necessary for verification of attendance and hours earned;
 - 4) A minimum of 5 patron work stations. For enrollment over 10, 1 patron work station per 2 students;
 - 5) Every patron work station shall include a patron chair, manicuring table and student chair for every 2 students enrolled;
 - 6) Every patron work station shall have a disinfectant tray and disinfectant solution;
 - 7) Trays for nail technology supplies;
 - 8) Eye guards, protective garments and masks should be available for patrons and students upon request;
 - 9) Desk/table space and a chair for each student in the classroom;

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- 10) Adequate number of covered waste and linen disposal cans placed at convenient locations;
 - 11) Closed cabinets for storing clean towels; and
 - 12) A mannequin hand for each student.
- c) Sanitary Regulations
- 1) Clean outer garments must be worn at all times.
 - 2) All instruments shall be disinfected before and after use on each patron.
 - 3) Clean towels shall be used for each patron.
 - 4) Hands must be cleansed with an antimicrobial agent before and after serving each patron.
 - 5) After use on each patron, implements and electrical equipment must be disinfected according to manufacturer's specifications. All other equipment should be washed in water and sanitized before use.
 - 6) Manicuring table coverings must be disposed of or laundered and sanitized after each patron.
 - 7) All products shall be kept in clean, closed containers and be applied by sanitary applicators.
 - 8) All nail chemicals must be kept in labeled containers.
 - 9) No owner, manager, teacher or school administrator shall knowingly permit any person suffering from a serious communicable disease as defined in 77 Ill. Adm. Code 690 to work on the premises or knowingly permit a student to serve a patron with a serious communicable disease.
 - 10) No animals or pets, except animal assistants for the physically impaired seeing eye/hearing dogs, shall be permitted on school premises.
 - 11) The floors, walls and furniture shall be kept clean at all times.

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- 12) An adequate supply of hot and cold running water shall be available for school operation.
- d) Textbooks/Teaching Materials – Textbooks shall be provided for each student in attendance.
- e) Teachers – The student/teacher ratio during clinical instruction shall not exceed a 20 to 1 ratio.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1115 Enrollment Agreements and Refund Policies

- a) All licensed nail technology schools shall have enrollment agreements that meet the requirements of Section 3B-12 of the Act.
- b) All licensed nail technology schools shall implement refund policies pursuant to Section 3B-13 of the Act and this Part.
- 1) *When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain no more than the application and registration fee, plus the cost of any books or materials ~~that~~ which have been provided by the school and retained by the student (Section 3B-13(b)). The cost of books for purposes of refunds is the cost of the books charged to the student, not the cost of the books to the school.*
- 2) For students who enroll in and begin classes, tuition adjustment shall be made in the following manner:

PERCENTAGE TIME TO TOTAL TIME OF COURSE	AMOUNT OF TOTAL TUITION OWED TO THE SCHOOL
0.01% to 4.9%	10%
5% to 9.9%	30%
10% to 14.9%	40%
15% to 24.9%	45%
25% to 49.9%	70%
50% and over	100%

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(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1120 Advertising

All school advertising for patrons must ~~conspicuously~~ contain the words "Work Done Exclusively by Students" or "All Work Done by Students" displayed in a conspicuous manner.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1125 Recordkeeping – Transcripts

- a) Each school shall provide an official transcript showing the entire program work of each student. The official transcript shall contain the following information:
- 1) School name and address;
 - 2) School seal;
 - 3) School license number;
 - 4) Signature of the owner, registrar or director of the school;
 - 5) Student's name, address and social security number;
 - 6) Actual dates student attended;
 - 7) Subject areas, hours earned and grades received;
 - 8) Any transfer hours, citing the name and address of the school transferred from, subject areas, hours earned and grades received;
 - 9) Final examination grades; and
 - 10) Graduation date.
- b) The official transcript and school records for each student shall be permanently maintained by the school in the following manner:
- 1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer

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system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet.

- 2) If records cannot be maintained on the premises in locked, fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the ~~Division~~~~Department~~. Such records shall be accessible to ~~Division~~~~Department~~ officials for inspection.
- c) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school provided the student has met all financial obligations in the enrollment agreement as set forth in Section 1175.1115.
- d) An official transcript and school records for students who withdrew or dropped out of a program shall be maintained by the school for 7 years from the student's first day of attendance at the school.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1130 Recordkeeping – Hours Earned

- a) When determining student hours, a school may define its attendance requirements to include 100 percent attendance for the program length or may allow excused absences for not more than 10 percent of the program for satisfactory completion. Satisfactory completion is defined as completion of all theory and practical work as outlined in the school's curricula.
 - 1) Student attendance policies shall be written and applied uniformly and fairly.
 - 2) The school ~~shall~~**must** maintain documentation of excused absences for a period of not less than 5 years.
 - 3) The school ~~shall~~**must** maintain attendance records for each student to verify that the minimum attendance standard set forth by the school is being met.
- b) A complete and accurate record of hours of attendance for each student ~~shall~~**must** be recorded and maintained by the school.

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- c) If a time clock is used, each student shall punch his/her own time card. No student, teacher or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records ~~shall~~**must** be in a form that allows the student to receive a written report of hours earned. This report of hours earned shall be provided to the student on a monthly basis.
- d) Credit for hours earned away from the school premises shall be awarded only if students are supervised by a licensed instructor or by a licensed nail technician or a licensed cosmetologist in the case of an internship. Credit hours for outside study may include workshops, educational programs, film demonstrations and internship training in a registered salon.
- e) Hours earned away from the school premises shall be recorded on school time forms. These forms shall include: the school seal, name of student, event or program attended, date attended, signature of student and signature of supervising licensed instructor.
- f) Instructors shall review monthly the hours earned by each student. Each month the instructor shall issue a signed written report to the student showing the actual number of hours earned by the student.
- g) Time cards may be destroyed upon the student's permanent exit from the school and after all hours earned are recorded on the official transcript. The transcript shall be retained indefinitely.
- h) An hour is 60 minutes of instruction but not less than 50 minutes.
- i) A licensed instructor shall provide on-site supervision for all classroom, practical and clinical instruction. No credit shall be given for unsupervised study.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1135 Curriculum Requirements – Nail Technology

- a) Each licensed cosmetology school teaching a nail technology curriculum and each licensed nail technology school shall provide a program consisting of a minimum of 350 clock hours or a 12 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:

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- 1) Basic Training – 50 hours of classroom instruction in general theory practical application (i.e., practicing nail technology on the public) and technical application (e.g., practicing the technical application on mannequin fingers or on the fingers of another student) shall be provided in the following subject areas:
 - A) History of nail care;
 - B) Personal hygiene and public health;
 - C) Professional ethics;
 - D) Sterilization and disinfection;
 - E) Bacteriology;
 - F) Disorders of the nails;
 - G) OSHA standards relating to material safety data sheets (MSDS) on chemicals;
 - H) Chemicals and their use; and
 - I) Technical applications of chemicals.
- 2) Related concepts – 15 hours of classroom instruction shall be provided in the following subject areas:
 - A) Cells, metabolism and body systems;
 - B) Theory of massage; and
 - C) People skills.
- 3) Practices and Procedures – 255 hours of instruction, which shall be a combination of classroom instruction and clinical practical application, shall be provided in the following subject areas:
 - A) Fabric procedures;

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- B) Sculpting procedures;
 - C) Light cured gels;
 - D) Machines or apparatus used in nail technology;
 - E) Manicures;
 - F) Pedicures;
 - G) Hand, arm and foot massage;
 - H) Other procedures as they relate to nail technology; and
 - I) Product knowledge as it relates to nail technology.
- 4) Business Practices – 30 hours of classroom instruction shall be provided in the following subject areas:
- A) Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act and Rules;
 - B) Management;
 - C) OSHA standards relating to chemical use; and
 - D) Workers' Compensation Act.
- 5) Internship Program is an optional part of the curriculum. Each licensed nail technology school may choose to set up an internship program and shall follow the guidelines set forth [in this subsection \(a\)\(5\)-below](#).
- A) An internship program:
 - i) May be substituted for 35 hours of the 350 hours set forth in this subsection (a).
 - ii) May be part of the curriculum of a licensed nail technology school and shall be an organized preplanned training program designed to allow a student to learn nail

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technology under the direct supervision of a licensed cosmetologist or licensed nail technician in a registered salon.

- B) A student in the internship program:
- i) May participate in an internship only after completing 175 hours of training and have a minimum average grade of 80. A school may set the average grade higher and set other standards that a student must meet to participate in the internship program.
 - ii) May not spend more than 35 hours in an internship program.
 - iii) May not be paid while participating in the internship program as it is a part of the nail technology curriculum of the school.
 - iv) May work a maximum of 8 hours a day and shall be required to spend 1 day a week at the school.
 - v) Shall be under the direct on-site supervision of a licensed cosmetologist or licensed nail technologist. Only 1 student shall be supervised by 1 licensed cosmetologist or licensed nail technologist.
- C) A licensed nail technology school shall state clearly in the student contract that the school offers an internship program.
- D) The licensed nail technology school shall enter into a contract with the student, the registered salon and licensed cosmetologist or licensed nail technologist that contains all of the provisions set forth in this Section and any other requirements of the internship established by the school. The contract shall be signed by the student, the school and the licensed cosmetologist or licensed technologist. Any party to the contract may terminate the contract at any point.
- b) A nail technology student is not permitted to practice on the public until he/she

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has successfully completed the 50 hours of general theory and practical application specified in subsection (a)(1).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1140 Curriculum Requirements – Nail Technology Teacher

- a) An approved school that intends to provide teacher training must utilize a teacher program that includes a minimum of 625 clock hours or a 21 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:
- 1) 125 hours of ~~post-graduate school training~~Post-Graduate School Training that includes all subjects in the basic nail technology curriculum in Section 1175.1135, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.
 - 2) 20 hours of Educational Psychology ~~that~~which shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of nail technology teacher students who have completed a course in Educational Psychology at an accredited college or university.
 - 3) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. These hours shall be waived on behalf of nail technology students who have completed a course in Teaching Methods-Secondary Level at an accredited college or university.
 - 4) 150 hours of Application of Teaching Methods that include: preparation and organization of subject matter to be presented on a unit by unit basis; and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.
 - 5) 50 hours of Business Methods that include: ~~:-~~ inventory, recordkeeping,

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interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.

- 6) 260 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.
- b) The approved program for a 500 hour Teacher Training Course shall be based upon 2 years of practical experience and shall consist of Teacher Training Curriculum outlined in Section 1175.1140₂, with the exception of the 125 hours of ~~post-graduate training~~ Post-Graduate Training.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1141 Curriculum Requirements – Nail Technology Clinic Teacher

- a) An approved school that intends to provide nail technology clinic teacher training must utilize a teacher program that includes a minimum of 250 clock hours or a 9 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:
 - 1) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.
 - 2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods-Secondary Level at an accredited college or university.
 - 3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.

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- 4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.
- b) Completion of an instructor's institute of 20 hours, as provided in Section 3C-3 of the Act, may be done in lieu of the 250 hour clinic teacher curriculum if an individual has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed nail technician prior to submitting an application for examination. This institute shall, at a minimum, consist of 10 hours of Educational Psychology and 10 hours of Teaching Methods (Theory). The approved curriculum for a 250 hour Clinic Teacher Training Program shall be based upon 2 years of practical experience.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1145 Final Examination

- a) A school shall require each candidate for graduation to pass a final examination which shall test the student's theoretical and practical knowledge of the curriculum studied.
- b) The practical examination shall test the candidate's skills in the following areas:
- 1) Acrylic free form and overlay procedures;
 - 2) Manicure;
 - 3) Pedicure;
 - 4) Gel;
 - 5) Wrap procedures; and
 - 6) Safety and sanitation procedures.
- c) The examination shall be administered by the uniform application of standard performance criteria established by the school for each skill area. The standard performance criteria for each skill area shall be delineated in the examination records as specified in subsection (h)-below.

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- d) A passing score of 75 or greater shall be required on both the theoretical and practical portions of the final examination.
- e) The school shall allow each candidate for graduation at least 3 attempts to pass the final exam.
- f) The ~~Division~~~~Department~~ may monitor the administration of the final examination:
- 1) As a result of a complaint received;
 - 2) For random sampling;
 - 3) To collect data; and/or
 - 4) When the failure rate on the licensure examination for school graduates is greater than 25%.
- g) The ~~Division~~~~Department~~ shall maintain records of each school's graduate failure rate on the licensing examination. The records shall reflect only first examination attempts for each graduate. The examination results shall not count toward the failure rate on the licensing examination if the student transfers to the school from a closed school with one-half or more of the required hours for graduation.
- h) The school shall maintain records of the final examination for a period of no less than 5 years in the manner prescribed in Section 1175.1125(b) of this Part. These records shall include:
- 1) A copy of the final examination administered; and
 - 2) Each student's examination grades.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1150 Change of Ownership

- a) When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the ~~Division~~~~Department~~ the following:

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- 1) An affidavit stating that the contract is contingent on a certificate being issued to the new owner. If this is not provided, the school must close on the date of the transfer and remain closed until a new certificate is issued;
- 2) A signed and completed school application;
- 3) A floor plan if any expansion is to be done by the new owner;
- 4) A copy of a lease agreement showing at least a 1 year commitment or certification of school site ownership;
- 5) A copy of the enrollment agreement that will be utilized by the new owner;
- 6) A copy of the written, published attendance policy that will be utilized by the new owner;
- 7) A copy of curricula that will be used by the new owner;
- 8) A copy of the school's official transcript;
- 9) A Commitment Statement signed and dated by the school's chief managing employer and a statement signed and dated by each partner or each officer of the corporation;
- 10) List of all the names, addresses and current status of all schools in which the applicant has previously owned any interest, and a declaration as to whether any of these schools were ever denied accreditation or licensing or lost accreditation or licensing from any government body or accrediting agency;
- ~~117)~~ If the owner is a corporation, a copy of the Articles of Incorporation;
- ~~128)~~ If the owner is a partnership, a listing of all partners and their addresses;
- ~~139)~~ A signed inspection report by the local fire inspection authority within 6 months prior to application approving the school site;
- ~~1410)~~ A certified financial statement prepared by a licensed public accountant who is not an employee of the school, indicating sufficient current

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finances exist to operate the school for at least 3 months;

1544) If a name change is to also occur, the new owner must submit a sample of the new school seal and a photo of the new school sign; and

1642) The required fee set forth in Section 1175.100.

- b) Once the ~~above~~ items listed in subsection (a) have been received, the ~~Division~~Department shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if all of the requirements of Subpart K have been met.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1155 Change of Location

- a) When the location of an approved school is changed, the school owner shall submit to the ~~Division~~Department the following:
- 1) Written notice to the ~~Division~~Department at least 30 days in advance of the school site change;
 - 2) A signed and completed school application;
 - 3) A floor plan drawn to a scale specified on the drawing;
 - 4) A copy of a lease agreement showing at least a 1 year commitment or certification of ownership of the school site;
 - 5) An inspection report signed by the local fire inspection authority within 6 months prior to application approving the site; and
 - 6) The required fee set forth in Section 1175.100.
- b) Once the ~~above~~ items listed in subsection (a) have been received, the ~~Division~~Department shall inspect the premises to determine compliance with this Part. School operations shall not begin at the new location nor may the school in any way solicit student enrollment until the owners have received written notice of approval from the ~~Division~~Department. Approval will be granted if all requirements of Subpart K have been met.

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- c) If the change of location is due to natural destruction of the original premises, a temporary site may be used to teach theory classes only.
- 1) The temporary site must be inspected prior to its use and must possess light and ventilation, tables and chairs for the number of students in a classroom, and must be clean.
 - 2) The temporary site may be used for a period of 2 months. The 2 month period can be extended for good cause. Good cause includes, but is not limited to, unexpected delays in construction, delays in lease arrangements or delays in equipment delivery.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1160 Change of Name

When changing the name of a licensed school, a written request for a name change, along with the required fee specified in Section 1175.100, shall be mailed 30 days in advance of any name change. The ~~Division~~~~Department~~ shall then issue a new certificate. At the time of the change in name, all identifying signs and materials must be changed to conform with the new name on the school license.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1165 Expansion

- a) Written notice shall be given to the ~~Division~~~~Department~~ 30 days prior to any expansion of an approved school.
- b) Off-Site Classroom
- 1) When the expansion will result in an off-site classroom location, a completed application must be submitted along with:
 - A)1) A detailed floor plan drawn to a scale specified on the drawing;
 - B)2) A copy of a lease showing at least a 1 year commitment to the use of the site or certification of ownership of the proposed site;

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- ~~C)3)~~ A signed fire inspection report from the local fire authority within 6 months prior to application giving approval for use of the site as a classroom location;
- ~~D)4)~~ A statement from the school owner outlining the purpose of the classroom location;
- ~~E)5)~~ A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion;
- ~~F)6)~~ A financial statement prepared by a public accountant licensed by the ~~Division~~Department pursuant to the Illinois Public Accounting Act who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months; and
- ~~G)7)~~ The required fee set forth in Section 1175.100.
- 2) An off-site classroom location is defined as a separate classroom located within 5 miles of the main school site that serves to provide adequate space in which to train an overflow of students. A clinic may not be operated at an off-site classroom location. A school may establish only 1 off-site classroom location. All identifying signs and materials must reflect the name of the main school.
- c) When an on-site expansion is to accommodate an increased enrollment, a completed application shall be submitted along with:
- 1) A detailed floor plan drawn to a scale specified on the drawing;
 - 2) A statement from the school owner outlining the purpose of expansion;
 - 3) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion; and
 - 4) The required inspection fee as set forth in Section 1175.100.
- d) Upon receipt of the ~~above~~ items listed in subsections (b) and (c), the ~~Division~~Department shall inspect the expansion site to determine compliance with this Part. The site shall not be used until the inspection has occurred and the

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owner has received written notification of approval from the DivisionDepartment. Approval will be granted if all of the requirements of Subpart K have been met.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1170 Discontinuance of Program

- a) The DivisionDepartment shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.
- b) The school owner shall notify the DivisionDepartment in writing of the actual closing date of the school.
- c) All school records shall be maintained after the school closes.
- d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.
- e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.
- f) All refunds shall be given to students in accordance with the refund provisions set forth in the enrollment agreement.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1175 Withdrawal of Approval

- a) The DivisionDepartment may withdraw, suspend or place on probation, pursuant to 68 Ill. Adm. Code 1110, the approval of a school of cosmetology or nail technology school when the quality of the program has been affected by, but not limited to, any of the following causes:
 - 1) Gross or repeated violations of any provisions of the Act or this Part;
 - 2) Fraud or dishonesty in furnishing transcripts or documentation for evaluation of the school;
 - 3) Failure to meet the criteria for school approval in Section 1175.1100;

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- 4) Failure to administer the final examination as specified in this Part;
 - 5) Failure to maintain final examination grades for each student and a master of the examination administered as specified in this Part;
 - 6) Fraud or dishonesty in providing transcripts to students who have fulfilled all obligations under Section 1175.1115;
 - 7) Failure to provide transcripts to students;
 - 8) A finding by the U.S. Office of Education or Illinois Student Assistance Commission that a school has misappropriated or misused grant or loan monies or has aided in obtaining such monies by providing fraudulent or untruthful information; or
 - 9) Any other violation of the Act or this Part.
- b) Performance Record on Licensing Examination
- 1) When a school's graduates have a 25% or greater failure rate on the licensing examination, ~~Division~~Department approval of a school shall be reviewed pursuant to Section 1175.1100.
 - 2) The performance record of a school's graduates on the licensing examination as compared with the statewide performance record shall be considered by the ~~Division~~Department when reviewing ~~Division~~Department approval of a school.
 - 3) The ~~Division~~Department shall give written notice and a hearing pursuant to 68 Ill. Adm. Code 1110 when ~~Division~~Department approval of a school is being reviewed.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART L: CONTINUING EDUCATION

Section 1175.1200 Sponsor Approval

- a) Sponsor, as used in this Section, shall mean *accredited universities and colleges*,

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industry or trade associations, corporate salons, franchise salons, independent salons, vocational and technical schools, cosmetology schools, and other entities (Section 4-1.5(a)) that have been approved and authorized by the ~~Division~~Department to coordinate and present continuing education courses or programs for cosmetologists, cosmetology teachers, estheticians, esthetics teachers, nail technicians or nail technology teachers.

- b) A continuing education sponsor application shall be filed with the ~~Division~~Department to be approved as a continuing education sponsor. The application shall include:
- 1) A copy of the Certificate of Attendance which shall contain the following information:
 - A) The CE sponsor registration number, name and address;
 - B) Category of CE (cosmetology, nail technician, esthetics);
 - C) Name and license number of the participant;
 - D) Number of hours awarded; and
 - E) Course title and date of course.
 - 2) A 3 hour CE course outline, including evidence of appropriate facilities, instructor qualifications and content of the course.
 - 3) Name and address of the contact person responsible for all recordkeeping.
 - 4) Certification that the sponsor will comply with all sponsor CE requirements set forth in this Subpart.
 - 5) The required fee set forth in Section 4-1.5(c) of the Act.
- c) A CE sponsor shall provide CE courses and programs that are organized programs of formal learning that contribute directly to a licensee's knowledge and ability to perform duties as a licensee. *No product sales shall be permitted during a continuing education program. (Product sales/selling is any activity that involves a deal sheet or invoice or mention of prices or special deals. Such activities are prohibited during the presentation of continuing education programs.) After the*

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continuing education program is concluded and the certificates of attendance are distributed to the attendees, product sales shall be permitted. (Section 4-1.5(e)(2))

A continuing education program or course must meet the following minimum requirements:

- 1) Be developed and presented by persons with education, training and/or practical experience in the subject matter to be presented.
- 2) Include a student evaluation of both instructor and the course.
- 3) Specify the course objectives, content, prerequisites, requirements, the licensure category for which the CE applies and the number of CE hours to be earned. Such information shall be specified in all promotional materials.
- 4) Be in the following subject areas for cosmetologists, estheticians and nail technicians:
 - A) Advanced product chemistry and chemical interaction;
 - B) The use of machines and implements;
 - C) Sanitary procedures;
 - D) Hazardous chemicals;
 - E) Exposure minimization;
 - F) Updated use of implements as they relate to applicable services under this Act;
 - G) Advanced knowledge of the anatomy of the skin, scalp, hair and/or nails;
 - H) Human relations/communication skills; and
 - I) Management and marketing.
- 5) Be in the following subject areas for cosmetology, esthetics and nail technology teachers in addition to the areas set forth in subsection (c)(4) of

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this Section.

- A) Teaching methodology;
 - B) Educational psychology;
 - C) Classroom management; or
 - D) Other teaching related courses.
- 6) Individual study courses (correspondence, audio or video courses) sponsored by an approved sponsor shall include an examination and a means of verification that the licensee has successfully completed such course. (See Section 1175.1210(e).)
- d) All sponsors shall verify attendance at each CE course or program. A record of attendance shall be kept for no less than 5 years. Sponsors shall give each successful participant a record of completion at the end of the course or program. All records shall include the following information: name, address and license number for each participant, category of CE (cosmetology, nail technician, esthetics, teacher education), number of hours awarded, course title and date of course. *Sponsors may delegate recordkeeping duties to one of their members or member groups.* (Section 4-1.5(a))
- e) CE sponsors shall be required to renew their approval every two years upon submittal of the renewal application and the required fee. The first renewal shall be December 31, 1997.
- f) All CE programs given on or after October 1, 1996, must be given by a sponsor who has been approved by the ~~Division~~Department to provide continuing education.
- g) All sponsors approved by the ~~Division~~Department as of December 31, 1995, will be required to submit an application, the required fee and meet the current requirements set forth in this Part and the Act to continue to provide continuing education programs on or after October 1, 1996. *An approved sponsor may subcontract with individuals and organizations to provide approved programs. These persons must meet the criteria established in Section 4-1.5(e)(1) and (2).* (Section 4-1.5(j)) Any time the sponsor subcontracts with a presenter, all advertisements, promotional materials and the Certificate of Attendance will bear

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the name, address and registration number of the sponsor. The name of the subcontractor may appear as the "Presenter" but no document shall imply that the subcontractor is registered as a CE sponsor.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1205 ~~Division~~Department Supervision

- a) The ~~Division~~Department shall audit sponsors and their programs upon written complaint or allegation that the sponsor has not fully complied with the requirements of this Subpart.
- b) A sponsor's approval will be terminated if the sponsor fails to provide information to the ~~Division~~Department to ascertain compliance with this Subpart.
- c) Upon failure of any sponsor to comply with requirements of Subpart L, the ~~Division~~Department shall issue a written notification to the sponsor that it must remedy its non-compliance prior to providing further approved courses.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1210 Credit Hours

- a) With the exception of program hours earned under subsection (e) of this Section, an approved CE program hour shall include at a minimum 50 minutes of actual class time, exclusive of time devoted by participants to pre-class or post-class preparation.
- b) Participants completing courses at a university or college shall receive 15 CE credit hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
- c) A licensee who serves as an instructor, speaker or discussion leader of an approved course shall be allowed CE credit for actual presentation time. For preparation time, 1 hour of credit will be awarded for each 2 hours of actual presentation time. Preparation time for repetitious presentations shall not receive credit. No more than 10 hours can be earned under this subsection during any renewal period.
- d) Credit shall be awarded for successful completion of courses taken pursuant to

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continuing education requirements in another state. Credit hours shall be awarded as stated in subsections (a), (b) and (c)-~~above~~.

- e) Renewal applicants may earn a maximum of 50% of the total hours required for each renewal through completion of individual study courses (see Section 1175.1200(c)(6)).
- f) Continuing Education Earned in Other States. If a licensee has earned CE hours in another state or territory for which he/she will be claiming credit toward full compliance in Illinois, the applicant shall submit an out of state CE approval form along with a \$10 processing fee within 90 days after completion of the course. The Committee shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1175.1215 Waiver of Continuing Education Requirements

- a) Any renewal applicant seeking renewal of a license or certificate without having fully complied with these CE requirements shall file with the ~~Division~~Department a renewal application along with the required renewal fee, a statement setting forth the facts concerning such noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the ~~Board~~Committee. If the ~~Division~~Department finds from such statement or any other evidence submitted or upon recommendation of the ~~Board~~Committee, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the ~~Division~~Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
- b) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - 1) Full-time service in the armed forces of the United States of America during a substantial part of such period;
 - 2) An incapacitating illness documented by a currently licensed physician; or
 - 3) Hardship as defined in Section 3-7 of the Act:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- A) The licensee resides in a locality where it is demonstrated that the absence of opportunities for such education would interfere with the ability of the licensee to provide services to the public.
- B) That to comply with the continuing education requirements would cause a substantial financial hardship on the licensee.
- c) A licensee who is at least 62 years of age or has been licensed as a cosmetologist, cosmetology teacher or cosmetology clinic teacher for at least 25 years is exempt from the continuing education requirement~~A licensed cosmetologist or cosmetology teacher who has held a license for 25 years and does not regularly work as a cosmetologist or cosmetology teacher for more than 14 hours per week or was at least 62 years of age before January 1, 1999 shall not be required to comply with the continuing education requirements.~~
- d) If an interview is requested at the time the request for such waiver is filed with the Division~~Department~~, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART M: SHOP REGISTRATION

Section 1175.1300 Application for a Barber Shop or Cosmetology, Nail Technician or Esthetics Salon Certificate of Registration

- a) Pursuant to Article IIID of the Act, all cosmetology, nail technician or esthetics salons and barber shops shall obtain a certificate of registration from the Division~~Department~~ in order to operate in Illinois. A shop shall file an application with the Division~~Department~~, on forms supplied the Division~~Department~~. The application shall include the following:
- 1) Shop name, street and city address and telephone number;
 - 2) Shop owner's name, home address and home telephone number;
 - 3) If a partnership, a copy of the partnership agreement and all partners' home addresses and phone numbers;

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- 4) If a corporation, a copy of the Articles of Incorporation as filed with the Illinois Secretary of State and a list of all corporate officers and managers;
~~and~~
 - 5) If the applicant is licensed in another profession covered under the Act, a license number; ~~and must be provided.~~
 - 6) If any owner, managing partner or CEO holds an Illinois license, a list of the names and license numbers.
- b) A separate certificate of registration is required for each shop location and a separate application shall be submitted to the ~~Division~~Department.
 - c) Change of Location. All registered shops/salons shall notify the ~~Division~~Department of any change of address. The certificate of registration shall be returned to the ~~Division~~Department and a new certificate of registration will be issued with the new address for a fee of \$20.
 - d) Change of Ownership. When the ownership of the shop changes, the new owner shall be required to file a new application for a certificate of registration with the ~~Division~~Department pursuant to Section 3D-5(c) of the Act.
 - e) Change of Name. All registered shops/salons shall notify the ~~Division~~Department of any change of business name. The certificate of registration shall be returned to the ~~Division~~Department and a new certificate of registration will be issued with the new name for a fee of \$20.
 - f) All certificates of registration shall expire on November 30 of even numbered years.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill Adm. Code 117
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
117.10	Amendment
117.50	Amendment
- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI 12-13] and P.A. 94-0669.
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being proposed pursuant to provisions in Public Act 94-0669. As a result of this rulemaking, on January 1, 2006, July 1, 2006, and July 1, 2007, the Department shall increase the minimum reimbursement amount by a percentage equal to the percentage increase in the Consumer Price Index for All Urban Consumers, if any, during the 12 months immediately preceding that January 1 or July 1. This rulemaking also corrects a reference from 89 Ill. Adm. Code 104 to 89 Ill. Adm. Code 14.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

(217) 785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 117
RELATED PROGRAM PROVISIONS

Section

117.1	Incorporation By Reference
117.10	Payee for Financial Assistance
117.11	Issuance of Cash Assistance Benefits
117.12	Client Training for the Electronic Benefits Transfer (EBT) System
117.13	Replacement of the EBT Card
117.15	Reinstatement Upon Cooperation
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance – Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care – TANF, AABD and GA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match
117.91	New Hire Match
117.92	Electronic Finger Imaging

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective

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May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, 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. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. 5263, effective April 19, 1999; amended at 23 Ill. Reg. 11174, effective August 27, 1999; amended at 23 Ill. Reg. 12638, effective October 15, 1999; emergency amendment at 24 Ill. Reg. 6723, effective April 14, 2000, for maximum of 150 days; amended at 24 Ill. Reg. 13422, effective August 18, 2000; amended at 24 Ill. Reg. 16305, effective October 17, 2000; amended at 27 Ill. Reg. 14028, effective August 7, 2003; amended at 30 Ill. Reg. _____, effective _____.

Section 117.10 Payee For Financial Assistance

- a) The assistance grant shall be paid to an individual designated as the payee on the warrant or the individual authorized to use the Electronic Benefits Transfer (EBT) card or, for direct deposit accounts, the person in whose name the bank account is established.
- b) The individual receiving assistance shall be designated as the payee with the following exceptions:
 - 1) When a client has a judicially-appointed conservator or guardian, payment shall be made to the conservator or guardian unless other arrangements are made with the Department by the conservator or guardian.

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- 2) In a situation where no specified relative is available to act as payee, another person may act as Temporary Grantee for a period not to exceed 90 days.
- 3) When a minor parent and his or her dependent child are required to live with the minor parent's parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then, where possible, the TANF cash benefit amount will be paid to the adult who is responsible for supervising the minor parent. Otherwise, the minor parent will receive the TANF cash benefit amount.
- 4) For AABD clients under the age of 18, the client will not be the payee unless the client lives independently, is capable of managing his or her own affairs, does not have a guardian, and is approved for direct payment by the local office administrator. In all other situations, a representative payee must be assigned.
- 5) For AABD clients age 18 and over, unless the client has a legally-appointed guardian or the client is determined to be physically or mentally unable to manage the grant, the client will be the payee or the client may choose to have a representative payee. If the client has a legally-appointed guardian, the legally-appointed guardian will be assigned as the payee. If the client is physically or mentally unable to manage the grant, a representative payee must be assigned.
- 6) A Protective Payment Plan (PPP) is initiated by the Department when a client has demonstrated mismanagement of funds to the detriment of the welfare of the client or family. Examples include but are not limited to:
 - A) A client defaults on an agreement made with a utility company and the Department in the client's behalf. In this instance, when the protective payee receives the assistance payment, payment on current and back utility charges only shall be paid by the payee; the balance of the payment shall be forwarded to the client each month.
 - B) For TANF only – When a child in the assistance unit is determined to be neglected by the Department of Children and Family Services under Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3] and 89 Ill. Adm. Code 300.Appendix B.

DEPARTMENT OF HUMAN SERVICES

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- C) For TANF only – The case involves a record establishing that a parent or relative has been found guilty of public assistance fraud under Article VIII A of the Illinois Public Aid Code [305 ILCS 5/Art. VIII A].
 - D) Nonpayment of rent for two months shall be considered as evidence of grant mismanagement.
 - E) Substance abuse by the caretaker relative is identified and another family member or friend is ensuring that the family's needs are being met.
 - F) For TANF only – the health and well-being of a child in the assistance unit is at risk, as indicated by lack of regular school attendance, as defined by the school.
 - G) Repeated loss of both the EBT card and Personal Identification Number (PIN) is a basis for a determination of client mismanagement and authorization of a PPP.
- c) Notice shall be sent to the client before a PPP is initiated. The notice shall inform the client of the right to appeal inclusion in a PPP. (See 89 Ill. Adm. Code [14104](#).)
- d) The protective payee shall not receive compensation for the protective payee duties and must agree to assume responsibility for the expenditure of the assistance payment in behalf of the client.
- e) The client's landlord or a vendor of goods or services to the client, with the exception of private welfare and social service agencies, shall not be designated as protective payee.
- f) The Department may designate private welfare or social service agencies to serve as protective payees.
- g) When no other suitable payee is available, the Department may appoint a member of its staff to act as protective payee. However, the staff acting as protective payee may not be:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) a person determining the client's eligibility or level of assistance;
 - 2) a person handling fiscal processing relating to the recipient;
 - 3) investigative staff; or
 - 4) a local office administrator.
- h) The need for continuation of a PPP and the performance of the protective payee shall be reviewed and evaluated by the Department as often as circumstances indicate, or, for TANF cases, at least every 12 months.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 117.50 Funerals and Burials

- a) Funeral and burial services shall be provided to eligible deceased individuals in accordance with Department standards.
- b) Payment for Funeral Expenses
 - 1) The maximum allowable amount which the Department may pay for funeral expenses of an eligible decedent is:
 - ~~A1~~) \$700 effective 11/17/99, \$850 effective 7/1/00, and \$1000 effective 7/1/01 for an adult or child 5 years of age or older;
 - ~~B2~~) \$436 effective 11/17/99, \$529 effective 7/1/00, \$622 effective 7/1/01, and \$1000 effective 1/1/02 for a child between the ages of 3 months and 5 years; and
 - ~~C3~~) \$350 effective 11/17/99, \$425 effective 7/1/00, \$500 effective 7/1/01, and \$1000 effective 01/1/02 for a child under 3 months of age or stillborn.
 - 2) On January 1, 2006, July 1, 2006, and July 1, 2007, the Department shall increase the minimum reimbursement amount by a percentage equal to the percentage increase in the Consumer Price Index for All Urban Consumers, if any, during the 12 months immediately preceding that January 1 or July 1.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) Prior to 1/1/02, the maximum allowable amount the Department would pay for funeral expenses of an eligible decedent was based on the decedent's age.
- c) The maximum allowable amount which the Department will pay for burial (including cremation) expenses of an eligible decedent is \$350 effective 11/17/99, \$425 effective 7/1/00, and \$500 effective 7/1/01. On January 1, 2006, July 1, 2006, and July 1, 2007, the Department shall increase the minimum reimbursement amount by a percentage equal to the percentage increase in the Consumer Price Index for All Urban Consumers, if any, during the 12 months immediately preceding that January 1 or July 1.
- d) When there is no hospital facility for disposal of amputated limbs by cremation or if burial is desired by the recipient, an allowance of \$15 for burial of amputated limbs may be paid to a funeral director.
- e) No additional payment shall be made for burial of amputated limbs with the remainder of the body.
- f) The maximum allowable amount which the Department will pay for an Anatomical Gift case is \$100 effective 11/17/99, \$121 effective 7/1/00, and \$142 effective 7/1/01 for the funeral home services and \$50 for a memorial service held in the funeral home. In a Anatomical Gift case, the body has been donated for scientific study.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Discretionary Rules
- 2) Code Citation: 11 Ill. Adm. Code 323
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
323.10	New
323.20	New
323.30	New
323.40	New
323.50	New
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking reorganizes Part 1425 and makes the discretionary rules applicable to both thoroughbred and harness racing.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None used.
- 7) Will this proposed rulemaking replace any emergency rulemakings currently in effect?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after publication of this notice, to:

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

(312) 814-5017
mickey_izzo@irb.state.il.us

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 323
DISCRETIONARY RULES

Section	
323.10	Matters Not Covered in the Rules
323.20	Racing Rules Supersede Other Conditions
323.30	Board May Contract with Others
323.40	Rule in Accordance with Illinois Racing Act
323.50	Severability

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 323.10 Matters Not Covered in the Rules

If any case occurs that is not, or that is alleged not to be, provided for in this Chapter, the matter shall be determined by the stewards or by the Illinois Racing Board, as the case may be, in such manner as they think to be just and conformable to the usages and best interests of racing. The Board may punish independently any misconduct of any person connected with racing or with the conduct of a race meeting.

Section 323.20 Racing Rules Supersede Other Conditions

This Chapter supersedes the conditions of a race or the regulations of a meeting when they conflict.

Section 323.30 Board May Contract with Others

The Board may contract with racing authorities, race track operators or other bodies for the rendition of advisory or other services as may be desired.

Section 323.40 Rule in Accordance with Illinois Racing Act

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

This Chapter is adopted in conformity to the Illinois Horse Racing Act in which the duties and powers of the Illinois Racing Board are described, defined and authorized, and in which tax and revenue provisions are prescribed.

Section 323.50 Severability

The invalidity of any rule or part of any rule in this Chapter shall not affect the validity of any of the remaining rules in this Chapter.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Discretionary Rules
- 2) Code Citation: 11 Ill. Adm. Code 1425
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1425.10	Repeal
1425.20	Repeal
1425.30	Repeal
1425.40	Repeal
1425.47	Repeal
1425.50	Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being repealed because it is specifically for thoroughbred racing only. The sections being repealed can be found slightly modified in the proposed Part 323, applicable for both thoroughbred and harness racing.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None used.
- 7) Will this proposed rulemaking replace any emergency rulemakings currently in effect?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

Chicago, Illinois 60601

(312) 814-5017

mickey_izzo@irb.state.il.us

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1425

DISCRETIONARY RULES (REPEALED)

Section

1425.10	Matters Not Covered in the Rules
1425.20	Racing Rules Supersede Other Conditions
1425.30	Board May Contract with Others
1425.40	Rule in Accordance with Illinois Racing Act
1425.47	Power of the Secretary to Verify Pleadings (Recodified)
1425.50	Validity of Rules and Regulations

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended January 10, 1975, filed January 16, 1975; codified at 5 Ill. Reg. 11000; Section 1425.47 recodified to 11 Ill. Adm. Code 207.40 at 9 Ill. Reg. 11652; repealed at 30 Ill. Reg. _____, effective _____.

Section 1425.10 Matters Not Covered in the Rules

If any case occurs which is not, or which is alleged not to be provided for in these rules, the matter shall be determined by the stewards or by the Illinois Racing Board, as the case may be, in such manner as they think to be just and conformable to the usages and best interests of the turf. The Board may punish independently any misconduct of any person connected with racing, or with the conduct of a race meeting.

Section 1425.20 Racing Rules Supersede Other Conditions

These Rules and Regulations or any other rule made by the Illinois Racing Board, supersede the conditions of a race or the regulations of a meeting when they conflict.

Section 1425.30 Board May Contract with Others

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

The Board may contract with racing authorities, race track operators or other bodies for the rendition of such advisory or other services as may be desired.

Section 1425.40 Rule in Accordance with Illinois Racing Act

These Rules and Regulations of racing are adopted in conformity to the provision of the Illinois Horse Racing Act in which the duties and powers of the Illinois Racing Board are described, defined and authorized, and the tax and revenue provisions are prescribed.

Section 1425.50 Validity of Rules and Regulations

The invalidity of any rule or part of any rule, as heretofore prescribed, shall not effect the validity of any of the remaining rules of the Illinois Racing Board.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.9400 Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 5/909
- 5) A Complete Description of the Subjects and Issues Involved: IITA Section 909(b) authorizes the Department to adopt regulations allowing taxpayers who report an overpayment on their returns to elect to apply that overpayment against their liability to pay estimated taxes in the subsequent year. The Department has done so in 86 Ill. Admin. Code Section 100.9400(b). IITA Section 909(a) allows the Department to offset an overpayment against any outstanding income tax liability of the taxpayer. In the past, when the Department has exercised this authority in situations where the taxpayer has elected to apply the overpayment against its estimated tax liability, taxpayers have found themselves subject to penalty for underpayment of estimated tax. To avoid these problems in the future, this rulemaking amends 86 Ill. Admin. Code Section 100.9400(b) to provide that, if the Department applies some or all of the reported overpayment against another liability, it will notify the taxpayer and no underpayment penalty will be imposed if the taxpayer makes up the resulting shortfall in its estimated tax payments within a grace period after the notice is sent to the taxpayer.
- 6) Will this 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 amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.2140	Amendment	29 Ill. Reg. 2988, 02/25/05
100.2150	Amendment	29 Ill. Reg. 2988, 02/25/05
100.2330	Amendment	29 Ill. Reg. 2988, 02/25/05
- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

(217) 782-7055

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking does not affect municipalities. Small businesses and not-for-profit corporations that have large enough income tax liabilities to be required to make estimated tax payments will benefit from receiving formal notification when the Department offsets an overpayment that the taxpayer has elected to apply against its liability to pay estimated taxes against another liability and from the grace period allowed to avoid penalties for underpayment of estimated tax.
- 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: July 2005

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
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AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941,

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effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum

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of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. _____, effective _____.

SUBPART Y: CREDITS AND REFUNDS

Section 100.9400 Credits and Refunds (IITA Section 909)

- a) In general. The Department may credit the amount of any overpayment including interest allowed thereon against any liability for tax imposed under the IITA or any other Act administered by the Department on the person who made the overpayment, and it shall refund the balance to such person. (See Section 39e of the Civil Adm. Code of Illinois, Ill. Rev. Stat. 1991, ch. 127, par. 39e) [20 ILCS 2502/39e].)
- b) Credit against estimated tax. A taxpayer may elect to have any portion of any overpayment shown on a timely original return applied against the taxpayer's estimated tax liability for the taxable year immediately following the taxable year for which the return is filed. (See IITA Section 909(b).) Such election shall be made on the form prescribed by the Department and, once made, shall be irrevocable. After an election is properly made and before the return for the immediately following taxable year is filed, the Department may apply the amount of the overpayment against other liabilities of the taxpayer and apply only the balance (if any) of the overpayment against the taxpayer's estimated tax liability. (See IITA Section 909(a) and Section 2505-275 of the Department of Revenue Law [20 ILCS 2505/2505-275].) If the Department applies a portion of an overpayment against a liability other than the estimated tax liability for the immediately following taxable year, the Department shall issue a notice to the taxpayer stating the amount so applied and the liability against which the application was made, and no penalty for late payment of estimated taxes under IITA Section 804(a) or for underpayment of tax under IITA Section 1005(a) shall accrue with respect to the amount so applied, if the full amount of the liability that was due as of the date the notice was issued is paid prior to the later of:
 - 1) 30 days after the date the notice is issued; or
 - 2) the unextended due date of the return for the year for which the estimated tax credit was requested or, in the case of the penalty for late payment of

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estimated taxes, the due date of the next estimated tax installment (if any) due after the date of the notice.

~~An individual or corporate taxpayer by filing a return for the taxable year using the appropriate form and checking the appropriate box thereon in accord with the instructions shall have the amount of any overpayment or portion thereof credited thereafter against his estimated tax liability for the next succeeding taxable year.~~

c) Interest on overpayments.

- 1) General rule. Subject to the provisions of this paragraph interest shall be allowed and paid upon any overpayment in respect of the tax imposed by the Act at a rate determined by reference to IITA Section 909(c). Where there is a dispute between a taxpayer and the Department regarding the amount of interest that is due, see 86 Ill. Adm. Code 100.9400(f)(6).
- 2) Overpayments. The overpayment in respect of any tax imposed by the Act includes any penalties assessed under IITA Section 1002(e), any interest assessed on tax or on penalty under IITA Section 1003. For this purpose, an overpayment is any creditable or refundable portion of taxes, penalty, or interest which was previously paid.
- 3) Date of overpayment.
 - A) The date of overpayment is the date of payment of any tax which thereafter becomes or is determined to be refundable or creditable for the taxable year, except as provided in subsection (c)(3)(B). There can be no overpayment of tax prior to the last day prescribed for filing the return, nor until the entire tax liability for the taxable year is satisfied, nor until the return is filed for the taxable year. Therefore, the date or dates of overpayment are the date of payment of the first amount which (when added to previous payments) exceeds the tax liability (including any interest or penalties) for the taxable year and the date or dates of any subsequent ~~payments~~ payment(s) made with respect to such tax liability, which in any event cannot be earlier than the last day prescribed for filing the return for the year, nor earlier than the date the return is filed. The "last day prescribed for filing the return" for purposes of this subsection and subsection (d) is the original due date, not the extended due date, if any.

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- B) In the case of a federal change due to the final allowance of a carryback from a loss year ending prior to December 31, 1986, under the provisions of the federal Internal Revenue Code, the date of overpayment shall be as of the close of the taxable year in which the deduction, losses, or other item or event occurred which created the federal carryback, or the date when the return for the carryback year is filed, which ever is later.
- C) In the case of a federal change due to the final allowance of a carryback or carryforward from a loss year ending on or after December 31, 1986, and in the case of an Illinois change due to the carryforward or carryback of an Illinois net loss, Illinois investment credit, jobs credit, replacement tax credit, or other credit (other than estimated or tentative tax credit) from a loss or credit year ending on or after December 31, 1986, the date of overpayment shall be the date the claim for refund is filed, except that if any overpayment is refunded within 3 months of the date the claim for refund is filed, determined without regard to processing by the Comptroller, no interest shall be allowed on such overpayment.
- D) Beginning January 1, 1994, *if a claim for refund relates to an overpayment attributable to a net loss carryback as provided by Section 207 of the Illinois Income Tax Act, the date of overpayment shall be the last day of the taxable year in which the loss was incurred.* (see Section 3-2(d) of the Uniform Penalty and Interest Act)
- d) Period for which interest is allowable
- 1) In general.
- A) Prior to January 1, 1994, interest shall be allowed and paid from the date of overpayment to a date determined by the Director or his delegate, which shall be not more than 30 days prior to the date of any refund or credit. However, no interest shall be allowed on the amount of tax overpaid if such amount is refunded or credited within the later of three months after the last date prescribed for filing the return of such tax or within three months after the return was filed, determined without regard to processing by the

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Comptroller.

- B) On and after January 1, 1994 interest shall be allowed and paid in the manner prescribed under the UPIA.
- 2) Estimated tax for succeeding year. Notwithstanding any other provision of this section, if a taxpayer elects on his return for the taxable year to have all or part of an overpayment shown on such return applied as an estimated tax payment for the succeeding taxable year, no interest shall be allowed on such portion of the overpayment so credited and such amount shall be applied as a payment on account of the estimated tax for such succeeding year or the installments thereof.
- e) Examples. This Section may be illustrated by the following examples:
- 1) Example 1: T, a calendar year taxpayer, receives an extension to June 30, 1972, to file his 1971 return. On April 15, 1972, T files a tentative return pursuant to IITA Section 602(a) showing an estimated liability of \$500 which has been paid through withholding, estimated tax payments, or as a payment with the tentative return of the tax properly estimated to be due. On June 15, 1972, T files his 1971 return showing a tax liability of \$3,000 including interest for late payment and remits \$2,500 which in addition to the \$500 paid as indicated satisfies the liability shown on his return. On August 15, 1972, T files a claim for refund for \$1,500 as an overpayment of 1971 tax. The date of overpayment for the computation of any interest thereon would be June 15 which is the date when payments first exceeded his liability as now shown as a result of his claim for refund, and which is the date when the return for the taxable year was first filed. See Example 2 for application for the 3 month rule.
- 2) Example 2: Assume the same facts as in Example (1) and that T's refund claim of \$1,500 was allowed and paid on September 1. No interest would be allowed because the refund was made within 3 months of June 15, the date the return for the taxable year was filed. If the refund was made on October 1, interest would be allowed from June 15 to a date which would be not more than 30 days prior to October 1.
- 3) Example 3: W, a calendar year taxpayer, files his return on March 7 and claims a refund as a result of excess withholding. The refund is made July 1. No interest would be allowed for the refund was made within 3 months

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after April 15, which is the later of the last day prescribed for filing the return or the date the return was filed. If with the same facts the refund is made July 28, interest would be allowed from April 15 (the date of overpayment).

- 4) Example 4: X, a calendar year corporation, sustains a federal net operating loss in 1973. X files a federal claim for refund, carrying the loss back to 1970 and receives a refund of federal taxes for 1970 based on the net operating loss ~~carryback~~~~carry back~~. (Refer to subsection (f)(4), below respecting a federal application for tentative carryback adjustment.) X then files Form IL-1120X claiming an overpayment of 1970 Illinois tax as a result of a federal change in its reported taxable income for 1970. The date of overpayment would be December 31, 1973, the close of the taxable year in which the federal net operating loss occurred (provided an original 1970 IL-1120 had been filed by this date).

f) Refund claim.

- 1) In general. A claim for refund of an overpayment of income tax may be filed with the Department only if a return for the taxable year for which the refund is claimed has been filed. Although a timely return may have the effect of a claim for refund of tax over payment (due to excess withholding or payment under Articles 7 or 8 of the Act) it does not constitute a claim for refund under IITA Section 909(d) and (e) of the Act calling for consideration. A separate claim shall be filed for each taxable year for which an income tax overpayment was made. Every claim for refund shall be in writing, shall be on the appropriate form prescribed by the Department, and (using attachments if necessary) shall state the specific grounds upon which it is founded.
- 2) Evidence of claim filing. In preparing and filing a claim on either an amended return before the return due date, or after such date has passed on Form IL-843, Form IL-1040X, or Form IL-1120X, a taxpayer may attach two photocopies of page 1 of the original executed claim being filed as a pro form a claim receipt form identifying the claim with a written request that one photocopy be returned to the claimant as a receipt. Upon the Department's receiving the claim and the two photocopies of page 1 thereof if attached, the Director's designee shall place there on the Department's Date Received Stamp and sign in ink his initials therein, after which one photocopy shall be removed and mailed to the claimant

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for his use as a receipt. In absence of a photocopy of the claim form (so stamped and initialed) being attached to the original claim or being produced by the claimant, copies of the Department's records certified true by the Director or his designee shall be deemed prima facie correct to show whether or not a claim was filed and if so the date upon which it was received by the Department. Furthermore, the Department's records as to the date that the claim was date received in the Department's mail room shall be prima facie evidence that the postmark date on the claim was ten days prior to that date.

- 3) Amended return as claim; limited use. In an instance where a return for the taxable year is filed early, the latest received by the Department of any further return or amended return filed by the taxpayer on or before the last day prescribed for timely filing shall constitute and be accepted as his return for the taxable year. Therefore, if a return showing a tax liability for the taxable year has been filed with the Department and the tax paid and the due date prescribed for filing that return has not passed, any claim for refund filed prior to that date shall be made by the filing of a further return marked "CORRECTED", showing the amount of the tax overpayment to be refundable. Form IL-1040X and Form IL-1120X shall be used for this purpose by individuals and corporations.
- 4) Claim form; federal change. If, on the other hand, the due date for filing a return has passed and under the Act an overpayment based on a federal change has arisen, in addition to meeting the requirements of IITA Section 506 a claim for refund based on such change should be made by the filing (following the instructions thereon) of a notice of such change on Illinois Form IL-843, Form IL-1040X, or Form IL-1120X, as appropriate. To meet the requirements of IITA Section 909(d) for stating specific grounds, there should be within the Form or on an attachment an explanation in detail sufficient to shown the nature of the items of change or alteration. If helpful or otherwise appropriate to show the grounds and to compute the amount claimed as refundable, another return marked "AMENDED" may be attached or filed in connection with the Form IL-843. Further, where a claim for refund is filed based on a federal change giving rise to an overpayment, documentation in form of the original federal documents or correspondence furnished the taxpayer or other satisfactory proof in connection with the change (or true and correct fully legible photocopies thereof) shall be attached evidencing that such federal change, represents an agreed to or final federal Internal Revenue Service (or court imposed)

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acceptance, recomputation, redetermination, change, tentative carryback adjustment or settlement; and it shall be stated or shown that no contest thereof is pending. In this connection, the payment received as the result of the filing of an application for a tentative carryback adjustment (on Form 1045 or Form 1139) pursuant to 26 [USC U.S.C.](#) 6411 is a change reportable under IITA Section 506. A claim for refund of an overpayment of Illinois income tax occasioned by the payment of a tentative carryback adjustment may be filed on Form IL-1040X and Form IL-1120X. A premature or incomplete claim on Form IL-843, Form IL-1040X, or Form IL-1120X shall not constitute a claim for refund within the meaning of IITA Section 909(d), nor for purposes of commencing the 6-month period in subsection (g) below. Upon any claim being received and identified as premature, incomplete, or otherwise defective under the Act, the Department as soon as practicable shall notify the taxpayer thereof in writing to enable if possible the timely submission of a mature and perfected claim.

- 5) Claim form; no federal change. If a return showing tax due for the taxable year has been filed and the tax paid and an overpayment based on a purely Illinois change has arisen and not based to any extent on a change in federal income tax liability, any claim for refund should be made by the filing (following the instructions thereon) of Illinois Form IL-843, Form IL-1040X (individuals), or Form IL-1120X (corporations), as appropriate, using if necessary an attachment to set forth in detail each specific ground for refund, and if appropriate another return marked "AMENDED" may be attached to or filed in connection with the Form IL-843. Pertaining to purely Illinois changes, Forms IL-843, IL-1040X and IL-1120X are designed for use not only to claim a refund of tax overpayment but also to report an increase in the amount of previously reported or determined income tax liability for the taxable year.
- 6) Informal claim not permitted; disputes regarding the amount of interest due. In all cases where the original return due date has passed, claims for refund shall be filed using the following forms, as appropriate: Form IL-843, Form IL-1040X and Form IL-1120X. These forms may also be used by taxpayers to claim additional interest where there is a dispute regarding the amount of interest that is due from the Department relative to a refund. Such claims for additional interest must be filed either within the 60-day protest period for claim denials (see IITA Section 910) or within the limitations period for filing claims for refund for the taxable year for

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which the interest is due (see IITA Section 911). See 86 Ill. Adm. Code 200.120 for procedure on protest. An "informal claim", such as a letter from the taxpayer, is insufficient for the purpose of establishing or extending any of the limitations in IITA Section 911 or in subsections (g) and (h) of this [Section](#).

- g) Notices of refund or denial.
- 1) In general. The Department shall examine a claim for refund, in connection as appropriate with the return for the taxable year to which it relates, as soon as practicable after it is filed to determine the correct amount of tax and the amount of any refundable overpayment to which the claimant- taxpayer may be entitled. If for the taxable year involved the Department finds the claimant entitled to a refund in any amount, it shall issue an appropriate notice of refund, abatement, or credit (see [subsection paragraph \(b\)](#)). If the Department has failed to approve or deny the claim before the expiration of 6 months from the date the claim was filed, the claimant may nevertheless thereafter file with the Department a written protest addressed in accordance with the instructions in the applicable claim form (IL-1040-X, IL-1120-X, or IL-843). If a protest is filed, the Department shall consider the claim and, if the taxpayer has so requested, shall grant the taxpayer or the taxpayer's authorized representative a hearing within 6 months after the date such request is filed.
 - 2) Notice of denial; notice of deficiency as denial. However, if the Department finds that the claim for refund is not allowable and proposes to issue a notice of denial or if taking into account the claim nevertheless finds adjustments which are a basis for proposing an increase in the amount of tax liability over that shown on the return, or decreasing it by an amount less than that claimed as refundable, the Department shall issue a notice of deficiency under IITA Section 904(c) (see 86 Ill. Adm. Code 100.9300(a)) or it shall issue a notice of denial or partial denial of the claim. In the event that a notice of deficiency is issued which indicates that the claim for refund was considered, such notice (of deficiency) shall constitute (concurrently) a notice of denial of the claim. Note that, in the absence of a written protest of the notice (of deficiency or denial) so issued (see 86 Ill. Adm. Code 200.120(b)), the Department's final action thereunder is not an administrative decision subject to judicial review (except as to jurisdictional questions) under the provisions of the

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Administrative Review Act (see 86 Ill. Adm. Code 100.9600).

- h) Effect of denial. Denial of a claim becomes final 60 days thereafter (irrespective of whether the claimant is outside the United States) except to the extent (in whole or part) that the claimant in the meantime shall have filed a protest, as provided by IITA Section 910 (see 86 Ill. Adm. Code 200.120(b)), against the denial of amounts claimed as refundable. In the absence of a written protest of the denial of the claim for refund, the Department's final action thereunder is not an administrative decision subject to judicial review (except as to jurisdictional questions) under the provisions of the Code of Civil Procedure (see 86 Ill. Adm. Code 100.9600).
- i) Time for protest. If after a claim for refund is denied by issuance of a notice of denial (see 86 Ill. Adm. Code 100.9400(g)(2)) a written protest against such denial is filed by the taxpayer within 60 days thereafter (irrespective of whether the taxpayer is outside the United States), the Department shall reconsider the denial and, if requested, shall grant the taxpayer or his authorized representative a hearing, as provided for in IITA Section 914. See 86 Ill. Adm. Code 200 for protest and hearing procedures.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1010.105	New Section
1010.180	Amendment
1010.185	Amendment
1010.210	Amendment
1010.220	Amendment
- 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].
- 5) A Complete Description of the Subjects and Issues Involved: New Section 1010.105 defines Self Insured Vehicle Owners for the purposes of interpreting and applying sections of the Vehicle Code [625 ILCS 5]. The amendments to Sections 1010.180 and 1010.185 define and prescribe the procedures for the registration of custom vehicles and street rods based on changes made to the Illinois Vehicle Code [625 ILCS 5] through HB4344 (Public Act 92-668) of the 92nd General Assembly.

The amendments to Section 1010.220 address participants in the American Solar Challenge and define the circumstances under which they may be exempt from vehicle registration in the state of Illinois.
- 6) Will this 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 amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments do not require expenditures by units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, www.sos.state.il.us/departments/index/home as part of the *Illinois Register*. Interested

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

Secretary of State
Office of the General Counsel
Nathan Maddox, Assistant General Counsel
298 Howlett
Springfield, IL 62701

217-785-3094

- 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 for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because_ the need for this rulemaking was not anticipated at the time the agendas were prepared._ The full text of the Proposed Amendments begins on the next page:

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

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

SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

SUBPART B: TITLES

Section	
1010.105	Junking Certificates and Salvage Certificates – Self Insured Vehicle Owners
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specialty Specially Constructed Vehicles – Defined
1010.185	Specialty Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond

SUBPART C: REGISTRATION

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

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1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section

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

SUBPART E: SPECIAL PERMITS AND PLATES

Section

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

SUBPART F: FEES

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Section

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

SUBPART G: MISCELLANEOUS

Section

1010.610	Unlawful Acts, Fines and Penalties
1010.620	Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section

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

1010.APPENDIX A	Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B	International Registration Plan

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

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

SUBPART B: TITLES

Section 1010.105 Junking Certificates and Salvage Certificates – Self Insured Vehicle Owners

For the purposes of interpreting and applying Sections 3-117.1 and 3-118.1 of the Vehicle Code [625 ILCS 5/3-117.1 and 118.1] a self insured vehicle owner shall be considered an insurance company and shall comply with all requirements imposed upon an insurance company.

(Source: Added at 30 Ill. Reg. _____, effective _____)

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Section 1010.180 ~~Specialty~~Specially Constructed Vehicles – Defined

"Custom Vehicle" means a motor vehicle that is at least 25 years of age and of a model year after 1948 or a vehicle that has been certified by an inspector of the National Street Rod Association (NSRA), on a form prescribed by the Secretary of State, to be a custom vehicle manufactured to resemble a vehicle at least 25 years of age and of a model year after 1948 and has been altered from the manufacturer's original design or has a body constructed from non-original materials and that is maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses and that is not used for general daily transportation [625 ILCS 5/1-113.1].

"Specially Constructed Vehicle" means a vehicle of a type required to be registered that has been materially altered from its original construction and body style by the removal, addition or substitution of major component parts from two or more vehicles or motorcycles of a different make, model or year. Major component part shall include the chassis, frame, cab, shell, kit, engine block, engine casing, transmission, and unitized body supporting structure. For the purposes of this Section, "body style" means the physical appearance of the vehicle, e.g., 2-door car, pick-up truck, van, motorcycle, etc.

"Street Rod" means a motor vehicle that is a 1948 or older vehicle or a vehicle that has been certified by an inspector of the National Street Rod Association, on a form prescribed by the Secretary of State, to be a street rod that was manufactured after 1948 to resemble a vehicle that was manufactured before 1949 and has been altered from the manufacturer's original design or has a body constructed from non-original materials and that is maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses and that is not used for general daily transportation [625 ILCS 5/1-202.1].

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1010.185 ~~Specialty~~Specially Constructed Vehicles – Required Documentation for Title and Registration

a) For any vehicle that meets the definition of a specially constructed vehicle, the
~~The~~ following shall be forwarded to the Office of the Secretary of State:

- 1) A statement detailing how the vehicle was constructed, which must include the origin, make, model, year and identification numbers of the major component parts (as defined in Section 1010.180) used to construct the specially constructed vehicle.

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- 2) The ownership document of the first make used to assemble the chassis, frame, or other major component parts.
 - A) For the purpose of this Section, "first make" means the manufacturer make of the chassis, frame, or other major component part used to construct the specially constructed vehicle, unless the part is manufactured by someone other than the recognized automobile, motorcycle or kit manufacturer or the part is without the assigned vehicle identification number. Ownership documents include the following:
 - i) assigned Manufacturer's Certificate of Origin, or
 - ii) assigned certificate of title, or
 - iii) assigned salvage certificate, or
 - iv) assigned junking certificate, or
 - v) copy of certificate of title in the name of the applicant for the specially constructed vehicle, or
 - vi) copy of salvage certificate in the name of the applicant for the specially constructed vehicle, or
 - vii) copy of junking certificate in the name of the applicant for the specially constructed vehicle.
 - B) If the frame is a part of the new kit assembly and only other major component parts from the original vehicle are being used to construct the vehicle, a copy of one of the above items is required. The copy must show the vehicle properly assigned to the applicant. Bills of sale or an affirmation statement may be submitted for the major component parts. The bill of sale/affirmation statement must include the year, make and vehicle identification number.
 - C) If the ownership document of the major component parts used to assemble the first and second make (as defined in subsection (d)) of the specially constructed vehicle are supported by junking

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certificates, the major component parts used to assemble the first and second make must be from two or more different vehicles of a different year, make or model, which contain two or more different vehicle identification numbers.

- 3) If the frame/body is constructed from various materials or the major component parts are from various materials/vehicles, bills of sale for those materials. An affirmation statement indicating the frame or major component parts were built from materials the applicant had previously owned may be submitted in lieu of bills of sale. The bill of sale/affirmation statement must include the year, make and the vehicle identification number. The frame year and make will be considered as the physical year of application and reflect SPECIALLY CONSTRUCTED as the make.
- 4) The ownership document of the second make used to assemble the body, car kit, glider kit, motorcycle kit, or motorcycle major component parts.
 - A) For the purpose of this Section, "second make" means the manufacturer make of the body, car kit, glider kit, motorcycle kit or motorcycle major component parts used to construct the specially constructed vehicle. Ownership documents include:
 - i) Assigned Manufacturer's Certificate of Origin, or
 - ii) assigned copy of certificate of title, or
 - iii) assigned copy of salvage certificate, or
 - iv) assigned copy of junking certificate, or
 - v) copy of certificate of title in the name of the applicant for the specially constructed vehicle, or
 - vi) copy of salvage certificate in the name of the applicant for the specially constructed vehicle, or
 - vii) copy of junking certificate in the name of the applicant for the specially constructed vehicle, or

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- viii) bills of sale for parts to build body portion. These must include the year, make and the vehicle identification number.
- B) If the above ownership documents cannot be furnished by the owner, the specially constructed vehicle may be issued a certificate of title in accordance with Section 3-109 of the Illinois Vehicle Code. Bonding includes those cases in which an owner builds a vehicle from different materials and can neither furnish ownership documents nor identify the specific model year. Specially constructed vehicles which must be bonded will be issued a certificate of title with the make as SPECIALLY CONSTRUCTED and reflect only the Secretary of State assigned vehicle identification number. The year model will be determined according to the date of application.
- 5) An application for certificate of title and/or registration accompanied by the appropriate fees.
- 6) Illinois sales tax or vehicle use tax, if applicable.
- 7) Three pictures of the completed vehicle, from the front, side and rear.
- b) For any vehicle that meets the definition of custom vehicle or street rod, an application may be submitted for a title only or for both a title and registration. The application must include:
 - 1) Source documentation for the body of the vehicle, including a Vehicle Identification Number (VIN).
 - A) This documentation must be one of the following:
 - i) A certificate of origin from the manufacturer of the body, if a new body is being utilized (e.g., as in a kit car); or
 - ii) A title for the vehicle from which the body was obtained for the custom vehicle or street rod; or

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- B) The applicant may apply for registration without a title utilizing the bonding procedure set forth at Section 3-109 of the Vehicle Code [625 ILCS 5/3-109].
- 2) All applications must include a completed certification by a NSRA inspector.
 - 3) Applicants must pay all applicable fees and sales taxes.
 - 4) The "make" of the vehicle on the title and registration will be the same as the manufacturer of the body (e.g., "Ford" if the custom vehicle or street rod is built from a Ford body, or "Superformance" if the custom vehicle or street rod is built from a kit with a body from that manufacturer).
 - 5) The "model" listed on the title/registration will be "replica" if the vehicle is constructed from a kit. If the vehicle is constructed from an original equipment manufacturer's body, the model will be the model designation given by the manufacturer (e.g., the model listed on the title for a customized 1960 Buick LeSabre will be "LeSabre").
 - 6) The "year" listed on the title/registration will be the year the vehicle is designed to resemble (e.g., a custom vehicle or street rod built from a 1932 Ford will have the year "1932"; a kit car built to resemble a 1965 Cobra will have the year "1965" rather than the year the body kit was manufactured).
 - 7) The VIN listed on the title/registration will be the VIN shown on the body. (If this VIN does not conform to the layout of current manufacturer's VINs, the Secretary of State computer program will be overridden and the VIN that appears on the body will be entered.)
 - 8) The body style listed on the title/registration will be the actual body style of the completed custom vehicle or street rod (e.g., coupe, sedan, convertible).
 - 9) At the time of the initial application for the title, the applicant must provide source documentation for the engine and chassis, including VINs. The owner of a vehicle titled or registered as a custom vehicle or street rod may be required to present the vehicle at a Secretary of State Police Department facility for inspection. At the time of the inspection, the

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owner must present all bills of sale or other ownership documents for essential parts of the vehicle, including the engine and chassis (if source documentation is different from documentation for the body). If an inspection is required, the Secretary of State Police will contact the owner to schedule an inspection appointment.

- c) Custom vehicles or street rods may be titled or registered using the procedures for specially constructed vehicles prescribed in this Part in addition to submitting the following to the Secretary of State:
- 1) The applicant must forward 3 photos of the completed vehicle – front, side and rear views.
 - 2) The title for the chassis and all bills of sale or other ownership documents for any essential parts of the vehicles, or a certificate of origin from the manufacturer if the vehicle was assembled entirely from a kit.
 - 3) A completed title application or a completed title and registration application with a check made payable to the Secretary of State for the applicable fee, and the appropriate sales tax form with a check made payable to the Illinois Department of Revenue for the amount of sales tax due.
 - 4) All of the above information must be forwarded to: Illinois Secretary of State, Department of Police, Salvage Inspection Station, 2719 S. 11th St., Springfield IL 62703. After the paperwork has been approved, the Secretary of State Police will contact the applicant about scheduling an inspection appointment.
- db) Upon approval of the documentation provided, the Secretary of State Department of Police, at their discretion, may inspect the vehicle to ascertain whether all safety items have been installed and are operating properly, and whether the vehicle contains any stolen parts.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART C: REGISTRATION

Section 1010.210 Application for Registration

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- a) Cash or stamps may not be mailed for payment of any registration fee or tax.
- b) Leased Vehicles:
The application shall contain the name of the Lessor. The vehicle may be registered in the name of the Lessee if the Lessee includes a valid copy of the lease with the application for registration. The Lessee may then apply for special plates in his or her own name.
- c) Newly-Acquired Vehicles:
Application for registration shall be made by the new owner on the date of acquisition or when the vehicle becomes subject to registration as provided in 92 Ill. Adm. Code 1010.510, and filed with the Secretary of State personally or by U.S. Mail. The dealer who sold the vehicle shall accept the application from the new "owner" and must within 15 days transmit the application and fees to the Secretary of State, as provided in Section 3-113 of the Illinois Vehicle Code [IVC] [625 ILCS 5/3-113], ~~Ill. Rev. Stat. 1983, ch. 95½, par. 3-113.~~
- d) No vehicle shall be registered by the Secretary of State unless:
- 1) The vehicle meets all of the minimum requirements of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12]; and
 - 2) The vehicle:
 - A) Was originally manufactured for operation on highways; or
 - B) Is a modification of a vehicle that was originally manufactured for operation on highways; or
 - C) Was assembled from an integrated kit that was manufactured, engineered and designed for assembly of vehicles to be operated on highways.
- e) Definitions. For purposes of this Section:
- 1) "Manufactured" means the vehicle or kit was manufactured by a company that has been authorized to issue vehicle identification numbers as required by 49 CFR 565.1 et seq.

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- 2) "Manufactured for operation on highways" means that, at the time the vehicle was manufactured, it met all of the equipment and safety requirements for legal operation on streets and highways in Illinois. However, if a vehicle did not meet all of the equipment and safety requirements at the time of manufacture, but was otherwise substantially similar to a model produced by the same manufacturer that did meet all of those requirements, the vehicle may be registered if it has been modified to include all of the minimum equipment requirements of Chapter 12 of the Illinois Vehicle Code. (For example, an off-road motorcycle that, except for safety equipment, is otherwise similar to motorcycles from the same manufacturer that meet all of the equipment and safety requirements for legal operation on streets and highways in Illinois.)
- 3) "An integrated kit that was engineered and designed for assembly of vehicles to be operated on the highways" means a kit composed of all necessary parts for construction of a vehicle that will meet all of the equipment and safety requirements for legal operation on streets and highways in Illinois, or a kit composed of a frame, chassis, body or other major components to which other specific components (such as a power train) are to be added to construct a vehicle that will meet all of the equipment and safety requirements for legal operation on streets and highways in Illinois.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1010.220 Vehicles Subject to Registration – Exceptions

Every vehicle moved upon a highway of the State of Illinois is subject to registration in Illinois except:

- a) Vehicles of non-residents eligible for reciprocity as hereinafter provided.
- b) Vehicles bearing a temporary registration permit issued by the Secretary of State pursuant to Section 3-407 of the Code.
- c) An "implement of husbandry", as defined in Section 1-130 of the Code, only incidentally operated or moved over a highway.
- d) Any "special mobile equipment" as defined in Section 1-191 of the Code, and only incidentally operated or moved over a highway.

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- e) Any vehicle powered by overhead trolley wires, whether on rails or not, and as defined in Sections 1-202 and 1-206 of the Code.
- f) Vehicles either titled or owned and used by contractors in the construction, repair or maintenance of highways.
 - 1) Provided said vehicles are used as work vehicles solely at the site of the new highway construction within the construction site limits as defined by Illinois Department of Transportation district engineer as acceptable for such construction operation. Said vehicles may not be used to transport materials to or from the construction site. Said vehicles may not be operated upon public highways open to vehicular traffic, unless there is present at both the point of commencement and termination of each site either manual or automated traffic control devices so as to insure safe movement of all vehicular traffic.
 - 2) Provided said vehicles are not operated on public highways to or from the site and are used solely as work vehicles, at the site of highways which are under repair within the construction site limits as defined by Illinois Department of Transportation district engineer as acceptable for such construction operation. Said vehicles may not be used to transport materials to or from the construction site. Said vehicles may not be operated upon public highways open to vehicular traffic, unless there is present at both the point of commencement and termination of each site either manual or automated traffic control devices so as to insure safe movement of all vehicular traffic.
- g) [Solar Powered Vehicles](#)
 - 1) [Any solar powered vehicle competing in the American Solar Challenge operated by official registrants and participants in the race as defined in the American Solar Challenge \(ASC\) 2005 Regulations, November 2003, published by New Resources Group \(NRG\), PO Box 30, Freeman MO 64746. This incorporation by reference does not include any later amendments or editions. These regulations shall be available for inspection at the Secretary of State Office of the General Counsel, 298 Howlett Building, Springfield, Illinois and shall be governed by the procedures applicable to inspection of other public records.](#)

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- 2) These vehicles must meet all requirements set forth by the ASC and will only be exempt from registration during the actual competition and any periods of testing during preparation for the competition. Drivers and passengers in the solar vehicles must be 18 years of age or older, have a valid driver's license, and adhere to all rules of the ASC. Drivers must have valid insurance coverage and be able to provide proof of participation in the race upon request.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 1) Heading of the Part: Services Delivered by the Department of Children and Family Services
 - 2) Code Citation: 89 Ill. Adm. Code 302
 - 3) Section Number: 302.365 Adopted Action:
New Section
 - 4) Statutory Authority: Children and Family Services Act [20 ILCS 505/5]
 - 5) Effective Date of Amendment: November 30, 2005
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this amendment contain incorporation by reference? No
 - 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 9) Notice of Proposal Published in Illinois Register: March 25, 2005; 29 Ill. Reg. 4446
 - 10) Has JCAR issued a Statement of Objection to this rulemaking? No
 - 11) Difference between proposal and final version: Parenthetic clause "see 59 Ill. Adm. Code 131.20" added to the end of Section 302.365(a)
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will this rulemaking replace any emergency amendments currently in effect? No
 - 14) Are there any amendments pending on this Part? Yes
- | <u>Sections</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|-----------------|------------------------|-----------------------------------|
| 302.310 | Amendment | 29 Ill. Reg. 5835; April 29, 2005 |
| 302.405 | Amendment | 29 Ill. Reg. 5835; April 29, 2005 |
- 15) Summary and Purpose of Amendment: The amendment clarifies that evaluation of children for whom the Department is legally responsible for possible psychiatric hospitalization and provision of community mental health services must occur under the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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same conditions as those services are provided by the Department of Human Services. The provision assures that services meet the requirements of the Illinois medical assistance program and the requirements of the Children's Mental Health Act of 2003 [45 ILCS 49].

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

Jeff E. Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe Street, Station #65D
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
FAX: 217/557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE DEPARTMENT OF CHILDREN
AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Purpose
302.20	Definitions
302.30	Introduction
302.40	Department Service Goals
302.50	Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services (Repealed)
302.305	Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible
302.310	Adoption Assistance Agreements

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302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry (Repealed)
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
<u>302.365</u>	<u>Mental Health Services</u>
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Placement Services (Repealed)
302.400	Successor Guardianship (Repealed)
302.405	Subsidized Guardianship Program

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	
302.500	Purpose
302.510	Implementation of the Family Preservation Act
302.520	Types of Intensive Family Preservation Services
<u>302.530</u>	<u>Phase-in</u> Phase In Plan for Statewide Family Preservation Services
302.540	Time Frames
302.APPENDIX A	Acknowledgement of Mandated Reporter Status (Recodified)
302.APPENDIX B	Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified 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. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20,

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302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective December 15, 2001; amended at 26 Ill. Reg. 11747, effective August 1, 2002; amended at 26 Ill. Reg. 16434, effective October 22, 2002; amended at 28 Ill. Reg. 2155, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 10405, effective July 8, 2004, for a maximum of 150 days; emergency expired December 4, 2004; amended at 29 Ill. Reg. 20354, effective November 30, 2005.

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.365 Mental Health Services

- a) Screening of children for whom the Department is legally responsible who are at risk of psychiatric hospitalization shall be provided in accordance with 59 Ill. Adm. Code 131, Children's Mental Health Screening, Assessment and Support Services Program, and shall be based on a referral to the State's Crisis and Referral Entry Services (CARES) (see 59 Ill. Adm. Code 131.20).
- b) Community mental health services for children for whom the Department is legally responsible shall be provided in accordance with 59 Ill. Adm. Code 132, Medicaid Community Mental Health Services Program. Such services shall be provided by entities certified by the Department, the Department of Human

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Services or the Department of Corrections to provide mental health services and that are enrolled in the Illinois Medical Assistance program pursuant to 89 Ill. Adm. Code 140.

(Source: Added at 29 Ill. Reg. 20354, effective November 30, 2005)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Minimum Clearances Applicable to Tracks, Structures, Fixtures and Other Appurtenances of Railroads
- 2) Code Citation: 92 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1500.10	Amendment
1500.15	New Section
1500.20	Amendment
1500.120	Amendment
1500.130	Amendment
1500.140	Amendment
1500.150	Amendment
1500.160	Amendment
1500.170	Amendment
1500.180	Amendment
1500.200	Amendment
1500.210	Amendment
1500.220	Amendment
1500.230	Amendment
1500.260	Amendment
1500.270	Amendment
1500.300	Amendment
1500.310	Amendment
1500.810	Amendment
1500.820	Repeal
- 4) Statutory Authority: Implementing Section 18c-7401 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401 and 18c-1202(9)]
- 5) Effective Date of Amendments: December 15, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

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- 9) Notice of Proposal Published in *Illinois Register*: 29 Ill. Reg. 1; January 3, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 1500.15 regarding incorporations by reference was added. In addition, minor grammatical and editorial changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendments clarify the general requirements for vertical and horizontal clearances for railroad tracks in order to conform with standards prescribed by the American Railway Engineering and Maintenance of Way Association (AREMA). The amendments permit the Commission to allow lesser clearances provided that they are justified by engineering, operations or economic conditions and impose requirements regarding vertical clearances for highway bridges spanning railroad tracks.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Steven L. Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

(217) 782-6447
smatrisc@icc.illinois.gov

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

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NOTICE OF ADOPTED AMENDMENTS

CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: RAIL CARRIERS

PART 1500

MINIMUM CLEARANCES APPLICABLE TO TRACKS, STRUCTURES,
FIXTURES AND OTHER APPURTENANCES OF RAILROADS

SUBPART A: GENERAL RULES

Section	
1500.10	Scope
<u>1500.15</u>	<u>Incorporations by Reference</u>
1500.20	General Requirements

SUBPART B: TRACK CENTERS

Section	
1500.110	Main Tracks
1500.120	Tracks Adjacent to Main Tracks
1500.130	Subsidiary Passenger Tracks Subsidiary Freight Tracks
1500.150	Ladder Tracks

SUBPART C: STRUCTURAL CLEARANCES

Section	
1500.140	
1500.160	Bridges
1500.170	Buildings and Miscellaneous Structures
1500.180	Awnings and Canopies
1500.190	Overhead Loading Platforms
1500.200	High Freight Platforms
1500.210	High Passenger Platforms
1500.220	Low Passenger Platforms
1500.230	Switch Stands
1500.240	Low Switch Stand Dwarf Signals, Signal Apparatus, etc.
1500.250	Pen Stocks and Water Tanks (Repealed)
1500.260	Semaphore Signals
1500.270	Poles, Posts and Signs
1500.280	Fences
1500.290	Mail Cranes (Repealed)

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- 1500.300 Building Materials or Supplies
- 1500.310 Overhead Wire Crossings

SUBPART D: ELECTRIC INTERURBAN RAILROADS: TRACK CENTERS

Section

- 1500.410 Main Tracks (Repealed)
- 1500.420 Tracks Adjacent to Main Tracks (Repealed)
- 1500.430 Subsidiary Passenger Tracks (Repealed)
- 1500.440 Subsidiary Freight Tracks (Repealed)
- 1500.450 Ladder Tracks (Repealed)

SUBPART E: ELECTRIC INTERURBAN RAILROADS: STRUCTURAL CLEARANCES

Section

- 1500.460 Bridges (Repealed)
- 1500.470 Buildings and Miscellaneous Structures (Repealed)
- 1500.480 Awnings and Canopies (Repealed)
- 1500.490 Overhead Loading Platforms (Repealed)
- 1500.500 High Freight Platforms (Repealed)
- 1500.510 High Passenger Platforms (Repealed)
- 1500.520 Low Passenger Platforms (Repealed)
- 1500.530 Switch Stands (Repealed)
- 1500.540 Low Switch Stands, Dwarf Signals, Signal Apparatus, etc. (Repealed)
- 1500.550 Pen Stocks and Water Tanks (Repealed)
- 1500.560 Semaphore Signals (Repealed)
- 1500.570 Poles, Posts and Signs (Repealed)
- 1500.580 Fences (Repealed)
- 1500.590 Mail Cranes (Repealed)
- 1500.600 Building Materials or Supplies (Repealed)
- 1500.610 Overhead Wire Crossings (Repealed)

SUBPART F: STREET RAILROADS

Section

- 1500.700 General (Repealed)
- 1500.710 Track Centers (Repealed)
- 1500.720 Bridges (Repealed)
- 1500.730 Buildings and Miscellaneous Structures (Repealed)
- 1500.740 Poles (Repealed)

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- 1500.750 Switch Stands, Signal Apparatus, etc. (Repealed)
1500.760 Building Materials and Supplies (Repealed)
1500.770 Overhead Wire Crossings (Repealed)

SUBPART G: CLEARANCE PROCEDURE

Section

- 1500.810 Authorization to Construct and Operate
1500.820 Form of Application (**Repealed**)
1500.830 Approval of Application (Repealed)
1500.840 Hearings (Repealed)

AUTHORITY: Implementing Section 18c-7401 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401 and 18c-1202(9)].

SOURCE: Adopted October 14, 1920, amended May 14, 1969; codified at 8 Ill. Reg. 13672; Part recodified at 10 Ill. Reg. 18001; amended at 11 Ill. Reg. 16489, effective October 1, 1987; amended at 29 Ill. Reg. 20360, effective December 15, 2005

SUBPART A: GENERAL RULES

Section 1500.10 Scope

- a) This Part prescribes minimum track centers, and minimum horizontal and vertical clearances applicable to tracks, structures, fixtures, and other appurtenances of "railroads." *The term "railroad" means track and associated structures, including bridges, tunnels, switches, spurs, terminals and other facilities, and equipment, including engines, freight cars, passenger cars, cabooses, and other equipment, used in the transportation of property or passengers by rail* [\[625 ILCS 5/18c-1104\(31\)\]\(Ill. Rev. Stat. 1985, ch. 95½, par. 18c-1104\(29\)\)](#).
- b) This Part applies to all new construction and to the reconstruction of "railroads" carried on after the date on which this Part becomes effective.
- c) Nothing herein contained prohibits any "railroad" from constructing its tracks, bridges, buildings and other structures with clearances greater than required by this Part. Where conditions apparently make it impracticable to comply with this Part, [a formal petition application](#) for permission to maintain reduced clearances shall be made to the Illinois Commerce Commission ("Commission") ~~in accordance with the directions given under Section 1500.820~~.

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- d) Unless otherwise stated all horizontal distances are measured at right angles to the vertical plane passing through the centerline~~center line~~ of the track.
- e) Railroad-Highway Bridge Clearance refers to the vertical clearance between the top of rail of a track and the lowest point of the structural members that carry a highway bridge over a railroad track. For new and reconstructed highway bridges spanning railroad tracks, clearance requirements outlined in the American Railway Engineering and Maintenance of Way Association Manual for Railway Engineering (2004 Edition) ("AREMA Manual") shall be followed when determining vertical clearance.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.15 Incorporations by Reference

The following standards of private and professional organizations are referenced in this Part:

- a) Manual for Railway Engineering, 2004 Edition, published by:
American Railway Engineering and Maintenance of Way Association
8201 Corporate Drive, Suite 1125
Landover MD 20785
(301)459-3200
- b) National Electric Safety Code, 2002 Edition, published by:
Institute of Electric and Electronics Engineers
Corporate Office
3 Park Avenue, 17th Floor
New York NY 10016-5997
(217)419-7900
- c) No incorporation by reference in this Part includes any later amendment or edition beyond the date stated.

(Source: Added at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.20 General Requirements

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- a) Compensation for Curvature. The horizontal clearances ~~herein~~ prescribed in this Section are for tangent tracks. For curved tracks, clearance requirements outlined in the AREMA Manual shall be maintained~~compensation shall be made so that the equivalent to the minimum clearances herein prescribed shall be maintained.~~
- b) Compensation for Superelevation. The vertical and horizontal clearances herein prescribed are for tracks where the tops of the rails are at the same level. Where one rail is elevated above the other, compensation shall be made so that clearance requirements outlined in the AREMA Manual shall be maintained~~the minimum vertical and horizontal clearances herein prescribed shall be maintained~~, the vertical clearances being taken from the top of the higher rail and the horizontal clearances being measured from the closest point in a line passing through the center line of the track and perpendicular to the face of the ties in the track.
- c) Warning Signs Required. At all overhead freight loading platforms, awnings, canopies, coal chutes, ore tipples, entrances to warehouses, shop buildings and similar structures, where the vertical clearance is less than ~~twenty-one (21 1/2) feet~~six (6) inches, and at all high freight-loading platforms where the horizontal clearance is less than ~~eight (8) feet~~, warning signs shall be erected as a caution to employees.
- d) Location and Lettering of Warning Signs. Warning signs for use at places having reduced clearances shall be of suitable size and placed in conspicuous positions with black letters upon a white background. At the top of the sign shall be placed the word "WARNING" with the letters not less than ~~three (3) inches~~ in height. All other letters upon the sign shall be not less than ~~one and one-half (1 1/2) inches~~ in height. Unless other words may more appropriately convey proper warning, remaining words on sign shall be "No clearance for a person on the side (or top) of car." The foregoing words will require a sign ~~fifteen (15) inches by twenty (20) inches~~ in size.
- e) Printed Rules. In all cases where clearances require warning signs as provided in subsection (c) ~~above~~, a printed rule shall be issued by the railroad company prohibiting its employees from occupying the tops or sides (as the case may require) of cars while in motion.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

SUBPART B: ~~STEAM RAILROADS~~: TRACK CENTERS

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Section 1500.120 Tracks Adjacent to Main Tracks

- a) Except as to ladder tracks, the distance from the ~~centerline~~center line of any main track to the ~~centerline~~center line of any adjacent subsidiary track shall be not less than ~~fifteen (15)~~ feet.
- b) The distance from the ~~centerline~~center line of any main track to the ~~centerline~~center line of any adjacent ladder track in which switches are operated mechanically; shall be not less than ~~fifteen (15)~~ feet; in ladder tracks where switches are not operated mechanically, ~~seventeen (17)~~ feet.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.130 Subsidiary Passenger Tracks

- a) Except as to ladder tracks the distance between the ~~centerline~~center line of any two subsidiary passenger tracks shall be not less than ~~thirteen (13)~~ feet.
- b) Any pair of subsidiary tracks used solely for passenger service may have centers less than ~~thirteen (13)~~ feet provided the ~~centerline~~center line of any track, adjacent to either side of such pair of tracks is located not less than ~~thirteen (13)~~ feet from the side of the track. ~~therefrom.~~

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.140 Subsidiary Freight Tracks

- a) Except as to ladder tracks the distance between the ~~centerline~~center lines of any two subsidiary freight tracks shall be not less than ~~thirteen (13½)~~ feet ~~six (6)~~ inches.
- b) Team Tracks. Any two adjacent tracks, commonly known as a pair of team tracks, with a driveway on one side thereof, may have track centers less than ~~13½~~thirteen (13) feet ~~six (6)~~ inches. If a third track is constructed adjacent to such pair of tracks its track center must be not less than ~~13½~~thirteen (13) feet ~~six (6)~~ inches from the ~~centerline~~center line of the nearest track.
- c) Track System with High Platform Adjacent Thereto. Any system of three or more tracks at freight houses, warehouses, wharves, or similar structures, used exclusively for handling freight to or from high platforms located on one or both

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sides thereof may have its track centers less than ~~13½thirteen (13) feet six (6) inches~~, provided that at least two tracks in any such system shall have centers not less than this distance. Where such system is composed of two tracks only, their ~~centerlinescenter lines~~ shall not be less than ~~13½thirteen (13) feet six (6) inches~~ apart.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.150 Ladder Tracks

- a) The distance from the center line of any subsidiary track to the ~~centerlinecenter line~~ of any adjacent ladder track where the switches are operated mechanically, shall not be less than ~~fifteen (15) feet~~; where the switches are not operated mechanically, not less than ~~seventeen (17) feet~~.
- b) The distance between the ~~centerlinescenter lines~~ of two adjacent parallel ladder tracks where the switches in both are operated mechanically, shall be not less than ~~seventeen (17) feet~~; where the switches in either or both are not operated mechanically, not less than ~~nineteen (19) feet~~.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

SUBPART C: ~~STEAM RAILROADS~~—STRUCTURAL CLEARANCES**Section 1500.160 Bridges**

- a) Railroad Bridges Supporting Main Tracks or Subsidiary Freight Tracks. The clearances of all railroad bridges supporting main tracks or subsidiary freight tracks shall be as follows: Beginning at a point in the ~~centerlinecenter line~~ of track ~~21¼twenty one (21) feet three (3) inches~~ above the top of rail; thence horizontally ~~four (4) feet two (2) inches~~; thence downward at an angle to a point ~~fifteen (15) feet~~ above the top of rail and ~~eight (8) feet~~ laterally distant from the ~~centerlinecenter line~~ of track; thence downward to a point ~~four (4) feet~~ above the top of rail and ~~eight (8) feet~~ laterally distant from the ~~centerlinecenter line~~ of track; thence downward on an angle to a point level with the base of rail and ~~five (5) feet~~ laterally distant from the ~~centerlinecenter line~~ of track.
- b) Railroad Bridges Spanning Main Tracks or Subsidiary Freight Tracks. The clearances of all railroad bridges spanning main tracks or subsidiary freight tracks shall be as follows: Beginning at a point in the ~~centerlinecenter line~~ of track

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~~21½~~~~twenty-one (21)~~ feet~~six (6) inches~~ above the top of rail the vertical clearance line shall extend thence horizontally each way to points ~~eight (8)~~ feet from the ~~centerline~~~~center line~~ of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the base of rail.

- c) Highway Bridges Spanning Railroad Tracks. A vertical clearance of not less than 23 feet above the top of rail shall be provided for all new and reconstructed highway bridges constructed over a railroad track. Beginning at a point in the centerline of track 23 feet above the top of rail the vertical clearance line shall extend thence horizontally each way to points 9 feet from the centerline of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the base of rail. For purposes of this subsection, reconstruction includes pier and/or pier cap replacement, girder removal and/or replacement, and/or widening of existing piers, pier caps or decks. All other work shall be considered as rehabilitation, in which case the existing clearance or a minimum of 21½ feet vertical clearance (whichever is greater) must be attained.
- d) The Commission may, by order, permit a lesser clearance if it determines that the 23 foot clearance standard cannot be justified based on engineering, operational, and economic conditions. A recommendation for a lesser clearance may be submitted to the Commission, followed by an evidentiary hearing of all the parties involved before an Administrative Law Judge.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.170 Buildings and Miscellaneous Structures

- a) Structures Adjacent to Main Tracks. Except as otherwise specified the clearances between main tracks and buildings or other structures adjacent thereto shall be as follows: Beginning at a point in the ~~centerline of~~~~center line~~ track ~~21½~~~~twenty-one (21)~~ feet~~six (6) inches~~ above the top of rail the vertical clearance line shall extend thence horizontally each way to points ~~eight (8)~~ feet from the ~~centerline~~~~center line~~ of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the base of rail.
- b) Structures Adjacent to Subsidiary Passenger Tracks. Except as otherwise specified, the clearances between subsidiary passenger tracks and buildings or other structures adjacent thereto shall be as follows:
- 1) Tracks outside of buildings: Beginning at a point in the ~~centerline~~~~center~~

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- ~~line~~ of track ~~21½~~ feet ~~six (6) inches~~ above top of rail, the vertical clearance line shall extend thence horizontally each way to points ~~seven (7½) feet~~~~six (6) inches~~ from the ~~centerline~~~~center line~~ of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the base of the rail.
- 2) Tracks entering buildings: Beginning at a point in the ~~centerline~~~~center line~~ of track at such a height as will be most practicable for the height of cars handled on such tracks, the vertical clearance line shall extend thence horizontally each way to points ~~seven (7)~~ feet from the ~~centerline~~~~center line~~ of track from which points the horizontal clearance lines shall extend vertically downward to points level with the base of rail.
- c) Structures Adjacent to Subsidiary Freight Tracks. Except as otherwise specified the clearances between subsidiary freight tracks and buildings or other structures adjacent thereto shall be as follows:
- 1) Tracks outside of buildings: Beginning at a point in the ~~centerline~~~~center line~~ of track ~~21½~~ ~~twenty-one (21)~~ feet ~~six (6) inches~~ above the top of rail the vertical clearance line shall extend thence horizontally each way to points ~~eight (8)~~ feet from the ~~centerline~~~~center line~~ of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the base of rail.
- 2) Tracks entering buildings such as warehouses, freight houses, coal chutes, elevators and similar structures: Beginning at a point in the ~~centerline~~~~center line~~ of track at such a height as will be most practicable for cars handled on such tracks, the vertical clearance line shall extend thence horizontally each way to points ~~seven (7)~~ feet from the ~~centerline~~~~center line~~ of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the base of rail.
- d) Engine Houses. The clearances at the entrances of new engine houses when the engine house doors are open shall be as follows: Beginning at a point in the ~~centerline~~~~center line~~ of track at such a height as will be most practicable for the height of engines using the engine house, the vertical clearance line so established shall extend horizontally each way until it intersects the horizontal clearance lines established ~~6¾~~~~six (6) feet~~~~nine (9)~~ laterally distant from the ~~centerline~~~~center line~~ of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the base of rail.

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- e) Coal Tipples, Ore Tipples, Stone Crusher, etc. The clearances of all subsidiary tracks passing through or underneath coal tipples, ore tipples, stone crushers or similar overhead structures shall be as follows: Beginning at a point in the ~~centerline~~center line of track at such height as will be most practicable for the height of equipment handled on such tracks, the vertical clearance line shall extend thence horizontally each way to points ~~eight (8)~~ feet from the ~~centerline~~center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the base of rail.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.180 Awnings and Canopies

- a) Awnings and Canopies at Main Tracks. Awnings and canopies spanning main tracks or supported at the sides of main tracks shall have clearances as follows: Beginning at a point in the ~~centerline~~center line of track ~~21½ twenty-one (21) feet six (6) inches~~ above the top of rail; the vertical clearance line shall extend thence horizontally each way to points ~~eight (8)~~ feet from the ~~centerline~~center line of track; from which points the horizontal clearance lines shall extend vertically downward to points level with the base of rail.
- b) Awnings and Canopies at Subsidiary Passenger Tracks. Awnings and canopies spanning subsidiary passenger tracks or supported at the sides of such tracks, shall have clearances as follows: Beginning at a point in the ~~centerline~~center line of track at such a height above the top of rail as will be most practicable for the height of cars handled on such tracks, the vertical clearance line shall extend thence horizontally each way to points ~~seven (7½) feet~~~~six (6) inches~~ from the ~~centerline~~center line of track, from which points the horizontal clearance line shall extend vertically downward to points level with the base of rail.
- c) Awnings and Canopies at Subsidiary Freight Tracks.
- 1) Except as otherwise specified, awnings and canopies spanning subsidiary freight tracks or supported at the sides of such tracks shall have clearances as follows: Beginning at a point in the ~~centerline~~center line of track ~~21½ twenty-one (21) feet~~~~six (6) inches~~ above the top of rail; thence horizontally ~~four (4)~~ feet to a point; thence diagonally to a point ~~fifteen (15)~~ feet above the top of rail and ~~eight (8)~~ feet laterally distant from the ~~centerline~~center line of track; thence vertically downward to a point level

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with the base of rail.

- 2) Awnings and canopies at freight houses and freight loading platforms may be constructed with vertical clearances of not less than ~~fifteen (15)~~ feet provided the edges of such awnings or canopies do not extend closer than ~~five (5½)~~ feet ~~six (6) inches~~ to the ~~centerline~~center line of track.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.200 High Freight Platforms

The distance from the ~~centerline~~center lines of subsidiary tracks to the faces or edges of high platforms from which freight is handled to or from cars shall not exceed ~~six (6)~~ feet ~~two (2)~~ inches. The minimum horizontal clearance in the area above the floor of such platforms shall be ~~twenty-eight (28)~~ inches greater than the distance from the ~~centerline~~center line of the subsidiary track to the face or edge of the platform. This Section shall not apply when the faces or edges of the platforms have horizontal clearances of ~~eight (8)~~ feet or more from the ~~centerline~~center lines of the tracks.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.210 High Passenger Platforms

Platforms approximately level with passenger car floors may be constructed and maintained with faces less than ~~eight (8)~~ feet from the ~~centerline~~center line of a subsidiary track used solely for passenger service, provided the coaches served by such platforms are equipped with platform gates which are kept closed while the train is in motion.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.220 Low Passenger Platforms

Passenger platforms not higher than ~~eight (8)~~ inches above the top of rail may be constructed and maintained with faces not less than ~~five (5)~~ feet ~~one (1)~~ inch from the ~~centerline~~center line of an adjacent track. Passenger platforms less than ~~four (4)~~ inches above the top of rail may be constructed and maintained with faces not less than ~~four (4½)~~ feet ~~six (6) inches~~ from the ~~centerline~~center line of an adjacent track.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

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Section 1500.230 Switch Stands

- a) Main Tracks. Main track switch stands exceeding ~~two (2)~~ feet ~~ten (10)~~ inches in height and not exceeding ~~four (4)~~ feet in height shall have horizontal clearances of not less than ~~eight (8)~~ feet from the ~~centerline~~~~center line~~ of an adjacent track to the nearest part of the switch stand above the base of rail; and not less than ~~eight (8)~~ feet ~~three (3)~~ inches when the switch stand exceeds ~~four (4)~~ feet in height.
- b) Subsidiary Tracks. Subsidiary track switch stands exceeding ~~two (2)~~ feet ~~ten (10)~~ inches in height and not exceeding ~~four (4)~~ feet in height shall be not less than ~~seven (7½)~~ feet ~~six (6) inches~~ from the ~~centerline~~~~center line~~ of an adjacent track to the nearest part of the switch stand above the base of rail; and not less than ~~eight (8)~~ feet when the switch stand exceeds ~~four (4)~~ feet in height.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.260 Semaphore Signals

The distance from the nearest part above the top of rail of a semaphore signal post, other than a dwarf signal, to the ~~centerline~~~~center line~~ of an adjacent main track, shall be not less than ~~eight (8½)~~ feet ~~six (6) inches~~. For subsidiary tracks, this distance shall be not less than ~~eight (8)~~ feet.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.270 Poles, Posts and Signs

The face of all telegraph, telephone, or other poles, whistle posts, mile posts, posts for signal bridges, whipcords, crossing gates, highway crossing bells, and all other signs, signals or devices not otherwise provided for in this Part, shall be not less than ~~nine (9)~~ feet from the ~~centerline~~~~center line~~ of adjacent tracks. No part of any sign or appurtenance attached to such poles or posts shall be less than ~~eight (8)~~ feet from the ~~centerline~~~~center line~~ of an adjacent track, between the top of rail and a point ~~fifteen (15)~~ feet above.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.300 Building Materials or Supplies

No building materials or supplies of any kind except ballast or ties intended for immediate use shall be piled nearer to any main track or passing track than ~~nine (9)~~ feet from the ~~centerline~~~~center line~~ thereof; or nearer to any other track than ~~eight (8½)~~ feet ~~six (6) inches~~ from

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the ~~centerline~~center line thereof.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.310 Overhead Wire Crossings

The vertical clearances of all electric or other wires crossing over railroad tracks shall conform to the requirements of ~~83 Ill. Adm. Code 305~~General Order 160 (to be codified as 83 Ill. Adm. Code 305) of this Commission and amendments thereto as may be in force and adopted by this Commission. The requirements of 83 Ill. Adm. Code 305 that address vertical clearances of all electric or other wires crossing over railroad tracks are outlined in the following portions of the National Electric Safety Code (2002 Edition) published by the Institute of Electrical and Electronics Engineers:

- a) Section 2 (Definitions of Special Terms);
- b) Part 2 (Sections 20-27: Safety Rules for the Installation and Maintenance of Overhead Electric Supply and Communication Lines).

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

SUBPART G: CLEARANCE PROCEDURE

Section 1500.810 Authorization to Construct and Operate

- a) When Permission for Construction is Not Necessary. Except such as may be required by law or by any order of this Commission, permission will not be necessary for any railroad to construct any tracks or other appurtenances or to operate on such tracks provided the track centers and clearances alongside such tracks or other appurtenances conform to this Part.
- b) When Permission for Construction is Necessary. Application shall ~~may~~ be made to this Commission for permission to construct and maintain such tracks or other appurtenances, or to operate on such tracks, where track centers and clearances will not or do not conform to this Part. The application for such permission shall be submitted by the railroad company involved, or jointly by the railroad company and the owner of the property when the track or appurtenances are upon private property. Each application must be accompanied by a plan showing the location of the proposed track or other appurtenance and the clearances ~~that clearances which~~ it is desired to maintain.

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- c) The Commission shall consider the following in determining whether a variation shall be permitted:
- 1) The impact, if any, on the safety of railroad employees;
 - 2) The expense to the carrier or others, if the variation is not granted; and
 - 3) Experience with similar variations at other locations. Similar variations would be situations involving like reduced clearances and like railroad operations. Lack of any problems would indicate acceptable experience.

(Source: Amended at 29 Ill. Reg. 20360, effective December 15, 2005)

Section 1500.820 Form of Application (Repealed)

~~Applications for permission to construct and maintain tracks or other appurtenances or to operate on such tracks, where track centers and clearances will not or do not conform to this Part, shall be on the Commission's Clearance Deviation Form.~~

(Source: Repealed at 29 Ill. Reg. 20360, effective December 15, 2005)

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- 1) Heading of the Part: Crossings of Rail Carriers and Highways
- 2) Code Citation: 92 Ill. Adm. Code 1535
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1535.5	New Section
1535.20	Amendment
1535.30	Amendment
1535.40	Amendment
1535.60	Amendment
1535.100	Amendment
1535.201	Amendment
1535.202	Amendment
1535.203	Amendment
1535.207	Amendment
1535.300	Amendment
1535.310	Amendment
1535.330	Repeal
1535.335	Amendment
1535.340	Amendment
1535.342	Amendment
1535.343	Amendment
1535.344	Amendment
1535.345	Amendment
1535.349	Repeal
1535.360	Amendment
1535.365	Amendment
1535.366	New Section
1535.400	Amendment
1535.504	Amendment
1535.602	Amendment
1535.603	Amendment
1535.604	Amendment
1535.701	Amendment
1535.Appendix A - Illustration A	New Section
1535.Appendix A - Illustration B	New Section
1535.Appendix A - Illustration C	New Section
1535.Appendix B - Illustration A	Repeal
1535.Appendix B - Illustration B	Repeal
1535.Appendix B - Illustration C	Repeal

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1535.Appendix B - Illustration D Repeal
1535.Appendix B - Illustration G Repeal
1535.Appendix B - Illustration H Repeal

- 4) Statutory Authority: Implementing Section 18c-7401 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401 and 18c-1202]
- 5) Effective Date of Amendments: December 15, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: 29 Ill. Reg. 32; January 3, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 1535.5 regarding incorporations by reference was added. In addition, minor grammatical and editorial changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These changes clarify definitions, eliminate discrepancies between the sections regarding highway approach grades, update references to American Railway Engineering and Maintenance of Way Association (AREMA) standards, and correct grammatical and typographical errors.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Steven L. Matrisch

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Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

(217) 782-6447
smatrisc@icc.illinois.gov

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

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TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: RAIL CARRIERSPART 1535
CROSSINGS OF RAIL CARRIERS AND HIGHWAYS

SUBPART A: SCOPE AND APPLICATION

Section

1535.5	Incorporations by Reference
1535.10	General Order
1535.20	Part Not Retroactive
1535.30	Requirements for Maintenance of Grade Crossings
1535.40	Requirements for Marking and Warning Devices at Grade Crossings
1535.50	Requirements for Establishment and Construction of Grade Crossings
1535.60	Permission to Install Other Equipment or Devices

SUBPART B: DEFINITIONS

Section

1535.100	Definitions
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SUBPART C: ESTABLISHMENT, CONSTRUCTION AND
MAINTENANCE OF GRADE CROSSINGS

Section

1535.201	Application for Permission to Extend a Street or Highway
1535.202	General Plan or Plat Plot
1535.203	Construction and Maintenance of Grade Crossing
1535.204	Grade Line of Highway Approaches
1535.205	Right-of-Way to Be Kept Clear
1535.206	Crossings and Approaches
1535.207	Adjustment of Crossings and Approaches
1535.208	Maintenance, Operation and Renewal of Signs, Signals, and Other Warning Devices
1535.209	Poles, Structures or Other Objects in Right-of-Way
1535.210	Erection and Maintenance of Other Signs
1535.211	Provisions of Law (Repealed)

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SUBPART D: MARKING AND WARNING DEVICES
AT GRADE CROSSINGS

Section

1535.300	Crossbuck Signs
1535.310	Advance Warning Signs and Pavement Markings
1535.320	Floodlights as Warning Devices
1535.330	Watchman Warning (Repealed)
1535.333	Flashing Light Signals
1535.335	Location of Signals
1535.340	Direction of Indication
1535.341	Mounting Lamp Units
1535.342	Design of Lamps, Hoods, and Backgrounds
1535.343	Warning Indication
1535.344	Lenses and Roundels
1535.345	Signs on Flashing Light Signals
1535.346	Bells on Flashing Light Signals
1535.347	Painting
1535.348	Power Source
1535.349	Manual Operation (Repealed)
1535.350	Circuits
1535.360	Gates
1535.365	Automatic Gates
1535.366	Temporary STOP Signs

SUBPART E: CHANGES IN EXISTING CROSSING
MARKING OR WARNING DEVICES

Section

1535.400	Procedure Before Commission
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SUBPART F: OPERATION OF RAILROAD TRAINS AND
CARS OVER GRADE CROSSINGS

Section

1535.501	Sounding of Bell, Whistle or Horn (Repealed)
1535.502	Other Warning
1535.503	Approaching Grade Crossings Prepared to Stop
1535.504	Crew Member to Give Warning at Crossing

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SUBPART G: SUBWAYS AND VIADUCTS

Section

1535.601	Order of Commission to Construct Subway or Viaduct
1535.602	Petitioner For Permission
1535.603	Plans Considered Separately
1535.604	Hazard Markers
1535.605	Mounting of Hazard Markers
1535.606	Clearance Signs

SUBPART H: BARRICADES

Section

1535.701	Construction of Barricades
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1535.APPENDIX A Forms

1535.ILLUSTRATION A	Form 1 (Repealed)
1535.ILLUSTRATION B	Form 2 (Repealed)
1535.ILLUSTRATION C	Form 3 (Repealed)

1535.APPENDIX B Drawings

1535.ILLUSTRATION A	Reflectorized Crossbuck Signs (50 degrees) (Repealed)
1535.ILLUSTRATION B	Reflectorized Crossbuck Signs (90 degrees) (Repealed)
1535.ILLUSTRATION C	Advance Warning Sign (Repealed)
1535.ILLUSTRATION D	Reflectorized "Watchman Off Duty" Sign (Repealed)
1535.ILLUSTRATION E	Flashing Light Signal for Highway Crossings
1535.ILLUSTRATION F	Flashing Light Signal with Cantilever Mounted Auxiliary Lights
1535.ILLUSTRATION G	"No Right Turn" or "No Left Turn" Signal (Repealed)
1535.ILLUSTRATION H	Reflectorized "Gates Not Working" Sign (Repealed)

AUTHORITY: Implementing Section 18c-7401 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401 and 18c-1202].

SOURCE: Filed and effective August 22, 1973; codified at 8 Ill. Reg. 8906; Part recodified at 10 Ill. Reg. 17994; amended at 11 Ill. Reg. 19027, effective November 15, 1987; amended at 15 Ill. Reg. 10920, effective July 10, 1991; amended at 29 Ill. Reg. 20376, effective December 15, 2005.

SUBPART A: SCOPE AND APPLICATION

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Section 1535.5 Incorporations by Reference

The following standards of private and professional organizations are referenced in this Part:

- a) Manual for Railway Engineering, 2004 Edition, published by:

American Railway Engineering and Maintenance of Way Association
8201 Corporate Drive, Suite 1125
Landover MD 20785
(301) 459-3200

- b) Manual on Uniform Traffic Control Devices, 2003 Edition, published by:

United States Department of Transportation
Federal Highway Administration
400 Seventh Street, SW
HOTO
Washington, D.C. 20590
(202) 366-0537

- c) No incorporation by reference in this Part includes any later amendment or edition beyond the date stated.

(Source: Added at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.20 Part Not Retroactive

This Part shall not be retroactive in the sense of declaring or implying that crossings already lawfully constructed, or installations of ~~crossing~~crossings warning devices now lawfully in place, are to be considered in violation of this Part where such crossings or installations do not comply with ~~this Part the rules set forth herein~~. All lawfully existing crossings, and installations of crossing warning devices are hereby approved, subject however to the right of the Commission by appropriate proceedings, to require changes or improvements at any particular crossing or crossings at any time.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.30 Requirements for Maintenance of Grade Crossings

The requirements with reference to maintenance of grade crossings as set forth in Section

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1535.205 through 1535.~~210211~~, inclusive, apply both to crossings now in existence and those which may hereafter be established.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.40 Requirements for Marking and Warning Devices at Grade Crossings

The requirements with respect to the marking and warning devices at grade crossings as set forth in Sections 1535.300 to 1535.365 inclusive, apply, in general, to the installations of signs, signals, illumination, and gates made after the date of service of this Part. Certain of these Sections, however, have application to crossings now in existence and where signs, signals, and gates~~or watchmen~~ may now be maintained, and in such cases, the ~~said~~ application is specifically stated in the Section.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.60 Permission to Install Other Equipment or Devices

The Commission reserves the right to permit, or after appropriate proceedings, to require, the installation of other and different construction, equipment, and devices than those provided by this Part. Exceptions to the application of any of the rules of this Part may be made whenever good cause shows, wherever, for experimental or developmental purposes or otherwise, such action appears that appear desirable and reasonable, ~~and, for good cause shown, exceptions to the application of any of the rules of this Part may be made.~~

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

SUBPART B: DEFINITIONS

Section 1535.100 Definitions

"Advance warning sign" means a fixed sign, located at a distance from a grade crossing and intended to warn drivers of vehicles of the presence of the crossing before the vehicle reaches the crossing.

"AREMA" means American Railway Engineering and Maintenance of Way Association (2004 Edition).

"Automatic gates" means gates which are designed to move into the obstructing position automatically upon the approach of a train or trains, and to move into the

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clear position when the train or trains have cleared the crossing and are generally used in conjunction with "flashing light signals" as defined in this Section.

"City" means all incorporated cities, villages and towns.

"Clearance signs" means the signs posted at a subway to indicate the maximum height of vehicles ~~that~~~~which~~ may safely pass beneath the grade separation structure.

"Crossbuck sign" means a sign consisting essentially of two boards or blades, crossing each other in the general form of the letter X, and designed to be mounted upon a post or upon the mast of an automatic signal. The word "RAILROAD" is inscribed upon the board or blade extending from the upper left to the lower right portion of the sign as viewed by a person facing the crossing, and the word "CROSSING" is inscribed upon the board or blade extending from the lower left to the upper right portion of the sign.

"Crossing" means any place where a public street or highway and a railroad cross either at grade or by separation of grades. It may also apply to locations where a railroad running longitudinally in a street is crossed by a roadway or sidewalk.

"Crossing proper" means that portion of the grade crossing over the crosstie area.

"Crosstie" means a transverse beam that connects and supports the rails of a railroad.

"Department" means the Illinois Department of Transportation.

"Flashing light signal" means a signaling device consisting essentially of two red lamps mounted horizontally about 2 feet 6 inches between centers and which flash alternately to indicate the approach of a train. Such signals usually are designed to operate automatically upon the approach of a train but sometimes are so arranged as to start and cease operation by a manual controlling device.

"Gates" means a barrier ~~that~~~~which~~ employs arms so arranged as to be moved into a position wholly or partly to obstruct a street. "Gates" provide a definite obstruction to street traffic but are not designed positively to stop moving vehicles.

"Grade crossing" means any crossing where the street or highway and the railroad

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are at the same elevation.

"Hazard marker" means a fixed sign consisting of a vertical rectangle, size 1 foot by 3 feet having alternating black and reflectorized yellow or white stripes 3 inches in width sloping down at an angle of 45 degrees toward the side of the obstruction on which traffic is to pass, or should conditions dictate other type of marker, one of those described in the current edition of Illinois Manual of Uniform Traffic Control Devices ~~(92 Ill. Adm. Code 546)~~.

"Highway" means the same as "street".

"Law" means the Illinois Commercial Transportation Law [\[625 ILCS 5/18c\]](#) ~~(Ill. Rev. Stat. 1985, ch. 95½, par. 18c-1101, et seq. as amended by P.A. 84-1311, effective August 27, 1986)~~.

["MUTCD" means the federal Manual on Uniform Traffic Control Devices \(2003 Edition\)](#).

"Rail carrier" means the same as the definition in Section 18c-1104 of the Law [\[625 ILCS 5/18c-1104\]](#) ~~(Ill. Rev. Stat. 1986 Supp., ch. 95½, par. 18c-1104)~~.

"Railroad" means the same as the definition in Section 18c-1104 of the Law ~~(Ill. Rev. Stat. 1986 Supp., ch. 95½, par. 18c-1104)~~.

"Railroad train" means any locomotive with or without cars coupled to it, operating upon a railroad. This term, however, is not applied to handcars, speeders, motor cars, hi-rail cars or self-propelled work equipment operated for maintenance or other railroad purposes and not used for the transportation of persons or property for hire.

"Reflector button" means a unit consisting essentially of a glass lens and a reflecting mirror or a plastic lens so designed as to reflect the rays of light from headlights of vehicles. The reflecting mirror may be a separate mirror or consist of reflecting material deposited directly upon the surface of the lens.

"Reflector type" or "reflectorized," when applied to any sign, means that either the letters or some outstanding feature of the sign is marked by reflector buttons, or by other suitable reflecting devices or materials, in such manner as to be illuminated and made visible by headlights of vehicles.

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"Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel.

"Shoulder" means that portion of a highway between the edge of the pavement and the curb line where there is a sidewalk, or, where there is no sidewalk, between the edge of the pavement and the outer edge of the surface graded for possible vehicular use.

"Sidewalk" means that portion of a street, between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

"Street" means the entire width between property lines of every way or place of whatever nature when any part is open to the use of the public as a matter of right for purposes of vehicular traffic.

"Subway" means a crossing where the street or highway passes underneath the railroad.

"Temporary STOP Sign" means the installation of temporary STOP signs whenever the Commission authorizes the installation of automatic flashing light signals or automatic flashing light signals and gates at public highway-rail grade crossings, pursuant to Section 18c-7401(3) of the Law.

"Viaduct" means a crossing where the street or highway passes above the railroad.

~~"Watchman" means any person stationed at a crossing whose duty it is to give warning to persons upon a street when any on-track movement is approaching.~~

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

SUBPART C: ESTABLISHMENT, CONSTRUCTION AND
MAINTENANCE OF GRADE CROSSINGS**Section 1535.201 Application for Permission to Extend a Street or Highway**

Where application is made to this Commission for permission to extend a street or highway at grade across a railroad track~~rail carrier~~ or to extend a railroad track across a street or highway at grade as contemplated in Section 18c-7401 of the Law (~~Ill. Rev. Stat. 1985, ch. 95½, par. 18c-7401~~) the petitioner shall be the interested rail carrier or a public body having jurisdiction over

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the highway involved.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.202 General Plan or ~~Plat~~Plot

A petition for permission and authorization under Section 1535.201 should be accompanied by a general plan or plat showing with reasonable certainty the nature, location and construction of the proposed crossing.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.203 Construction and Maintenance of Grade Crossing

Every grade crossing shall be constructed and maintained in such manner that it will not interfere with the reasonably safe use of the roadway when traveled in the usual and ordinary manner. The surface of the roadway shall reasonably conform to the elevation of the rails for the entire area between rails and between tracks (where track centers are 15 feet or less) and for a distance of 24 inches beyond the outside of the outer rails of the outer tracks. In situations where super-elevation of rails through the crossing makes a reasonably smooth continuous surface impractical, the surface of the roadway in the crossing area shall be made as smooth as practicable, consistent with the safe operation of trains on the railroad tracks in accordance with Section 18c-7401(2) of the Law (~~Ill. Rev. Stat. 1985, ch. 95½, par. 18c-7401(2)~~). Any crossing hereafter constructed or reconstructed shall conform to the width of the roadway and shall include a reasonable width of usable shoulder, but in no case shall the width be less than 16 feet measured at right angles to the center line of the highway unless the Commission specifically authorizes a lesser width. At crossings where there are sidewalks, either the crossing proper shall include the sidewalk areas or separate sidewalk crossings of a width consistent with that of the sidewalk approaches shall be provided conforming with provisions of this Section as to surface.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.207 Adjustment of Crossings and Approaches

- a) Where tracks are raised through a highway crossing at the rail carrier's instance and the approach ~~grades~~grade(s) to ~~thesaid~~ crossing conformed to the requirements of Section 1535.204 prior to ~~thesaid~~ track raise, the rail carrier shall resurface or arrange for the resurfacing of the highway approaches to meet the elevation of the raised crossing surface, so that the change in grade does not

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exceed 1% greater than the pre-existing grade on primary highways with a maximum authorized speed in excess of 30 miles per hour, or 2% greater than the pre-existing grade on all other highways with a maximum authorized speed of 30 miles per hour or less. Where more than one track crosses a highway with 15 feet or less between the centerline of one track and the centerline of an adjacent track, the rail carrier shall adjust all tracks so that they conform with the requirements of Section 1535.203.

- b) Where tracks are raised through a highway crossing at the rail carrier's instance, and the approach ~~grades~~grade(s) to ~~thesueh~~ crossing did not conform to the requirements of Section 1535.204 prior to ~~thesaid~~ track raise, and the track raise increases ~~thesueh~~ grades by more than 1%, it shall be the responsibility of the rail carrier to resurface, or to arrange for the resurfacing of, the highway ~~approaches~~approach(es) within a distance of 25 feet from the centerline of the outermost track, to minimize the change in grade to the extent practicable within the 25 feet.
- c) It shall be the responsibility of the highway authority to make arrangements with the respective rail ~~carrier~~carrier(s) for the necessary track, crossing warning signs and signals, and/or crossing surface adjustments where vertical and/or horizontal adjustments are made to the ~~approaches~~approach(es) of a grade crossing at the highway authority's instance (whether by reconstruction, resurfacing, or widening). The rail carrier shall, at the sole cost and expense of the highway authority, adjust the track, crossing warning signs and signals, and/or crossing surfaces~~crossing(s)~~ to conform to SectionsSection 1535.203, 1535.300(b), 1535.335, and 1535.360(a), as applicable, and the highway authority shall, at its own expense, perform all necessary approach work to comply with Section 1535.204.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

SUBPART D: MARKING AND WARNING DEVICES
AT GRADE CROSSINGS

Section 1535.300 Crossbuck Signs

- a) Every rail carrier shall furnish, erect and maintain at every grade crossing on its line of railroad two crossbuck signs as set forth in MUTCD Section 8B.03 and MUTCD Figure 8B-1 of standard design as set forth in this Part, except at crossings where flashing light signals or other warning devices incorporating a

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"crossbuck" as part of their design are maintained and except at crossings within the cities where train crews or watchmen provide warnings of all movements of cars or engines thereover. At such excepted crossings, crossbuck signs may be installed and maintained at the option of the rail carrier or may be required by specific order of the Commission.

- b) Crossbuck signs shall be so located with reference to local conditions at each crossing as to provide proper visibility and in accordance with good practice. One crossbuck sign shall be placed on each side of the track or tracks preferably on the right hand side of the highway as viewed by a traveler approaching the crossing. An additional crossbuck sign shall be installed in accordance with MUTCD Section 8B.03 on the left side of the roadway where there is restricted sight distance or unfavorable roadway geometry. The distance from the crossbuck sign to the nearest track should be not less than 12 feet from the centerline of track, measured perpendicular to the track, as set forth in MUTCD Section 8B.03. This distance is rail preferably shall be not less than 8½ feet nor more than 15 feet, and the distance from the near edge of the pavement or roadway to the sign preferably shall not be less than 6 feet nor more than 12 feet. These distances are to the center of the mast. The distance from the crossbuck sign to the edge of the shoulder should not be less than 6 feet or less than 12 feet from the crossbuck sign to the edge of the traveled way (whichever is greater). Where there are curbs, the distance from the crossbuck sign to the face of curb should not be less than 2 feet. These distances are as set forth in MUTCD Section 8B.03 and are measured from the nearest edge of the crossbuck sign. No crossbuck sign shall be permitted to be obscured materially by trees or other obstructions located on the right of way of the rail carrier.
- c) The crossbuck signs referred to in Section 1535.300(a) ~~shall be~~ may be either the 6 foot blade length type with an angle of 50 degrees between blades (Appendix B, Illustration A) or the 4 foot reflectorized blade type, as set forth in MUTCD Section 8B.03, with an angle of 90 degrees between blades (Appendix B, Illustration B) each to be equipped with reflecting material to give an indication at night in both directions along the highway except that where, for any reason, the rear indication cannot be seen on any highway approaching the crossing, such rear indication will not be required. The back of each blade shall have one or more strips of retroreflective white reflectorized material, the combined width of which shall not be less than 2 inches for its full visible length. The rear indication may also be obtained by placing two one way signs back to back. A strip of retroreflective white material, not less than 2 inches in width, shall be used on each crossbuck support for the full length of the front and back of the support

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from the crossbuck sign or "Number of Tracks" sign to within 2 feet above the edge of the roadway, except on the side of those supports where a STOP or YIELD sign or flashing lights have been installed or on the back side of supports for crossbuck signs installed on one-way streets. On or before January 17, 2011, the crossbucks at every highway-rail grade crossing in the State of Illinois shall be equipped with retroreflective white material in the manner set forth in this subsection and all crossbuck signs placed thereafter shall be equipped with retroreflective white material in the manner set forth in this Section. On or before December 31, 1975 the crossbucks at every grade crossing in the State of Illinois shall be equipped with reflectorized material in the manner set forth herein and all crossbuck signs placed thereafter shall be reflectorized. The height of the crossbuck above the surface of the pavement or roadway may be varied to suit local conditions, but ordinarily shall be such as will provide a clearance of approximately 7½ feet beneath the crossbuck.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.310 Advance Warning Signs and Pavement Markingsa) Railroad Advance Warning Signs

- 1) The railroad advance warning sign as set forth in MUTCD Section 8B.04 and MUTCD Figure 8B-2(Appendix B, Illustration C) shall be used in advance of every railroad grade crossing, whether marked by crossbucks or; equipped with active warning devices or provided with a watchman, except in the following instances:
 - A) At a minor siding or spur which is infrequently used and which is guarded by a member of the train crew when in use.
 - B) In the business districts of cities where the crossings are equipped with active warning devices and the physical conditions are such that even a partially effective display of the sign is impossible.
- 2) In rural areas advance warning signs shall be located from 400 to 700 feet in advance of the grade crossing on each side thereof, said distance to be governed by prevailing speed of vehicular traffic.
- 3) On a divided highway, it may be desirable to erect a supplemental sign on the left of the roadway. In residential or business districts where low

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speeds are prevalent, the sign may be placed a minimum distance of 100 feet from the crossing. If there is a street intersection within 100 feet, an additional sign or signs should be so placed as to warn traffic approaching the crossing from each intersected street.

- b) Unless otherwise specifically ordered by the Commission, advance warning signs at crossings are to be furnished, installed, maintained and replaced by and at the expense of the public authority having the duty of maintaining such signs along said highway.
- c) Advance warning signs hereafter installed near or at crossings, either as replacements or as new or additional signs, shall be of the reflector type and shall conform as to type, aspect and color with [MUTCD Section 8B.04 and MUTCD Figure 8B-2 Appendix B, Illustration C](#).
- d) The public authority having the duty of maintaining the approach to a grade crossing is required, where practicable, to place pavement markings consisting of a cross and the letters "R.R." in accordance with current applicable standards.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.330 Watchman Warning (Repealed)

- a) ~~At every grade crossing where a watchman is stationed, the watchman shall be provided with the following equipment to be used as warning signs to public traffic on the street or highway:~~
 - 1) ~~For use in daylight hours, an octagonal facsimile of the standard Illinois boulevard stop sign at least 16 inches by 16 inches, painted or enameled red on both sides, with a white border with the word "STOP" in white letters 5 inches high, 3 inches wide with ¾ inch stroke.~~
 - 2) ~~For use between the hours of dusk and dawn, a red lantern equipped with shields so that the red lantern when properly held will not be visible to approaching trains and engines.~~
 - 3) ~~A warning whistle.~~
- b) ~~At every grade crossing where only part-time watchman warning is maintained, the rail carrier shall, at its own expense, furnish, erect and maintain on each side of the crossing, a reflector type sign conforming to Appendix B, Illustration D. These signs shall be displayed at all times when the watchman is not on duty, and shall be either covered or removed~~

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- ~~from position when the watchman is on duty.~~
- 2) ~~Each rail carrier may locate said signs either adjacent to the crossing or in advance as it may deem best but subject to the right of this Commission, which is hereby reserved, to determine the location of said signs at any particular crossing.~~
- e) ~~At every crossing where only part-time watchman warning is maintained, the rail carrier shall also furnish, erect and maintain at least one informational sign showing the hours during which a watchman is not on duty. The sign should be affixed to the watchman's shanty or tower in such manner as to be readily seen by motorists.~~

(Source: Repealed at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.335 Location of Signals

- a) For two directional traffic, one signal is to be located upon each side of the track or groups of tracks except that, where local conditions so require, a greater number of signals or flashing light units may be employed. The signals shall be placed on the right hand side of the highway as viewed by a traveler approaching the crossing unless local conditions require different arrangement. The distance from the signals to the railroad and to the edge of the pavement will be governed by local conditions, but in general the signals shall be located not more than 15 feet from the near rail except where a point in the centerline of the highway opposite the signal would be less than 10 feet therefrom. In general, the signals shall be located not less than 8½ feet from the nearest rail. The distance from the signals to the edge of pavement shall not be less than 6 feet or more than 12 feet except when the pavement has curb and guttering, then the signals may be located 4 feet 1 inch but not less from the face of curb. These distances are to the center of the mast.
- b) On multilane highways extending on either side of a median strip at least 8 feet 2 inches in width one additional flashing unit as shown in Figure 5 (Appendix B, Illustration E) shall be placed on each side of track or group of tracks, in such a manner as to provide appropriate warning to vehicles approaching crossing in traffic lane on left side of pavement. ~~Back lights shall, back lights not be~~ required.
- c) Unless otherwise ordered by the Commission, on highways four or more lanes in width with no additional flashing units as set forth in Section 1535.335(b), supplemental sets of flashing light signals shall be mounted on appropriate

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cantilever arms (Figure 6 (Appendix B, Illustration F)) in such a manner as to provide appropriate warning to vehicles that vehicles using the outer lanes. Back lights shall also be required, back lights required.

- d) Where conditions require, special signals such as side lights, illuminated "no left turn" and "no right turn" signs (Figure 7, (Appendix B, Illustration G)) may be installed.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.340 Direction of Indication

In general and except as otherwise stated elsewhere ~~herein~~, lamp units shall be provided to give an indication in both ~~directions~~ direction along the highway. Local conditions, such as one-way highway traffic, etc., may require a different arrangement. The lamp units shall be equipped with ~~peepholes~~ peep holes in the sides ~~thereof~~. Hoods should be used on ~~peepholes, peep holes~~ except in special cases where they may interfere with a train crew's observation of the light emanating therefrom.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.342 Design of Lamps, Hoods, and Backgrounds

The design of lamp units including hoods and backgrounds shall conform with current signal specifications of AREMA ~~the Association of American Railroads~~.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.343 Warning Indication

The lights shall be arranged to flash alternately, the number of flashes per minute to conform to current ~~AREMA AAR Signal Section~~ specifications and ~~AREMA said AAR~~ specifications shall constitute the minimum requirements of this Commission with respect to range and beam intensity of incandescent lamp and light emitting diode (LED) signals. ~~Except as hereafter set forth in this Section each complete lamp unit shall give a beam 15 degrees each side of the horizontal axis. Where however, at any particular crossing, lamp units which produce such beams of less than 30 degrees total width provide adequate coverage for the street or streets protected, such lamp units may be used. The coverage for the street or streets shall be deemed to be adequate, within the meaning of the last preceding sentence, whenever all portions of the paved width, from points 800 feet from the crossing in each direction therefrom (or such lesser~~

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~~distances to which local conditions, such as curvature and contour of the street, may limit the effective range of the signal) to a line parallel to the railroad and 20 feet outside of the outer rail of the outer track, lie within one or more of such beams. The beams so to be considered in determining coverage shall include those produced by both the front indication and the rear indication of each signal installed at the crossing.~~

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.344 Lenses and Roundels

Lamp units shall have lenses or roundels, red in color, at least $1\frac{28}{32}$ inches in diameter for both front and rear indication. Light transmission values shall conform to current AREMAAAR signal specifications.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.345 Signs on Flashing Light Signals

Where two or more tracks are crossed, the current standard reflector type sign prescribed by ~~the~~ AREMA Association of American Railroads, or as approved by this Commission, indicating the number of tracks shall be placed upon each signal (Appendix B, Illustration E).

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.349 Manual Operation (Repealed)

~~Where signals are operated manually, as distinct from either straight automatic operation or automatic operation with manual control, such signals shall be operated for a full period of 24 hours each day, except as the Commission may by special order provide. Gatemen shall be adequately trained so as to operate the gates properly.~~

(Source: Repealed at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.360 Gates

- a) Section 1535.335(a) relating to the location of flashing light signals shall apply in locating crossing gates whether such gates are installed in conjunction with flashing light signals or independently. In general gate arms shall extend at right angles to the highway when in lowered position.

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- b) Gates hereafter installed shall conform, as to aspect and design, with current signal specifications of AREMA~~the Association of American Railroads~~.
- c) Gates arms shall be striped diagonally in red and white and shall be kept reasonably clean so as to be readily observable.
- d) Three red lights shall be mounted upon each roadway gate arm in such manner as to give an indication in both directions along the highway at all times when gates are in the lowered position and when they are being raised and lowered. The red lights shall be of such brilliancy as to give indication to highway traffic when at a reasonable distance from the crossing. When lighted, the red light unit nearest the tip of the gate arm is to be steady burning and the other two lights shall flash alternately in unison with the flashing light signals. The three lamp units shall be operated together with the flashing light signals in such manner as to give reasonable advance warning to highway traffic of the lowering of gate arms.
- e) ~~At crossings where part time operation of gates is in effect the railroad company shall, at its own expense, furnish, erect and maintain on each side of the said crossing a reflector type sign conforming to Figure 8 (Appendix B, Illustration H). The said signs shall be located in the manner set forth in Section 1535.330(b).~~

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.365 Automatic Gates

- a) In general, controls for automatic gates shall conform to current signal specifications of AREMA~~the Association of American Railroads~~. Appropriate refinements in track circuit controls such as "speed control," "time-out" sections, presence detectors, motion detectors, and constant warning time devices to prevent unnecessary delays to highway traffic shall be provided consistent with the importance of the highway and the character and volume of rail traffic.
- b) Bell, when used, shall sound a warning from the time the signal lights start to operate at least until the gate arm has descended to within ~~ten~~10°(10) ~~degrees~~ of the horizontal position.
- c) In case there is a failure of the automatic gates, the railroad company will take action, as soon as it can be done, to give warning to highway traffic until the gates are put in operable condition.

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- d) For interconnection of automatic flashing light signals and gates with nearby traffic control signals procedures outlined in Section 1535.350(c) are to be followed.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.366 Temporary STOP Signs

A rail carrier shall install temporary STOP signs whenever the Commission authorizes the installation of automatic flashing light signals or automatic flashing light signals and gates at existing public highway-rail grade crossings equipped with crossbuck warning signs. The temporary STOP signs shall remain in place until the luminous flashing signal or crossing gate devices have been installed. The rail carrier is responsible for the cost of the installation and subsequent maintenance of any required temporary STOP signs.

(Source: Added at 29 Ill. Reg. 20376, effective December 15, 2005)

SUBPART E: CHANGES IN EXISTING CROSSING
MARKING OR WARNING DEVICES**Section 1535.400 Procedure Before Commission**

- a) No change, except in case of emergencies, shall be made in existing marking or warning devices at any grade crossing, unless and until the approval of the Commission is obtained as ~~hereinafter~~ outlined in this ~~Subpart~~ ~~subpart~~. This ~~Section rule~~ shall not apply to the substitution of reflector type signs for plain signs.
- b) Approval for making minor changes in the marking or warning devices at crossings may be made by shortened procedure under Section 1535.400(c) if the changes consist of any of the following:
- ~~1)~~ ~~Extending, or adjusting without reducing, the hours of watchman or gateman service.~~
 - 12) Installing bells or additional lamp units on flashing light signals, or additional signal units to meet special conditions at crossings where flashing light signals are already established.
 - 23) Establishing new or additional lighting, either by floodlight or by new or

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additional lamps placed on gates, signs or other warning devices.

- 34) A temporary change, such as one made necessary by highway reconstruction in progress, or the like.
- 45) Relocating of flashing light signals or other warning devices at a particular crossing to conform to changed traffic conditions where the new location of the signals or other equipment meets the requirements of other applicable rules of this Part, including removal of track from crossing or increasing width of highway.
- 56) Changes in track circuits or controls for automatic warning devices to conform to changed traffic conditions, to eliminate unnecessary indication or to otherwise improve operation. Only general description of change is required.
- 67) Eliminating signs and signals where all tracks through the crossing are abandoned and removed.
- c) Where changes in or additions to marking or warning devices of the nature outlined in Section 1535.400(b) are to be made, the rail carrier shall so notify the Commission, in writing, substantially according to the Commission's Form 1, at least ~~fifteen (15)~~ days prior to making the change or addition. If change requires relocation of signals, Form 1 ~~shall~~~~should~~ be accompanied by a sketch of the crossing showing existing and proposed location of said signals as well as any other contemplated changes. If no objection is made in writing by the Commission to such change, then, upon the expiration of ~~the said fifteen (15)~~ days notice, the rail carrier shall be deemed to have the approval of the Commission and may proceed to make the change as described, ~~and shall again notify the Commission in writing, substantially in accordance with the Commission's Form 2 when the change is completed.~~ In the event that, within ~~fifteen (15)~~ days after the receipt of a notice setting forth a proposed change in or addition to marking or warning devices, objection thereto shall be made in writing by the Commission, the proposed change shall not be made. If the matter cannot be adjusted informally, the rail carrier may then file a petition seeking authority to make the proposed ~~change, which~~~~change which~~ may then be duly docketed for hearing and be disposed of in the same manner as any other formal petition. Where, due to emergency or otherwise, it is impossible or unreasonable to give ~~fifteen (15)~~ days notice of a proposed change, the rail carrier shall at once notify the Commission of that fact, and may proceed to take such immediate action as

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may be appropriate, subject to the right of the Commission to review such action and require any further action or changes that it may find to be in the public interest.

- d) When a rail carrier has completed a minor change in the marking or warning devices at crossings, which was previously approved by the Commission, a Form 2 shall be submitted to the Commission.
- ed) Where a rail carrier plans a major change or a reduction in marking or warning devices at any public grade crossing and no order has been issued by the Commission approving such change or reduction, the rail carrier shall give written notice of such change or reduction to the highway authority having jurisdiction over the roadway involved, and a copy of a letter setting forth notice of such change or reduction shall be attached to the Commission's Form 3 when filed with the Commission. If the highway authority has objection to the proposed change or reduction, it shall notify the Commission within 45 days of receipt of the notice from the rail carrier. ~~If, if~~ no objection is filed with the Commission, the Commission may approve the proposed change or reduction without hearing by X-Resolution.
- f) When a significant deviation from improvements approved by the Commission occurs, the rail carrier shall submit a set of "as-built" plans to explain the deviations.
- ge) When any city, town, village, township, county or the Department proposes any highway change, including changes in highway traffic direction, ~~thatwhich~~ would necessitate a change in the marking, warning devices at, or construction of any crossing, notice of ~~thesuch~~ proposed change shall be submitted to the rail carrier involved at least three months in advance of the date upon which the change is to be made. ~~A copy of the~~~~Copy of said~~ notice shall be furnished to this Commission.
- hf) A ~~reasonable~~ supply of blank "Forms 1, 2 and 3" may be requested from the Railroad Section~~had by making request to the Chief Clerk~~ of the Illinois Commerce Commission, 527 E. Capitol Avenue, Springfield, Illinois 62701.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

SUBPART F: OPERATION OF RAILROAD TRAINS AND
CARS OVER GRADE CROSSINGS

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Section 1535.504 Crew Member to Give Warning at Crossing

- a) When cars are pushed by an engine over public highway crossings ~~that~~which are not equipped with warning devices at grade, a member of the crew on the ground must give warning at the crossing.
- b) When the leading car is equipped with a back up brake hose or whistle in proper operating condition and is controlled by a member of the crew, warning by a crew member on the ground is not required.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

SUBPART G: SUBWAYS AND VIADUCTS

Section 1535.602 Petitioner For Permission

Petitioner for permission from this Commission for the construction of such subway or viaduct shall be the interested railroad company or a public officer or public body having authority to extend, or cause to be extended, the highway as proposed. The application should be accompanied by a general plan or plat showing with reasonable certainty the nature, location and construction of the proposed separation of grades, along with a preliminary design report or a bridge condition report that defines the need for the project, the scope of the project, and a detailed preliminary estimate of cost.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

Section 1535.603 Plans Considered Separately

The plans for each proposed subway or viaduct will be considered separately in the light of local conditions. The clearances with respect to railroad tracks will be governed by 92 Ill. Adm. Code 1500 (~~General Order 22~~) or any amendment or modification thereof that may hereafter be adopted. The current practice of the Department for subways or viaducts will be regarded as a reasonable practice. The general design requirements of ~~AREMA the American Railway Engineering Association~~ will be regarded as reasonable construction standards for structures carrying railroad traffic. It is recommended that those in charge of ~~thesuch~~ projects consult with the ~~said~~ Department prior to the preparation of detail plans or the filing of an application with this Commission.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

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Section 1535.604 Hazard Markers

Hazard markers, unless otherwise specifically ordered by this Commission, are to be furnished, installed, maintained and replaced by and at the expense of the public authority having the duty of maintaining the signs along the highway upon which such signs are located and they shall be of the reflectorized type and conform to the ~~MUTCD Manual On Uniform Traffic Control Devices (to be codified as 92 Ill. Adm. Code 546) published by the Department.~~

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

SUBPART H: BARRICADES

Section 1535.701 Construction of Barricades

When by order of the Commission a grade crossing is closed and abolished pursuant to the provisions of Section 18c-7401 of the Law, suitable barricades of neat design shall be constructed in ~~asuch~~ manner as to prevent use of the crossing by vehicular traffic. ~~The barricades and they~~ shall be provided with ~~retroreflective material~~~~reflectorized material~~ so as to be readily visible during both daylight hours and during nighttime hours in the beam of motor vehicle headlamps. ~~The rail carrier shall be required to pay for the installation of the barricades, and the road authority shall be responsible for all future maintenance.~~

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

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Section 1535.APPENDIX A Forms

Section 1535.ILLUSTRATION A Form 1-(Repealed)

STATE OF ILLINOIS
Illinois Commerce Commission
Transportation Division

Form 1

Notice of proposed minor change in crossing markings or warning devices under 92 Illinois Administrative Code 1535.400(b) and (c).

Date:

To the Illinois Commerce Commission:

The (name of railroad company) hereby gives notice that it proposes to make a change, designated as a minor change under 92 Illinois Administrative Code 1535.400(b) and (c) at (DOT Inventory #) located (in or near) (city or village), being the crossing of (name of street or highway), with (designation of tracks or lines to be crossed). A full statement of the proposed changes is as follows:

(Railroad Company)

By _____

(Name)

(Title)

(Phone Number)

(Attach additional sheet if necessary)

Completion of this form is necessary to accomplish the statutory purpose as outlined in the Illinois Commercial Transportation Law, Section 18c-7401.

(Source: Old Illustration A repealed at 11 Ill. Reg. 19027, effective November 15, 1987; new Illustration A adopted at 29 Ill. Reg. _____, effective _____)

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Section 1535.APPENDIX A Forms

Section 1535.ILLUSTRATION B Form 2 ~~(Repealed)~~

STATE OF ILLINOIS
Illinois Commerce Commission
Transportation Division

Form 2

Notice of completion of minor change in crossing warning devices under 92 Illinois Administrative Code 1535.400(c).

Date:

To the Illinois Commerce Commission:

The **(name of railroad company)** hereby gives notice that on **(date)** it completed the making of a minor change at crossing **(DOT Inventory #)** **(Railroad Milepost)**, located **(in or near)** **(city or village)** in accordance with the notice proposing such change given to this Commission on **(date)**.

(Railroad Company)

By _____

(Name)

(Title)

(Phone Number)

Completion of this form is necessary to accomplish the statutory purpose as outlined in the Illinois Commercial Transportation Law, Section 18c-7401.

(Source: Old Illustration B repealed at 11 Ill. Reg. 19027, effective November 15, 1987; new Illustration B adopted at 29 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 1535.APPENDIX A Forms

Section 1535.ILLUSTRATION C Form 3 (Repealed)

Completion of this form is necessary to accomplish the statutory purpose as outlined in the Illinois Commercial Transportation Law, Section 18c-7401. Failure to provide the requested information may prevent your request from being processed.

Form 3

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Petition for permission to make a change in crossing warning devices, or to install new warning devices, under 92 Illinois Administrative Code 1535.400(d).

Date: _____

To the Illinois Commerce Commission:

The petitioner (Name of Railroad Company) shows:

- (1) That it is a railroad company operating a line of railroad in the State of Illinois.
- (2) That petitioner proposes and hereby makes application for authority to make a major change in crossing warning devices, or to install new warning devices, under 92 Illinois Administrative Code 1535.400(d) adopted by this Commission.
- (3) That the location of the crossing, the nature of existing warning devices and proposed warning devices, and other pertinent facts in connection therewith, are set forth in the statement attached to and forming part of this petition.

(4) That petitioner's reasons and purpose, with reference to its said proposal are:

(State reasons and purpose)

(5) That the facts set forth in this petition and in the statement and plans or plats attached thereto are, all of them, true and correct to the best of petitioner's knowledge and belief.

WHEREFORE, the petitioner prays that the Commission will, if deemed desirable by the

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Commission, set the aforesaid matter for hearing, and that the Commission enter an order or adopt a resolution consenting to and granting authority for the making of the said proposed changes in or additions to crossing warning devices.

(Name of Railroad Company)

By

(Name of Person Submitting Form 3)
(Title of Person – use Enter key for additional lines)
(Phone Number)

(Attorney for Petitioner)

(Attorney's Address)

(Use Enter key for up to four additional lines.)

Statement, attached to and part of an application for permission to make a major change in crossing warning devices or to install new warning devices, under 92 Ill. Adm. Code 1535.400(d).

1. Name of Railroad Company

2. Crossing Number & Railroad Milepost (Separate statement should be filed for each crossing)

3. Village or City (Please indicate whether in or near Village/City)

4. Name of Street or Highway

5. Public Agency Maintaining Highway (DOT, County, Township, City)

6. Existing warning devices: (Give full description. Indicate the hours of any manual warning devices.)

7. Proposed warning devices: (Give details)

8. Number of main tracks Other tracks

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- 9. Number of passenger train movements: 6 a.m. to 6 p.m. _____ 6 p.m. to 6 a.m. _____
- 10. Number of freight train movements: 6 a.m. to 6 p.m. _____ 6 p.m. to 6 a.m. _____
- 11. Approximate number of switch movements: 6 a.m. to 6 p.m. _____ 6 p.m. to 6 a.m. _____
- 12. Maximum speed of trains at crossing on each track in each direction
 - Track 1 N/E Bound _____ mph S/W Bound _____ mph
 - Track 2 N/E Bound _____ mph S/W Bound _____ mph
 - Track 3 N/E Bound _____ mph S/W Bound _____ mph
- 13. Passenger platforms served by tracks within the limits of track circuits, if any _____
- 14. Where automatic signals or gates are proposed, approximate number of train or engine movements daily that would cause false indications or operation _____
- 15. Nature and approximate amount of street or highway traffic over crossing _____

- 16. In addition to the information listed hereinbefore in Form 3, attach a track plan or plat of the proposed crossing This plan should show:
 - (a) Width and surface of highway.
 - (b) Highway intersections (including private driveways to be so indicated) and location of established highway signs or signals within 100 feet of crossing.
 - (c) Location of tracks, switches and other railroad facilities such as block signals, etc., within limits of track circuits, present and/or proposed
 - (d) Where automatic warning devices are proposed, show proposed location of signals (sidelights, cantilevers, etc., if any).
 - (e) Show the length of each operation track section within the control limits of the crossing warning devices and its function.

ADDITIONAL INFORMATION

VERIFICATION

ILLINOIS COMMERCE COMMISSION

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I, (Name) , first being duly sworn upon oath depose and say that I am (Title) of (Railroad Name) , an (State) corporation; that I have read the above and foregoing petition by me subscribed and know the contents thereof; that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.

(Signature above line & Title below line)

(Source: Old Illustration C repealed at 11 Ill. Reg. 19027, effective November 15, 1987; new Illustration C adopted at 29 Ill. Reg. 20376, effective December 15, 2005)

ILLINOIS COMMERCE COMMISSION

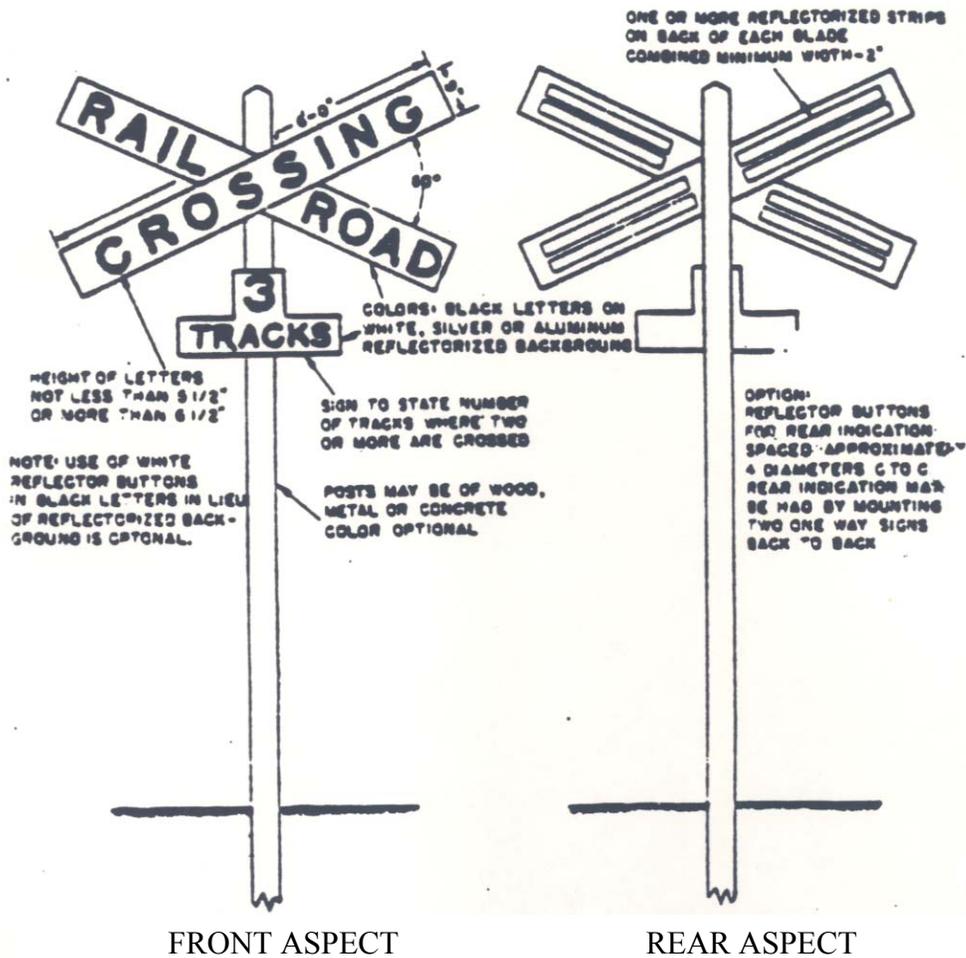
NOTICE OF ADOPTED AMENDMENTS

Section 1535.APPENDIX B Drawings

Section 1535.ILLUSTRATION A Reflectorized Crossbuck Signs (50 degrees) (Repealed)

ALTERNATE BLADE SIZE 9" X 48"

FIGURE 1



**REFLECTORIZED
CROSSBUCK SIGNS**

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

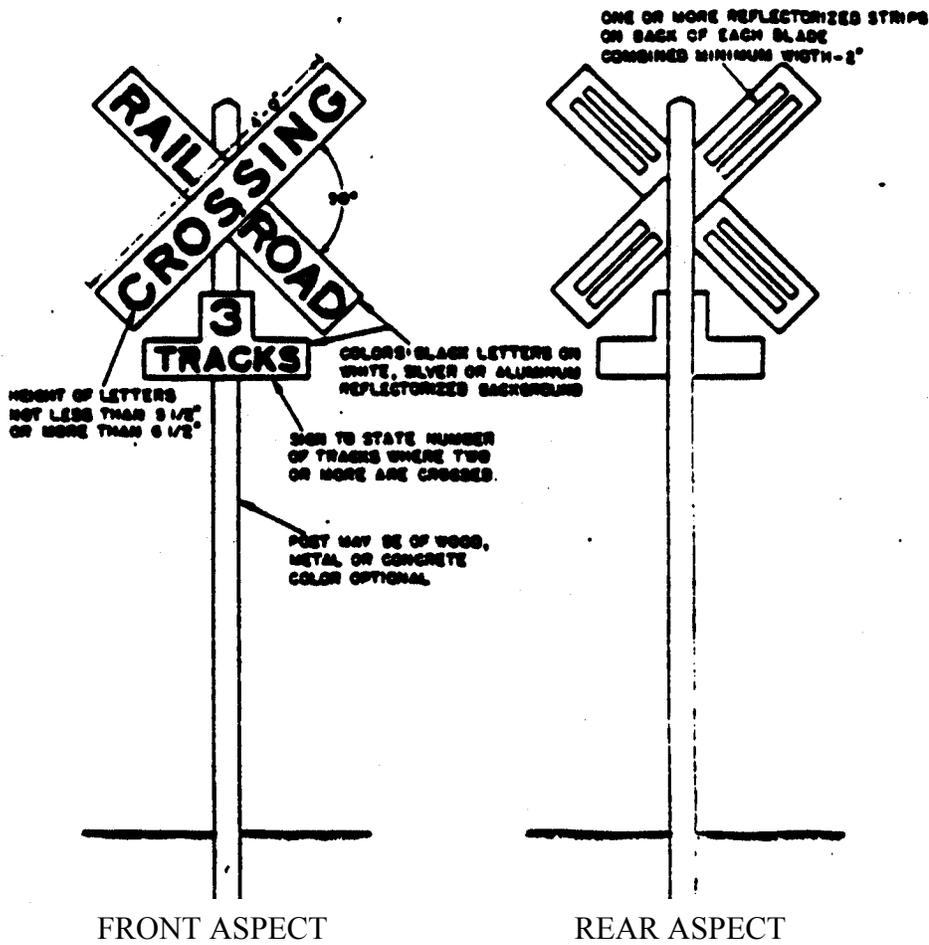
ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 1535.APPENDIX B Drawings

Section 1535.ILLUSTRATION B ReflectORIZED Crossbuck Signs (90 degrees) Repealed

FIGURE 2



REFLECTORIZED CROSSBUCK SIGNS

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

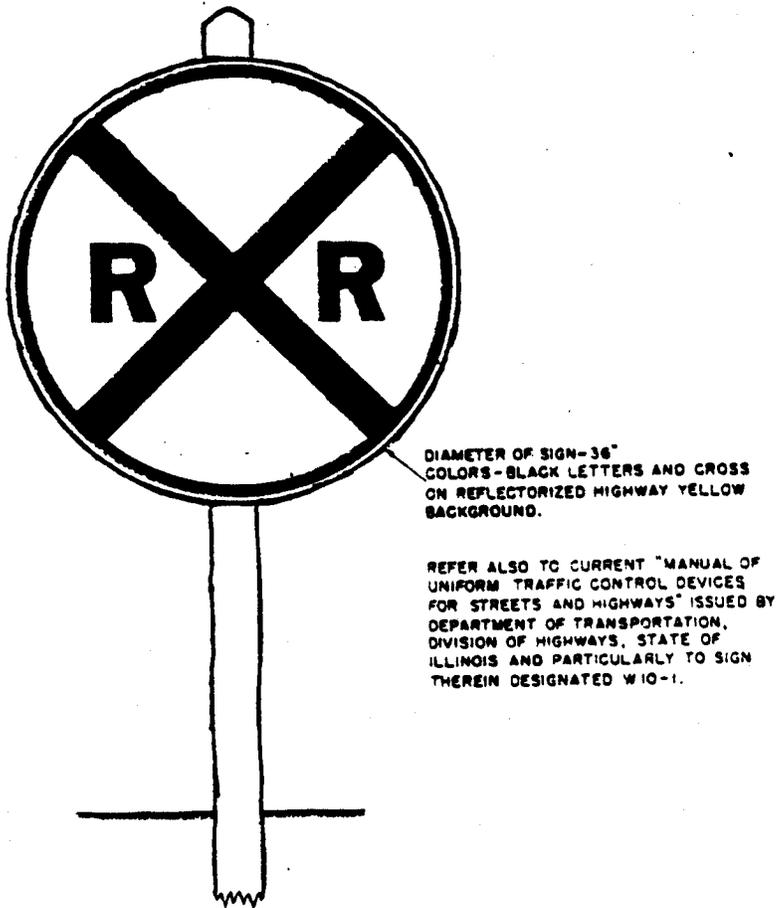
ILLINOIS COMMERCE COMMISSION

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Section 1535.APPENDIX B Drawings

Section 1535.ILLUSTRATION C Advance Warning Sign (Repealed)

FIGURE 3



ADVANCE WARNING SIGN

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

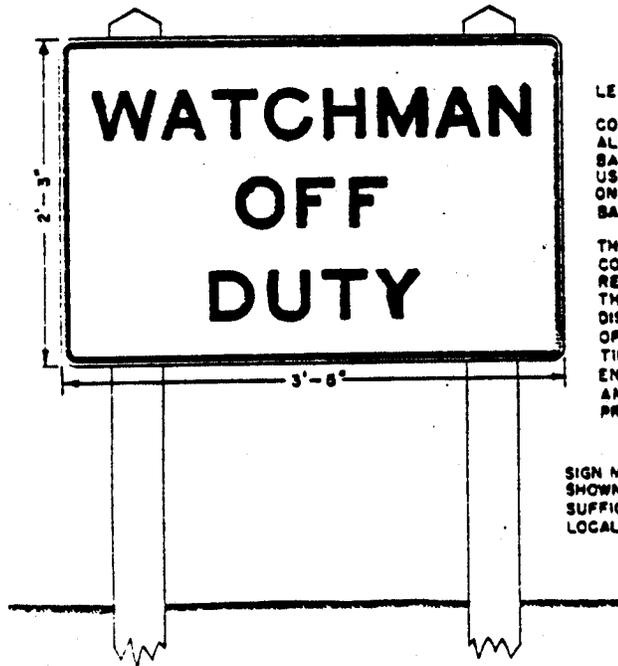
ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 1535.APPENDIX B Drawings

Section 1535.ILLUSTRATION D Reflectorized "Watchman Off Duty" Sign (Repealed)

FIGURE 4



LETTERS: 5 1/2" HIGH

COLORS: BLACK LETTERS ON WHITE, ALUMINUM OR SILVER REFLECTORIZED BACKGROUND, NARROW BLACK BORDER. USE OF COLORLESS REFLECTOR BUTTONS ON BLACK LETTERS AND PLAIN WHITE BACKGROUND, OPTIONAL

THIS SIGN TO BE PROVIDED WITH A COVER, EITHER HINGED OR REMOVABLE, IN SUCH A MANNER THAT THE MESSAGE SHALL BE DISPLAYED WHEN THE WATCHMAN IS OFF DUTY AND CONCEALED AT OTHER TIMES. IN THE ALTERNATE, THE ENTIRE SIGN MAY BE REMOVED FROM AND REPLACED ON ITS SUPPORTS TO PRODUCE SIMILAR EFFECT.

SIGN MAY BE SUPPORTED BY POSTS AS SHOWN, OR OPTIONALLY BY ANY OTHER SUFFICIENT MEANS APPROPRIATE TO LOCAL CONDITIONS.

REFLECTORIZED "WATCHMAN OFF DUTY" SIGN

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

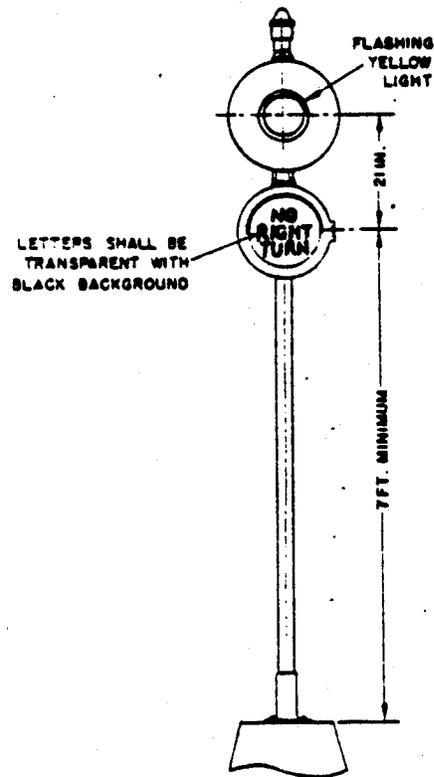
ILLINOIS COMMERCE COMMISSION

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Section 1535.APPENDIX B Drawings

| Section 1535.ILLUSTRATION G "No Right Turn" or "No Left Turn" Signal (Repealed)

FIGURE 7

**"NO RIGHT TURN" OR "NO LEFT TURN" SIGNAL**

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

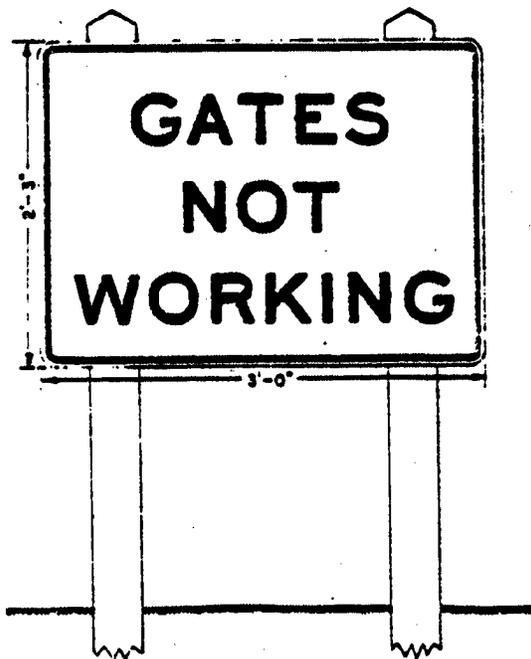
ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 1535.APPENDIX B Drawings

Section 1535.ILLUSTRATION H ReflectORIZED "Gates Not Working" Sign (Repealed)

FIGURE 8



LETTERS: 5 1/2" HIGH

COLORS: BLACK LETTERS ON WHITE, ALUMINUM OR SILVER REFLECTORIZED BACKGROUND, NARROW BLACK BORDER. USE OF COLORLESS REFLECTOR BUTTONS ON BLACK LETTERS AND PLAIN WHITE BACKGROUND, OPTIONAL."

THIS SIGN TO BE PROVIDED WITH A COVER, EITHER HINGED OR REMOVABLE, IN SUCH A MANNER THAT THE MESSAGE SHALL BE DISPLAYED WHEN THE GATES ARE NOT WORKING AND CONCEALED AT OTHER TIMES. IN THE ALTERNATE, THE ENTIRE SIGN MAY BE REMOVED FROM AND REPLACED ON ITS SUPPORTS TO PRODUCE SIMILAR EFFECT.

SIGN MAY BE SUPPORTED BY POSTS AS SHOWN, OR OPTIONALLY BY ANY OTHER SUFFICIENT MEANS APPROPRIATE TO LOCAL CONDITIONS.

REFLECTORIZED "GATES NOT WORKING" SIGN

(Source: Repealed at 29 Ill. Reg. _____, effective December 15, 2005)

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Relations
- 2) Code Citation: 20 Ill. Adm. Code 103
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
103.10	Amend
103.30	Amend
103.60	Amend
- 4) Statutory Authority: Implementing Section 3-2-2 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1].
- 5) Effective Date of Rulemaking December 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: 39 Ill. Reg. 13303; September 2, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no agreements.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking is being revised to clarify that visitors touring correctional facilities are prohibited from engaging in political activity, including the distribution of political or campaign material on State property. Additionally, organizational changes have been made to clarify that this rulemaking is applicable to all offices within the Department, as each unit is not part of a division, and

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

to incorporate the public information offices being moved to Central Management Services.

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

Beth Kiel
Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

217/522-2666, extension 6511

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

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER a: ADMINISTRATION AND RULESPART 103
PUBLIC RELATIONS

Section	
103.10	Applicability
103.15	Responsibilities
103.20	Legislative Communications
103.30	Public Information Office
103.40	News Media
103.50	Speaking Engagements
103.60	Tours of Correctional Facilities

AUTHORITY: Implementing Section 3-2-2 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1].

SOURCE: Adopted at 8 Ill. Reg. 14568, effective August 1, 1984; amended at 20 Ill. Reg. 8311, effective July 1, 1996; amended at 29 Ill. Reg. 20413, effective December 1, 2005.

Section 103.10 Applicability

This Part applies to all divisions and offices within the Department.

(Source: Amended at 29 Ill. Reg. 20413, effective December 1, 2005)

Section 103.30 Public Information **Office**

The Department of Central Management Services Public Information Office shall be responsible for informing the public, employees, and news media regarding the Department's policies and programs and facilitating coverage of news events, subject to approval of the Director.

(Source: Amended at 29 Ill. Reg. 20413, effective December 1, 2005)

Section 103.60 Tours of Correctional Facilities

- a) Tours of a correctional facility of the Department shall be subject to approval by the Chief Administrative Officer.

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

- b) Tours of a maximum security facility shall be restricted to persons 17 years of age or over except upon approval by the Director.
- c) Ex-offenders, relatives, or close friends of committed persons may tour a facility only upon prior written approval of the Chief Administrative Officer.
- d) Visitors must remain with the touring group and the staff member conducting the tour. All visitors shall be required to abide by Department rules and procedures and the instructions of the employee conducting the tour.
- e) Visitors shall be prohibited from political activities, including distributing any type of political or campaign material, while on State property.

(Source: Amended at 29 Ill. Reg. 20413, effective December 1, 2005)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Reading Improvement Program
- 2) Code Citation: 23 Ill. Adm. Code 260
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
260.50	Amendment
260.55	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.51
- 5) Effective Date of Amendments: November 29, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, the rules do contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act; please see Section 260.55(a)(1).
- 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: July 1, 2005; 29 Ill. Reg. 8951
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Specificity was added in Section 260.55(e) so it would be apparent that the application process is electronic and to indicate where the application format has been posted on ISBE's web site.

The due date for applications was made explicit in Section 260.50(b).

A provision was added to Section 260.55(g) to permit reliance on State assessment scores as an alternate method of establishing continued eligibility for funding when scores on the locally chosen method would not make a district eligible.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: This set of amendments results from the comprehensive review of ISBE's rules. Section 2-3.51 of the School Code establishes the purposes for which funds under the Reading Improvement Block Grant Program may be used and also the formula by which the funds are to be allocated to eligible applicants. However, the law also requires that applicants annually demonstrate their eligibility for continued funding based on "performance progress", and it permits them to propose the methods by which they will do so.

The rules for this program are complex because of the need to state the criteria by which proposed methods will be approved, as well as the need to define "performance progress". Procedural aspects of the rules also affect staff's ability to meet the statutorily established payment dates for these funds. In particular, it is necessary to know the universe of eligible entities so that accurate allocations can be made. This, in turn, leads to a need for earlier reporting of assessment results than has been the case in the past, as well as finality in the identification of the assessment methods that will be used.

It is only fair that the agency make timely determinations of districts' continued eligibility so that their first payment can flow when required. Consequently these amendments provide for a change in the reporting deadline from November 1 of the subsequent year to June 15 for districts not using results from the State assessment (ISAT) and 30 days after districts' receipt of ISAT scores if those are used.

The present amendments are intended to streamline the operation of the program in these respects and to eliminate some language that is not needed. For example, Sections 260.55(b), (c), and (d) are unnecessary, because the statute explicitly requires measurement of "the reading growth of students who receive direct instruction as a result of the funding and the impact of staff development activities on student growth in reading".

Several of the criteria for demonstrating performance progress are being deleted because they are redundant with the other stated criteria in Section 260.55(f). New language in Section 260.55(h) will provide for a preliminary, less formal avenue of review when districts may be facing ineligibility. Finally, we have generally replaced the word "form" with "format" to denote the electronic operation of this grant process.

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

Dana Kinley
Curriculum and Instruction Division
Illinois State Board of Education

STATE BOARD OF EDUCATION

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100 North First Street, C-215
Springfield, Illinois 62777-0001

(217) 557-7323

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 260

READING IMPROVEMENT PROGRAM

Section

260.10	Definitions (Repealed)
260.20	Purpose
260.30	Eligible Applicants
260.40	Allowable Expenditures
260.50	Procedure and Criteria for Approval of Applications
260.55	Eligibility for Continued Funding
260.60	Allocation of Funds (Repealed)
260.70	Distribution of Grant Awards
260.80	Year-End Reporting

AUTHORITY: Implementing and authorized by Section 2-3.51 of the School Code [105 ILCS 5/2-3.51].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15967, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 7757, effective April 29, 1986; amended at 14 Ill. Reg. 20714, effective December 14, 1990; amended at 16 Ill. Reg. 14196, effective September 8, 1992; amended at 22 Ill. Reg. 19763, effective October 30, 1998; amended at 23 Ill. Reg. 7083, effective June 2, 1999; amended at 26 Ill. Reg. 8104, effective May 20, 2002; emergency amendment at 29 Ill. Reg. 9508, effective June 20, 2005, for a maximum of 150 days; emergency expired November 16, 2005; amended at 29 Ill. Reg. 20417, effective November 29, 2005.

Section 260.50 Procedure and Criteria for Approval of Applications

- a) The State Board of Education shall provide the electronic application format for this program and shall notify each eligible applicant of the maximum amount of its entitlement pursuant to Section 2-3.51 of the School Code. Each application form shall require the applicant shall to provide:
- 1) a total grant request equal to or less than the amount for which the applicant is eligible;
 - 2) assurance that the applicant will comply with the provisions of Section 2-

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3.51 of the School Code and this Part;

- 3) information identifying the purposes for which the applicant plans to use the funds provided pursuant to this Part;
 - 4) a description of the program or initiative to which the planned expenditures pertain, including evidence that the program or initiative is derived from scientifically based reading research as defined in Section 2-3.51 of the School Code and complies with the applicable requirements of subsection (a-5) of that Section; and
 - 5) the information called for in Section 260.55(a) through ~~(c)~~(e) of this Part.
- b) Applications must be submitted to the State Board of Education by May 1 for the subsequent school year, or by 30 days after the application becomes available, whichever is later~~the date specified on the form~~. This date will be determined so that all eligible applicants will have at least 30 days to complete and submit the application form. ~~An applicant's failure to comply with this requirement will delay its receipt of program assistance pursuant to Section 260.70 of this Part.~~
 - c) Information provided in the application will be reviewed by State Board of Education staff to determine that the information demonstrates compliance with Section 2-3.51 of the School Code and this Part.
 - d) State Board staff shall notify applicants of any requested information that is missing from the application and of the latest date on which that information can be accepted. An application shall not be approved for funding until it is complete.
 - e) An applicant that fails to apply or to furnish requested information within the timeframe established shall forfeit any grant funds to which it would otherwise be eligible for the affected school year pursuant to this Part, due to the necessity for the State Superintendent to identify eligible entities, calculate grant allocations, and notify the eligible entities of their allocation amounts.

(Source: Amended at 29 Ill. Reg. 20417, effective November 29, 2005)

Section 260.55 Eligibility for Continued Funding

Section 2-3.51 of the School Code provides that *districts not demonstrating performance progress using an approved assessment method shall not be eligible for funding in the third or subsequent years until such progress is established*. Each application for funding under the

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Reading Improvement Block Grant program *shall include a proposed assessment method or methods for measuring the reading growth of students who receive direct instruction as a result of the funding and the impact of staff development activities on student growth in reading* ~~and shall be submitted by the deadline announced by the State Superintendent of Education.~~

- a) Each application shall list or describe the method or methods the applicant proposes to use to measure students' reading skills for purposes of this Part, provided that an applicant shall use no more than one method for each grade level in which students are served by initiatives supported by funding under this Part. Such methods may include the reading portion of the Illinois Standards Achievement Testing Program (Section 2-3.51 of the School Code).
 - 1) If a proposed assessment instrument is a standardized or commercially available criterion-referenced test, the applicant shall assure the State Superintendent that the instrument meets the generally accepted standards of validity and reliability set forth in "Standards for Educational and Psychological Testing" ~~(1999)(1985)~~ published by the American Educational Research ~~Psychological~~ Association, 1230 17th St., N.W., 1200 7th St., N.W., Washington, D.C. 20036. (No later amendments to or editions of these standards are incorporated.)
 - 2) If a proposed assessment instrument is locally developed or chosen, the applicant shall:
 - A) indicate the acceptable standard of performance by students on that measure (e.g., acceptable grade-level equivalent, score, or percent correct);
 - B) describe the means by which the applicant's staff determined that the proposed measure is aligned with the Illinois Learning Standards in the area of reading; and
 - C) certify to the State Superintendent that the instrument measures what it is intended to measure and can be expected to yield consistent results, including a description of the methods by which the applicant's staff arrived at the conclusion that this is the case.
 - 3) Results of the proposed method(s) must be expressed in quantifiable terms, such as the percentage of students ~~achieving a passing score or~~ meeting an established standard.

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- b) ~~Each application shall describe the population of students whose reading performance will be measured:~~
- 1) ~~For purposes of demonstrating performance progress, measurement may be conducted on a district wide basis (e.g., all fourth graders) or may involve only the students who are affected by the provision of services under this program. However, a proposed districtwide method shall be approved only if it permits disaggregation of the achievement of students who receive direct instruction in reading and/or whose reading teachers engage in staff development as a result of the funding provided pursuant to Section 2-3.51 of the School Code.~~
- A) ~~If measurement is to be conducted on a districtwide basis, the population of students whose performance is assessed by the proposed method(s) must include at least all the students who would be required to participate in the reading portion of the State assessment pursuant to Section 2-3.64 of the School Code [105 ILCS 5/2-3.64] if they were in grade 3 or 5.~~
- B) ~~If measurement is to involve only groups of students affected by the provision of services under the Reading Improvement Program, all affected students shall be included.~~
- 2) ~~Measurement shall involve affected cohorts of students at several points in their educational careers. For example, students whose performance was measured in the fourth grade may be retested in the fifth grade to demonstrate progress.~~
- e) ~~Each application shall describe how the proposed method or methods will permit the applicant to demonstrate performance progress as defined in subsection (i) of this Section. If the proposed methods differ from one year to the next, this description shall provide a rationale for the proposed change and specific information about how the necessary comparisons can be made.~~
- d) ~~Each application shall include a proposed method for *measuring the impact of staff development activities on student growth in reading*. (Section 2-3.51(a-10) of the School Code) The proposed method shall permit linking the recipients of professional development under this grant program with the students who subsequently receive instruction from them.~~
- b)e) Each application shall assure the State Superintendent that the applicant will take

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such measures as may be necessary to prevent inappropriate disclosure of test questions or other materials that form part of the proposed assessment method(s).

- ~~c)f)~~ The State Superintendent of Education shall approve the method or methods proposed if the application complies with subsections (a) ~~and (b) through (e)~~ of this Section.
- ~~d)g)~~ No later than 60 days after the due date established for applications, the State Superintendent shall notify each applicant whether its proposed method of measuring students' reading skills is approved. Failure to apply in a timely manner may delay an applicant's receipt of this response. In the case of a disapproval, the applicant shall be notified of the reason for the disapproval and of any modifications that would bring its proposed method into compliance with the requirements of this Section. ~~An applicant may revise and seek approval of its proposed method so long as time remains in which to implement the method after its approval.~~
- ~~e)h)~~ Each applicant shall annually report to the State Superintendent of Education its reading results for the previous school year, expressed in terms of students' performance on ~~at least~~ the assessment measures approved pursuant to ~~this Section 260.55 of this Part. This report shall also include a summary of the results of the staff development provided in terms of its effects on students' reading performance. Through the 2004-2005 school year, this~~ ~~This~~ report shall be made no later than November 1 ~~in a format specified on a form to be supplied~~ by the State Superintendent (~~see www.isbe.net/curriculum/reading~~), unless an extension of the deadline is granted by the State Superintendent due to the timing of a district's local assessment. ~~For the results of 2005-2006 and subsequent school years, the due date for the performance report shall be June 15 for applicants not relying on ISAT reading scores and 30 days after the district's receipt of ISAT scores for those relying on ISAT scores. An applicant that fails to submit its report of reading results in a timely fashion shall forfeit any grant funds to which it would otherwise be eligible for the affected school year pursuant to this Part, due to the necessity for the State Superintendent to calculate grant allocations and notify all districts and affected public university laboratory schools and charter schools of their eligibility and allocation amounts.~~
- ~~f)i)~~ ~~An applicant will be eligible for continued funding only if its assessment results on the approved measure(s) for the preceding year indicate that it made "performance progress" as required by Section 2-3.51 of the School Code. "Performance progress" must be demonstrated with regard to the students who received direct instruction and those whose reading instructors engaged in~~

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professional development as a result of this grant and, with respect to that group of students, means any of the following:

- 1) A higher percentage of students scored at or above the locally established standard on the approved measure(s) of reading performance (e.g., achieved ~~passing scores~~, grade-level equivalents, criterion reference points, or local benchmarks) than in the preceding testing cycle.
- 2) The average score achieved by students on the approved measure(s) rose in comparison to the average for the preceding testing cycle.
- 3) A higher percentage of students scored in the top two quartiles on the approved measure(s) than in the preceding testing cycle, or a lower percentage of students scored in the bottom quartile.
- 4) ~~An increased percentage of students moved into a higher quartile than was the case in the preceding testing cycle.~~
- 5) ~~The degree by which students fell short of meeting the established standard on the approved measure(s) lessened in comparison to the preceding testing cycle.~~
- 6) ~~A lower percentage of students in grades higher than those served by this program required ongoing remedial services than in the preceding year.~~
- 4)7) An applicant with 90% or more of scores at or above the established standard maintained its performance in comparison to the preceding testing cycle.
- g)j) ~~The Beginning with the 2001-2002 school year, the~~ State Superintendent shall notify any applicant whose results on its approved measure(s) of reading performance contradict its State assessment scores in reading for the students involved~~either grade 3 or grade 5.~~
- 1) If a district's report under subsection (e) of this Section does not demonstrate performance progress, the State Superintendent shall cause the district's relevant ISAT scores to be reviewed. If these scores demonstrate that performance progress has been made, data from the ISAT will be accepted in lieu of data from the locally identified assessment measure as the basis for the district's continued eligibility for funds under this Part.

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2) If a district's report under subsection (e) of this Section does show performance progress but its relevant ISAT scores do not bear this out, the State Superintendent shall notify the district to this effect. No later than 30 days after receipt of ~~this~~ notification, the applicant shall provide to the State Superintendent an analysis of this discrepancy and the applicant's rationale for concluding that it has nevertheless made performance progress.

h)k) An applicant may appeal either disapproval of its proposed assessment method(s) or a determination that it has failed to make performance progress. In the latter case, the applicant may appeal either on the grounds that it has made performance progress or on the grounds that the factors that led to such failure were beyond the applicant's control (e.g., the low number of students served creates a statistical problem with calculating progress). Prior to a formal appeal, however, the applicant may submit additional written information. If the information presented demonstrates that either of these conditions exists, the State Superintendent shall notify the district that it has made performance progress and no further follow-up is needed.

1) The superintendent or chief administrator of an eligible applicant may request a conference at which representatives of the applicant will have an opportunity to discuss the issues involved with representatives of the State Board of Education.

2) If a conference is held and the areas of concern are not resolved, the school board may submit an appeal by adopted board resolution. The appeal must identify the ways in which the proposed method meets the requirements of Section 2-3.51 of the School Code and this Section, the way in which the information submitted demonstrates that performance progress has been made, or the external factors that led to its inability to make performance progress, as applicable.

3) Consistent with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475), the applicant will be given an opportunity to present information relevant to the issues appealed. The State Superintendent of Education will consider the appeal and make a recommendation to the State Board of Education; the State Board will issue a final written determination.

4) An applicant's eligibility for funding shall not be interrupted for failure to

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make performance progress if the State Superintendent determines that such failure was beyond the applicant's control and that the applicant plans to take specific steps in the immediate future to enable it to resume making performance progress.

(Source: Amended at 29 Ill. Reg. 20417, effective November 29, 2005)

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- 1) Heading of the Part: Public Information and Organization
- 2) Code Citation: 2 Ill. Adm. Code 2525
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
2525.10	Amend
2525.20	Amend
2525.30	Amend
2525.40	Amend
2525.50	Amend
2525.100	Amend
2525.110	Amend
2525.120	Amend
2525.130	Repeal
2525.140	Amend
2525.150	Amend
2525.160	Amend
2525.170	Amend
2525.180	Amend
2525.190	Amend
2525.200	Amend
2525.210	Amend
2525.220	Amend
2525.230	Amend
2525.240	Repeal
2525.250	Amend
2525.APPENDIX A	Amend
2525.APPENDIX B	Amend
- 4) Statutory Authority: Illinois Medical District Act [70 ILCS 9151 and the Freedom of Information Act [5 ILCS 140]
- 5) Effective Date of Rulemaking: December 31, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated

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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: This is an adoption under Section 5-15 of the Illinois Administrative Procedure Act and does not require publication of a proposal.
- 10) Has JCAR issued a Statement of Objection to these amendments? This rulemaking is being adopted under Section 5-15 of the Illinois Administrative Procedure Act, so no JCAR review occurred before adoption.
- 11) Difference between proposal and final version: This rulemaking is being adopted pursuant to Section 5-15 of the Illinois Administrative Procedure Act that precludes 1st and 2nd Notice periods..
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There was no JCAR review and agreements prior to adoption.
- 15) Summary and Purpose of Rulemaking: The purpose of this rulemaking is to update addresses, change the name of the Commission to the Illinois Medical District Commission, add that meetings may be held by telephonic communication as provided by statute, add that the Commission's President may appoint Advisory Boards that will facilitate the Commission's work, repeal the Medical Center Commission seal, and revise the fee schedule for copying public documents.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Kenneth E. Scheiwe
General Counsel
Illinois Medical District Commission
600 S. Hoyne Ave
Chicago Illinois 60612

(312) 633-3434

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

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TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE E: MISCELLANEOUS STATE AGENCIES

CHAPTER XLII: ILLINOIS MEDICAL DISTRICT~~CENTER~~ COMMISSION

PART 2525

PUBLIC INFORMATION AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section

- 2525.10 Public Information and Submissions
- 2525.20 Summary and Purpose
- 2525.30 Persons ~~to~~ Whom Requests Are Submitted and Forms and Contents of Requests
- 2525.40 Procedures ~~for~~ Commissions Response ~~to~~ Request ~~for~~ Public Records
- 2525.50 Procedures ~~for~~ Providing Public Records ~~to~~ Requestors

SUBPART B: ORGANIZATION

Section

- 2525.100 Organization of ~~the~~The Commission
- 2525.110 Officers
- 2525.120 Meetings
- 2525.130 Seal (Repealed)
- 2525.140 Quorum
- 2525.150 Committees
- 2525.160 Executive Director
- 2525.170 Purchases and Contracts
- 2525.180 Employment
- 2525.190 Order of Business
- 2525.200 Minutes
- 2525.210 Reports
- 2525.220 Amendments
- 2525.230 Robert's Rules of Order
- 2525.240 Committees (Repealed)
- 2525.250 Advisory Boards
- 2525.APPENDIX A Request for Public RecordsREQUEST FOR PUBLIC RECORDS
- 2525.APPENDIX B Fee Schedule for Duplicating of Pubic RecordsFEE SCHEDULE FOR DUPLICATING OF PUBLIC RECORDS

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AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], Section 6.03 of the Illinois Medical District Act [70 ILCS 915/6.03], and the Freedom of Information Act [5 ILCS 140].

SOURCE: Adopted at 11 Ill. Reg. 7276, effective April 6, 1987; amended at 29 Ill. Reg. 20428, effective December 31, 2005.

SUBPART A: PUBLIC INFORMATION

Section 2525.10 Public Information and Submissions

The procedures for public information~~Public Information~~ and submissions~~Submissions~~ shall be in accordance with the Freedom of Information Act, [5 ILCS 140] (~~Ill. Rev. Stat. 1985, ch. 116, pars. 201 et seq.~~) Requests~~Said requests~~ shall be directed to:

~~State of Illinois~~ Medical District Commission~~Medical Center Commission~~
600 South Hoynes~~736 South Ashland Avenue~~
Chicago, Illinois 60612~~60607~~
Attention: Executive Director
312/633-3434~~793-3800~~

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.20 Summary and Purpose

- a) This Part is established to implement the provisions of the Freedom of Information Act ~~hereinafter known as (FOIA)~~ [5 ILCS 140] (~~Ill. Rev. Stat. 1985, ch. 116, par. 201 et seq.~~). The purpose of this Part is to support the policy of providing public access to the public records of the Illinois Medical District Center~~Center~~ Commission while protecting legitimate privacy interests and maintaining administrative efficiency.
- b) This Part establishes the procedure by which the public may request and obtain public records of the Commission and sets. ~~The rules also set~~ forth the procedures to be followed by the Commission in responding to requests for information.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

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Section 2525.30 Persons ~~to~~ Whom Requests Are Submitted and Forms and Contents of Requests

- a) Requests for public records shall be submitted to the Commission's Executive Director. Requestors should address requests for public records to:

~~State of Illinois Medical District Commission Medical Center~~
~~Commission~~
~~600 South Hoyne~~~~736 South Ashland Avenue~~
Chicago, Illinois ~~60612~~~~60607~~
ATTN: Executive Director

- b) All requests for public records submitted to the Commission under ~~the~~ FOIA shall be in writing. ~~Requests~~~~Such requests~~ may be submitted on FOIA request forms provided by the Commission. (See Appendix A, ~~of these rules~~)
- c) The requestor should include the following information in any request for public records:
- 1) The requestor's full name, mailing address and telephone number, including area code, at which the requestor can be reached during normal business hours.
 - 2) A description of the public records sought, being as specific as possible.
 - 3) Whether the request is for inspection of public records, copies of public records, or both.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.40 Procedures ~~for~~ For Commission's Response ~~to~~ To Request ~~for~~ For Public Records

- a) The Commission shall respond to a written request for public records within ~~7~~ ~~seven~~ working days after receipt of ~~the~~~~such~~ request.
- b) In the event that the request for public records cannot be responded to within ~~7~~ ~~seven~~ days for one of the reasons provided in Section 3(d) of ~~the~~ FOIA, the Commission shall have an additional ~~7~~ ~~seven~~ working days in which to respond. The Commission shall give the requestor notice of the extension of time to

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respond. ~~The~~Such notice of extension shall set forth the reasons why extension is necessary.

- c) The Commission shall respond to a request for public records in one of 3 ~~three~~ ways:
 - 1) Approve the request;
 - 2) Approve in part and deny in part;
 - 3) Deny the request.
- d) When a request for public records has been approved, the Commission may give notice that the requested material will be made available upon payment of reproduction costs, or give notice of the time and place for inspection of the requested material.
- e) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of ~~the~~ FOIA and the names and titles of persons responsible for the decision to deny the request. The denial shall also inform the requestor of the right to appeal to the President of the Commission.
- f) Categorical requests that place an undue burden on the Commission shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of ~~the~~ FOIA.
- g) Failure to respond to a written request within 7 ~~seven~~-working days may be considered by the requestor as a denial of the request.
- h) A requestor whose request for public records has been denied by the Executive Director may appeal the denial to the President. The notice of appeal shall be in writing and shall include a copy of the original request, a copy of the denial received by the requestor, and a written statement setting forth the reasons why the requestor believes the appeal should be granted.
- i) The President shall respond to an appeal within 7 ~~seven~~-working days after receiving notice of the appeal~~Notice thereof~~. The President shall either affirm the denial or provide access to the requested public records. Failure of the President

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to respond within ~~7 seven~~ working days may be considered by the requestor an affirmation of the denial.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.50 Procedures ~~for~~ Providing Public Records ~~to~~ Requestors

- a) Generally, public records will be made available for inspection at the Commission's office between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, except on ~~State~~ holidays. A place will be provided in which the requestor may inspect public records.
- b) An employee of the Commission may be present throughout the inspection.
- c) A requestor shall not be permitted a brief case, folder or other materials or pens ~~in~~ ~~into~~ the room in which the inspection will take place.
- d) A requestor will be permitted to take pencil and paper into the room while inspecting public records.
- e) Documents ~~that~~ ~~which~~ the requestor wishes to have copied shall be segregated during the course of the inspection. Generally, all copying will be done by Commission employees.
- f) Copies of public records shall be provided to the requestor only upon payment of any charges that are due.
- g) Charges for copies of public records shall be assessed in accordance with the "Fee Schedule for ~~Duplicating~~ ~~Duplication~~ of Public Records" set forth in Appendix B ~~of these rules~~.
- h) Charges shall be waived if the requestor is a State agency, a constitutional officer or a member of the General Assembly.
- i) The Executive Director shall make available to the public at no charge the following materials:
 - 1) A brief description of the organizational structure and budget of the ~~Medical Center~~ Commission;

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- 2) A brief description of the means for requesting information and public records; and
- 3) A list of types and categories of public records maintained by the ~~Medical Center~~ Commission.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

SUBPART B: ORGANIZATION

Section 2525.100 Organization of ~~the~~The Commission

The organization of the Commission is governed by ~~this Subpart the Rules hereinafter set forth as Sections 2525.100 through 2525.250~~; Sections 2525.110 through 2525.230 have been historically known as the By-Laws of the Commission.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.110 Officers

- a) The officers of the Commission shall be a President, Vice-President, Treasurer and Secretary, who shall constitute the Executive Committee of the Commission, standing Committee of the Commission.
- b) Officers of the Commission shall be members of the Commission elected to their posts by the Commission at its annual meeting, and shall hold office for one year and until their respective successors have been elected.
- c) Vacancies may be filled or new offices created at any meeting of the Commission, duly called for ~~that~~such a purpose.
- d) Any vacancy in any office of the Commission occurring by reason of death, resignation, disqualification, removal, or failure or refusal to act shall be filled for the unexpired portion of the term by election by the Commission at a meeting duly called for ~~that~~such purpose or at any regular or special meeting of the Commission.
- e) The President shall be the chief executive officer of the Commission and shall in general supervise the business and affairs of the Commission. The President~~He~~ shall preside at all meetings of the Commission. He or she may sign, with the

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~~Secretary~~secretary or any other proper officer of the Commission, ~~who shall be a member of the Commission,~~ any deeds, mortgages, bonds, contracts or other instruments ~~which~~ the Commission has authorized to be executed or ~~that are otherwise which shall be~~ required ~~to be~~ by law ~~to be~~ otherwise signed and executed, and in general shall perform all duties incident to the office of President, and all other duties as ~~shall be~~ prescribed by the Commission.

- f) The Vice-President shall act with full power of the President in case the President is absent or unable or unwilling to act, or there is a vacancy in the office of the President.
- g) The Treasurer shall have charge and custody of, and be responsible for, all funds and securities of the Commission; ~~;~~ shall receive and give receipts for moneys due and payable to the Commission, from any source whatsoever, and deposit all ~~those~~such moneys in the name of the Commission in ~~a~~such bank, trust company or other depository ~~as shall be~~ selected by the Commission; ~~;~~ and, in general, ~~shall~~ perform all duties incident to the office of Treasurer and ~~such~~ other duties ~~as shall from time to time be~~ assigned ~~to him~~ by the President ~~or~~of the Commission.
- h) The Secretary shall prepare and keep the minutes of ~~the~~ Commission meetings; be custodian of the records and seal of the Commission; ~~and~~ direct that the seal of the Commission be affixed to documents, when required; ~~shall~~ attest the act of the President or Vice-President when required by law; and render all ~~statutory~~ duties required ~~by statute to him from time to time,~~ by the President or by the Commission. The Secretary shall keep all records and the seal of the Commission in the principal office of the Commission, and the ~~records and seals~~same shall not be removed ~~from the principal office therefrom~~ except on order of the President. Some or all of these duties may be delegated to another officer or to the Executive Director.
- i) All officers shall assume the duties of their respective offices immediately upon their election.
- j) In the event of the absence of the President and Vice-President from any regular or duly called special meeting of the Commission, or ~~of~~ their inability or refusal to act, the members present may elect, by a majority vote of the Commissioners present, a temporary ~~chair~~Chairman.
- k) In the event of the absence of the Secretary from any meeting of the Commission, the ~~chair~~chairman of the meeting shall appoint one of the Commissioners present

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to act as Secretary ~~of such meeting.~~

- l) In the event of the death, absence, refusal, or inability to act of any officer (except the President), the President may appoint one of the other Commissioners to act in place of ~~that~~the officer ~~who is absent, unable or who has refused to act;~~ and, in the event of the death of ~~an~~any such officer, the President may appoint one of the other Commissioners to act in ~~that officer's~~his place until a successor is elected and assumes the office, ~~as above provided.~~

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.120 Meetings

- a) The annual meeting of the Commission shall be held in November of each year, at which time there shall be held the election of officers and the adoption of a budget. When no meeting of the Commission is held in November, a meeting must be held ~~in the following month of~~ December, at which time there shall be held the election of officers and the adoption of the budget. The annual meeting is to be considered a regular meeting of the Commission for all other purposes.
- b) Regular meetings shall be held at least once each quarter or as often as the President of the Commission deems necessary, or upon the request of the majority of Commission members qualified to serve.
- c) Special meetings may be called by the President or by any 2 ~~two~~ members of the Commission upon ~~three (3)~~ days written notice. ~~The~~Such notice shall not be required ~~when in case~~ written waiver of notice of a special meeting is signed by all Commission members qualified to serve. Notices of special meetings shall state the time, place and purpose ~~of the meeting~~thereof.
- d) Meetings of the Commission shall be open to the public, but executive sessions may be held as provided for in the Open Meetings Act [5 ILCS 120] and meetings by telephonic communication may be held as provided for in the Open Meetings Act and applicable case law. (Ill. Rev. Stat., 1985, ch. 102 pars. 41.01 et. seq.)
- e) Meetings shall be at the Commission's principal office or at another place as is designated by the President or ~~by such~~ other person calling the meeting.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

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Section 2525.130 Seal ~~(Repealed)~~

~~The Commission shall provide a corporate seal which shall be a form of~~



~~and shall have inscribed thereon the following words: MEDICAL CENTER COMMISSION of ILLINOIS.~~

(Source: Repealed at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.140 Quorum

- a) A majority of Commission members qualified to serve shall constitute a quorum for the transaction of business at any meeting of the Commission, provided, however, if fewer than ~~4~~four members of the Commission ~~are~~shall be present at any ~~meeting~~meetings, a majority of the Commissioners present may adjourn the meeting from time to time. ~~Three~~and in such cases ~~three~~ days notice of the time and place to which the ~~meeting is~~meetings are adjourned shall be given to all Commissioners.
- b) The affirmative vote of the majority of Commissioners present and voting shall be required to pass any ordinance, resolution or motion presented to any meeting of the Commission.
- c) The ~~chaire~~chairman of any meeting of the Commission shall be permitted to vote on, and discuss from the chair, any ordinance, resolution or motion presented to the meeting.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

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Section 2525.150 Committees

- a) The President may appoint ~~such~~ committees from the membership of the Commission ~~to as he may determine will~~ facilitate the work of the Commission, and ~~shall appoint~~~~such~~ other committees as ~~shall be~~ ordered by the Commission.
- b) Unless otherwise provided, all committees shall expire concurrently with the termination of the term of office of the President, whether ~~the~~~~such~~ termination of office of the President ~~is~~~~be~~ caused by expiration of his ~~or her~~ term of office, death, resignation or removal ~~of the President~~ from office.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.160 Executive Director

The Commission shall appoint an Executive Director who shall report to the President. The Executive Director shall be in charge ~~of~~ and ~~supervises~~~~supervision of~~ the staff and employees of the Commission. ~~The Executive Director; and he~~ shall direct the administrative work of the Commission under the direction of, and as executive assistant to, the President.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.170 Purchases and Contracts

The Commission shall comply with the Illinois Procurement Code [30 ILCS 500] as it may be applicable to the Commission.~~Purchasing Act (Ill. Rev. Stat. 1985, ch. 127 pars. 132.1 et seq.).~~

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.180 Employment

The Commission shall determine from time to time its necessary personnel and shall employ ~~those~~~~such~~ individuals as may be necessary for carrying out the functions of the Commission in accordance with Section 5b of the Illinois Medical District Act [70 ILCS 915/5b].~~Illinois Revised Statutes, 1985 Medical Center District, Chapter 111-1/2 at Section 5008.~~

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.190 Order of Business

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- a) The order of business at ~~the~~ Commission meetings shall be as follows:
- 1) Roll Call
 - 2) Approval of Minutes~~minutes~~ of Previous Meeting~~previous meeting~~.
 - 3) Report of Executive Director/Management Team Reports
 - 3) Financial Reports
 - 4) Financial Reports
 - 4) Report of Executive Director
 - 5) Reports and Recommendations~~recommendations~~ of Committees
 - 6) Unfinished Business~~business~~
 - 7) New Business
 - 8) Adjournment
- b) Provided a quorum is present, the Commission may alter the order of business ~~suspend this Rule~~ by a majority of Commissioners present and voting.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.200 Minutes

The minutes of each Commission meeting shall be distributed to the members ~~no later than ten (10) days~~ before the next meeting. The minutes and records of the findings of the Commission and its committees~~Committees~~ shall be open to the public as provided for in ~~the~~ FOIA.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.210 Reports

The Commission shall, ~~not~~ later than March 1st of each odd numbered year, make a detailed report to the General Assembly of its operations for the preceding ~~two (2)~~ years and a statement of its program for the next ~~two (2)~~ years ~~to the General Assembly~~.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

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Section 2525.220 Amendments

- a) Sections 2525.110 through 2525.230, historically known as the By-Laws, may be amended at any meeting of the Commission, provided that notice of any proposed amendment shall be sent to each member of the Commission ~~at least (10) days~~ prior to the date the amendment is voted upon; ~~The said~~ amendment ~~will to~~ become effective ~~upon filing with the Secretary of State as required by the Illinois Administrative Procedure Act [5 ILCS 100] or at a later time established in the rulemaking immediately unless otherwise expressly provided therein.~~
- b) However, if ~~prior notice is not given but an amendment is approved at any meeting, fewer than 10 days notice is not given,~~ the amendment ~~cannot will~~ go into effect ~~until~~ after the next meeting of the Commission.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.230 Robert's Rules of Order

The rules of parliamentary practice in the latest ~~published-official~~ edition of "Robert's Rules of Order Newly Revised" ~~(1981 Edition)~~ shall govern the proceedings of the Commission in all cases to which they are applicable and not inconsistent with the Illinois Medical Center District Act, ~~any other relevant Illinois statute, this Part or these Rules and~~ any special rules of order adopted by the Commission.

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.240 Committees (Repealed)

~~The following are standing Committees of the Medical Center Commission: a) Executive Committee:~~

- ~~b) Tri-Taylor Committee~~
- ~~c) Committee on Security and Safety~~
- ~~d) Chicago Technology Park Committee~~
- ~~e) Traffic and Streets Committee~~

(Source: Repealed at 29 Ill. Reg. 20428, effective December 31, 2005)

Section 2525.250 Advisory Boards

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NOTICE OF ADOPTED AMENDMENTS

- a) The President may appoint advisory boards to the Commission as he or she may determine will facilitate the work of the Commission, and shall appoint any other advisory boards ordered by the Commission.
- b) Unless otherwise provided, all advisory boards and membership on those advisory boards shall expire concurrently with the conclusion of the term of office of the President for whatever reason.

~~The following are Advisory Boards appointed by the Commission:~~

- ~~a) Design Review Advisory Team. It may review design plans for new construction in the Tri-Taylor Historic District and make recommendations to the Commission.~~
- ~~b) Tri-Taylor Advisory Board. It may review bids for sale of Commission real estate and other matters involving the Tri-Taylor Historic District and make recommendations to the Commission.~~

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

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Section 2525.APPENDIX A Request for Public Records ~~REQUEST FOR PUBLIC RECORDS~~

TO: ~~State of Illinois~~ Medical District
~~Medical Center~~ Commission
600 South Hoyne~~736 South Ashland~~
Avenue
Chicago, Illinois 60612~~60607~~
ATTN: Executive Director

FROM: _____
NAME

ADDRESS

AC /
TELEPHONE

DESCRIPTION ~~OF OR~~ REQUESTED RECORDS ~~RECORD(S)~~

Please indicate if you wish to inspect the records identified above or wish to copy them:

- Inspect Copy Both

FOR OFFICE USE ONLY:

Date Received

Date Response Due

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

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Section 2525. APPENDIX B Fee Schedule for Duplicating Public Records FEE
~~SCHEDULE FOR DUPLICATING OF PUBLIC RECORDS~~

<u>Type of Duplication</u>	<u>Per Copy Charge</u>
Paper copy from paper original	\$.25
<u>Paper or diazo</u> Diazo copy of microfiche <u>or microfilm</u> – per sheet	1.00
Paper copy from microfiche original – per page	.50
<u>Computer diskette or other electronic transfer if information already exists in such form – per transfer</u>	<u>50.00</u>
<u>Computer</u> Computed printout – paper – per page	.50

(Source: Amended at 29 Ill. Reg. 20428, effective December 31, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Camping on Department of Natural Resources Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
130.40	Amendment
130.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)] and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305 and 805-515]
- 5) Effective Date of Amendments: December 2, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 2, 2005; Ill. Reg. 13307
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update the definition for Premium Campgrounds, add language specific to the World Shooting Complex indicating that camping rates do not apply during sanctioned shooting events that are authorized via licensing agreements and to add language indicating that parents/legal guardians accompanying minors who have a current Class 2 Illinois Disabled Person ID

DEPARTMENT OF NATURAL RESOURCES

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card may register their campsite at the reduced rate for disabled persons.

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

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

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDSPART 130
CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section	
130.10	Location
130.20	Purpose of Campground
130.30	Classification of Camps by Equipment Used – Definitions
130.40	Definitions
130.50	Registrations
130.60	Permits, Extensions and Time Limits
130.70	Fees and Charges
130.80	Refunds
130.90	Check-in and Check-out Times
130.100	Unoccupied Camps
130.110	Vehicles per Camp (Refer to 17 Ill. Adm. Code 130.30)
130.120	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.130	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.135	Campground Host Program
130.140	Use of Campground
130.150	Violation of Rule

AUTHORITY: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305 and 805-515].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October

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2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg. 9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective July 7, 1999; amended at 24 Ill. Reg. 1634, effective January 13, 2000; amended at 24 Ill. Reg. 13699, effective August 23, 2000; amended at 27 Ill. Reg. 12630, effective July 21, 2003; amended at 28 Ill. Reg. 6118, effective April 15, 2004; amended at 29 Ill. Reg. 20445, effective December 2, 2005.

Section 130.40 Definitions

- a) "Camp" means a single family or group occupying one site that is a designated individual site within a Departmentally managed site, established and maintained for the sole purpose of camping, including the use of tents, trailers or any other type of camping device.
- b) A "Single Family" consists of either or both parents and unmarried children. Other family members will be considered as part of the family as long as they occupy the same shelter, but not to exceed a total of 4 adults (18 years of age or older).
- c) The "Single Group" consists of unrelated adults (18 years of age or older) with or without children occupying the same shelter. This group would not exceed 4 occupants (except for Rent-A-Camp sites with an extra large tent which would not exceed 8 occupants and a campground cabin would not exceed 6 occupants).
- d) A "Camp Shelter" is the portable equipment used by the single family or group for bedding and housing.
- e) If more than one camp shelter is required for the single family or group, they shall occupy separate campsites. (Exceptions: Minor children (under 18) sleeping in sleeping bags or in a tent outside the family shelter are considered occupants sharing the same shelter. A group of no more than 4 occupants may occupy up to 2 or 4 one-man tents on a single campsite.)
- f) In no case will 2 or more tent trailers, travel trailers, self-propelled mobile campers, pick-up campers, or any combination thereof be considered as a single camp.
- g) Where campgrounds are laid out in defined sites, not more than one camp will be

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permitted on a site. Where campgrounds are not laid out in sites, the number of camps will be determined by the capacity of the existing sanitary facilities, parking areas, soil and turf conditions, potential social conflicts between campers due to crowding, and similar factors as determined by Department staff.

- h) A "Premium Campground" is a designated camping facility that has a preponderant history of consistently operating at capacity [or has unique amenities, such as automated trap and skeet ranges, that are not typically offered at other State camping facilities](#). The following sites are designated as Premium Campgrounds: Chain O'Lakes State Park, Illinois Beach State Park, Kankakee River State Park, [the World Shooting Complex](#), Rock Cut State Park, Shabbona Lake State Recreation Area and Starved Rock State Park.

(Source: Amended at 29 Ill. Reg. 20445, effective December 2, 2005)

Section 130.70 Fees and Charges

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary according to the type of campground and are as follows:
- 1) Spring-Summer Camping ([rates apply](#) May 1 through September 30, [except at the World Shooting Complex during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department](#))
 - A) Class AA Sites: Camping fee of \$15 per night per site, \$5 utility fee. Sites having availability to showers, electricity, water hookups, sewer hookups, and vehicular access.
 - B) Class A Sites: Camping fee of \$10 per night per site, \$5 utility fee. Sites having availability to showers, electricity and vehicular access.
 - C) Class A Premium Sites: Camping fee of \$15 per night per site, \$5 utility fee. Sites having availability to showers, electricity and vehicular access.
 - D) Class B-E Sites: Camping fee of \$8 per night per site, \$5 utility

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- fee. Sites having availability to electricity and vehicular access.
- E) Class B-E Premium Sites: Camping fee of \$10 per night per site, \$5 utility fee. Sites having availability to electricity and vehicular access.
- F) Class B-S Sites: Camping fee of \$10 per night per site. Sites having availability to showers and vehicular access.
- G) Class B-S Premium Sites: Camping fee of \$12 per night per site. Sites having availability to showers and vehicular access.
- H) Class C Sites: Camping fee of \$8 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.
- I) Class D Sites: Camping fee of \$6 per night per site. Tent camping or primitive sites with no vehicular access.
- J) Youth Group Camping: \$2 per person, minimum daily camping fee of \$20.
- K) Adult Group Camping: \$4 per person, minimum daily camping fee of \$40.
- L) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette State Park shall pay a fee of \$4 per night. At Dixon Springs and Horseshoe Lake State Fish and Wildlife Area (Alexander County), a deposit of \$40 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette, a deposit of \$100 will be required before confirmation of a reservation. The deposits will not be refunded until inspection is made of the facilities after the group departs. If damages warrant, Pere Marquette will have authority to retain this deposit. Fees for day use of the group camps at Dixon Springs, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette shall be \$50 per day.

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- M) Rent-A-Camp Tents
- i) Tents will be made available at designated State parks and recreational areas throughout the Department's statewide system. Rent-A-Camp Tent areas will provide, at additional fees of \$8 and \$12 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a Rent-A-Camp Tent will be based on the basic fees of \$8 or \$12 per night in addition to the class of camping rate on which the Rent-A-Camp site is located.
 - ii) Rent-A-Camp Tent at Class A Sites:
\$8 or \$12 plus \$5 utility fee and \$10 camping fee per night per site at all sites having availability to showers, electricity and vehicular access.
- N) Rent-A-Camp Cabin areas will provide, at a basic cabin rental fee of \$25 per night, one 2-bedroom cabin with 2 bunk beds, one full-sized bed, ceiling fans, electric heaters, table with chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin will be based on the basic fee plus Class specific utility and camping fees, as follows:
- i) Rent-A-Camp Cabins at Class A Sites:
\$25 cabin rental plus \$5 utility fee and \$10 camping fee per night, per site at all sites having availability to showers and vehicular access.
 - ii) Rent-A-Camp Cabins at Class A Premium Sites:
\$25 cabin rental plus \$5 utility fee and \$15 camping fee per night, per site at all sites having availability to showers and vehicular access.
- O) A \$5 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group campsites as well as individual site

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reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. In addition to the \$5 non-refundable fee, the first night's camping and utility fee is required at the time reservations are made.

- 2) Fall-Winter Camping (rates apply October 1 through April 30, except at the World Shooting Complex during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department)
 - A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.
 - B) When cold weather requires closing down buildings and shutting off water in any Class A or B campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.
 - C) The fee for primitive campsites shall be \$6 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.
- b) Exceptions: Employees, Concessionaires, and Special Legislation
 - 1) Except for temporary employees of the Department of Natural Resources who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Natural Resources or any other State agency, regardless of their official status, will be required to pay the established camping fee.
 - 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.
 - 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/5], is entitled to the following camping fee provisions, upon

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qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.

- A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday, or Thursday, at Class AA, A Premium, A, B-E Premium, B-E, B-S Premium, and B-S sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.
- B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class AA, A Premium, A, B-E Premium, B-E, B-S Premium and B-S sites on any Monday, Tuesday, Wednesday or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites. [Parents or legal guardians, aged 18 or over, of minors who have a current Class 2 Illinois Disabled Person Identification Card may register the campsite at the reduced rate specified in this subsection \(b\)\(3\)\(B\) for disabled persons, provided the disabled minor is present and camping at the same site as the parent or legal guardian.](#)
- C) An Illinois resident who is a disabled veteran or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS 2805/5).

(Source: Amended at 29 Ill. Reg. 20445, effective December 2, 2005)

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
675.10	New Section
675.20	New Section
675.30	New Section
675.40	New Section
675.50	New Section
675.60	New Section
675.70	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) Effective Date of Amendments: December 2, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 2, 2005; 29 Ill. Reg. 13316
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: In Section 675.70, following "public announcement", added "(e.g. press release, site posting and publication in Outdoor Illinois)".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This Part provides hunting regulations for a special deer season (January 13-15, 2006) to help control chronic wasting disease in Boone, McHenry, Winnebago, and the northern part of DeKalb counties. Hunters with unfilled 2005 firearm, muzzleloader, or archery deer permits valid for one of the open counties may use those to hunt, or they may obtain a Special CWD Season permit (\$5) from the Permit Office. Check stations will be manned (as during the firearm deer season in those counties), and successful hunters who submit samples for CWD testing will be provided with an additional permit valid for the remainder of the season.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 675

SPECIAL WHITE-TAILED DEER SEASON FOR DISEASE CONTROL

Section

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

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

SOURCE: Adopted at 29 Ill. Reg. 20454, effective December 2, 2005.

Section 675.10 CWD Season

- a) Season: One-half hour before sunrise on Friday, January 13, 2006 to sunset on Sunday, January 15, 2006. Shooting hours are ½ hour before sunrise to sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Hunting after sunset is a Class B misdemeanor (see 520 ILCS 5/2.24).
- b) Open counties: Boone, McHenry, Winnebago, and the portion of DeKalb County north of U.S. Highway 88 (East-West Tollway).
- c) Hunting outside the set season dates or without a valid permit for the area hunted is a Class B misdemeanor (see 520 ILCS 5/2.24).

Section 675.20 CWD Deer Permit Requirements

- a) Hunters must have an unfilled 2005 firearm or muzzleloader deer permit valid for one of the open counties (Boone, McHenry, DeKalb, or Winnebago); an unfilled

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2005 archery deer permit; or a valid Chronic Wasting Disease (CWD) Season Deer Permit. A CWD Season Deer Permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled 2005 firearm or muzzleloader deer permits are valid only for the county or special hunt area for which they were originally issued, except that unfilled 2005 landowner property-only hunting firearm deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties. Unfilled 2005 archery deer permits are valid throughout all counties/portions of counties open to this special season, except that unfilled 2005 landowner property-only hunting archery deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties. For permit applications and other information write to:

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

- b) Applications shall be accepted as soon as they are available through the tenth weekday in November for the CWD Deer Season in the following January. Applications received after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits issued in this drawing shall be antlerless-only.
- c) It shall be unlawful to apply for more than one permit for the CWD Deer Hunting Season during this drawing period.
- d) In-person and mail-in applications shall receive equal treatment in the drawings.
- e) Each applicant must apply using the official agency CWD Deer Season Permit Application, and must complete all portions of the form. No more than 6 individuals may submit applications in the same envelope, and each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications for other deer seasons to the Deer Permit Office.

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- f) Each applicant must enclose a separate \$5 check or money order payable to the Department of Natural Resources (Department or DNR), or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.
- g) Applications will be accepted at the counter window of the permit office; however, permits will be mailed.
- h) Permits are not transferable. Refunds will not be granted unless the Department has erroneously issued the permit after the quota has been depleted or if the applicant was unsuccessful in obtaining a permit.
- i) A \$3 service fee will be charged for replacement permits issued by the Department, except that, when permits are lost in the mail, there will be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- j) Recipients of the CWD Season Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- k) Successful hunters checking in their deer at the CWD Deer Season check station who provide tissue samples to the Department for CWD testing (or who attempt to do so, in situations where deer are unsuitable for testing) are eligible to receive an additional permit (either-sex) at no charge each time they check in a deer and submit samples. These permits, which are valid for the remainder of the season, will be issued at the time of check-in by check station personnel.
- l) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

Section 675.30 Weapon Requirements for CWD Deer Hunting Season

- a) The only legal weapons to take, or attempt to take, deer are shotguns, muzzleloading rifles, and handguns and their respective ammunitions as prescribed by 17 Ill. Adm. Code 650.30(a), (b) and (c); and bows and arrows as prescribed by 17 Ill. Adm. Code 670.30.
- b) Hunters with valid, unused permits from the 2005 firearm, muzzleloader, or archery seasons may use only the weapons allowed by that permit in those respective seasons. Hunters with a valid CWD Season Deer Permit may use any of the weapons described in subsection (a).

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- c) It shall be unlawful to use or possess any firearm, ammunition, or bow and arrow other than allowed by subsection (a) in the field while hunting white-tailed deer during the CWD Deer Hunting Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than deer hunters shall not be prohibited during the CWD Deer Hunting Season as set in Section 675.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

Section 675.40 CWD Deer Hunting Rules

- a) Persons using unfilled permits from the previous firearm, muzzleloader, or archery deer season (see Section 675.20(a)) may only take deer appropriate for that permit type (either-sex or antlerless-only).
- b) An either-sex permit holder is allowed to take a deer with or without antlers, and an antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- c) The bag limit is one deer per legally authorized either-sex or antlerless-only permit. Deer taken during the CWD Season are not subject to the antlered deer bag limit restrictions imposed during the firearm, muzzleloader and archery deer hunting seasons.
- d) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length) and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist's. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a

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permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

- e) Hunters shall not have in their possession, while in the field during the CWD Deer Hunting Season, any deer permit issued to another person (permits are non-transferrable).
- f) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as a single act, possession or course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

Section 675.50 Reporting Harvest

- a) The deer shall be taken whole (or field dressed) to a designated CWD Deer Hunting Season check station by the hunter in person by 8:00 p.m. of the day the deer was killed. If a hunter is not able to locate a harvested deer in sufficient time to enable checking in the deer by 8:00 p.m., the hunter must take the deer to the appropriate check station upon its opening (8:00 a.m.) the following morning, or immediately upon retrieving it if that occurs later than the opening of the check station. If this situation occurs on a Sunday (e.g., the check station will not be open on Monday), the hunter must contact the appropriate regional DNR Law Enforcement Office by 10:00 a.m. Monday morning for instructions on checking in the deer. Failure to follow this Section constitutes illegal possession of deer.
- b) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

Section 675.60 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of subsections (a)(1) through (a)(4), the application will be held, and the application fees will be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application will be rejected and the fee will be retained by the Department. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.

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

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

Sites will be opened to the CWD Deer Hunting Season only if the site is announced as being open via a public announcement (e.g., press release, site posting and publication in Outdoor Illinois). Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

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- 1) Heading of the Part: Late-Winter Deer Hunting Season
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
680.40	Amendment
680.50	Amendment
680.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) Effective Date of Amendments: December 2, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 17, 2005; 29 Ill. Reg. 13324
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

In Section 680.50(b) – in two places, in Section 680.60(a) and Section 680.60(b) – in two places, removed "temporary".

In Section 680.60(b), removed "~~the deer has been checked in,~~".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: Amendments were made to this Part to: add language indicating that modern smokeless powders are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use; add language stating hunters must attach the temporary harvest tag in the manner prescribed on the permit and remove language pertaining to permanent harvest tags; and add language regarding reporting of harvest via the new telephone/internet harvest reporting system.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 680
LATE-WINTER DEER HUNTING SEASON

Section

680.10	Statewide Season
680.20	Statewide Deer Permit Requirements
680.25	Deer Permit Requirements – Free Landowner/Tenant Permits
680.30	Deer Permit Requirements – Group Hunt
680.40	Statewide Firearm Requirements for Late-Winter Deer Hunting
680.50	Statewide Deer Hunting Rules
680.60	Reporting Harvest
680.70	Rejection of Application/Revocation of Permits
680.80	Regulations at Various Department-Owned or -Managed Sites

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

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004; amended at 28 Ill. Reg. 15503, effective November 19, 2004; amended at 29 Ill. Reg. 20462, effective December 2, 2005.

Section 680.40 Statewide Firearm Requirements for Late-Winter Deer Hunting

- a) The only legal firearms to take, or attempt to take, deer are:
 - 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or

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- 2) A single or double barreled muzzleloading rifle of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length; or
 - 3) centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer.
- b) Standards and specifications for legal ammunition are:
- 1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
 - 2) The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. A wad or sleeve is not considered a projectile or part of a projectile.
 - 3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- c) Standards and specifications for use of muzzleloading firearms are as follows:
- 1) A muzzleloading firearm is defined as a ~~blackpowder~~ firearm that is incapable of being loaded from the breech end.
 - 2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading firearms that are

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specifically designed for their use~~do not qualify as a "black powder substitute".~~

- 3) Percussion caps, wheel lock~~wheelock~~, matchlock or flint type ignition only may be used.
 - 4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.
- d) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Late-Winter Deer Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than deer hunters shall not be prohibited during the Late-Winter deer season as set in Section 680.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. 20462, effective December 2, 2005)

Section 680.50 Statewide Deer Hunting Rules

- a) The bag limit is one antlerless deer per legally authorized permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long.
- b) The temporary-harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed in Section 680.60 and on the permit.~~The temporary harvest tag must be attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check station. If the deer head is delivered to a taxidermist for processing, the temporary harvest tag must be removed from the leg and must remain with the head while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful~~

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~~acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.~~

- c) Hunters shall not have in their possession, while in the field during the Late-Winter deer season, any deer permit issued to another person (permits are non-transferrable).
- d) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.
- e) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as a single act or possession or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

(Source: Amended at 29 Ill. Reg. 20462, effective December 2, 2005)

Section 680.60 Reporting Harvest

- a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. They will be provided with a confirmation number to verify that they checked in their harvest. This number must be written by the hunter on the harvest tag (leg tag). The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is: Deer shall be checked in by the hunter in person within 48 hours after taking a deer at the Late-Winter deer check station in the county for which the permit was issued or in an adjoining county.
 - 1) For a buck: head with antlers attached to carcass or attached testicle,

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scrotum, or penis.

2) For a doe: head attached to carcass or attached udder (mammary) or vulva.

b) The harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist's. If the carcass is taken to a meat processor, the harvest tag (leg tag) with confirmation number must remain with the deer while it is processed and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.

c) Site specific reporting requirements must be followed in addition to this Section.

~~d)~~ Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. 20462, effective December 2, 2005)

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- 1) Heading of the Part: Youth Hunting Seasons
- 2) Code Citation: 17 Ill. Adm. Code 685
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
685.30	Amendment
685.40	Amendment
685.50	Amendment
685.90	Repeal
685.100	Repeal
685.120	Repeal
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].
- 5) Effective Date of Amendments: December 2, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 2, 2005; 29 Ill. Reg. 13331
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

In Section 685.50(a) – in one location – and in Section 685.50(b) – in two locations, removed "temporary"

In Section 685.50 – removed ", the deer has been checked in,".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add language indicating that modern smokeless powders are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use and to modify language to allow for the use of the new telephone/internet harvest reporting system. Additionally, three Sections (Heritage Youth Wild Turkey Hunt-Spring Season, Youth Pheasant Hunting, Youth Dove Hunting), are being repealed because language regarding youth hunts has been incorporated into the rules governing these species (17 Ill. Adm. Code 710, 17 Ill. Adm. Code 530 and 17 Ill. Adm. Code 730).
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 685
YOUTH HUNTING SEASONS

Section

685.10	Statewide Season for White-Tailed Deer Hunting
685.20	Statewide Deer Permit Requirements
685.30	Statewide Firearm Requirements for Hunting the Youth Deer Season
685.40	Statewide Deer Hunting Rules
685.50	Reporting Harvest of Deer
685.60	Rejection of Application/Revocation of Deer Permits
685.70	Regulations at Various Department-Owned or -Managed Sites
685.80	Youth White-Tailed Deer Hunt
685.90	Heritage Youth Wild Turkey Hunt – Spring Season (Repealed)
685.100	Youth Pheasant Hunting (Repealed)
685.110	Youth Waterfowl Hunting
685.120	Youth Dove Hunting (Repealed)

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

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904, effective May 21, 2001; amended at 26 Ill. Reg. 4418, effective March 11, 2002; amended at 26 Ill. Reg. 13828, effective September 5, 2002; amended at 27 Ill. Reg. 14332, effective August 25, 2003; amended at 29 Ill. Reg. 20469, effective December 2, 2005.

Section 685.30 Statewide Firearm Requirements for Hunting the Youth Deer Season

- a) Specifications of legal firearms and their respective legal ammunition for the Youth Deer Hunt are:
 - 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs;
 - 2) A single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in

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length;

- 3) The minimum size of the firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or part of the projectile. Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- b) The standards and specifications for use of such muzzleloading firearms are as follows:
- 1) A muzzleloading firearm is defined as a ~~blackpowder~~ firearm that is incapable of being loaded from the breech end.
 - 2) Only black powder or a black powder substitute such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use ~~do not qualify as a "blackpowder substitute"~~.
 - 3) Percussion caps, wheellock, matchlock or flint type ignition only may be used.
 - 4) Removal of percussion cap, or removal of prime powder from frizzen pan with frizzen open and hammer all the way down, or removal of prime powder from flashpan and wheel un-wound, or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.
- c) It shall be a Class B misdemeanor (see 520 ILCS 5/2.24) to use or possess any type of firearm or ammunition in the field other than those specifically authorized by this rule while hunting white-tailed deer during the Youth Deer Hunting Season, but archery deer hunters in possession of a valid archery deer permit may hunt during this season provided that, in county or counties open to youth deer hunting, they wear the orange garments required of gun deer hunters. The otherwise lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than youth deer hunters or their supervisors shall not be prohibited during the Youth Deer Hunting Season as set in Section 685.10.

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(Source: Amended at 29 Ill. Reg. 20469, effective December 2, 2005)

Section 685.40 Statewide Deer Hunting Rules

- a) Bag limits: One antlerless deer per legally authorized permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
- b) Each hunter participating in the Youth Deer Hunt must be accompanied by a nonhunting supervisor (parent, guardian, or responsible adult) who has in his or her possession a valid Firearm Owners Identification (FOID) Card. The nonhunting supervisor must wear the orange garments required of gun deer hunters, and must remain with the hunting youth so as to have the youth under immediate control. Each supervisor may only accompany a single youth at any given time during the hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.
- c) The leg tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer in the manner prescribed in Section 685.50 and on the permit. ~~The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a taxidermist or tanner for processing must supply the taxidermist or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).~~
- d) Hunters shall not have in their possession, while in the field during the Youth Deer Season, any deer permit issued to another person (permits are non-transferrable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
- e) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 29 Ill. Reg. 20469, effective December 2, 2005)

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Section 685.50 Reporting Harvest of Deer

- a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. They will be provided with a confirmation number to verify that they checked in their harvest. This number must be written by the hunter on the harvest tag (leg tag). The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is: Deer shall be checked in by the hunter in person by 8:00 p.m. the same day the deer is harvested at the authorized county Youth Deer check station.
- 1) For a buck: head with antlers attached to carcass or attached testicle, scrotum, or penis.
 - 2) For a doe: head attached to carcass or attached udder (mammary) or vulva.
- b) The harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist's. If the carcass is taken to a meat processor, the harvest tag (leg tag) with confirmation number must remain with the deer while it is processed and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.
- c) Site specific reporting requirements must be followed in addition to this Section.
- d) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

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(Source: Amended at 29 Ill. Reg. 20469, effective December 2, 2005_)

Section 685.90 Heritage Youth Wild Turkey Hunt – Spring Season (Repealed)

- a) ~~Turkey Permit Requirements—Heritage Youth Turkey Hunt~~
- 1) ~~The Heritage Youth Wild Turkey Hunt is open only to Illinois residents under the age of 16 at the start of the Heritage Youth Wild Turkey Hunt. All participating youths must have completed a Department-approved Hunter Education course. All youth hunters must have a current, valid Heritage Youth Wild Turkey Hunt Permit (\$10). For permit application and other information write to:~~

~~Illinois Department of Natural Resources
Youth Turkey Hunt
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227~~
 - 2) ~~Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.~~
 - 3) ~~Each applicant must complete the official Department Heritage Youth Wild Turkey Permit application.~~
 - 4) ~~The season dates, open counties and open public sites will be determined annually by the Director of the Illinois Department of Natural Resources. The number of permits issued will be in addition to the established county permit quotas. The dates of the application period for permits will be publicly announced annually by the Department.~~
 - 5) ~~The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.~~
 - 6) ~~If more than one application for an Illinois Heritage Youth Wild Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.~~

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- 7) ~~A \$3 service fee will be charged for replacement permits issued by the Department.~~
 - 8) ~~Each Illinois Heritage Youth Wild Turkey Hunt Permit holder is required to be accompanied by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.~~
 - 9) ~~The Heritage Youth Wild Turkey Hunt Permit will only be valid for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license prior to hunting, unless exempt.~~
 - 10) ~~Turkey hunting seminars covering turkey hunting safety and aspects of turkey hunting will be made available to participating youths. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).~~
 - 11) ~~Permits issued for the Heritage Youth Wild Turkey Hunt will be counted in the number of permits a person can be issued for the regular Spring Wild Turkey Season.~~
- b) Turkey Hunting Regulations
- It is unlawful:
- 1) ~~to use live or electronic turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);~~
 - 2) ~~to take any wild turkey except a hen with a visible beard or a gobbler (male). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);~~
 - 3) ~~to take, or attempt to take, more than three wild turkeys during the spring season, and hunters must have a valid permit for each turkey that is taken;~~
 - 4) ~~to use any hunting device except a shotgun or bow and arrow. #4 shot is~~

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~~the largest and #7½ is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbless and have a minimum 7/8-inch diameter when fully opened. Broadheads with fixed blades must be metal or flint, chert, or obsidian knapped; broadheads with expandable blades must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);~~

- 5) ~~to hunt except from ½ hour before sunrise to 1:00 p.m. during each day of the season. Hunting after 1 p.m. is a Class B misdemeanor (see 520 ILCS 5/2.9). Hunting prior to ½ hour before sunrise is a Class A misdemeanor, with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y));~~
- 6) ~~for any person having taken the legal limit of wild turkeys to further participate with a hunting device in any hunting party for the purpose of taking additional wild turkeys. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);~~
- 7) ~~for any person to possess, while in the field during wild turkey season, any turkey permit issued to another person (permits are non-transferable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);~~
- 8) ~~to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must cut out the designated notch on the leg tag to invalidate it, and the tag must be affixed to the turkey. Successful hunters must register their harvest by 3:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone number provided with their turkey hunting permit. Hunters must provide all information requested by the telephone check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The~~

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~~turkey must remain whole (or field dressed) until it has been checked in. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9); and~~

- 9) ~~for any person to shoot a wild turkey while it is in a tree before 7:00 a.m. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9).~~

(Source: Repealed at 29 Ill. Reg. 20469, effective December 2, 2005)

Section 685.100 Youth Pheasant Hunting (Repealed)

- a) ~~Permit Requirements~~
- 1) ~~Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.~~
- 2) ~~Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.~~
- 3) ~~The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information write to:~~

~~Illinois Department of Natural Resources
Youth Pheasant Hunt
One Natural Resources Way
P. O. Box 19457
Springfield IL 62794 9457~~

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- 4) ~~Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Lee County Conservation Area (Green River), Moraine View State Park, Wayne Fitzgerald (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangechris Lake State Park and Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Area).~~
- b) ~~Hunting Regulations~~
 - 1) ~~At the following sites, the Illinois Youth Pheasant Hunt will be held on:~~
 - A) ~~the Saturday preceding the opening of the statewide upland game season:~~

~~Mackinaw River State Fish and Wildlife Area~~
 - B) ~~the first Sunday of the site's controlled pheasant hunting season:~~

~~Chain O'Lakes State Park~~

~~Des Plaines Conservation Area~~

~~Eldon Hazlet State Park (Carlyle Lake)~~

~~Lee County Conservation Area (Green River)~~

~~Iroquois County Conservation Area~~

~~Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit~~

~~Moraine View State Park~~

~~Sand Ridge State Forest~~

~~Wayne Fitzgerald State Park (Rend Lake)~~

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- C) ~~the Sunday following the opening of the statewide upland game season:~~
- ~~Edward R. Madigan State Park~~
- ~~Sangechris Lake State Park~~
- D) ~~the second Sunday following the opening of the statewide upland game season:~~
- ~~Horseshoe Lake State Park (Madison County)~~
- E) ~~the Sunday preceding Thanksgiving Day:~~
- ~~Richland County Controlled Pheasant Hunting Area~~
- 2) ~~Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangechris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 10:00 a.m. and 10:30 a.m. at Sangechris Lake State Park).~~
- 3) ~~All hunters must be between the ages of 10-15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangechris Lake and Edward R. Madigan State Park.~~
- 4) ~~All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) Card, the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.~~
- 5) ~~Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must~~

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~~wear a back patch issued by the check station.~~

- 6) ~~Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.~~
- 7) ~~All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead, tungsten iron, tungsten polymer, tungsten matrix, #4 bismuth or #3 steel or tin or smaller may be used, except at Chain O' Lakes State Park, Eldon Hazlet State Park, Lee County Conservation Area (Green River) and Wayne Fitzgerald State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten iron, tungsten polymer, tungsten matrix or smaller may be used.~~
- 8) ~~Daily limit.~~
 - A) ~~Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Horseshoe Lake State Park (Madison County) and Sand Ridge State Forest.~~
 - B) ~~Two cock pheasants only at Lee County Conservation Area (Green River), Moraine View State Park, Mackinaw River State Fish and Wildlife Area and Chain O' Lakes State Park.~~
 - C) ~~Statewide Upland Game Limits at Sangehris Lake State Park, Edward R. Madigan State Park and Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit.~~
- 9) ~~All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasant until the pheasant is finally prepared for consumption.~~
- 10) ~~Violation of this subsection (b) is a petty offense (see 520 ILCS 5/2.6).~~

(Source: Repealed at 29 Ill. Reg. 20469, effective December 2, 2005)

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Section 685.120 Youth Dove Hunting (Repealed)

- a) ~~A one-day Youth Dove Hunt will be held the first weekend day in September or Labor Day, whichever comes first, at the following sites:~~
- ~~Horseshoe Lake State Park (Madison County)~~
- ~~Silver Springs State Park~~
- ~~Stephen A. Forbes State Park~~
- b) ~~A one-day youth/adult dove hunt will be held the first weekend day in September or Labor Day, whichever comes first, where both the youth and adult will be permitted to hunt at the following sites:~~
- ~~Kankakee River State Park~~
- ~~Lake Shelbyville—Kaskaskia and West Okaw Wildlife Management Area~~
- ~~Mackinaw River State Fish and Wildlife Area (only non-toxic shot, as defined by the U.S. Fish and Wildlife Service in 50 CFR 20, #6 steel shot or #7½ bismuth shot or smaller may be possessed)~~
- ~~Mt. Vernon Game Farm~~
- ~~Ramsey Lake State Park~~
- ~~Sam Parr State Park~~
- ~~Sangchris Lake State Park~~
- e) ~~Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.~~
- d) ~~Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.~~

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- e) ~~All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.~~
- f) ~~Applicants must be between the ages of 10-15 inclusive, with a valid Illinois hunting license.~~
- g) ~~Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) Card, the supervising adult is required to have a FOID Card. Only one supervising adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid FOID Card. All adult hunters must have a valid FOID card. The supervising adults shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.~~
- h) ~~Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.~~
- i) ~~Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.18).~~

(Source: Repealed at 29 Ill. Reg. 20469, effective December 2, 2005)

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- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
710.10	Amendment
710.22	Amendment
710.30	Amendment
710.50	Amendment
710.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) Effective Date of Amendments: December 2, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 19, 2005; 29 Ill. Reg. 12808
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

In Sections 710.50(c) and 710.70(f) – strike out "~~I-24 Wildlife Management Area (1)~~" and add "Skinner Farm State Habitat Area (1)" to reflect change in site name.

In Section 710.70(f) – change site name to read as follows: Weinberg-King State Park (Spunky Bottoms ~~Scrapps~~ Unit)
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update season dates, remove language regarding issuance of free permits to bonafide members of limited liability companies (this language was erroneously added to this Part--the Department does not have statutory authority to issue free permits to bonafide members of limited liability companies for turkey hunting), remove language requiring that broadheads must be barbless, add language regarding the telephone and on-line check-in systems, and update the lists of Department-owned or -managed sites and youth hunting sites.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 710
THE TAKING OF WILD TURKEYS – SPRING SEASON

Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192,

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effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005.

Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

1 st Season:	<u>Monday, April 10-Friday, April 14, 2006</u> Monday, April 11-Friday, April 15, 2005
2 nd Season:	<u>Saturday, April 15-Thursday, April 20, 2006</u> Saturday, April 16-Thursday, April 21, 2005
3 rd Season:	<u>Friday, April 21-Wednesday, April 26, 2006</u> Friday, April 22-Wednesday, April 27, 2005
4 th Season:	<u>Thursday, April 27-Wednesday May 3, 2006</u> Thursday, April 28-Wednesday, May 4, 2005
5 th Season:	<u>Thursday, May 4-Thursday, May 11, 2006</u> Thursday, May 5-Thursday, May 12, 2005

b) Southern Zone Season Dates:

1 st Season:	<u>Monday, April 3-Friday, April 7, 2006</u> Monday, April 4-Friday, April 8, 2005
2 nd Season:	<u>Saturday, April 8-Thursday, April 13, 2006</u> Saturday, April 9-Thursday, April 14, 2005
3 rd Season:	<u>Friday, April 14-Wednesday, April 19, 2006</u> Friday, April 15-Wednesday, April 20, 2005
4 th Season:	<u>Thursday, April 20-Wednesday, April 26, 2006</u> Thursday, April 21-Wednesday, April 27, 2005

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5th Season: Thursday, April 27-Thursday, May 4, 2006
~~Thursday, April 28-Thursday, May 5, 2005~~

c) Open Counties:

NORTHERN ZONE

- Adams
- Boone
- Brown
- Bureau
- Calhoun
- Carroll
- Cass
- Champaign
- Christian
- Clark
- Coles
- Cumberland
- DeKalb
- DeWitt
- Edgar
- Fulton
- Greene
- Grundy
- Hancock
- Henderson
- Henry
- Iroquois
- Jersey
- Jo Daviess
- Kankakee
- Kendall
- Knox
- La Salle
- Lee
- Livingston
- Logan
- Macon
- Macoupin
- Marshall-Putnam

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Mason
McDonough
McHenry
McLean
Menard
Mercer
Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Rock Island
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Whiteside
Will
Winnebago
Woodford

SOUTHERN ZONE

Alexander
Bond
Clay
Clinton
Crawford
Edwards
Effingham
Fayette
Franklin
Hamilton
Gallatin-Hardin

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Jackson
Jasper
Jefferson
Johnson
Lawrence
Madison
Marion
Massac
Monroe
Perry
Pope
Pulaski
Randolph
Richland
Saline
St. Clair
Union
Wabash
Washington
Wayne
White
Williamson

(Source: Amended at 29 Ill. Reg. 20484, effective December 2, 2005)

Section 710.22 Turkey Permit Requirements – Landowner/Tenant Permits

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40

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or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50. All landowners/tenants who do not reside on the property must possess a valid hunting license.

- d) Landowners or tenants are not required to participate in the public drawing for permits. Landowner/tenant permits are valid for the entire 32 days encompassed by the 5 seasons, but allow the taking of only one wild turkey. This turkey hunting permit shall be valid on all lands the permit holder owns, leases, or rents in counties open for spring turkey hunting.
- e) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for a second permit in the third lottery (the first working day after February 8), and a third permit in the Random Daily Drawing period that begins the first working day after March 8. Fees for these additional permits shall be \$15 for residents and the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for nonresidents.
- f) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of copy of most recent real estate tax statement upon which landowner's name appears;
 - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- g) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - 1) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the County Clerk, covering the

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current year; or

2) Submittal of a copy of a Farm Service Agency 156EZ form.

h) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate families may receive turkey permits.

i) Shareholder Landowner Permits

1) Bona fide equity shareholders of corporations ~~or bona fide equity members of limited liability companies~~ owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation ~~or limited liability company~~ lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations ~~or limited liability companies~~. Lands leased to corporations ~~or limited liability companies~~ shall not be considered as a basis for a free permit for the shareholders/~~members~~ of the lessee. Lands held in trust by corporations ~~or limited liability companies~~ shall not be considered as a basis for a free permit by the shareholders/~~members~~ of the trustee. If application is made for a free permit based upon lands owned by the corporation ~~or limited liability company~~, a duly authorized officer of the corporation ~~or limited liability company~~ must sign a notarized statement authorizing the applicant to hunt on the corporate ~~or company~~ lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder ~~or member~~ as defined in this subsection (i), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation ~~or limited liability company~~ lands. This document must be attached to the application upon submittal to the Permit Office. This shareholder/~~member~~ turkey permit shall be free to eligible residents and the cost to eligible nonresidents shall be \$37.50.

2)4) Bona fide equity shareholder means an individual who:

A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the

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corporate assets represented by the ownership in the corporation;
or is a member of a closely-held family-owned corporation and has
purchased or been gifted with shares of stock in the corporation
accurately reflecting his or her percentage of ownership; and

- B) intends to retain the ownership of the shares of stock for at least 5 years.

2) ~~Bona fide equity member means an individual who:~~

- A) ~~became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act [805 ILCS 180]; and~~

- B) ~~intends to retain the membership for at least 5 years.~~

(Source: Amended at 29 Ill. Reg. 20484, effective December 2, 2005)

Section 710.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live or electronic turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait);
- b) to take any wild turkey except a hen with a visible beard or a gobbler (male);
- c) to take, or attempt to take, more than three wild turkeys during the spring season, one must have a valid permit for each turkey that is taken;
- d) to use any weapon except a shotgun or bow and arrow. #4 shot is the largest and #7½ is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches and broadheads must

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be used. Broadheads may have fixed or expandable blades, but they must ~~be barbless and~~ have a minimum $\frac{7}{8}$ inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable blades must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal;

- e) to hunt except from $\frac{1}{2}$ hour before sunrise to 1:00 p.m. during each day of the season;
- f) for any person having taken the legal limit of wild turkeys to further participate with a weapon in any hunting party for the purpose of taking additional wild turkeys;
- g) for any person to possess while in the field during wild turkey season any turkey permit issued to another person (permits are non-transferable);
- h) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must cut out the designated notch on the leg tag to invalidate it, and the tag must be affixed to the turkey. Successful hunters must register their harvest by 3:00 p.m. on the same calendar day as the turkey was taken by calling the toll-free telephone [check-in system at 1-866-ILCHECK](tel:1-866-ILCHECK) or by [accessing the on-line check-in system at http://dnr.state.il.us/vcheck](http://dnr.state.il.us/vcheck)~~number provided with their turkey hunting permit~~. Hunters must provide all information requested by the ~~telephone~~ check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter on the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in;
- i) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.;
- j) for any person to hunt wild turkeys without possessing a Wild Turkey Hunting Permit which shall include the hunter's signature recorded on the permit and carried on the person while hunting, except that a person without a weapon may accompany a turkey hunter as a caller or observer;

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- k) for any person to use a turkey call that imitates sounds made by a turkey or to attempt to call a turkey by making these sounds while in the field in the Southern Zone from March 15 through the day before the 1st turkey season and in the Northern Zone from March 22 through the day before the 1st turkey season. This prohibition only applies in counties open to spring turkey hunting. This prohibition does not apply to participants in the Youth Turkey Hunt with a valid permit, or their accompanying adult, during that season as prescribed by Section 710.70.

(Source: Amended at 29 Ill. Reg. 20484, effective December 2, 2005)

Section 710.50 Regulations at Various Department-Owned or -Managed Sites

- a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.
- b) Hunters must sign in/sign out at all sites in subsections (c) and (d) which are followed by a (1).
- c) Statewide regulations shall apply for the following sites:
- Anderson Lake Conservation Area (1)
 - Argyle Lake State Park (1)
 - Cache River State Natural Area (1)
 - Campbell Pond Wildlife Management Area
 - Carlyle Lake Wildlife Management Area
 - Cypress Pond State Natural Area (1)
 - Deer Pond State Natural Area (1)

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Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1)

Ferne Clyffe State Park – Cedar Draper Bluff Hunting Area (1)

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only) (1)

Franklin Creek State Park (1)

Giant City State Park (1)

Horseshoe Lake Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

~~I-24 Wildlife Management Area (1)~~

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (except for that area lying north of Highway 154, east of the Kaskaskia River, and south of the Risdon School Road and Beck's Landing access road; a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area. The hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Nauvoo State Park (Max Rowe Unit only)

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Oakford Conservation Area

Pere Marquette State Park (designated area only) (1)

Ray Norbut Fish and Wildlife Area (1)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (1)

Sanganois Conservation Area (site issued free permit required)

Sielbeck Forest State Natural Area (1)

Skinner Farm State Habitat Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area – Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (~~Spunky Bottoms~~ Markert Unit)

Wildcat Hollow State Forest (1)

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park – Thompson and Salem Units (1)

Beaver Dam State Park

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- Big Bend State Fish and Wildlife Area (1)
- Big River State Forest (1)
- Castle Rock State Park (1)
- Clinton Lake State Recreation Area
- Coffeen Lake State Fish and Wildlife Area
- Crawford County Conservation Area
- Dixon Springs State Park (youth ages 10-15 only) (1)
- Falling Down Prairie State Natural Area (1)
- Ferne Clyffe Hunting Area (1)
- Fort Massac State Park (Youth Ages 10-15 only) (1)
- Fox Ridge State Park (1)
- Green River State Wildlife Area (1)
- Hamilton County Conservation Area
- Hanover Bluff State Natural Area (1)
- Harry "Babe" Woodyard State Natural Area (1)
- Hidden Springs State Forest (first 2 seasons only) (1)
- Horseshoe Lake State Park (Madison County)
- Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein,
Chouteau Island Units
- Hurricane Creek Habitat Area (must have Fox Ridge State Park permit)
(1)

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Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area

~~Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)~~

Johnson-Sauk Trail State Park (1)

Kankakee River State Park (hunting hours are from one-half hour before sunrise until 12:00 noon) (1)

Kickapoo State Park (1)

Kishwaukee River State Fish and Wildlife Area

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from one-half hour before sunrise until 8:30 a.m.; if space is available after site permit holders have checked in or if there have been no site specific permits issued, La Salle County permit holders who have an unfilled permit for the current season may be allowed on the site to hunt; if more La Salle County permit holders want to hunt than there are vacancies, a daily drawing at the site hunter check station will be held to determine who may enter the site to hunt) (1)

Marshall Fish and Wildlife Area (1)

Matthiessen State Park (South of Vermilion River Area) (1)

Meeker State Habitat Area

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closed during the fifth season) (1)

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Momence Wetlands (1)

Moraine View State Park (no hunting on weekends during 4th and 5th season) (1)

Newton Lake Fish and Wildlife Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park (1)

Pyramid State Park – East Conant Unit

Ramsey Lake State Park (1)

Randolph County Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit. These hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park

Red Hills State Park/Chauncey Marsh

Sahara Woods (1)

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sandy Ford State Natural Area

Sangamon County Conservation Area

Sanganois Conservation Area (Squirrel Timber Unit) (1)

DEPARTMENT OF NATURAL RESOURCES

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Sangchris Lake State Park

Siloam Springs State Park (1)

Siloam Springs State Park (Buckhorn Unit) (1)

Spoon River State Forest (1)

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Washington County Conservation Area (hunting hours are from ½ hour before sunrise until 12:00 noon) (1)

Weinberg-King State Park (Scripps Unit) (1)

Weldon Springs State Park – Piatt County Unit

Witkowsky State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 29 Ill. Reg. 20484, effective December 2, 2005)

Section 710.70 Spring Youth Turkey Hunt

- a) Hunting Dates
 - 1) Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.
 - 2) Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.

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- c) Eligibility: The Spring Youth Turkey Hunt is open only to Illinois residents under the age of 16 on the beginning date of the designated youth hunting days. All participating youths must have completed a Department-approved Hunter Education course.
- d) Permit Requirements – Spring Youth Turkey Hunt
- 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). For permit application and other information write to:

Illinois Department of Natural Resources
Youth Turkey Hunt
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227
 - 2) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.
 - 3) Each applicant must complete the official Department Youth Wild Turkey Permit application.
 - 4) Applications will be accepted through the second Monday in February.
 - 5) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
 - 6) If more than one application for an Illinois Youth Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.
 - 7) A \$3 service fee will be charged for replacement permits issued by the Department.
 - 8) The Youth Turkey Hunt Permit shall be valid only for the dates and counties listed on the permit. Each youth must also possess a valid Illinois

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hunting license and Habitat Stamp prior to hunting, unless exempt.
Hunting without a permit is a Class B misdemeanor [520 ILCS 5/2.9].

- 9) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)) an individual can receive for the Spring Wild Turkey Season .
- e) Youth Turkey Hunting Regulations
- 1) Each Illinois Youth Turkey Hunt Permit holder is required to be accompanied afield by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.
 - 2) All regulations prescribed by Section 710.30 of this Part apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions.

Anderson Lake Fish and Wildlife Area

Apple River Canyon State Park – Thompson and Salem Units (1)

Argyle Lake State Park

Big Bend Fish and Wildlife Area (Whiteside County)

Big River State Forest

Cache River State Natural Area

Castle Rock State Park

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Crab Orchard National Wildlife Refuge (Closed and Open Units)

Crawford County Conservation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Falling Down Prairie State Natural Area (1)

Ferne Clyffe State Park

Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area

Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area – Alexander County

~~I-24 Wildlife Management Area~~

~~Jim Edgar Panther Creek State Fish and Wildlife Area~~

~~Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)~~

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

Mackinaw River State Fish and Wildlife Area (1)

Mermet Lake State Fish and Wildlife Area

Moraine View State Park (free site permit required)

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Mississippi River Area Pools 21, 22, 24, 25 and 26

Momence Wetlands

Nauvoo State Park (Max Rowe Unit Only)

Newton Lake State Fish and Wildlife Area

Pere Marquette State Park (open area south of Graham Hollow Road only)
(1)

Pyramid State Park

Pyramid State Park – East Conant Unit

Ray Norbut Fish and Wildlife Area

Rend Lake Corps of Engineers-managed land in Jefferson and Franklin Counties

Rend Lake State Fish and Wildlife Area

Sam Parr State Park

~~Sangechris Lake State Park~~

Sielbeck Forest State Natural Area

Siloam Springs State Park

Siloam Springs State Park (Buckhorn Unit)

~~Skinner Farm State Habitat Area~~

~~Spoon River State Forest~~

~~Snake Den Hollow State Fish and Wildlife Area (Ives Unit)~~

Trail of Tears State Forest

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Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Weinberg-King State Park

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Markert Unit)

Weinberg-King State Park (Spunky Bottoms Scripps Unit)

Witkowsky State Wildlife Area (1)

- g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

Jim Edgar Panther Creek State Fish and Wildlife AreaSangchris Lake State Park

(Source: Amended at 29 Ill. Reg. 20484, effective December 2, 2005)

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1515.20	Amendment
1515.50	Amendment
- 4) Statutory Authority: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/Part 13.5].
- 5) Effective Date of Amendments: December 2, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 26, 2005; 29 Ill. Reg. 13165
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1515.20(a)(1), (b)(1), 1515.50(a)(1)(B)(iii) and (iv), and 1515.50(b) – changed symbol from ">" to "≥".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add language indicating that practices enhancing or creating habitat or desired environment as part of an IDNR-approved conservation plan may be eligible for cost-share on the enrolled

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property through IDNR and that total available funds for practices that enhance or create habitat or desired environment as part of an IDNR-approved conservation plan shall not exceed \$500,000 or 5%, whichever is less, of available CREP State funds for any given State fiscal year.

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

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

217/782-1809

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

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

Section

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

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

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

Section 1515.20 Eligibility Requirements

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

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

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- 1) Acres with a weighted average Erodibility Index (EI) \geq 12. Such acres will only be eligible if: such acres are adjacent to a stream corridor; the landowner agrees to enroll riparian areas in the stream corridor using CREP or any other CRP enrollment opportunity; the acres have become an uneconomic remnant as a result of the establishment of a riparian buffer; or the enrollment of the acres is required for effective functioning of a riparian buffer; and/or
 - 2) Riparian areas, defined as the 100 year floodplain of the Illinois River and its associated tributaries and streams in the watersheds specified in subsection (a) of this Section and shown in Exhibit A, or located within the watershed depicted in Exhibit A and determined to be for wetland restoration purposes, farmed wetlands, prior converted wetlands and wetlands farmed under natural conditions.
- b) The CRP practices eligible for use on the CREP enrollments to receive cost-share assistance are listed below. [Practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for use on the enrolled property.](#) Exceptions can be made to eligible practices or to standards within a practice if the USDA/IDNR approved conservation plan identifies extenuating circumstances that justify the exception.
- 1) For acres qualifying on the basis of erosion (must have an EI \geq 12):

Establishment of Permanent Native Grasses (CRP Practice CP 2)

Tree Planting (CRP Practice CP 3)

Hardwood Tree Planting (CRP Practice CP 3A)

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

Wildlife Food Plot (CRP Practice CP 12)

Rare and Declining Habitat (CRP Practice CP 25) – For prairie ecosystem restoration and tallgrass prairie/oak savanna ecosystem restoration
 - 2) For acres qualifying as riparian areas:

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Hardwood Tree Planting (CRP Practice CP 3A)

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

Shallow Water Areas for Wildlife (CRP Practice CP 9)

Wildlife Food Plot (CRP Practice CP 12)

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

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

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

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

(Source: Amended at 29 Ill. Reg. 20507, effective December 2, 2005)

Section 1515.50 Payments

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

- a) Bonus Payments
 - 1) Permanent Easements
 - A) The payment to a landowner for a voluntary permanent easement will be a lump sum payment equal to the CRP maximum annual rental rate as determined by FSA based on soil types (exclusive of

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any Federal incentive payments) times 15 years times 30 percent times number of acres enrolled. A minimum of 20 acres is required for sign-up unless the total eligible acreage held by the landowner is less than 20 acres, all acres are included in the sign-up, and the acres have been approved by IDNR due to location and relationship with adjacent enrollments.

- B) If the landowner elects a permanent easement option, additional non-cropped acres or acres in another CRP sign-up may be offered for the permanent easement. The landowner will receive a lump sum payment based on the formula set forth for the CREP State bonus payment for permanent easements, using the soil types on the additional acres. The landowner must agree to a conservation plan written and approved by the SWCD and IDNR and established at the time of enrollment for the total acreage in the permanent easement, but will receive no CREP State cost-share payment for any practice previously established on the additional non-cropped acres or other CRP acres. If applicable, the landowner may use another Federal and/or State cost-share program to implement acceptable practices on additional acres. Practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost-share on the enrolled property through IDNR. The criteria for a permanent easement on additional acres are:
- i) riparian acres: 100 year floodplain of the Illinois River and its tributaries within the targeted eligible area;
 - ii) acres must be adjacent to cropped acres enrolled in a CREP permanent easement; or adjacent to the stream but on opposite stream bank (same landowner);
 - iii) acres have an EI \geq 12 and need to be enrolled to meet the 20 acre minimum for permanent easements;
 - iv) acres have an EI \geq 12 and have been approved by IDNR because of location and relationship with the remainder of enrollment; and
 - v) acres must already be in acceptable practices based on soil

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types and wildlife benefits or the landowner must be willing to put the acres in an acceptable practice at landowner's expense. If applicable, the landowner may use another Federal and/or State cost-share program to implement the practices. A site visit by appropriate IDNR field staff may be required to determine the acceptability of the additional acres (non-cropped acres or acres in another CRP sign up) offered for permanent easement.

- 2) 15 Year Contract Supplement
The payment to a landowner for a 15 year contract supplement will be a lump sum payment that will equal 50 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any Federal incentive payments, times 15 years, times 30 percent times number of acres enrolled).
- 3) 35 Year Contract Supplement
The payment to a landowner for a 35 year contract supplement will be a lump sum payment that will equal 75 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any Federal incentive payments, times 15 years, times 30 percent times number of acres enrolled).

b) Cost-Share Payments

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

- 1) Landowners who enter into a voluntary CREP permanent easement will receive reimbursement at a 50 percent cost-share rate based upon FSA guidelines for the installation of CREP approved practices from the State. The amount of reimbursement to a landowner from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA. For practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan, reimbursement shall not exceed 100 percent of paid receipts for the approved practice.
- 2) Landowners who enter into a 15 year contract supplement or 35 year contract supplement on acres defined as riparian areas, farmed wetlands, prior converted wetlands, or wetlands farmed under natural conditions will

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receive reimbursement at a 40 percent cost-share rate based upon FSA guidelines for the installation of CREP approved practices from the State. The amount of reimbursement to a landowner from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA.

- 3) Landowners who enter into a 15 year contract supplement or 35 year contract supplement on acres defined on the basis of erodibility (weighted average Erodibility Index, $EI \geq 12$) will not receive State CREP cost-share reimbursement for CREP practice implementation. Landowners may receive reimbursement from other sources.
- 4) Landowners enrolling acres that meet all eligibility requirements in Section 1515.40(d) or (e) are not eligible for State CREP cost-share payment for any practice previously established on these acres. Practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost-share on the enrolled property. If applicable, the landowner may use another Federal and/or State cost share program to implement acceptable practices on these acres.

c) Mechanics of Payment

- 1) For executed contract supplements and permanent easements, the county SWCD shall complete an invoice voucher and submit to IDNR for a lump sum bonus payment.
- 2) The county SWCD will submit an invoice voucher to IDNR for the landowner's cost-share payment with completed USDA form AD-862 and completed USDA form AD-245.
- 3) If required, the county SWCD is responsible for providing surveyors with written directions that include all necessary information to conduct an appropriate survey (exclusionary or full boundary) for an enrollment. If proper information is not provided, the county SWCD may not receive full reimbursement for costs. If written approval from IDNR is not obtained for a survey on a 15 year or 35 year contract supplement, the county SWCD will not be reimbursed for any survey costs. Attorney fees incurred for county SWCD responsibilities, as described in Attachment B of the Contract Agreement between IDNR and the SWCD, are not eligible for reimbursement by the State. Detailed attorney billing statements must

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be submitted with vouchers.

- 4) No individual, or the combined maximum of governmental organizations, not-for-profit organizations, or mutually related benefiting organizations associated with a collective enrollment, shall receive payments greater than \$500,000 or 5 percent, whichever is less, of available CREP State funds for any given State fiscal year.
- 5) Total available funds for practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan shall not exceed \$500,000 or 5 percent, whichever is less, of available CREP State funds for any given State fiscal year.

(Source: Amended at 29 Ill. Reg. 20507, effective December 2, 2005)

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- 15) Summary and Purpose of Amendments: These amendments implement the provisions of Public Act 93-29, which repealed the credit for replacement property taxes paid and the training expense credit and changed the carryover period for Illinois net losses.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Paul Caselton
Deputy General Counsel - Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

(217) 782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section

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- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

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SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section

- 100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

- 100.3100 Compensation (IITA Section 302)

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- 100.3110 State (IITA Section 302)
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3200 Taxability in Other State (IITA Section 303)
100.3210 Commercial Domicile (IITA Section 303)
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
100.3350 Property Factor (IITA Section 304)
100.3360 Payroll Factor (IITA Section 304)
100.3370 Sales Factor (IITA Section 304)
100.3380 Special Rules (IITA Section 304)
100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

- 100.5000 Time for Filing Returns: Individuals (IITA Section 505)

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NOTICE OF ADOPTED AMENDMENTS

100.5010	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040	Innocent Spouses
100.5050	Frivolous Returns
100.5060	Reportable Transactions

SUBPART O: COMPOSITE RETURNS

Section	
100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
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AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941,

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effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum

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of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005.

SUBPART B: CREDITS

Section 100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))

- a) Section 201(c) imposes the Personal Property Tax Replacement Income Tax. This tax is measured by net income of every corporation (including Sub-chapter S corporations), partnership and trust, for each taxable year. The tax is imposed on the privilege of earning or receiving income in this State. The tax is in addition to the income tax imposed under IITA Sections 201(a) and (b). IITA Section 201(d) lists the tax rates for the Personal Property Tax Replacement Income Tax.
- b) For tax years ending prior to December 31, 2003, a credit is allowed against the Income Tax for Personal Property Tax Replacement Income Tax.
 - 1) For tax years ending before January 1, 1989, the credit is computed by multiplying the tax imposed by IITA Sections 201(c) and (d) by the apportionment percentage (or by 1 if the entity is non-apportioning). The result is further multiplied by the tax rate imposed by IITA Sections 201(a) and (b).
 - 2) For tax years ending on or after January 1, 1989, the credit is computed by multiplying the tax imposed by IITA Sections 201(c) and (d) by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income. The result is further multiplied by the tax rate imposed by IITA Sections 201(a) and (b).
- c) Any credit earned on or after December 31, 1986, under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed under IITA Sections 201(a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by IITA Sections 201(a) and (b) for the 5 taxable years following the excess credit year, provided that no credit may be carried forward to any year ending on or after December 31, 2003. The credit shall be applied first to the earliest year for which there is a liability. If there is a

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credit for more than one tax year that is available to offset a liability, the earliest credit shall be applied first.

- d) If, during any taxable year, the tax imposed by IITA Sections 201(c) and (d) for which a taxpayer has claimed the credit is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by IITA Sections 201(c) and (d). If any portion of the reduced amount of credit has been carried forward to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(Source: Amended at 29 Ill. Reg. 20516, effective December 2, 2005)

Section 100.2150 Training Expense Credit (IITA 201(j))

- a) Beginning with tax years ending on or after December 31, 1986 and prior to December 31, 2003, a taxpayer shall be allowed a credit against the tax imposed by IITA Sections 201(a) and (b) for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois, or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income (IITA Section 201(j)).
- b) The credit against the tax imposed by IITA Sections 201(a) and (b) shall be 1.6% of eligible training expenses (IITA Section 201(j)).
- c) All amounts paid for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields are eligible for the credit. No particular fields of employment are presumptively eligible or ineligible for the credit.
- 1) The Training Expense Credit was originally enacted into law as a training expense deduction by P.A. 83-650, the Prairie State 2000 Authority Act, and was later converted into the current Training Expense Credit by P.A. 84-1405. The Illinois General Assembly found that there existed a large surplus of workers throughout the State who are ready, willing and able to work but who lack the appropriate skills to perform the specialized tasks for modern business and industry....The General Assembly found that a substantial impediment to attracting new businesses and encouraging the

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modernization of existing businesses has been the shortage of workers who can perform the specialized tasks required by the new technologies of modern business. [20 ILCS 4020/2]

- 2) The credit is for the amounts paid or accrued for educational or vocational training in semi-technical or technical or semi-skilled or skilled fields.
 - A) The terms "semi-technical or technical fields or semi-skilled or skilled fields" do not refer to any particular occupation. This statutory language authorizes the credit for the costs of training of an employee to improve that employee's job skills within the scope of his or her employment.
 - B) The credit will be authorized for the costs of job-linked training that offers special skills for career advancement or that is preparatory for, and leads to, a job with definite career potential.
 - C) The credit will be authorized for amounts expended for training necessary to implement Total Quality Management or improvement systems within the workplace.
 - D) The credit will be authorized for training related to machinery or equipment.
 - E) The credit will be authorized for job-linked basic skills, which may include English as a second language and remedial training, necessary for employees to function effectively and safely in the workplace, or as a prerequisite for other training.

EXAMPLES: Training of a machine operator in skills necessary to operate a computer-assisted manufacturing machine would qualify for the credit. Training of the employees of a retailer in the operation of a cash register system that is designed to aid the retailer by resulting in faster sales and greater inventory control because of centralized linkage of the system to the retailer's headquarters would, assuming all other requirements are met, qualify for the credit. A course in how to supervise employees required of supervisors because of the installation of a computer system at the business with terminals in the homes of that supervisor's subordinates that allows those subordinates to work from their homes would qualify for the credit.

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- F) Training does not have to occur in a classroom. Training may be given by an employer to his or her employees, an employer may contract with a third party to provide the training, or an employer may reimburse an employee for the costs of training purchased by an employee. Eligible training may include self-study courses. Self-study courses will qualify if the employer demonstrates that the self-study coursework is training in semi-technical or technical or semi-skilled or skilled fields. Self-study training must be contrasted with the type "down time" reading which, as stated in subsection (d)(2)(B), below, does not qualify for the credit.
 - G) Training does not have to occur on the premises of the employer. Training does not have to occur in the State of Illinois. However, in order to claim costs of employee travel and lodging, an employer must document that the costs of travel were related to the training and were deducted in determining the employer's federal taxable income.
 - H) A training expense that would otherwise not qualify for the credit will not be deemed to qualify for the credit because of a designation of an employee as a probationary employee, a trainee, or a similar designation of that nature.
- d) Only amounts expended for eligible training will qualify as eligible training expenses. Such costs may or may not constitute "direct expenses" as that term is used in normal accounting parlance. Capitalized costs will not qualify for the credit. However, as noted below, depreciation expenses associated with capital expenditures may qualify for the credit. The term "compensation" used in this Section is defined in IITA Section 1501(a)(3).
- 1) The following costs qualify as eligible training expenses:
 - A) Compensation of employees for time spent in training others in in-house training will qualify as eligible training expenses, but the compensation must be prorated based on the amount of time actually spent in conducting the training.
 - B) Compensation of an employee for time spent in preparing for in-house training as or for an instructor will qualify because such

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compensation is an expense of the training.

- C) Compensation of an employee for time spent in training will qualify for the credit.
 - D) The cost of materials (i.e., slides, hand-outs, etc.) for in-house training will qualify for the credit because such costs are expenses of the training.
 - E) Pro-rata rent of a training facility is an expense eligible for the credit. Similarly, depreciation expenses for a training facility owned by a taxpayer or for equipment used for training are eligible expenses.
 - F) Costs of registration (including allocable wages of employees performing the registration) with state, federal or industry authorities may be eligible expenses, if such costs are related to eligible training.
 - G) Tuition reimbursement is an eligible expense provided that the tuition amounts were deducted in determining the employer's federal taxable income.
 - H) Costs of travel and lodging for eligible training provided that the costs were deducted in determining the employer's federal taxable income.
- 2) The following costs do not qualify as eligible training expenses:
- A) The cost of the training facility and equipment is not an eligible expense. Capital costs are not eligible for the credit. However, as noted above, depreciation expense is eligible.
 - B) Compensation of an employee for "down time" spent informally training (i.e., a mechanic with no machinery on which to work reading about new equipment, or a mechanic reading about specifications of equipment never before encountered) is not an eligible expense.
 - C) Compensation of an employee for time spent supervising another

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employee is not an eligible expense. For instance, a supervisor spending an hour a day reviewing and discussing a new employee's progress and planning the new employee's future work schedule would not be an eligible expense.

- D) Cost of a meal (breakfast or lunch) provided in the course of a brief training session is not an eligible expense. Similarly, the cost of meals provided to an employee during an all-day training session is not an eligible expense.
- 3) Employers must maintain records sufficient to document that the training is eligible training. Employers must maintain records that document the amounts expended for eligible training expenses. An employer may maintain documentation as required for the Industrial Training Program of the Illinois Department of Commerce and Community Affairs (see 56 Ill. Adm. Code 2650.120), or as maintained by employers in compliance with the requirements of the Illinois Secretary of State's Workplace Literacy Program (see 23 Ill. Adm. Code 3040.220 and 3040.240) for purposes of documentation for the Training Expense Credit. Employers may claim the credit based upon average or standard costs of training each employee. The documentation of amounts expended for eligible training expenses, or documentation maintained to claim the credit based upon average or standard costs, must be sufficient to demonstrate that the training for which the credit is claimed is on behalf of persons employed by the taxpayer in Illinois, or Illinois residents employed outside of Illinois by the taxpayer, the training qualifies for the credit under the standards of subsection (b) of this Section above, and the expenditures are eligible training expenses under the standards of subsection (d)(1) above. In the event an employer claims the credit based upon average or standard costs, this documentation must include detailed information concerning the methodology utilized in determining the average or standard costs.
- e) For purposes of the training expense credit and this rule, the term "persons employed by the taxpayer in Illinois" shall include both employees whose compensation is subject to withholding under IITA Section 701 (including employees who are exempt from withholding pursuant to IITA Section 701(d)). A person is employed in Illinois by the taxpayer if that person has "compensation paid in this State" as that term is defined in IITA Section 304(a)(2)(B). Sole proprietors, partners of partnerships, shareholders of corporations, beneficiaries of trusts or estates, or other individuals who own an interest in the employer are not

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employees for purposes of this credit, unless in the case of shareholders or beneficiaries, they are able to demonstrate that, separate and apart from their ownership status, they are also employees of the concern.

- f) *For partners and shareholders of subchapter S corporations, there shall be allowed a credit under IITA Section 201(j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code (IITA Section 201(j)).*
- g) *Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. No carryforward credit may be claimed in any tax year ending on or after December 31, 2003. (IITA Section 201(j))-*

(Source: Amended at 29 Ill. Reg. 20516, effective December 2, 2005)

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

**Section 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses
Occurring On or After December 31, 1986**

- a) IITA Section 207(a) provides for carryover deductions of any losses that result *after applying all of the modifications provided for in Section 203(b)(2), (c)(2) and (d)(2) and the allocation and apportionment provisions of Article 3 of the Act.*
- b) Years to which Illinois net losses may be carried
 - 1) Years to which Illinois net losses may be carried. Under IITA Section 207(a)(2), an Illinois net loss incurred in a tax year ending on or after December 31, 1999 and prior to December 31, 2003, may be carried back to the two preceding tax years or carried forward to the 20 succeeding tax years. Under IITA Section 207(a)(3), for any taxable year ending on or after December 31, 2003, the loss shall only be allowed as a carryover to each of the 12 taxable years following the taxable year of the loss. For tax years ending prior to December 31, 1999, IITA Section 207(a)(1) provides

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that a carryback or carryover deduction shall be allowed in the manner allowed under Section 172 of the Internal Revenue Code. The federal rules concerning the years to which a loss may be carried are contained in Section 172(b) of the Code and in Treas. Reg. Sec. 1.172-4(a)(1). These rules, as now in effect or hereafter amended, shall be followed for Illinois income tax purposes and shall apply to corporations, partnerships, trusts and estates. In general, for Illinois net losses incurred in tax years beginning prior to August 6, 1997, the net loss shall be carried back to the three preceding taxable years and shall be carried over to the 15 succeeding taxable years. For Illinois net losses incurred in tax years beginning on or after August 6, 1997 and ending prior to December 31, 1999, the loss may generally be carried back to the two preceding tax years and carried forward to the 20 succeeding tax years. In taxable years ending prior to December 31, 1999, special provisions applied to regulated transportation companies, financial institutions, product liability losses and other entities or situations, and the provisions in Section 172(b) of the Internal Revenue Code and the related Treasury Regulations relating to the years to which a loss incurred in one of those years may be carried shall be followed.

- 2) Specific rules for losses incurred in taxable years ending prior to December 31, 1999. IITA Section 207(a)(1) provides that, *for any taxable year ending prior to December 31, 1999, such loss shall be allowed as a carryover or carryback deduction in the manner allowed under Section 172 of the Internal Revenue Code.* Pursuant to this provision:
 - A) For losses incurred in taxable years beginning prior to August 6, 1997, a loss generally would be carried back to each of the 3 taxable years preceding the taxable year in which the loss was incurred and to each of the 15 taxable years following the taxable year in which the loss was incurred. (From Section 172(b)(1)(A) of the Internal Revenue Code, as in effect prior to enactment of Public Law 105-34.)
 - B) For losses incurred in taxable years beginning after August 5, 1997, a loss generally would be carried back to each of the 2 taxable years preceding the taxable year in which the loss was incurred and to each of the 20 taxable years following the taxable year in which the loss was incurred. (From Section 172(b)(1)(A) of the Internal Revenue Code, as in effect after enactment of Public

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Law 105-34.)

- C) Special carryover periods allowed under Section 172(b) of the Internal Revenue Code for specific kinds of losses or taxpayers also apply. For example:
- i) "Specified liability losses" may be carried back to each of the 10 taxable years preceding the taxable year in which the loss was incurred. (From Section 172(b)(1)(C) of the Internal Revenue Code.)
 - ii) For losses incurred in taxable years beginning after December 31, 1986, and ending before January 1, 1994, bad debt losses of commercial banks may be carried back to each of the 10 taxable years preceding the taxable year in which the loss was incurred and to each of the 5 taxable years following the taxable year in which the loss was incurred. (From Section 172(b)(1)(D) of the Internal Revenue Code.)
- 3) ~~Specific rules for losses incurred in taxable years ending on or after December 31, 1999. HTA Section 207(a)(2) provides that, for any taxable year ending on or after December 31, 1999, such loss shall be allowed as a carryback to each of the 2 taxable years preceding the taxable year of such loss and shall be a net operating carryover to each of the 20 taxable years following the taxable year of such loss.~~
- c) Election to forgo carryback period
- 1) For losses incurred in tax years ending prior to December 31, 2003, IITA Section 207(a-5)(A)(a)(2)(A) allows the taxpayer to elect to relinquish the entire carryback period with respect to such loss. Such election shall be made on the taxpayer's return for the taxable year in which the loss is incurred and shall be made by the due date (including extensions of time) for filing of such return. If an election is made, the loss may be carried forward and deducted only in years subsequent to the taxable year in which the loss was incurred. *Such election, once made, shall be irrevocable.*
 - 2) If such election is made on any return which is filed in accordance with

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Section 502(e) of the Illinois Income Tax Act, the election will be considered to be in effect for all eligible members of the return for the taxable year for which such election is made.

- 3) If the timely return for the taxable year reflects Illinois income and:
- A) a finalized federal change eliminates Illinois income thereby creating an Illinois net loss for the year, the taxpayer may make the election to relinquish the entire carryback period for the Illinois net loss on an amended return or form prescribed by the Department within the 120 day time period prescribed by Section 506(b) of the Illinois Income Tax Act, or
 - B) an Illinois audit or other Illinois change eliminates Illinois income thereby creating an Illinois net loss for the year, the taxpayer may make the election to relinquish the entire carryback period for the Illinois net loss on forms prescribed by the Department at the time the loss is first reported to Illinois.
- d) Portion of Illinois net loss which is a carryback or a carryover to the taxable year in issue. Pursuant to IITA Section 207(~~a-5)(B)(a)(2)(B)~~), *the entire amount of such loss shall be carried to the earliest taxable year to which such loss may be carried. The amount of such loss, which shall be carried to each of the other taxable years, shall be the excess, if any, of the amount of such loss over the sum of the deductions for carryback or carryover of such loss allowable for each of the prior taxable years to which such loss may be carried.* This is illustrated in the following Example.
- EXAMPLE: A taxpayer that makes its return on the calendar year basis has an Illinois net loss for 1986. Under the provisions of Section 172(b) of the Internal Revenue Code as in effect in that year, the entire net loss for 1986 may be carried back to 1983. The amount of the carryback to 1984 is the excess of the 1986 loss over the net income for 1983. The amount of the carryback to 1985 is the excess of the 1986 loss over the aggregate of the net incomes for 1983 and 1984. The amount of the carryover to 1987 is the excess of the 1986 loss over the aggregate of the net incomes for 1983, 1984, and 1985, etc.
- e) Carryover of pre-12/31/86 loss and post-12/30/86 loss. Net operating losses incurred prior to December 31, 1986, can be carried over into years in which Illinois net losses (incurred on or after December 31, 1986) are also carried. In

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such cases, the former losses will be treated as an adjustment to taxable income (i.e., before apportionment) while the latter will be a deduction in computing Illinois net income (i.e., after apportionment). This is illustrated in the following Example.

EXAMPLE: Corporation A is a calendar year taxpayer. It has no partnership income and no nonbusiness income. In 1985, it reported a federal net operating loss of \$1000, and on its Illinois return for 1986, it reported an Illinois net loss of \$50, neither of which could be carried back to prior years due to losses existing in those years. In 1987, A had federal taxable income (before special deductions) of \$200, and Illinois addition modifications of \$100. Corporation A would compute its Illinois net income in 1987 as follows: The \$1000 net operating loss from 1985 would offset the \$200 of 1987 federal taxable income and would offset the \$100 of 1987 Illinois addition modifications. In 1988, Corporation A would have remaining \$700 of net operating loss carryover from 1985 and \$50 of Illinois net loss carryover from 1986.

- f) Special rules
- 1) IITA Section 207(b) provides that *any loss determined under subsection (a) of this Section must be carried back or carried forward in the same manner for purposes of both the regular income tax imposed by IITA Section 201(a) and (b) and the personal property replacement income tax imposed under IITA Section 201(c) and (d).*
 - 2) For the carryforward of losses incurred prior to certain corporate or partnership reorganizations or acquisitions, see IITA Section 405.
 - 3) IITA Section 207(a) provides that losses that may be carried over and deducted in other years are those losses that result after the modifications of IITA Section 203(b)(2), (c)(2) and (d)(2) are made, and after the allocation and apportionment rules of IITA Article 3 are applied. Accordingly:
 - A) No exemption allowed under IITA Section 204 shall be taken into account in computing a loss that may be carried over and deducted under IITA Section 207; and
 - B) No deduction for any loss carried over pursuant to IITA Section 207 may be taken into account in computing a loss that may be

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carried to and deducted in another taxable year under IITA Section 207.

- 4) Subchapter S corporations and partnerships
- A) IITA Section 207(a) allows the carryover of losses that result after the modifications of IITA Section 203(b)(2) and (d)(2) are made. IITA Section 203(b) applies to Subchapter S corporations and IITA Section 203(d) applies to partnerships. Accordingly, IITA Section 207 allows Subchapter S corporations and partnerships carryover deductions for losses incurred.
- B) Neither IITA Section 207 nor Section 172 of the Internal Revenue Code distinguishes between Subchapter S corporations and corporations governed by Subchapter C of the Internal Revenue Code. Section 1363(b)(2) of the Internal Revenue Code provides that no net operating deduction allowable under Section 172 of the Internal Revenue Code shall be allowed in the computation of taxable income of a Subchapter S corporation and Section 1371(b) of the Internal Revenue Code prohibits any carryforward or carryback between a taxable year in which a corporation is a Subchapter S corporation and a taxable year in which it is not. Neither Section 1363 nor Section 1371 of the Internal Revenue Code is applicable to the carryover and deduction of losses under IITA Section 207. Accordingly, subject to the other provisions of this Section, a loss incurred in a taxable year in which a corporation is a Subchapter S corporation shall be carried to and deducted in any taxable year in which it is not a Subchapter S corporation in the same manner as if the corporation were a Subchapter S corporation in that year, and a loss incurred in a taxable year in which a corporation is not a Subchapter S corporation shall likewise be carried to and deducted in any taxable year in which it is a Subchapter S corporation.

EXAMPLE: X Corporation is a Subchapter S corporation throughout the calendar year 1998. Effective for 1999, X Corporation's Subchapter S election is terminated. In 2000, X Corporation incurs an Illinois loss. Unless X Corporation elects to carry the loss forward only, the loss must first be carried back and deducted in 1998 and only the amount of loss in excess of 1998

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taxable income may be carried to 1999 and subsequent years.

- C) Losses carried over pursuant to IITA Section 207 are deductible only under that Section, and that Section allows the deduction only of losses that result when the taxpayer's own taxable income is less than zero. Accordingly, no loss carried over and deducted by a partnership or Subchapter S corporation in a taxable year may reduce the taxable income of any partner or shareholder of the taxpayer in that taxable year.

(Source: Amended at 29 Ill. Reg. 20516, effective December 2, 2005)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section Number: 1.2036 Emergency Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].
- 5) Effective Date of Amendments: After approval of the Governor's Office and upon submission to Secretary of State/JCAR
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking has no earlier effective date specified.
- 7) Date Filed with the Index Department:
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: A provision in the bargaining unit agreement with AFSCME has caused the State to re-examine the way in which IT contractors are acquired and used. This amendment is the result of the agency investigating various methods to address the issue while being in full compliance with the union agreement. Further, the agreement contains a December 31, 2005 deadline thus creating the immediate need for the amended language. The new procurement method afforded by this amendment will enable the State to move quickly in establishing a means to allow state agencies the ability to meet IT development and support needs in a more expedited and cost controlled manner than they can be obtained today. Further, the new method proposed in this amendment provides for greater transparency than what exists today into the awards made for the use of IT contractors.
- 10) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking provides more definition to the existing rule on the multiple award method of source selection and contracting. Specifically, there are circumstances where it is difficult to obtain quality service providers in the time frames normally used at reasonable prices. The proposed amendments would competitively qualify vendors that meet requirements and who agree to pricing set by the State. The State would make this determination after

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NOTICE OF EMERGENCY AMENDMENT

receipt and review of bid prices and consideration of price information available from other sources. Those vendors would be awarded master contracts. When an agency had a need, it would accept the vendor selected by a random process or could set additional qualifications and conduct an expedited competitive process. Agencies would be able to have services start almost immediately and would not have to wait the several weeks or months necessary to conduct a normal procurement. This amendment brings low pricing, expedited processing and more competition, especially for small and Business Enterprise Program (BEP) vendors.

11) Are there any proposed amendment to this Part pending? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
1.4545	Amendment	29 Ill. Reg. 1486; 01/28/05
1.08	Amendment	29 Ill. Reg. 15678; 10/21/05
1.15	Amendment	29 Ill. Reg. 15678; 10/21/05
1.25	Amendment	29 Ill. Reg. 15678; 10/21/05
1.1040	Amendment	29 Ill. Reg. 15678; 10/21/05
1.1050	Amendment	29 Ill. Reg. 15678; 10/21/05
1.1525	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2005	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2010	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2012	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2015	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2020	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2025	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2030	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2037	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2038	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2040	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2045	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2046	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2050	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2060	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2560	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2575	New Section	29 Ill. Reg. 15678; 10/21/05
1.2800	Amendment	29 Ill. Reg. 15678; 10/21/05
1.4535	Amendment	29 Ill. Reg. 15678; 10/21/05
1.4575	New Section	29 Ill. Reg. 15678; 10/21/05
1.5520	Amendment	29 Ill. Reg. 15678; 10/21/05
1.5550	Amendment	29 Ill. Reg. 15678; 10/21/05

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- 12) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate for units of local government, school districts or community college districts.
- 13) Information and questions regarding this rulemaking shall be directed to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/785-1793

OR

Ben Bagby
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, IL 62706

217/782-9491

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 1

STANDARD PROCUREMENT

SUBPART A: GENERAL

Section

- 1.01 Title
- 1.05 Policy
- 1.08 Purpose and Implementation of This Part
- 1.10 Application
- 1.15 Definition of Terms Used in This Part
- 1.25 Property Rights
- 1.30 Constitutional Officers, and Legislative and Judicial Branches

SUBPART B: PROCUREMENT RULES

Section

- 1.525 Rules

SUBPART C: PROCUREMENT AUTHORITY

Section

- 1.1005 Exercise of Procurement Authority
- 1.1010 Appointment of State Purchasing Officer
- 1.1030 Associate Procurement Officers
- 1.1040 Central Procurement Authority of the CPO
- 1.1050 Procurement Authority of the SPO; Limitations
- 1.1060 Delegation
- 1.1070 Toll Highway Authority
- 1.1075 Department of Natural Resources
- 1.1080 Illinois Mathematics and Science Academy

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section

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- 1.1510 Illinois Procurement Bulletin
- 1.1525 Bulletin Content
- 1.1550 Official State Newspaper
- 1.1560 Supplemental Notice
- 1.1570 Error in Notice
- 1.1580 Direct Solicitation
- 1.1590 Retention of Bulletin Information

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section

- 1.2005 General Provisions
- 1.2010 Competitive Sealed Bidding
- 1.2012 Multi-Step Sealed Bidding
- 1.2015 Competitive Sealed Proposals
- 1.2020 Small Purchases
- 1.2025 Sole Economically Feasible Source Procurement
- 1.2030 Emergency Procurements
- 1.2035 Competitive Selection Procedures for Professional and Artistic Services
- 1.2036 Other Methods of Source Selection

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- 1.2037 Tie Bids and Proposals
- 1.2038 Mistakes
- 1.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section

- 1.2043 Suppliers
- 1.2044 Vendor List/Required Use
- 1.2045 Prequalification
- 1.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section

- 1.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

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Section
1.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section
1.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section
1.2060 Duration of Contracts – General

SUBPART K: CONTRACT MATTERS

Section
1.2560 Prevailing Wage
1.2570 Equal Employment Opportunity; Affirmative Action

SUBPART L: CONTRACT PRICING

Section
1.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section
1.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
1.4005 Real Property Leases and Capital Improvement Leases

SUBPART O: PREFERENCES

Section
1.4505 Procurement Preferences
1.4510 Resident Bidder Preference

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- 1.4530 Correctional Industries
- 1.4535 Sheltered Workshops for the Disabled
- 1.4540 Gas Mileage
- 1.4545 Small Business
- 1.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART P: ETHICS

- Section
- 1.5013 Conflicts of Interest
- 1.5015 Negotiations for Future Employment
- 1.5020 Exemptions
- 1.5030 Revolving Door
- 1.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART Q: CONCESSIONS

- Section
- 1.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

- Section
- 1.5510 Complaints Against Vendors
- 1.5520 Suspension
- 1.5530 Resolution of Contract Controversies
- 1.5540 Violation of Law or Rule
- 1.5550 Protests

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

- Section
- 1.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

- Section
- 1.6500 General
- 1.6510 No Agency Relationship

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- 1.6520 Obligations of Participating Governmental Units
- 1.6530 Centralized Contracts – Estimated Quantities
- 1.6535 Centralized Contracts – Definite Quantities

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

- Section
- 1.7000 Severability
- 1.7010 Government Furnished Property
- 1.7015 Inspections
- 1.7020 Records and Audits
- 1.7025 Written Determinations
- 1.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. 9015, effective July 1, 1996; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12632, effective July 1, 1998, for a maximum of 150 days, and new Part adopted by emergency rulemaking at 22 Ill. Reg. 12726, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20875, effective November 25, 1998; emergency amendment at 23 Ill. Reg. 2812, effective February 16, 1999, for a maximum of 150 days; emergency expired on July 15, 1999; emergency amendment at 23 Ill. Reg. 5869, effective April 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7075, effective June 7, 1999; amended at 24 Ill. Reg. 1900, effective January 21, 2000; amended at 26 Ill. Reg. 13189, effective August 23, 2002; emergency amendment at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 1.2036 Other Methods of Source Selection**EMERGENCY**

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a) Split Award

- 1) An award of a definite quantity requirement may be split between bidders or offerors. Each portion shall be for a definite quantity and the sum of the portions shall be the total definite quantity required. A split award may be used only when award to more than one bidder or offeror for different amounts of the same item are necessary to obtain the total quantity or the required delivery.
- 2) The Procurement Officer shall make a written determination setting forth the reasons for the split award, which determination shall be made a part of the procurement file.

b) Multiple Award

1) General Conditions

A4) A multiple award is an award of an indefinite quantity contract to more than one bidder or offeror when the State is obligated to order all of its actual requirements from those vendors.

B2) A multiple award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Any multiple award shall be made in accordance with the provisions of Section 1.2010 (Competitive Sealed Bidding), Section 1.2015 (Competitive Sealed Proposals), Section 1.2020 (Small Purchases), and Section 1.2030 (Emergency Procurements), as applicable. Awards shall not be made for the purpose of simply dividing the business or to select products or suppliers to allow for user preference unrelated to utility or economy. Any such awards shall be limited to the least number of suppliers necessary to meet the valid requirements of State agencies.

C3) The State shall reserve the right to take bids separately if a particular quantity requirement arises that exceeds its normal requirement or an amount specified in the contract.

D4) If a multiple award is anticipated, the solicitation shall state this

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fact as well as the criteria for award.

E5) In a multiple award situation, one vendor may be designated as the primary recipient of orders. The other awardees may receive orders in the event the primary vendor is unable to deliver or for other reasons as determined by the Procurement Officer.

2) Multiple Award with Set Rate

A) Notwithstanding anything to the contrary in this Part, when the Chief Procurement Officer, but not a designee, determines in writing that it is in the best interest of the State, a procuring agency may enter into contracts with multiple vendors under a process that provides for prequalification, agreement to perform at a set rate, and final selection based on equitable distribution of work among qualified vendors.

B) The Chief Procurement Officer's written determination shall include a statement detailing why the methods of source selection described in Article 20 of the Code are not reasonably adequate to meet the needs of the State. The justification shall include a statement of the need for and the advantage to be derived from multiple vendor availability at a set rate of reimbursement, as well as the capability to determine the rate of reimbursement that will ensure maximum overall advantage to the State.

C) Vendors shall be prequalified once per fiscal year, or as often as necessary, through use of a competitive sealed proposal. The minimum qualifications (including performance standards and agreement to provide services at a set rate determined by the State) and the method of obtaining and setting rates shall be stated in the solicitation advertised in the Illinois Procurement Bulletin. Those vendors meeting minimum qualifications shall be offered non-exclusive indefinite quantity master contracts against which a procuring agency may later place one or more orders on an as needed basis in accordance with the vendor selection procedure set forth in subsection (b)(2)(F).

D) The procuring agency may set in the solicitation the rate that vendors must agree to bill. In general, this rate shall be the lowest

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rate at which a sufficient number of vendors are ready, willing and able to meet the State's needs. The procurement file shall show the procuring agency has conducted sufficient market research (such as reviewing past State contract rates, reference to GSA or other governmental contract rates, or private sector rates determined by internal or industry expert surveys) that the public can have confidence the rate provides overall advantage to the State. Alternatively, the procuring agency may require that vendors submit prices, including disclosable prices, and shall use that price information, best and finals, and market research to propose or establish the rate that vendors must bill. While the lowest price offered will be a consideration, that price will not necessarily be the set price.

- E) Vendor's not willing to agree to bill at the set rate may be rejected or may have their contracts restricted to use in special circumstances approved by the Chief Procurement Officer.
- F) The procuring agency shall select the vendor to meet its particular needs by selecting a master contract holder on a random basis. If the procuring agency determines that exceptional circumstances exist such that random vendor selection does not meet its needs, the procuring agency may submit an alternate selection request to the Chief Procurement Officer, setting forth all reasons why a random vendor selection would not reasonably meet the needs of the agency. In the event that the Chief Procurement Officer determines, in writing, that exceptional circumstances exist such that random vendor selection is not the most advantageous means of selection, the procuring agency may select a vendor to meet its particular needs by:
 - i) contacting all applicable master contract holders and selecting the one with the best qualifications; or
 - ii) contacting at least three applicable master contract holders selected by the Chief Procurement Officer on a random or rotating basis and selecting the one with the best qualifications.

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- G) In order to ensure the continued availability of the set of master contract holders, all potential orders shall be monitored by the CPO to ensure the equitable distribution of work and that no single vendor has an unwarranted disproportionate share of the available work. The CPO may, to avoid a disproportionate distribution of work, remove a vendor from consideration for a period of time. Further, potential orders may be set-aside for small business.
- H) It shall be the affirmative obligation of each vendor with a master contract to update information provided to the State regarding its continued ability to provide the contracted service. Master contracts may provide that vendors who cannot perform the required services when contacted and who have not provided the updated information may be taken out of consideration for orders for a period of time, including until the next prequalification.
- I) The procurement file shall contain justification for the selection of the master contract vendors and each selection to meet the particular need. The procuring agency shall publish the names of the vendors selected to receive master contracts and the name of each vendor selected to receive an order to meet the procuring agency's particular need.

c) Term and Condition Contracts

- 1) A term and condition contract contains agreed contractual terms and conditions established for the convenience of the parties to be used in conjunction with a subsequent procurement and processed in accordance with the requirements of the Code and this Part. A term and condition contract is not a procurement. It creates no obligation on the part of the State to procure from the vendor nor does it create an authorization for a State agency to order based on that term and condition contract, except as provided in subsection (c)(2).
- 2) Orders may be placed against term and condition contracts without use of any prescribed method of source selection for convenience of processing sole source, emergency or small procurements. Agencies with reasonably defined repetitive small needs that, over the course of a fiscal year, are likely to exceed the small purchase amount set in Section 20-20 of the Code and this Part should consider a competitive method of source

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selection to contract for those repetitive needs.

- d) Auction
Purchases may be made at auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition is not required and the amount payable shall be the amount bid and accepted plus any required buyer's premium.
- e) Non-governmental Joint Purchase
 - 1) The CPO may enter into (or authorize one or more SPOs to enter into) an agreement with a person not eligible for the Governmental Joint Purchasing Act for the joint procurement of anything covered by the Code. Any method of source selection may be used and may be modified or adapted to meet the needs of the non-State entity.
 - 2) The primary use of this provision shall be to accommodate mutual relationships between the State and not-for-profit groups whose purpose is to conduct programs adjunct to those of the State agency that is party to the contract.
- f) Federal Requirements
The Procurement Officer for any State agency receiving federal aid funds, grants or loans or otherwise subject to federal entity requirements may conduct procurements in accordance with federal requirements that are necessary to receive or maintain those federal aid funds, grants or loans or to remain in compliance with federal requirements.
- g) Foreign Country Procurement
Procurements to meet the needs of State agency offices located in foreign countries shall comply with the Code and this Part whenever practicable. The SPO shall maintain a record of such action.
- h) Donations
 - 1) When a procurement will have the majority of funding from a donation, the terms of which donation require use of particular procurement or contracting procedures, the Procurement Officer may follow those procedures, but shall follow the Code and this Part whenever practicable.

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- 2) Donations may be acknowledged by the donee agency in a manner appropriate to the type of donation and the program activity associated with the donation. Acknowledgment may include, but need not be limited to, public announcement at the event or in donee agency publications, and inviting the donor to attend the program activity associated with the donation.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
310.80	Amendment
310.230	Amendment
310.290	Amendment
310.470	Amendment
310.Appendix B	Amendment
310.Appendix C	Amendment
310.Appendix D	Amendment
310.Appendix G	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 5) Effective Date of Amendments: December 2, 2005
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency amendments will not expire before the end of the 150 day period.
- 7) Date filed with the Index Department: December 2, 2005
- 8) This and other Pay Plan amendments are on file and available in the Division of Technical Services of the Bureau of Personnel.
- 9) Reason for Emergency: Effective December 2, 2005, specified rates and ranges receive a 4% adjustment increase and the related base salary for each employee, who has 12 months of State service or upon reaching 12 months of State service, receives a 4% adjustment increase without change in the employee's creditable service date.
- 10) A complete Description of the Subjects and Issues Involved: In Section 310.80(f), the effective date for this adjustment increase is December 2, 2005, as stated.

In Section 310.230, the 4% adjustment increase of rates and employees' base salaries is effective December 2, 2005.

In Section 310.290, the 4% adjustment increase of ranges and employees' base salaries is

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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effective December 2, 2005.

In Section 310.470, the 4% adjustment increase effective December 2, 2005 does not change employees' creditable service dates.

In Section 310.Appendix B, the 4% adjustment increase of rates and employees' base salaries is effective December 2, 2005.

In Section 310.Appendix C, the 4% adjustment increase of salaries and employees' base salaries is effective December 2, 2005.

In Section 310.Appendix D, the 4% adjustment increase of salaries and employees' base salaries is effective December 2, 2005.

In Section 310.Appendix G, the 4% adjustment increase of salaries and employees' base salaries is effective December 2, 2005.

11) Are there any proposed amendments to this Part pending? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.50	Amendment	29 Ill. Reg. 14420, 9/30/05
310.100	Amendment	29 Ill. Reg. 14420, 9/30/05
310.290	Amendment	29 Ill. Reg. 14420, 9/30/05
310.410	Amendment	29 Ill. Reg. 14420, 9/30/05
310.490	Amendment	29 Ill. Reg. 14420, 9/30/05
310.Appendix A Table AA	Amendment	29 Ill. Reg. 14420, 9/30/05
310.Appendix D	Amendment	29 Ill. Reg. 14420, 9/30/05

12) Statement of Statewide Policy Objective: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

13) Information and questions regarding these emergency amendments shall be directed to:

Mr. Jason Doggett
Acting Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services

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504 William G. Stratton Building
Springfield IL 62706

(217) 782-7964
Fax: (217) 524-4570

- 14) Does this amendment 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 Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section

- 310.20 Policy and Responsibilities
- 310.30 Jurisdiction
- 310.40 Pay Schedules
- 310.50 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

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- 310.90 Decreases in Pay
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310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2006

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

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

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

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8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended

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at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective

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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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 14, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory

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amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days.

SUBPART A: NARRATIVE

Section 310.80 Increases in Pay**EMERGENCY**

Except as otherwise provided for in this Section, for employees occupying positions in classes that are paid in conformance with the Schedule of Negotiated Rates (Appendix A) and the Schedule of Salary Grades (Appendix B), increases shall be granted as follows and will become effective the first day of the pay period following the date of approval:

- a) Satisfactory Performance Increase –
 - 1) Each employee who has not attained Step 8 of the relevant pay grade, and whose level of performance has been at a satisfactory level of competence, shall be successively advanced in pay to the next higher step in the pay grade after one year of creditable service in the same class. (Effective July 1, 2003, step increases are suspended for non-union positions and employees.)
 - 2) A satisfactory performance increase shall become effective on the first day of the month within which the required period of creditable service is reached.
 - 3) No satisfactory performance increase may be given after the effective date of separation.

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- b) Withholding Satisfactory Performance Increase – As an inducement toward attainment of satisfactory level of competence, satisfactory performance increases may be withheld from the employee who has not achieved a satisfactory level of performance. Such action must be supported by:
- 1) A performance record showing less than satisfactory performance. This must be prepared by the appropriate supervisor, discussed with the employee and approved by the agency head prior to the date the increase would otherwise become effective. The performance record will not be invalidated by refusal of an employee to sign. In such cases, an explanatory comment shall be made on the record by the supervisor. This record will be preserved by the agency.
 - 2) Notice of withholding of satisfactory performance increases to the Department of Central Management Services – It shall be reported upon completion of action required by subsection (b)(1), but not later than the submission of the payroll reflecting the denial of the increase.
- c) Redetermination – A satisfactory performance increase previously withheld shall be granted when the cause for withholding has been eliminated. Redetermination must be made at least annually. In such cases the increases will be effective the first day of the month following date of approval and will be preceded by the preparation and filing of a Performance Record within the agency indicating the attainment of satisfactory level of competence.
- d) Superior Performance Increase –
- 1) The head of an agency may grant a superior performance increase to an employee who characteristically carries out his/her work activities in such a way that the results are substantially above a satisfactory level of performance.
 - 2) An employee shall be eligible for a superior performance increase after six months continuous service. A minimum of 18 months must elapse between superior performance increases. A superior performance increase shall be for one step in the relevant pay grade. (Effective July 1, 2003, step increases are suspended for non-union and union positions and employees.)
 - 3) A superior performance increase does not affect the creditable service

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anniversary date. A performance record supporting a superior performance increase award shall be retained by each agency head, and shall be available to the Director of Central Management Services upon request.

- 4) During the fiscal year, the number of superior performance increases in an agency should not exceed one out of five employees.
- e) Other Pay Increases –
- 1) Promotion and Reallocation –
 - A) Normally, upon promotion or reallocation, an employee shall be advanced to the lowest step in the new grade that represents at least a full step increase in the former grade. When an employee is promoted from Step 8 after February 15, 2002, the employee shall be paid at the lowest step rate in the new range that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the new range that is at least equivalent to that amount.
 - B) Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services will consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.
 - 2) Reevaluation – If a higher pay grade is assigned to a class, the employee occupying the position in the class shall be advanced to the lowest step in the new grade that represents an increase in pay. If an employee becomes eligible for a satisfactory performance increase as a result of the reevaluation, a one-step increase will be granted immediately.
 - 3) Separation and Subsequent Appointment – Upon separation from a position of a given class and appointment within four calendar days to a

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position in a higher pay grade, an increase shall be given under the conditions and requirements applicable to promotions.

- f) Adjustment – An employee may receive an upward adjustment in his/her base salary for the purpose of correcting a previous error, oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The effective date for the 4% adjustment increase effective December 2, 2005 is as stated.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days)

SUBPART B: SCHEDULE OF RATES

Section 310.230 Part-Time Daily or Hourly Special Services Rate**EMERGENCY**

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the pay grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220 or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System (Subpart C). Effective December 2, 2005, Part-Time Daily or Hourly Special Services rates receive a 4% adjustment increase and the base salary for each employee, who has 12 months of State service or upon reaching 12 months of State service, receives a 4% adjustment increase without change in the employee's creditable service date.

<u>Position</u>	<u>Rates</u>
Account Technician II	14.10 to 19.49 (hourly) 106 to 146 (daily)
Building/Grounds Laborer	6.50 (hourly)
Building/Grounds Lead I	6.50 to 7.00 (hourly)

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Building/Grounds Lead II	6.50 to 8.00 (hourly)
Building/Grounds Maintenance Worker	6.50 (hourly)
Chaplain I	49 to 70 (daily)
Chemist I	49 (daily)
Conservation/Historic Preservation Worker	6.50 to 9.00 (hourly)
Conservation/Historic Preservation Worker (2nd season – site interpretation)	6.50 to 9.00 (hourly)
Conservation/Historic Preservation Worker (3rd season – site interpretation)	6.50 to 9.00 (hourly)
Dentist I	70 to 150 (daily)
Dentist II	100 to 185 (daily)
Educator	49 to 85 (daily)
Educator Aide	49 (daily)
Guard II	67 to 84 (daily)
Guard III	75 to 96 (daily)
Hearing and Speech Advanced Specialist	15 to 30 (hourly)
Hearings Referee	75 to 200 (daily)
Janitor I	6.50 (hourly)
Labor Maintenance Lead Worker	6.50 (hourly)
Laborer (Maintenance)	7.05 to 8.00 (hourly)
Maintenance Worker	6.50 (hourly)
Occupational Therapist Program Coordinator	49 to 160 (daily)
Office Aide	10.45 to 13.46 (hourly)
	78 to 101 (daily)
Office Assistant	12.18 to 16.04 (hourly)
	91 to 120 (daily)
Office Associate	12.24 to 16.42 (hourly)
	92 to 123 (daily)
Office Clerk	11.55 to 15.08 (hourly)
	87 to 113 (daily)
Optometrist	15 to 35 (hourly)
	50 to 160 (daily)
Physician	100 to 300 (daily)
Physician Specialist (A)	20 to 60 (hourly)
	100 to 325 (daily)
Physician Specialist (B)	20 to 70 (hourly)
	100 to 350 (daily)
Physician Specialist (C)	20 to 105 (hourly)
	100 to 360 (daily)
Physician Specialist (D)	20 to 115 (hourly)

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	100 to 370 (daily)
Podiatrist	50 to 125 (daily)
Psychologist I	49 to 80 (daily)
Psychologist II	49 to 125 (daily)
Psychologist III	49 to 150 (daily)
Recreation Worker I	6.50 (hourly)
	49 (daily)
Registered Nurse I	49 to 54 (daily)
Registered Nurse I (2nd or 3rd shift)	49 to 56 (daily)
Registered Nurse I (Cook County)	49 to 58 (daily)
Registered Nurse I (Cook County – 2nd or 3rd shift)	49 to 59 (daily)
Registered Nurse II	49 to 58 (daily)
Registered Nurse II (2nd or 3rd shift)	49 to 59 (daily)
Registered Nurse II (Cook County)	49 to 60 (daily)
Registered Nurse II (Cook County – 2nd or 3rd shift)	49 to 62 (daily)
Revenue Tax Specialist I	14.10 to 19.49 (hourly)
	106 to 146 (daily)
Social Worker II	49 to 75 (daily)
Social Worker III	49 to 80 (daily)
Student Intern	6.50 to 13.04 (hourly)
Student Worker	6.50 to 10.28 (hourly)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Veterinarian II	95 to 130 (daily)

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days)

Section 310.290 Out-of-State or Foreign Service Rate**EMERGENCY**

The out-of-state or foreign service rate is the rate of pay for employees occupying positions that require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment shall be made once a month to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances. (Effective July 1, 2003, adjustments, except those based on the currency exchange rate, are suspended for non-union positions and employees.) Effective December 2, 2005, Out-of-State or Foreign Service Rate

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ranges receive a 4% adjustment increase and the base salary for each employee, who has 12 months of State service or upon reaching 12 months of State service, receives a 4% adjustment increase without change in the employee's creditable service date.

Title	Range Effective Fiscal Year 2006
Executive II (States Other Than California and New Jersey) (CA, NJ)	3269-5894 3696-6663
Foreign Service Economic Development Executive I	3848-7082
Foreign Service Economic Development Executive II	4929-9283
Foreign Service Economic Development Representative	3269-5894
Office Administrator IV (States Other Than California and New Jersey) (CA, NJ)	2570-4452 2906-5032
Office Assistant (Foreign Service)	2169-2862
Office Associate (States Other Than California and New Jersey) (CA, NJ)	2295-3081 2595-3483
Office Coordinator (States Other Than California and New Jersey) (CA, NJ)	2370-3199 2679-3617
Public Service Administrator (States Other Than California and New Jersey) (CA, NJ)	3445-7542 3895-8525
Revenue Auditor Trainee (States Other Than California and New Jersey) (CA, NJ)	2645-3657 2990-4134
Revenue Tax Specialist I (States Other Than California and New Jersey)	2645-3657

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(CA, NJ)	2990-4134
Revenue Tax Specialist II (States Other Than California and New Jersey) (CA, NJ)	2861-4047 3234-4575
Revenue Tax Specialist Trainee (States Other Than California and New Jersey) (CA, NJ)	2448-3335 2768-3770
Senior Public Service Administrator (States Other Than California and New Jersey) (CA, NJ)	4750-11161 5369-12617

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.470 Adjustment**EMERGENCY**

An employee may receive an upward adjustment in base salary for the purpose of correcting a previous error or oversight or, when the best interests of the agency and the State of Illinois will be served. Such adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. A salary adjustment of over 3% (unless the adjustment is effective December 2, 2005, or other adjustments result~~that results~~ in \$175 per month or less) will create a new creditable service date and require approval of the Governor's Office.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days)

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Section 310.APPENDIX B Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2006**EMERGENCY**

Effective December 2, 2005, the monthly rates in steps for each pay grade in the Schedule of Salary Grades receive a 4% adjustment increase and the base salary for each employee, who has 12 months of State service or upon reaching 12 months of State service, receives a 4% adjustment increase without change in the employee's creditable service date.

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
1	7	1663	1704	1746	1789	1835	1877	1922	1974	2018	2098	2140
1	8	1704	1746	1789	1834	1881	1924	1971	2024	2070	2152	2195
1	9	1755	1798	1841	1885	1933	1976	2022	2076	2121	2203	2247
2	7	1705	1747	1790	1835	1877	1922	1976	2024	2072	2153	2196
2	8	1747	1790	1835	1881	1924	1971	2026	2076	2125	2209	2253
2	9	1799	1842	1886	1933	1976	2022	2078	2127	2177	2260	2305
3	7	1743	1786	1831	1877	1922	1977	2027	2076	2127	2221	2265
3	8	1786	1831	1877	1924	1971	2027	2079	2129	2182	2279	2325
3	9	1838	1882	1928	1976	2022	2079	2130	2181	2233	2330	2377
4	7	1784	1829	1875	1922	1977	2031	2080	2141	2190	2288	2334
4	8	1829	1875	1922	1971	2027	2083	2133	2196	2247	2348	2395
4	9	1880	1926	1974	2022	2079	2134	2185	2248	2298	2399	2447
5	7	1835	1881	1928	1977	2033	2091	2148	2202	2258	2358	2402
5	8	1881	1928	1977	2027	2085	2145	2203	2259	2317	2417	2465
5	9	1933	1980	2028	2079	2136	2196	2255	2311	2368	2468	2517
6	7	1886	1934	1983	2033	2092	2150	2214	2273	2337	2440	2489
6	8	1934	1983	2033	2085	2146	2206	2271	2332	2398	2405	2554
6	9	1985	2035	2085	2136	2197	2257	2323	2384	2450	2556	2607
7	7	1940	1989	2040	2092	2153	2219	2284	2349	2417	2530	2581
7	8	1989	2040	2092	2146	2209	2277	2344	2410	2481	2597	2649
7	9	2041	2091	2144	2197	2260	2328	2395	2462	2532	2648	2701

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8	7	1996	2047	2099	2153	2224	2293	2369	2435	2508	2626	2679
8	8	2047	2099	2153	2209	2282	2353	2431	2499	2574	2696	2750
8	9	2098	2151	2204	2260	2333	2404	2483	2551	2626	2747	2802
9	7	2061	2114	2168	2224	2296	2374	2449	2529	2605	2727	2782
9	8	2114	2168	2224	2282	2356	2436	2513	2596	2674	2801	2857
9	9	2165	2220	2276	2333	2407	2488	2565	2647	2726	2854	2911
10	7	2129	2184	2241	2299	2386	2461	2543	2623	2706	2843	2900
10	8	2184	2241	2299	2359	2449	2526	2610	2693	2778	2924	2982
10	9	2235	2292	2351	2410	2500	2577	2662	2744	2832	2980	3040
11	7	2210	2267	2326	2387	2473	2554	2645	2733	2817	2966	3025
11	8	2267	2326	2387	2450	2538	2622	2715	2807	2896	3052	3113
11	9	2319	2378	2438	2501	2590	2673	2767	2860	2952	3107	3169
12	7	2300	2360	2422	2486	2578	2664	2763	2854	2959	3118	3180
12	8	2360	2422	2486	2552	2646	2735	2840	2936	3044	3209	3273
12	9	2412	2473	2537	2603	2698	2787	2894	2991	3100	3266	3331
13	7	2387	2450	2515	2581	2676	2778	2883	2988	3099	3272	3337
13	8	2450	2515	2581	2649	2747	2855	2966	3074	3188	3370	3437
13	9	2501	2566	2633	2701	2800	2910	3022	3130	3246	3428	3497
14	7	2488	2554	2622	2692	2795	2904	3031	3141	3261	3450	3519
14	8	2554	2622	2692	2764	2873	2988	3118	3235	3359	3554	3625
14	9	2605	2673	2743	2817	2928	3043	3174	3291	3415	3611	3683
15	7	2585	2654	2725	2799	2921	3042	3162	3291	3413	3618	3690
15	8	2654	2725	2799	2877	3005	3130	3256	3391	3515	3726	3801
15	9	2705	2776	2852	2932	3061	3185	3314	3447	3572	3784	3860
16	7	2700	2772	2849	2930	3062	3196	3330	3468	3607	3820	3896
16	8	2772	2849	2930	3015	3150	3292	3431	3571	3715	3935	4014
16	9	2826	2904	2986	3070	3207	3350	3488	3629	3773	3991	4071
17	7	2819	2899	2983	3069	3212	3360	3502	3643	3791	4017	4097
17	8	2899	2983	3069	3158	3308	3461	3606	3753	3905	4138	4221
17	9	2954	3038	3125	3214	3366	3519	3664	3811	3962	4196	4280

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18	7	2963	3049	3137	3230	3387	3544	3705	3857	4012	4251	4336
18	8	3049	3137	3230	3327	3490	3651	3817	3974	4132	4378	4466
18	9	3104	3192	3288	3383	3547	3709	3874	4031	4190	4435	4524
19	7	3119	3210	3305	3405	3579	3747	3922	4086	4257	4514	4604
19	8	3210	3305	3405	3507	3686	3858	4040	4209	4386	4650	4743
19	9	3267	3364	3463	3564	3744	3916	4097	4267	4443	4707	4801
20	7	3293	3393	3494	3598	3780	3956	4143	4323	4501	4776	4872
20	8	3393	3494	3598	3706	3893	4075	4268	4452	4637	4920	5018
20	9	3449	3552	3656	3763	3950	4132	4325	4510	4694	4976	5076
21	7	3477	3582	3689	3798	3993	4187	4383	4583	4773	5070	5171
21	8	3582	3689	3798	3912	4114	4312	4514	4719	4916	5223	5327
21	9	3639	3747	3856	3971	4171	4369	4572	4777	4973	5280	5386
22	7	3675	3786	3900	4016	4225	4432	4641	4856	5059	5372	5479
22	8	3786	3900	4016	4137	4352	4565	4780	5001	5211	5534	5645
22	9	3843	3956	4074	4195	4408	4623	4836	5058	5269	5591	5703
23	7	3900	4016	4137	4260	4486	4715	4939	5167	5392	5730	5845
23	8	4016	4137	4260	4389	4621	4858	5087	5321	5553	5901	6019
23	9	4074	4195	4318	4446	4678	4914	5144	5379	5611	5959	6078
24	7	4149	4273	4401	4534	4775	5024	5265	5509	5758	6118	6240
24	8	4273	4401	4534	4671	4919	5174	5424	5674	5930	6303	6429
24	9	4331	4459	4591	4729	4975	5231	5481	5732	5988	6360	6487
25	7	4422	4555	4691	4832	5097	5365	5633	5901	6169	6565	6696
25	8	4555	4691	4832	4976	5250	5525	5802	6079	6354	6762	6897
25	9	4613	4748	4890	5034	5308	5582	5859	6136	6411	6819	6955

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310.APPENDIX C Medical Administrator Rates for Fiscal Year 2006**EMERGENCY**

Effective December 2, 2005, the minimum, midpoint and maximum salaries for each title in the Medical Administrator Rates receive a 4% adjustment increase and the base salary for each employee, who has 12 months of State service or upon reaching 12 months of State service, receives a 4% adjustment increase without change in creditable service date.

<u>Title</u>	<u>Minimum Salary</u>	<u>Midpoint Salary</u>	<u>Maximum Salary</u>
Medical Administrator I, Option C	8090	9843	11596
Medical Administrator I, Option D	9035	10837	12639
Medical Administrator II, Option C	8743	10528	12313
Medical Administrator II, Option D	10039	11903	13767
Medical Administrator III	10396	12438	14480
Medical Administrator IV	10564	12606	14648
Medical Administrator V	10734	12778	14822

The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310.APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 2006**EMERGENCY**

Effective December 2, 2005, the minimum, midpoint, and maximum salaries in each salary range within the Merit Compensation System Salary Schedule receive a 4% adjustment increase and the base salary for each employee, who has 12 months of State service or upon reaching 12 months of State service, receives a 4% adjustment increase without change in creditable service date.

Salary Range	Minimum Salary	Midpoint Salary	Maximum Salary
MC 01	2142	2904	3666
MC 02	2235	3053	3871
MC 03	2343	3230	4117
MC 04	2449	3381	4313
MC 05	2571	3581	4591
MC 06	2702	3759	4816
MC 07	2843	3984	5125
MC 08	2996	4227	5458
MC 09	3167	4463	5759
MC 10	3346	4752	6158
MC 11	3534	5046	6558
MC 12	3753	5384	7015
MC 13	4008	5755	7502
MC 14	4286	6179	8072
MC 15	4600	6624	8648
MC 16	4925	7116	9307
MC 17	5314	7681	10048
MC 18	5728	8015	10302

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NOTICE OF EMERGENCY AMENDMENTS

MC 19

6187

8364

10541

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2006**EMERGENCY**

Effective December 2, 2005, the minimum and maximum salaries in each title within the Broad-Band Pay Range Classes Salary Schedule receive a 4% adjustment increase and the base salary for each employee, who has 12 months of State service or upon reaching 12 months of State service, receives a 4% adjustment without change in creditable service date.

<u>Title</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
Health Information Administrator	2571	5125
Human Resources Representative	2235	4313
Human Resources Specialist	2571	5125
Public Service Administrator	2996	6558
Residential Services Supervisor	2235	4313
Senior Public Service Administrator	4130	9705
Site Superintendent	2571	5125

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Number: 125.143 Proposed Action: Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 70 FR 57725
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: November 29, 2005
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

The Food Safety and Inspection Service (FSIS) is adding San Marino to the list of countries eligible to export meat products to the United States. FSIS conducted a thorough review of the San Marino meat processing inspection system, including an on-site review of the San Marino meat inspection system in operation. FSIS concluded that San Marino's meat processing laws, regulations and other written materials demonstrate that they establish requirements that are equivalent to the relevant requirements of the Federal meat Inspection Act (FMIA) and its implementing regulations, and that San Marino's implementation of meat processing standards and procedures is equivalent to that of the United States.

Meat products from San Marino may be imported into the United States only if these products are processed in certified establishments in San Marino and are derived from animals that were slaughtered only in certified establishments located in other countries that are eligible to export meat to the United States as a result of their slaughter inspection systems having been found equivalent to that of the United States. At present, San Marino will be eligible to export only processed pork products and not meat food products containing livestock product other than pork to the United States. San Marino did not ask to be approved for slaughter of pork. All meat products exported from San

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

Marino to the United States will be subject to reinspection at the U.S. ports-of-entry by FSIS inspectors as required by law.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: November 29, 2005
- 10) A copy of the preemptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) These preemptory amendments are in compliance with Section 5-150 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: These preemptory amendments do not affect units of local government.
- 14) Information and questions regarding this preemptory amendment shall be directed to:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281

217/785-5713
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACTPART 125
MEAT AND POULTRY INSPECTION ACTSUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products
125.147	Rules of Practice

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9

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Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963,

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effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002;

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amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; preemptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005.

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION**Section 125.143 Imported Products**

The Department incorporates by reference 9 CFR 327.2, 327.7, and 381.196 (2004; [70 FR 57725, effective November 29, 2005](#)).

(Source: Amended by preemptory rulemaking at 29 Ill. Reg. 20580, effective November 29, 2005)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: College Savings Pool
- 2) Code Citation: 23 Ill. Adm. Code 2500
- 3) Register citation of proposed and adopted rulemaking and other pertinent action: November 28, 2005; 29 Ill. Reg. 19308 for the emergency rulemaking and 29 Ill. Reg. 19151 for its identical proposed rulemaking.
- 4) Explanation: Section 2500.30(d) of the emergency rulemaking text did not have the text "of an amount that is at least \$25" stricken, and, therefore, the companion proposed rulemaking text had the same error. The text filed by the Office of the Treasurer with the Secretary of State was correct. JCAR regrets any inconvenience this error may have caused.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 29, 2005 through December 5, 2005 and have been scheduled for review by the Committee at its December 13, 2005 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/11/06	<u>Teachers' Retirement System, The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)</u>	10/7/05 29 Ill. Reg. 14760	12/13/05
1/12/06	<u>Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)</u>	8/12/05 29 Ill. Reg. 12338	12/13/05
1/13/06	<u>Treasurer, Conditions of Employment (80 Ill. Adm. Code 630)</u>	1/3/05 29 Ill. Reg. 644	12/13/05
1/13/06	<u>Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140) (Sections 140.400, 140.435, 140.436, 140.924)</u>	9/30/05 29 Ill. Reg. 14463	12/13/05
1/15/06	<u>Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)</u>	9/30/05 29 Ill. Reg. 14420	12/13/05
1/15/06	<u>Department of Healthcare and Family Services, Hospital Services (89 Ill. Adm. Code 148)</u>	7/1/05 29 Ill. Reg. 9241	12/13/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

1/15/05	<u>Department of Healthcare and Family Services,</u> Medical Payment (89 Ill. Adm. Code 140) (Section 140.463)	9/30/05 29 Ill. Reg. 14463	12/13/05
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PROCLAMATIONS

**2005-386
WORLD AIDS DAY**

WHEREAS, HIV infections and AIDS are major problems that have reached epidemic proportions. In just our state, there have been nearly 31,000 AIDS cases, and more than 54 percent of those with AIDS have died as a consequence of the disease; and

WHEREAS, AIDS, acquired immune deficiency syndrome, is a condition caused by a virus called HIV, which attacks the immune system. Today, the World Health Organization estimates that 40 million men, women, and children have HIV and AIDS worldwide; and

WHEREAS, every year, the World Health Organization designates December 1 as World AIDS Day in an effort to promote HIV and AIDS education and prevention; and

WHEREAS, this year, the theme of World AIDS Day, "Stop AIDS. Keep the Promise," urges individuals to hold government leaders and policymakers accountable for their pledges and promises of funding for HIV and AIDS education and prevention; and

WHEREAS, World AIDS Day is commemorated by a number of events throughout our state, including the dimming of lights atop the Illinois State Capitol dome in Springfield and at the James R. Thompson Center in Chicago during evening hours to coincide with the dimming of lights at the White House in tribute to those afflicted with HIV and AIDS:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 1, 2005 as **WORLD AIDS DAY** in Illinois to raise awareness about this devastating disease that affects the lives of so many men, women, and children in our state and around the world.

Issued by the Governor on November 29, 2005.

Filed with the Secretary of State November 29, 2005.

**2005-387
THE CHICAGO FARMERS DAY**

WHEREAS, this year is the 70th anniversary of The Chicago Farmers, an agricultural and agribusiness organization established in 1935 for the purpose of advancing production agriculture and agribusiness; and

PROCLAMATIONS

WHEREAS, today, there are more than 200 members of The Chicago Farmers, which sponsors a variety of programs, meetings, and seminars throughout the year for the benefit of their eclectic membership; and

WHEREAS, some members are employed in the industry as farmland owners, commodity traders, agribusiness leaders, and farm management professionals. Other members just share their interest for agribusiness and the promotion of agriculture; and

WHEREAS, through a series of regularly scheduled events, members and guests have the opportunity to exchange ideas. Topics for discussion range from economic and policy issues, commodity trading and prices, land values, environmental and agricultural interaction technology, and tax issues; and

WHEREAS, The Chicago Farmers also maintain a working relationship with nearby land-grant colleges that offer full-day education on-site field trips. Members are invited to participate in visits to foreign agricultural centers as well; and

WHEREAS, these and other resources, including a quarterly publication, have helped Chicago farmers remain competitive over the years, and The Chicago Farmers will celebrate their years of service on December 12:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 12, 2005 as **THE CHICAGO FARMERS DAY** in Illinois in recognition of them on their 70th anniversary.

Issued by the Governor on November 30, 2005.

Filed with the Secretary of State November 30, 2005.

2005-388**NATIONAL SOBRIETY DAY**

WHEREAS, alcohol abuse is a grave problem that can destroy individual lives, rip families apart, and strain local communities; and

WHEREAS, alcohol abuse also causes staggering economic costs. Billions of dollars are spent for property damage and healthcare every year as a direct result of alcohol abuse; and

WHEREAS, today, the terrible consequences of alcohol abuse are widely acknowledged, and the government and private sector are actively engaged in efforts to combat both the causes and symptoms of the problem; and

PROCLAMATIONS

WHEREAS, the focus on the negative consequences of alcohol abuse, however, reflects only one side of the issue. Equally important is the positive side; and

WHEREAS, sobriety allows us to be fully active and engaged in life. By choosing sobriety, we can fully enjoy all activities and events; and

WHEREAS, National Sobriety Day, commemorated in December each year, is about celebrating that side of the issue. This year, thousands of adults all around the state will celebrate National Sobriety Day on December 11:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 11, 2005 as **NATIONAL SOBRIETY DAY** in Illinois to raise awareness about alcohol abuse, and to promote the benefits of sobriety.

Issued by the Governor on December 2, 2005.

Filed with the Secretary of State December 2, 2005

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 29, Issue 51 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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