

# 2007

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 31, Issue 17  
April 27, 2007  
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## INTRODUCTION

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

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

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

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

### 2007 REGISTER SCHEDULE VOLUME #31

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1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
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25	June 11, 2007	June 22, 2007
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50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting
- 2) Code Citation: 17 Ill. Adm. Code 550
- 3) Section Number: 550.30                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update the list of sites open for hunting and the site-specific regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 550  
RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE  
AND WOODCHUCK (GROUNDHOG) HUNTING

## Section

550.10	General Regulations
550.20	Statewide Regulations
550.30	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

**SOURCE:** 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14836, effective August 3, 1998; amended at 23 Ill. Reg. 9066, effective July 28, 1999; amended at 24 Ill. Reg. 8938, effective June 19, 2000; amended at 25 Ill. Reg. 9895, effective July 17, 2001; amended at 26 Ill. Reg. 14680, effective September 20, 2002; amended at 28 Ill. Reg. 11873, effective July 27, 2004; amended at 29 Ill. Reg. 12471, effective July 28, 2005; amended at 30 Ill. Reg. 12133, effective June 28, 2006; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

**Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department -Owned, -Leased or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20.
- c) .22 caliber or smaller rimfire firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Apple River Canyon State Park

Argyle Lake State Park

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

[Cape Bend State Fish and Wildlife Area](#)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Carlyle Lake Lands and Waters – Corps of Engineers Management Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

~~Falling Down Prairie~~

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

~~Falling Down Prairie~~

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Hanover Bluff State Natural Area

Horseshoe Lake Conservation Area – Alexander County (Public Hunting Area except Controlled Hunting Area)

Johnson Sauk Trail State Recreation Area (archery only; coyote and fox only; site coyote season runs concurrently with the site archery deer season; site fox season begins when the statewide fox season opens, runs concurrently with the site archery deer season, and closes the earlier of either the statewide fox season closing or the site archery deer season closing)

Kankakee River State Park (coyote, fox, skunk and opossum may be taken

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

during their respective seasons that fall within the archery deer season by archery only; shotgun only hunting opens the day after the close of the site upland game season or archery deer season, whichever is later, and closes with the close of the statewide fox season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at check station)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed)

Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (coyote and fox only; fox closes first Thursday after January 10; coyote open to hunting from August 1 until the first Thursday after January 10 and when other hunting seasons are open on the site; not open during spring turkey season; hunting hours are 30 minutes before sunrise until sunset; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mazonia State Fish and Wildlife Area (archery only; coyote, fox, raccoon, skunk and opossum may be taken during their respective seasons that fall within the archery deer hunting season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at the check station)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (c)

Momence Wetlands State Natural Area (archery only; coyote, fox, raccoon, skunk and opossum may be taken during their respective seasons that fall within the archery deer hunting season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at check station)

## DEPARTMENT OF NATURAL RESOURCES

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[Moraine View State Park \(archery only; coyote only; season runs concurrently with site archery deer season\)](#)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only)

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

Sielbeck Forest Natural Area

Siloam Springs State Park

Skinner Farm State Habitat Area

Spoon River State Forest (all hunters must sign-in/sign-out)

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset-sunrise)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Walnut Point State Park (sign-in/sign-out required; raccoon hunting only)

Washington County Conservation Area

Weinberg-King State Park (c) (d)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Weinberg-King State Park – Scripps Unit (use of dogs for hunting coyote is not allowed)

Weinberg-King State Park - Spunky Bottoms Unit

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery [deer](#) season at this site)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

- g) Violation of a site-specific regulation is a Class B misdemeanor. Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in subsection (b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Beaver Dam State Park (bow and arrow only)

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area (coyote only, shotgun or bow and arrow)

Crawford County Conservation Area

Des Plaines State Fish and Wildlife Area (coyote only, no dogs allowed; season opens the day after archery deer season closes and ends February 28; shotgun with shotshells only; site permit required)

Eagle Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Fox Ridge State Park

Green River State Wildlife Area (skunk and coyote close the last day of February; .22 rimfire firearms permitted from 30 minutes after sunset until 30 minutes before sunrise)

Hamilton County Conservation Area

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest

Horseshoe Lake State Park (Madison County) (coyote only, bow and arrow only)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (shotgun and bow and arrow only)

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Jim Edgar Panther Creek State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except striped skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

## DEPARTMENT OF NATURAL RESOURCES

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Matthiessen State Park (season closed during the site firearm or muzzleloader deer seasons; site permit may be obtained at the Starved Rock State Park office; hunting hours are from 30 minutes after sunset until 30 minutes before sunrise; raccoon or opossum only; hunting south of the Vermilion River Area only; no dogs allowed)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)

Middle Fork Fish and Wildlife Management Area

Moraine View State Park (season opens the second Monday in December; night hunting only; [raccoon only](#))

Pyramid State Park – Captain Unit (no hunting on waterfowl refuge)

Pyramid State Park – Denmark Unit (no hunting on waterfowl refuge)

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Ramsey Lake State Park

Sahara Woods State Fish and Wildlife Area

Saline County Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest (coyote and striped skunk seasons – opening of the statewide raccoon season until the day before opening of the statewide spring turkey season)

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Sangchris Lake State Park (fox, coyote and striped skunk hunting only; statewide seasons for fox, coyote and striped skunk except, during central

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

zone duck and Canada goose season, hunters pursuing waterfowl or upland game may take fox, coyote and striped skunk with shotgun only in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed; .22 caliber or smaller rimfire firearms permitted 24 hours a day)

Wolf Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

h) Violation of a site regulation is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,  
RED FOX, GRAY FOX, COYOTE, BADGER, BEAVER AND  
WOODCHUCK (GROUNDHOG) TRAPPING

## Section

570.10	Statewide Zones
570.20	Statewide Season Dates
570.30	Statewide Hours, Daily Limit and Possession Limit
570.35	Use of .22 Rimfire Rifles by Trappers During Deer Gun Season
570.40	Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. 9055, effective July 28, 1999; amended at 24 Ill. Reg. 8929, effective June 19, 2000; amended at 25 Ill. Reg. 9887, effective July 17, 2001; amended at 26 Ill. Reg. 13809, effective September 5, 2002; amended at 27 Ill. Reg. 749, effective January 6, 2003; amended at 28 Ill. Reg. 11883, effective July 27, 2004; amended at 29 Ill. Reg. 9643, effective June 27, 2005; amended at 30 Ill. Reg. 12143, effective June 28, 2006; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

**Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites**

- a) General Regulations
- 1) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
  - 2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.
  - 3) Trappers must stay within assigned areas.
  - 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement (publicly announced means that the information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline) and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.
  - 5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
  - 6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
  - 7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.
  - 8) No trapping is permitted in subimpoundments or designated waterfowl

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

management units during duck season.

- 9) .22 caliber or smaller rimfire firearms permitted unless otherwise specified.
- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24 ([no trapping on U.S. Fish and Wildlife Service National Wildlife Refuges in Pools 21, 22 and 24](#))

Pyramid State Park (water sets only)

Ray Norbut State Fish and Wildlife Area

Rend Lake Project Lands and Waters (water sets only)

Sielbeck Forest Natural Area (water sets only)

Siloam Springs State Park

Weinberg-King State Park - Scripps Unit (site permit required)

Weinberg-King State Park - Spunky Bottoms Unit (site permit required)

- c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps<sup>®</sup>, D-P (Dog-Proof) Traps<sup>®</sup>, box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Cache River State Natural Area

[Cape Bend State Fish and Wildlife Area](#)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Eldon Hazlet State Park – north of Allen Branch and west of Peppenhorst Branch only

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site

Harry "Babe" Woodyard State Natural Area

Horseshoe Lake Conservation Area

I & M Canal State Park

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season; the defined Baldwin Lake Waterfowl Rest Area is closed)

Kickapoo State Recreation Area

Kidd Lake State Natural Area

Lake Murphysboro State Park

Lake Shelbyville - Kaskaskia and West Okaw Management Areas (no more than 50 traps may be used per permit)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Lowden State Park - Kilbuck Creek Habitat Area

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)

Mermet Lake Fish and Wildlife Area

Middle Fork State Fish and Wildlife Area

Mississippi River Fish and Waterfowl Area (Pools 25, 26) (land sets accessed by land only allowed during duck season; water sets allowed after duck season closes)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card)

Moraine View State Park (no more than 2 persons may enter drawing on a single card)

Peabody River King Fish and Wildlife Area (east, west, and south subunits only)

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Randolph County Conservation Area

~~Redwing Slough/Deer Lake State Natural Area (water sets only; only body-gripping traps with a jaw spread of 5-6 inches or less may be used)~~

Sanganois Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- d) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses); in addition, a permit is required; only Egg Traps<sup>®</sup>, D-P (Dog-Proof) Traps<sup>®</sup>, box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; snares may be used for water sets:

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Beaver Dam State Park

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7½ inches or less may be used for water sets)

Coffeen Lake State Fish and Wildlife Area

Coleta Ponds

Dog Island Wildlife Management Area

Giant City State Park

Hanover Bluff State Natural Area (water sets only)

Hennepin Canal Parkway including Sinnissippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Hidden Springs State Forest

Horseshoe Lake State Park – Madison County

Horseshoe Lake State Park (Gabaret, Mosenthein and Chouteau Island

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## Units (Madison County))

Jim Edgar Panther Creek State Fish and Wildlife Area (only Egg Traps<sup>®</sup>, D-P (Dog-Proof) Traps<sup>®</sup>, box traps, cage traps, traps of similar design, and homemade dog-proof traps; homemade dog-proof traps must be designed with a leg hold trap no larger than a number two size in an enclosed wood, metal or durable plastic container with a single access opening of no larger than 1½ inch diameter, and body-gripping traps must be completely submerged)

Johnson-Sauk Trail State Park (no foothold water sets)

Jubilee College State Park

Kankakee River State Park (trappers must wear blaze orange while checking traps; no trapping adjacent to bike or horse trails; south of the Kankakee River, only dog proof type traps may be used until the close of the upland hunting season; no trapping on campground areas until closed)

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area (water sets only)

Marshall County Fish and Wildlife Area

Mautino State Fish and Wildlife Area (trappers must register at the Hennepin Canal office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Morrison Rockwood State Park

Pekin Lake State Fish and Wildlife Area (water sets only)

Pyramid State Park – Captain Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be submerged)

Pyramid State Park – Denmark Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be

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submerged)

Ramsey Lake State Park

Red Hills State Park

Rice Lake Fish and Wildlife Area

Rock Cut State Park

Sam Dale Lake Conservation Area

Sahara Woods State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Sparland Fish and Wildlife Area

Spoon River State Forest

Spring Lake Conservation Area (water sets only)

Starved Rock/Matthiessen State Park

Stephen A. Forbes State Park

Trail of Tears State Forest

Union County Conservation Area

Weldon Springs State Park (permit required by site drawing)

- e) Trapping is prohibited on all other Department-owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

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- 1) All regulations shall be according to species regulations as provided for in this Part.
  - 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
  - 3) Site specific regulations shall be listed on the application and permit and posted at the site.
- f) Violation of site specific regulations is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
590.10	Amendment
590.40	Amendment
590.50	Amendment
590.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10] and Migratory Bird Hunting (50 CFR 20)
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update: the list of lawful non-toxic shot by using most recent pellet trade names, the lists of sites open for hunting and the site-specific regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Jack Price, Legal Counsel  
Department of Natural Resources

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One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

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## NOTICE OF PROPOSED AMENDMENTS

## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 590

## DUCK, GOOSE AND COOT HUNTING

## Section

590.10	Statewide Regulations
590.15	Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50
590.20	Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40	Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.60	Various Other Department Sites – Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Early and Late Goose (all species) Hunting Regulations on Department Sites
590.EXHIBIT A	The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10] and Migratory Bird Hunting (50 CFR 20).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired

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February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, 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 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. 14131, effective October 22, 2001; amended at 26 Ill. Reg. 16238, effective October 18, 2002; amended at 27 Ill. Reg. 15409, effective September 18, 2003; amended at 28 Ill. Reg. 13562, effective September 24, 2004; amended at 29 Ill. Reg. 9654, effective June 24, 2005; emergency amendment at 29 Ill. Reg.

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13900, effective August 30, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18924, effective November 4, 2005; amended at 30 Ill. Reg. 15694, effective September 18, 2006; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 590.10 Statewide Regulations**

- a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], *it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal Migratory Bird Treaty Act (16 USC 703-711), the Migratory Bird Hunting Stamp Act (16 USC 1718 et seq.), and annual Rules and Regulations for Migratory Bird Hunting (50 CFR 20 (August 31, 2006) and 21 (September 22, 2006) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).*
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1).
- e) It shall be unlawful to possess, when attempting to take waterfowl, any shotgun shell loaded with a shot size larger than number T steel; number BBB bismuth-tin; ~~Federal~~ Ultrashok High Density; or Environ-Metal Hevi-Steel; number BB: Federal tungsten/iron, Kent tungsten/matrix (Impact), or Federal tungsten/polymer; number B: Environ-Metal Hevi-Shot, Remington tungsten/bronze/iron (TBI), Wingmaster HD, Winchester Xtended Range Hi-Density, or Environ-Metal Dead Coyote; number 1: ~~Silvex~~ or Environ-Metal Hevi-13; or number 3: Federal Heavyweight ~~when attempting to take~~

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[waterfowl](#). Violation is a petty offense (see 520 ILCS 5/2.18-1).

- f) Hunting Canada Geese after the season is closed is a Class B misdemeanor (see 520 ILCS 5/2.18). Possession of freshly killed wild geese during the closed season is a Class A misdemeanor (see 520 ILCS 5/2.33(cc)).
- g) Closed Areas  
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted. Violation is a petty offense (see 520 ILCS 5/2.20).
- h) Commercial Migratory Waterfowl Hunting Area Permits
  - 1) The holder of a permit shall forward information on harvest and hunters to the Department on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Permit holders are required to retain a copy of their harvest records for at least 2 years after expiration of their permit. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years. Violation is a petty offense (see 520 ILCS 5/3.6).
  - 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that no more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8).
- i) No person during the open season shall take or attempt to take wild geese prior to ½ hour before sunrise nor after sunset. In Alexander, Union, Williamson and Jackson Counties, no person shall take or attempt to take wild geese after the hour of 3:00 p.m.; except, during the last 3 days of the Canada goose season and during any goose seasons that occur after the regular Canada goose season and during any Canada goose season set in September, hunting hours in Alexander, Union, Williamson and Jackson Counties shall close at statewide closing time. During special light goose seasons as indicated in subsection (n), statewide hunting hours shall be ½ hour before sunrise to ½ hour after sunset daily. Hunting prior to ½ hour before sunrise during the open season is a Class A misdemeanor (see 520

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ILCS 2.33(y)). Hunting after ½ hour after sunset is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after closing hours is a Class B misdemeanor (see 520 ILCS 5/2.18).

- j) On any property where the principal waterfowl harvest is wild geese in Alexander, Union, Williamson and Jackson Counties, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8(b)(4)).
- k) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license. Violation is a petty offense (see 520 ILCS 5/3.1(f)).
- l) If 50 CFR 20 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross' geese may be taken in accordance with federal regulations regarding hunting hours, method of taking and bag limits through March 31.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 590.40 Check Station Department Sites Only – Duck, Goose and Coot Hunting**

- a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.
  - 1) Anderson Lake Conservation Area – All Management Units (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper, plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds~~previous years blind builders shall have until February 1 to salvage blind materials~~)
  - 2) Batchtown (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

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- 3) Calhoun Point (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 4) Glades (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 5) Godar-Diamond (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 6) Horseshoe Lake State Park – Madison County (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset with the exclusion of Christmas Day; 3 year blind allocation)
- 7) Lake DePue and Lake DePue Walk-in Unit (aka 3I)
- 8) Marshall State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
- 9) Mazonia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)
- 10) Rice Lake Conservation Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper, plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds~~previous years blind builders shall have until February 1 to salvage blind materials~~)
- 11) Sanganois State Fish and Wildlife Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons held after the duck season)

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- 12) Spring Lake State Fish and Wildlife Area (~~the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper, plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds; waterfowl hunters will have the option to either construct a platform blind (4' x 8' with boat hide) or a boat hide blind no less than 7.5' x 18' in dimension and fully enclosed on all four sides, must include four shooting holes or ports and brushed (doors capable of being closed are permitted for boat access); hunters choosing to construct a boat type of blind will not be required to construct a dog hide; blind numbers 2, 5, 6, 7, 8, 9, 10, 11, 12, 14 and 19 must be removed in their entirety no later than 10 days after the close of the Central Zone waterfowl season, but may be removed beginning November 21; blinds 1, 3, 4, 13, 15, 16, 17, 18 and 20 must be removed in their entirety by the previous year's blind builder no later than 7 days after the next allocation period; hunting from boat blinds is permitted within 10 feet from any numbered stake if the blind has not been constructed, or beginning November 21, at locations where the blind has been dismantled; the maximum horsepower for motors on the lake is 25 h.p.; goose hunting prohibited prior to the regular duck season~~ ~~all hunting must be from portable boat blinds within 10 yards of the assigned numbered stake or buoy; no more than 3 persons shall use one blind; exceptions will be announced at the site's annual duck blind drawing; the maximum horsepower limit of motors on the lake is 25 hp; goose hunting prohibited prior to the regular duck season~~)
- 13) Stump Lake (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 14) Woodford State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
- 15) William Powers Conservation Area (previous years blind builders shall have until May 1 to remove blinds in their entirety, including support posts; failure to comply will result in the blind builder and partners for that blind losing privilege of being a blind builder or partner at this site for the

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following year; no goose hunting prior to duck season; hunting from boat blinds is permitted within 10 feet at all blind sites; all hunters must sign in prior to occupying blind and must sign out no later than one hour after closing time)

- b) The following regulations apply to all sites listed in this Section under subsection (a):
- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
  - 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
  - 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
  - 4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned.
  - 5) It shall be unlawful to trespass upon the designated duck hunting area during the 7 days prior to the regular duck season as posted at the site. At Mississippi River Area Pools 25 and 26 and Horseshoe Lake State Park (Madison County) it shall be unlawful to trespass upon the designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site.
  - 6) It shall be unlawful to trespass upon areas designated as waterfowl rest

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areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season.

- 7) No more than 4 persons shall occupy a blind at one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide.
  - 8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
  - 9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m., except at Marshall State Fish and Wildlife Area and Woodford State Fish and Wildlife Area, any blinds left unclaimed after completion of the daily drawing will be assigned on a first come-first served basis up to 30 minutes after the drawing and from 8:00 a.m. to 11:00 a.m., and except at Batchtown, Calhoun Point, Glades, Godar-Diamond, Horseshoe Lake State Park (Madison County) and Stump Lake (9:00 a.m.-1:00 p.m.) after which time the area shall be closed to additional hunters.
  - 10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.
  - 11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
- c) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

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(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 590.50 Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting**

- a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Anderson Lake West Point Management Unit (walk-in or boat; staked sites; daily draw)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blinds must be removed in their entirety, including support posts, by May 1; failure to comply will result in the blind builder and partners for that blind losing the privilege of being a blind builder or partner at this site for the following year)

Clear Lake Wildlife Management Area (one year blind allocation)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Double T State Fish and Wildlife Area (Wednesday, Saturday and Sunday hunting only; daily drawing at Rice Lake State Fish and Wildlife Area check station; hunting from staked blind sites only; no other use October 1 through the close of the Central Zone goose season)

Fuller Lake (Daily hunting hours close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

Helmbold Slough (3 year blind allocation period)

Illinois River – Pool 26 (3 year blind allocation period)

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Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake Sinnissippi (Department Owned Land; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; waterfowl hunters allocated blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 or 32 will have the option to either construct a platform blind (4' x 8' with boat hide) or a boat hide blind no less than 7.5' x 18' in dimension fully enclosed on all four sides, must include 4 shooting holes or ports and brushed (doors capable of being closed are permitted for boat access); hunters choosing to construct a boat hide type of blind will not be required to construct a dog hide; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety no later than 10 days after the close of the Northern Zone waterfowl season, but may be removed beginning November 15; backwater blinds 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 22, 23, 24 and 25 must be removed in their entirety by the previous years' blind builder by no later than 7 days after the next allocation period; hunting from boat blinds is permitted within 10 feet from any numbered stake if the blind has not been constructed; for early teal season, hunting is from numbered blinds only, or if blinds have not been constructed, within 10 feet of the numbered stake; there is no early goose season in August or September)

Marshall State Fish and Wildlife Area – Sparland Unit (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials; hunters are required to check in and check out at the self-check box located at the Lacon boat ramp)

Meredosia Lake (one year blind allocation period) – Rules and Regulations will be publicly announced.

Mississippi River Pool 16 (Federal Lands; no permanent blinds – temporary blinds only above Velie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474);

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2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; hunting allowed from a portable blind or anchored boat, in Illinois waters, maintaining > 200 yard intervals at the following locations: Pool 21 – west of Long Island (river mile 332.5-340.5), Pool 22 – west of Ward Island (river mile 314.0-324.0), Pool 24 – west of Denmark Island (river mile 290.0-294.5); 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

Momence Wetlands (Hunting allowed from a portable blind or anchored boat blind only; no more than 3 persons per blind site; no hunting during firearm deer seasons)

Pekin Lake State Fish and Wildlife Area (all hunting must be from portable boat blinds within 10 yards of the assigned numbered stake or buoy; no more than 3 persons shall use one blind; exceptions will be announced at the site's annual duck blind drawing; goose hunting prohibited prior to the regular duck season)

Piasa Island (3 year blind allocation period)

Quincy Bay (Mississippi River Pool 21) (hunting hours legal opening to 1:00 p.m. for blinds 1 through 25 only)

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Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in/boats without motors area only; no permanent blinds; daily hunting hours will close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

Redwing Slough/Deer Lake (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.)

Redwing Slough/Deer Lake State Natural Area (hunting from boat blinds is permitted within 10 feet of marked blind sites)

Rice Lake, Walk-in Management Unit, Copperas Creek Management Unit and Big Lake Management Unit (Walk-in or boats without motors only; daily drawing; daily hunting hours will close at 1:00 p.m.)

Riprap Landing (3 year blind allocation period; that portion of Riprap Landing that is south of blind 5, known as Rust Land Company, will be noted as a walk-in; boats without motors in area only; no permanent blinds; hunting parties shall not hunt over less than 12 decoys or more than 24 decoys; decoys must be picked up daily; no vehicles allowed)

Shabbona Lake State Recreation Area (Hunting will be allowed between November 1 and December 31 but only when the North Zone duck and/or Canada goose seasons are~~season is~~ open; permanent, pre-constructed blinds will be awarded for either November or December; boat and dog hides are not required; persons awarded blinds at the drawing, or their partners, must claim their blinds one hour before legal shooting hours; hunting hours will end at 1:00 p.m. daily)

Starved Rock State Park (Department managed areas; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; all blinds must be removed in their entirety no later than 10 days after the close of the Central Zone duck season; blinds may be removed beginning November

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15; hunting from boat blinds is permitted within 10 feet of ~~staked~~marked blind sites beginning November 15 for those blinds removed on or after November 15; staked blind locations that have not had a blind built may be hunted the entire season from a boat blind anchored within 10 feet of the numbered blind stake; blind locations not built shall be available on a first come-first served basis; hunting from boat blinds within 10 feet of ~~staked~~marked blind sites is allowed until the end of the regular Central Zone Canada goose season)

- b) The following regulations apply to all sites listed in this Section under subsection (a).
- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.
  - 2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
  - 3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).
  - 4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
  - 5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.
  - 6) No more than 4 persons shall occupy a blind at one time, except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.
  - 7) On Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area the limit of 4 persons does not apply.

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- 8) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
  - 9) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season as posted at the site.
  - 10) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of waterfowl season through the day before waterfowl season as posted at the site.
- c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Clear Lake Wildlife Management Area

Des Plaines Conservation Area

Kankakee River State Park

Pekin Lake State Fish and Wildlife Area

Redwing Slough/Deer Lake

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- d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 590.60 Various Other Department Sites – Duck, Goose and Coot Hunting**

The sites listed in this Section conform to Statewide Regulations (Section 590.10) and the following regulations, except as noted.

- a) Regulations
- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated by (1) following the location in subsection (b).
  - 2) No permanent blinds allowed, except for Department constructed blinds; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
  - 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
  - 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties, except for Department constructed blinds or staked locations.
  - 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.
  - 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
  - 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season except as indicated in the remainder of this Section.
  - 8) It shall be unlawful to trespass upon the designated waterfowl hunting area

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during the 7 days prior to the regular duck season unless otherwise posted at the site.

- b) Site specific regulations
- 1) Blanding Wildlife Area (federal lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)
  - 2) Boston Bay (no permanent blinds may be built; temporary blinds only; 200 yards apart)
  - 3) Cache River State Natural Area (1)
  - 4) Campbell Pond Wildlife Management Area (1)
  - 5) [Cape Bend State Fish and Wildlife Area \(1\)](#) |
  - 6)5) Carlyle Lake Project Lands and Waters |
    - A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.
    - B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
    - C) Walk-in hunting shall be permitted in subimpoundment areas.

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Boats with no motors are allowed in the subimpoundments.  
Department personnel will designate boat launching locations.

- D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department personnel shall post that the area is open to boats with motors of 10 hp or less and will designate boat launching locations.
- E) Known eagle protection areas will be posted by the Site Superintendent and will be closed to waterfowl hunting.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily before they exit the area.
- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
- I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.
- J) The following rules apply to North Allen Branch Waterfowl Management Area (Eldon Hazlet State Park) only:
  - i) Three designated blind sites are available on a first come-first served basis. Walk-in hunting only is permitted with a maximum of 4 hunters per site. All hunting must be from one blind site located between identically numbered stakes.
  - ii) Hunters must sign in prior to hunting, and sign out and

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report their harvest at the end of each day. All hunters must be checked out by 2:00 p.m. daily, except the last 3 days of the Canada goose season, and during any goose seasons that may occur after the Canada goose season, hunters must be checked out by one hour after sunset.

- iii) Decoys shall not be left out unattended.
- iv) When the lake floods this area and designated blind sites are not usable for walk-in hunting, the Department, by public announcement and/or posting, will open the affected area to hunting from boats per Carlyle Lake Project Lands and Waters' rules.

~~7)6)~~ Chauncey Marsh (1) |  
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.

~~8)7)~~ Clinton Lake (1) |

- A) Hunters must obtain a free site hunting permit and windshield card from the site office prior to hunting. While hunting, the windshield card must be visible in the windshield with the permit number clearly visible. Site hunting permits must be in the hunter's possession while in the field. Hunters must return the permit and report harvest by February 15 of the following year, or hunting privileges for the following season shall be forfeited.
- B) Except as described in subsections (b)(7)(C) and (D), hunting is allowed only from anchored portable blinds, except that no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
- C) Waterfowl hunting is also permitted from staked sites in designated areas on a first come-first served basis. Walk-in or boat hunting only. Hunting parties must hunt within 25 yards of a staked site. No more than 4 hunters per party are permitted.

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- D) Hunting is permitted from permanent land-based Disabled Hunting Program blinds.
- E) Each party must hunt over a minimum of 12 decoys. Decoys must be removed from the sites following each day's hunt. Decoys must not be left unattended.
- F) Except for the Handicap Hunting Program facilities, blinds must be portable or built from material brought in or available at the blind site. Blinds must be dismantled and removed at the end of each day's hunt. No trees or bushes may be cut.

9)8 Coffeen Lake State Fish and Wildlife Area |

- A) Hunters must sign in prior to hunting and sign out, reporting harvest at the end of each day.
- B) Hunting from staked sites only.
- C) No permanent blinds.
- D) Hunting by boat access only.
- E) No cutting vegetation on site.
- F) Hunting north of railroad tracks only.
- G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.
- H) Four hunters per blind site.
- I) No hunting during firearm deer seasons.
- J) All hunters must be checked out at sign in box by 2:00 p.m.

10)9 Cypress Pond State Natural Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day) (1) |

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- ~~11)10)~~ Devil's Island State Fish and Wildlife Area (1) |
- ~~12)11)~~ Dog Island Wildlife Management Area (1) |  
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- ~~13)12)~~ Donnelley State Wildlife Area |
- A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
- B) Goose hunting is prohibited after the close of the duck season.
- C) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
- D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- E) A hunter may bring one or 2 hunting partners under the age of 21.
- F) \$10 daily usage stamp must be purchased to hunt this area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
- G) No outboard motors are allowed by public – only by authorized DNR personnel.
- H) No more than 3 persons shall occupy a blind at any one time.
- I) All parties are required to report to check station within one hour after termination of hunt or no later than 2:00 p.m.
- J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon

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the termination of the hunt.

- K) The first weekend and the third Saturday of the regular duck season shall be designated as youth hunt days. This shall consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
- L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

~~14)13)~~ Fort de Chartres Historic Site (1) |

- A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.
- B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
- C) No hunting is allowed during firearm deer season.

~~15)14)~~ Fox Ridge State Park (1) |  
Hunting restricted to Embarras River and its flood waters.

~~16)15)~~ Fox River (1) |

- A) Waterfowl hunting is prohibited on that portion of the Fox River running from the Kendall-Kane County line downstream to a line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive.
- B) Waterfowl hunting shall be from Department designated sites only on that portion of the Fox River downstream from the line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive downstream to the Fox River Drive Bridge. Hunting at the designated sites will be on a first come-first served basis. Statewide regulations shall be in effect with no other

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Sections of this Part being applicable.

~~17)16)~~ Fox River – Chain of Lakes (Lake and McHenry Counties) (1) |  
Waterfowl blind regulations promulgated in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] under the authority of the Fox Waterway Agency are in full force and effect on those public waters under their jurisdiction. Failure to comply with such regulations constitutes a violation of this Section. Statewide regulations shall be in effect with no other Sections of this Part applicable.

~~18)17)~~ Freeman Mine |  
Hunting regulations will be publicly announced.

~~19)18)~~ Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area |  
and Powerton Lake

- A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than 3 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.
- C) Access to water blind sites must be by boat only and from designated boat launch sites.
- D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
- E) Upon vacating blind sites, all hunters must report to the check

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station within one hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.

- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to regular duck season until the close of the regular duck and Canada goose season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening of regular duck season until February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular duck season.
- H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
- I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.
- J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- K) Hunting is closed on Christmas Day and New Year's Day.
- L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- M) It is unlawful to shoot across any dike.
- N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes, waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.

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- ~~20)19)~~ Hidden Springs State Forest (hunting restricted to Richland Creek and its floodwaters) (1)
- ~~21)20)~~ Horseshoe Lake (Alexander County) Public Hunting Area
- A) Closed to waterfowl hunting on Mondays and Tuesdays.
  - B) When duck season is closed, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- ~~22)21)~~ Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)
- ~~23)22)~~ Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (site permit required)
- ~~24)23)~~ Kaskaskia River Fish and Wildlife Area (the last 3 days of both the duck season and the regular Canada goose season (1))
- A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.
  - B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.
  - C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.
  - D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area.
  - E) The following regulations apply to the Doza Creek Waterfowl Management Area:

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- i) No waterfowl hunters may enter the area before 4:30 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. During the second firearm deer season, waterfowl hunting closes at 11:00 a.m. and no waterfowl hunters may remain in the area after 1:00 p.m.
- ii) Only waterfowl, coot, firearm deer hunting (during the second firearm deer season only), archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.
- iii) For the first 4 days of the duck season, all waterfowl hunting must occur within 10 yards of an assigned, numbered stake. Staked hunting locations shall be allocated on a daily draw basis at the Highway 154 Boat Ramp at 4:30 a.m. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a staked location in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; moving from staked location to staked location is not allowed. Staked locations not allocated during the drawing will not be hunted that day, and only one hunting party may occupy a staked site at any given time. Starting on day 5 and for the remainder of the waterfowl season, hunting is allowed on a first come-first served basis and hunting need not occur by a stake. Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
- iv) ~~A drawing for stake allocation will be done at the site office by mail no later than 4 weeks before the opening day of duck season. The application deadline and procedure will be publicly announced. Hunters who wish to hunt together at a staked location must register as a hunting~~

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~~party. Only 4 persons shall be in a hunting party. Only those persons in that party may hunt at the assigned stake. No later than 2 weeks prior to duck season, at least one person from each of the hunting parties drawn should appear at the site office to choose a staked site in the order that the hunting parties were drawn.~~

- F) Handicapped accessible waterfowl hunting blind (Dry Lake Access Area)
- i) Application for hunting dates should be received at the site office September 1-10 and will be allocated on a first request basis or via a drawing, if needed.
  - ii) Three hunters are allowed in the blind. At least one hunter must have a P-2 handicapped certification.
  - iii) Hunters must sign in/out and report harvest at check station after hunting.

~~25)24)~~ Kickapoo State Recreation Area

- A) Hunting permitted only from staked sites. Hunters must sign in prior to hunting and sign out and report harvest at the end of each day's hunt.
- B) Hunters must register and hunt as parties. No more than 4 hunters per party are permitted. No non-hunting partners.
- C) Upon vacating their blinds, all hunters must take their completed harvest cards, issued daily on site, and place them in the collection box at the designated check station.
- D) Each hunting party must hunt over a minimum of 12 decoys.
- E) Waterfowl hunting is permitted only during the first 7 weekdays of the November portion of the Central Zone Canada goose season.
- F) Hunting from staked sites only. Hunting must be within 10 feet of

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the staked location. All hunting must be from one portable blind or one anchored boat blind. Electric motors only for all boats.

- G) Blind material must be brought in and taken out each day. No vegetation may be cut at the site.
- H) Hunting hours are from legal opening to 1:00 p.m. Hunters must be out of the field by 2:00 p.m.
- I) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, provided they include the blind change on the harvest card and report their harvest for each blind.

~~26)25)~~ Kinkaid Lake Fish & Wildlife Area (1) |

~~27)26)~~ Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area |

- A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:
  - i) All parties must hunt within 10 yards of their assigned stake.
  - ii) All parties must be in place by ½ hour before hunting time.
  - iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.

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- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (b)(26)(A) and (B). Hunting in the Fish Hook Area shall be restricted to designated, staked sites on a first come-first served basis until the opening of the Illinois Southern Zone duck season, except as noted in subsections (b)(25)(A) and (B). A hunting party must hunt within 10 yards of the stake.
- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.
- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.
- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.
- G) During the regular waterfowl season, only licensed waterfowl hunters with valid site waterfowl permits who are in the pursuit of waterfowl are permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from ½ hour before sunrise until 1:00 p.m.
- H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

~~28)27)~~ Marshall State Fish and Wildlife Area – Duck Ranch Unit Only

- A) On days open to hunting, blind or staked sites shall be allocated by a random drawing held at Marshall State Fish and Wildlife Area

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(MSFWA) check station, 5 miles south of Lacon on S.R. 26. The drawing will be conducted 60 minutes prior to legal shooting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select hunting blinds in the order drawn. No more than 4 hunters per party; only registered party members shall be allowed to hunt in the party's blind.

- B) Blinds or staked sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant staked sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 11:00 a.m. Daily hunting hours will close at 1:00 p.m.
- C) All hunting must be from a designated blind or staked site. Refilling or changing blinds or staked sites is not permitted.
- D) Hunters are required to report their harvest at the end of the day's hunt on a harvest card located in the blind. Hunters are not required to report back to the MSFWA check station.
- E) No hunting on Monday, Wednesday, or Friday.

~~29)28)~~ Mermet

- A) Waterfowl hunting shall be permitted during duck season only.
- B) Hunting is allowed in the walk-in and blind areas only.
- C) No fishing on the area during duck season.
- D) Hunting hours are from legal opening until 3:30 p.m. each day, except the last 3 days of duck season, when hunting shall be allowed until sunset.
- E) Manned check station will be closed Christmas Day and every Sunday and Monday during regular duck hunting season. Walk-in hunting will be allowed on Sundays and Mondays.
- F) Blind sites shall be allocated on a daily drawing basis at the

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manned waterfowl check station 90 minutes before legal hunting time (except Sunday and Monday when the manned check station is closed). All hunters are required to deposit their hunting licenses before entering the areas. Those persons exempted by law from having a hunting license shall deposit their Firearm Owner's Identification Card.

- G) Hunters shall register as a party/group of up to 4 hunters for the drawing (except on the statewide youth waterfowl hunting day, as authorized in 17 Ill. Adm. Code 685.110(c) when 5 people may occupy a blind at one time if the party includes 2 youth hunters); each party/group drawn shall be allowed to select a blind in the order drawn; only those hunters registered in that party/group shall be allowed to hunt with the party.
- H) Upon allocation of blinds, all hunting parties/hunters must accept and hunt the blind chosen, or reject the allocation of the blind immediately. All those rejecting the allocation of a blind shall be ineligible to hunt within the blind area for the remainder of that day. Individual hunters, or hunting parties, can only be allocated one blind per day. Blinds not selected during the main drawing shall be allocated on a first-come first-served basis. No blinds will be allocated after 1:00 p.m., except the last 3 days of duck season when no allocation will be allowed after 3:00 p.m.
- I) Hunters must occupy their blinds/hunting area within one hour after registering at the manned check station.
- J) All hunting parties are required to report to the check station immediately after vacating their blind/hunting area and/or no later than 4:00 p.m. At that time, waterfowl harvested must be checked in and displayed to the check station operator. Only then will the hunting license be returned to the hunter.
- K) All hunters must park in designated areas only. All areas are marked with corresponding numbers or area designations. Only one vehicle per hunting party will be allowed, unless approval is granted by check station operator.

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- L) Within the blind area, a minimum of 12 decoys per hunting party are required while hunting waterfowl. No decoys are required within the walk-in areas. All decoys must be removed from the area at the end of the day's hunt.
- M) A 25 shotgun shell limit per hunter, per day, applies on this area. It is unlawful for a hunter to have in his or her possession more than 25 shotgun shells while on the site.
- N) All hunting must be conducted from the allocated blind. Hunting outside of allocated blinds is not permitted, except within the walk-in areas.
- O) Attempts to claim a blind by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. Insertion of a boat into a boat hide and/or the spread of decoys before a blind shall not be considered legal occupation of a blind.
- P) Due to safety factors, persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by a parent, legal guardian, or person designated by the parent or guardian who is 18 years of age or older.
- Q) Claiming or attempting to claim any blind that is legally occupied and/or harassing, in any manner, the occupants of a blind that is legally occupied is unlawful.
- R) Boats without motors may be used within the walk-in areas.

~~30)29)~~ Newton Lake Fish and Wildlife Area

- A) Blind sites shall be allocated by a daily drawing to be conducted at 4:30 a.m. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first come-first served basis until one hour before shooting time; and then after 9:00 a.m. All hunters must register before entering the hunting area. Hunting hours end at 1:00 p.m.; all hunters must be off the water or out of the field by 2:30 p.m.

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daily.

- B) Upon vacating their blinds, all hunters must place their completed harvest cards in the collection box located at the boat ramp or site headquarters.
- C) There will be duly posted waterfowl refuges. These areas shall be closed to all boat traffic and boat fishing during the waterfowl season.
- D) No more than 4 persons shall occupy a blind at one time.
- E) The west arm of the lake shall be closed to all waterfowl hunting.
- F) Blind sites shall be determined by the Department of Natural Resources and marked with numbered stakes. When it is deemed necessary, the Department shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- G) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, providing they include the blind change on the harvest card and report their kill for each blind. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
- H) Access to water blind sites shall be by boat only and from the east side boat ramps. Access to land sites shall be by walk-in only and from nearby hunter parking lots. No parking is allowed along county roads.
- I) All water hunting must be from one portable blind or one anchored portable boat blind located between the assigned numbered stakes, no more than 10 yards from shore. All land hunting must be done from a position within 50 feet of the assigned numbered stake.
- J) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

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- K) Blind site water: A position between 2 like numbered stakes where a blind may be located. Blind site land: A position within 50 feet of numbered stakes where a hunter may set up or a temporary blind may be located.
- L) Fishing shall be prohibited in the east arm of the lake during the waterfowl season.
- M) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- N) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- O) This site is closed to all users except firearm deer hunters during the firearms deer seasons.

~~31)30)~~ Oakford Conservation Area (1) |

~~32)31)~~ Pyramid State Park – Captain Unit |

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) All hunters must register as a group not to exceed 4 names per card. A hunter's name may only appear on one lottery card.
- E) Blind sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards

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of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.

- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting is allowed within 200 yards of the Captain Unit Waterfowl Rest Area or within 100 yards of any private property boundary.
- K) The land and water portion of the Captain Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Captain Unit Waterfowl Rest Area is described as follows: All land and water west of Panda Bear Road north to Northern Haul Road, then south on Beltline Road to Western Haul Road, then east on Pyatt-Cutler Road.
- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- M) The waterfowl daily drawing and staked locations will be closed to hunting on December 25.

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33)32) Pyramid State Park – Denmark Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) All hunters must register as a group, but no more than 4 names shall be listed per card. A hunter's name may only appear on one lottery card.
- E) Blind sites will be allocated by daily drawing at the Galum Unit office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from

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the nearest staked location or another hunter.

- J) No waterfowl hunting within 200 yards of Denmark Unit Waterfowl Rest Area and 100 yards of any private property boundary.
- K) The land and water portion of the Denmark Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Denmark Unit Waterfowl Rest Area is described as follows: All land and water east of field DM 72 following Pipestone Creek, north and then east along Seven Island Trust Property Boundary, then east to Eastern Haul Road, then north to Pyatt-Cutler Road.
- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- M) The waterfowl daily drawing and staked locations will be closed to hunting on December 25.

~~34)33)~~ Pyramid State Park – East Conant Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) No more than 4 hunters to a party.
- E) No waterfowl hunting within 100 yards from any private property boundary.
- F) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every

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Canada goose allowed in the daily bag.

- G) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- H) Hunters may hunt crop fields and wetlands; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.

~~35)34)~~ Pyramid State Park – Galum Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) All hunters must register as a group, but no more than 4 names shall be listed per card. A hunter's name may only appear on one lottery card.
- E) Blind sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their

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harvest on site hunting permit by February 15.

- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting within 100 yards of any private property boundary.
- K) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- L) The waterfowl daily drawing and staked locations will be closed to hunting on December 25.

~~36)35)~~ Ray Norbut State Fish and Wildlife Area (1) |

~~37)36)~~ Rend Lake Project Lands and Waters |

- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.
- B) No hunting permitted from the subimpoundment dams.
- C) While waterfowl hunting, no one may have in his/her possession any tool or device designed to cut brush or limbs, except common hunting knives and pocket knives.
- D) No waterfowl hunting permitted within 200 yards of the refuge

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boundary, or within 100 yards of any private property boundary.

- E) All boat traffic is prohibited from entering the subimpoundments from one week before waterfowl season until opening day of waterfowl season.
- F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- G) Air boats will not be allowed in the Casey Fork Subimpoundment, the Big Muddy Subimpoundment, and the impoundments on Corps of Engineers' managed areas such as Atchison Creek, ~~and~~ Gun Creek and Rend City Wetland during the regular duck and Canada goose seasons. When ice conditions do not allow access at boat ramps by normal watercraft, then air boats can be used in the Casey Fork and Big Muddy Subimpoundments.
- H) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:
  - i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
  - ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
  - iii) All hunters must have the registration card from the check station in their possession while hunting.
  - iv) Hunters must occupy the pit they have drawn by legal shooting time. If a pit is not occupied by legal shooting time, another party who has registered at the check station may occupy the unclaimed pit.

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- v) No more than 6 dozen decoys may be used per pit.
  - vi) No more than 4 hunters will be allowed in a pit or hunting party.
- I) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- J) During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.
- K) The land and water portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
  - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
  - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
  - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
  - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
  - vi) Bounded on Nason Point by refuge boundary signs at project limits.
- L) After the close of regular duck season, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

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- M) Staked Hunting Areas – Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:
- i) All hunting must occur within 10 yards of an assigned, numbered stake except for stakes identified at the check station where hunters may hunt from any place in the field in which the stake is located and only one hunting party may occupy a staked site at any given time.
  - ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January. Check stations will be open from ½ hour before drawing time to 9:30 a.m. daily.
  - iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
  - iv) Hunters arriving at the check station after the draw may enter the staked area only if it is one hour prior to shooting time or between 9:00 a.m. and 9:30 a.m. All hunters must register at the check station.
  - v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come-first served basis. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.

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- vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
- vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.

~~38)37)~~ Sahara Woods State Fish and Wildlife Area (1) |

~~39)38)~~ Saline County Conservation Area (1) |

- A) Waterfowl hunting is allowed north of the township road only.
- B) Walk-in hunting only.
- C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.

~~40)39)~~ Sand Ridge State Forest (Sparks Pond Land and Water Reserve) (1) |

- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.
- B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
- C) Hunters must report harvest to site office.

~~41)40)~~ Sanganois State Fish and Wildlife Area |

- A) Hunters using the main walk-in hunting area from opening day of the Central Zone duck season through the first Sunday of the Central Zone duck season must have a permit issued from the site office. Procedures for issuance of permits will be publicly announced.
- B) Hunters using the walk-in area shall use the check station at the

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headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.

- C) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
- D) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
- E) Topper's Hole is a walk-in area accessed by boat only, no check-in, check-out, no permanent blinds, hunting parties must stay at least 200 yards apart, hunting parties shall hunt over no less than 12 decoys, daily hunting hours are legal shooting hours through 1:00 p.m. CST.
- F) The Baker tract is a daily-draw walk-in area with 4 separate hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation. Parties must register for the draw together on the same card.
- G) Upon the completion of hunting, hunters must report to the check station within one hour.
- H) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.
- I) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
- J) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.

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- K) When the Central Zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
- L) No hunting permitted from the walk-in area subimpoundment levee.
- M) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.

42)41) Sangchris Lake State Park

- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.
- B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)
- C) During that portion of the light goose season which follows the regular Canada goose season, the west-side goose pit area blinds, subimpoundment blinds, and designated fields west of the west boat ramp shall be available daily on a first come-first served basis. Hunters must sign in at the appropriate parking area no earlier than 5 a.m.
- D) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

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- E) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.
- F) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(41)(K)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.
- G) No more than 4 persons shall occupy a blind at one time.
- H) The center arm of the lake shall be closed to all waterfowl hunting.
- I) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- J) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.
- K) Access to water blind sites shall be by boat only and from designated boat launch sites. Blinds on the peninsula subimpoundment shall be accessed on foot once the hunter has reached the peninsula by boat. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.
- L) All hunting must be from one portable blind or one anchored portable boat blind located within a numbered cove and between the assigned numbered stakes or from one Department designated blind or pit.
- M) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

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- N) No unauthorized pits or blinds shall be built on State managed land.
- O) Blind sites: A position between 2 like numbered stakes within a cove or other Department designated site where a blind may be located.
- P) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season, unless the youth waterfowl hunt is more than 10 days before the regular duck season, then the east and west arms will be closed to accommodate the youth waterfowl hunt. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season.
- Q) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.
- T) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday, through the regular Canada goose season, except for the Tuesday and Wednesday preceding the last day of the Canada goose season.
- U) Hunters in the west-side goose pit area may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit after the close of the Central Zone duck season.

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- V) All blinds will be closed during the first day of the second firearm deer season; hunting hours will be from statewide hunting hours until 10:00 a.m. the remaining days of the second firearm deer season.
- ~~43)42)~~ Shawnee National Forest, Upper and Lower Bluff Lakes |  
Goose hunting is prohibited at Lower Bluff Lake.
- ~~44)43)~~ Shawnee National Forest, LaRue Scatters |  
All hunting must be by walking in or in boats without motors.
- ~~45)44)~~ Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west |  
of the Big Muddy levee)
- A) All hunting must be by walking into the area.
- B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.
- ~~46)45)~~ Sielbeck Forest Natural Area (1) |
- ~~47)46)~~ Stephen A. Forbes State Park |
- A) On the main lake hunting is allowed from a boat blind only in the designated areas.
- B) Only walk-in hunting is allowed in the subimpoundment.
- C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.
- ~~48)47)~~ Ten Mile Creek Fish and Wildlife Area (1) |
- A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle Rive unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.
- D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

~~49)48)~~ Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1) |

~~50)49)~~ Union County (Firing Line Waterfowl Management Area) |

- A) Blind sites shall be allocated on a daily draw basis at the site shop building 60 minutes prior to hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a blind site in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blinds not allocated during the drawing will not be hunted that day. Moving from blind to blind is not allowed.
- C) Access to blind sites is from Clear Creek Levee only.
- D) Each hunting party must hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- E) Hunting hours end at 1:00 p.m. and all hunters must be out of the area by 2:00 p.m. Daily entry into the area is restricted until after the drawing for hunting sites.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- F) When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

~~51~~<sup>50</sup> Weinberg-King State Park – Spunky Bottoms Unit (no access restrictions; sign in/sign out required) (1) |

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Number: 1040.50                      Proposed Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/6-521
- 5) A Complete Description of the Subjects and Issues Involved: Suspension of license of commercial motor vehicle driver. This amendment is necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.
- 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? Yes
- 10) Are there any other proposed rulemakings pending on this Part? Yes  

<u>Section Numbers</u> :	<u>Proposed Action</u> :	<u>Illinois Register Citation</u> :
1040.33	Amendment	30 Ill. Reg. 13846; August 18, 2006
1040.70	Amendment	30 Ill. Reg. 18874; December 15, 2006
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the prepared amendments are posted on the Secretary of State's website, <http://www.cyberdriveillinois.com/> as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Arlene J. Pulley  
Administrative Rules Coordinator

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

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

217/557-4462

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2006

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

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

Section	
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.29	2 or More Traffic Offenses Committed <del>Within</del> <u>within</u> 24 Months by a Person Under the Age of 21 Years
1040.30	3 <del>Or</del> <u>or</u> More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35	<u>Administrative Revocation for</u> Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation <u>Based</u> Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Re vocations
1040.48	Vehicle Emission Suspensions
1040.50	<del>Occupational Permit</del> <u>Suspension of License of Commercial Vehicle Driver</u>
1040.52	Driver Remedial Education Course
1040.55	Suspension <u>or Revocation</u> for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy <u>Rule</u> for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for 5 or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.109	Two or More Convictions for Railroad Crossing Violations
1040.110	Bribery
1040.111	Suspension for Violation of 625 ILCS 5/11-908(a-1) for Failure to Yield upon Entering a Construction or Maintenance Zone <u>when</u> <del>When</del> Workers Are Present
1040.115	Suspension for Theft of Motor Fuel

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

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective

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August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1040.50 Occupational Permit~~Suspension of License of Commercial Vehicle Driver~~**

- a) For purposes of this Section, the following definitions shall apply:

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to that such license in accordance with Section 1-110 of the Illinois Vehicle Code and Sections 6-201 and 6-206(c)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110, 6-201 and 6-206(c)(3)].

"Commercial Driver's License" or "CDL" - a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an

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individual that authorizes the individual to operate a class of a commercial motor vehicle.

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

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

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

a vehicle designed to transport 16 persons; or

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

"Commercial Vehicle" – any vehicle operated for the transportation of person or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

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

"Driver Improvement Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. This course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or a total of 9 hours of instruction.

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"Farm Vehicle" – every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry ~~that~~which is self-propelled, excluding all-terrain vehicles and off-highway motorcycles.

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

"Implement of Husbandry" – every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection with those operations therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds shall be considered an implement of husbandry included hereunder.

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

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

"Secretary of State" – the Secretary of State of Illinois.

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on public highways, for a period specifically designated by the Secretary.

- b) If the Secretary of State suspends the driver's license of a person under Section 6-206(a)(2) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)] and the person drives a commercial vehicle in connection with his/her regular occupation, he/she may qualify for a Restricted Driving Permit for Occupational Driving based on

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the following requirements:

- 1) 18 years of age;
- 2) the individual must have been issued or have qualified for a valid Illinois driver's license prior to issuance of the Restricted Driving Permit for Occupational Driving;
- 3) no outstanding reinstatement fees or failure to pay requirements are effective on the Illinois driving record;
- 4) no effective or pending suspensions, revocations, cancellations or disqualifications on the individual's Illinois driving record;
- 5) the suspension period does not exceed 12 months;
- 6) the suspension was the result of 3, 4 or 5 offenses thatwhich were committed within a 12 month period. If 5 offenses were committed, at least 2 of thatwhich occurred while operating a commercial vehicle in connection with the driver's regular occupation, the driver would not qualify for a Restricted Driving Permit for Occupational Driving;
- 7) the individual's occupation must be full time, and one thatwhich involves driving a commercial vehicle on a regular basis. Part-time employment or a person renting a commercial vehicle under a short term lease shall not qualify;
- 8) the individual must successfully complete a Driver Improvement Course prior to the issuance of the Restricted Driving Permit for Occupational Driving;
- 9) the individual shall complete and sign an affidavit prescribed by the Secretary of State setting forth his/her eligibility as a driver of a commercial vehicle and such other information as required by the Secretary of State. The affidavit shall also be notarized by a Notary Public or signed by a Secretary of State Hearing Officer;
- 10) the individual must submit a notarized letter from the employer, on the employer's letterhead, verifying employment;

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## NOTICE OF PROPOSED AMENDMENT

- 11) submit appropriate fee;
  - 12) surrender current valid Illinois driver's license.
- c) Operation of the following vehicles shall not be deemed to be the operation of a commercial vehicle:
- 1) ~~farm~~Farm vehicle;
  - 2) ~~implements~~Implements of husbandry;
  - 3) ~~road~~Road machinery temporarily on the highway;
  - 4) ~~a~~A farm tractor being operated between the home farm and adjacent or nearby farm.
- d) If the permit holder's regular occupation changes, or if the original permit is lost or stolen, the driver is required to apply for a corrected or duplicate permit in order to continue driving. The driver must qualify by meeting the requirements outlined in subsection (b) of this Section and shall submit an affidavit verifying the lost or stolen permit in order to be issued a duplicate permit, or surrender the original permit to obtain a corrected permit.
- e) Upon receipt by this Office of the 5<sup>th</sup> conviction within a 12 month period, if at least 2 of the convictions were issued for violations committed in his/her commercial vehicle, or a 6<sup>th</sup> conviction within a 12 month period was received and the permit was still valid, an Order of Cancellation shall be entered pursuant to Section 6-206(c)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(c)(3)].
- f) A Restricted Driving Permit for Occupational Driving shall be cancelled if the Secretary of State receives reliable written evidence that the individual does not qualify for the permit as outlined in subsection (b) of this Section.
- g) Any driver required to obtain a commercial driver's license under Section 6-507 [625 ILCS 5/6-507] may not be issued an occupational driving permit to operate a commercial motor vehicle while the individual's CDL is cancelled, revoked, suspended or disqualified under Sections 6-507(b) and 6-514 [625 ILCS 5/6-507(b) and 6-514].~~This permit shall not apply to any driver required to obtain a~~

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

~~commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514 [625 ILCS 5/6-507 and 6-514].~~

- h) Any person who falsely states any fact in the affidavit required by subsection (b)(a) herein shall be guilty of perjury under Section 6-302 of the Vehicle Code [625 ILCS 5/6-302] and upon conviction thereof shall have all driving privileges revoked without further rights.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 1800
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1800.10	New Section
1800.20	New Section
1800.30	New Section
1800.40	New Section
1800.50	New Section
1800.60	New Section
1800.70	New Section
- 4) Statutory Authority: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 1A-8 of the Election Code [10 ILCS 5/1A-8]
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules implement grievance procedures required under the federal Americans with Disabilities Act.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed rules do not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED RULES

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

217/782-4141

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

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

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED RULES

TITLE 4: DISCRIMINATION PROCEDURES  
CHAPTER LXI: STATE BOARD OF ELECTIONSPART 1800  
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
1800.10	Purposes
1800.20	Definitions
1800.30	Procedure
1800.40	Review at the Designated Coordinator Level
1800.50	Review at the Final Level
1800.60	Accessibility Policy
1800.70	Case-by-Case Resolution

AUTHORITY: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 1A-8 of the Election Code [10 ILCS 5/1A-8].

SOURCE: Adopted at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1800.10 Purpose**

- a) The Americans With Disabilities Act grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA) and specifically 28 CFR 35.107 requiring that a procedure be established to resolve grievances asserted by qualified individuals with disabilities. Any individual desiring to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it may contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the State Board of Elections (Office), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intent of the Office to foster open communication with all individuals requesting ready access to programs, services and activities. The Office encourages directors of programs, services and activities to respond to requests for modifications before they become grievances.

**Section 1800.20 Definitions**

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## NOTICE OF PROPOSED RULES

"ADA" means the Americans With Disabilities Act (42 USC 12101 et seq.).

"Complainant" is an individual with a disability who files a Grievance Form provided by the Office in accordance with Section 1800.30.

"Designated Coordinator" is the person appointed by the State Board of Elections to coordinate the Office's efforts to comply with and carry out its responsibilities under Title II of the ADA (State and Local Government Services and Public Transportation), including the investigation of grievances filed by complainants. The Designated Coordinator may be contacted at the Office of the State Board of Elections, 1020 South Spring Street, Springfield, Illinois 62704 or by telephone at 217/782-4141 (voice), 217/782-1518 (TDD).

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of that individual, a record of such an impairment, or being regarded as having such an impairment.

"Executive Director" means the Executive Director of the State Board of Elections.

"Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in, or receipt of, the benefits of a program, activity or service offered by the Office, and who believes she or he has been excluded from participation in or denied the benefits of any program, service or activity of the Office or has been subject to discrimination by the Office on the basis of her or his disability.

"Office" means the Office of the State Board of Elections.

**Section 1800.30 Procedure**

- a) Grievances must be submitted through the channels defined in this Section, in the form and manner described, and within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in business days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.

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## NOTICE OF PROPOSED RULES

- b) A complainant's failure to submit a grievance or to submit or appeal it to the next level of procedure within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given by the Office.
- c) Upon being informed by an individual that the individual desires to file a formal grievance, the Office shall provide the individual with a copy of this Part and the Grievance Form.
- d) In order to be deemed filed and to receive proper consideration by the Designated Coordinator, the Grievance Form must be completed in full except as otherwise indicated. The Designated Coordinator will notify the complainant within 10 days after the receipt of the form if the filing is not complete. The Office will assist with completion of the Grievance Form upon request.

**Section 1800.40 Review at the Designated Coordinator Level**

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 calendar days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the prescribed Grievance Form. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance shall be provided by the Office to complete the Grievance Form.
- c) The Designated Coordinator, or her or his representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and the Executive Director within 10 days after receipt of the Grievance Form.

**Section 1800.50 Review at the Final Level**

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and the Designated Coordinator's response to the Executive Director for final review within 10 days after receipt of the Designated Coordinator's written response. The complainant shall submit these documents to the Executive Director, together with a short written statement explaining the reasons for dissatisfaction with the Designated Coordinator's written response.

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED RULES

The Executive Director will extend the period for submitting the review request and supporting documents for up to 10 additional days upon complainant's request.

- b) The Executive Director shall appoint a 3 member Review Panel to review the grievance at the Final Level. One member so appointed shall be designated chairperson. The Designated Coordinator or any representative of the Designated Coordinator, who conducted the investigation at the Designated Coordinator Level, may not be a member of the Review Panel.
- c) The complainant shall be afforded an opportunity to appear before the Review Panel. The Review Panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) The Review Panel shall approve, disapprove or modify the recommendation of the Designated Coordinator, shall render a decision in writing within 30 days, shall state the basis for the decision, and shall cause a copy of the decision to be served on the parties. The Review Panel's decision shall be final. If the Review Panel disapproves or modifies the Designated Coordinator's recommendations, the Review Panel shall include written reasons for disapproval or modification.
- e) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, and the decision of the Review Panel shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

**Section 1800.60 Accessibility Policy**

The Office shall ensure that all stages of the procedure are readily accessible to and usable by individuals with disabilities.

**Section 1800.70 Case-by-Case Resolution**

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Office. Accordingly, termination of a grievance at any level, whether

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED RULES

through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1030.96	Amendment
1030.98	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104, 625 ILCS 5/6-206, 625 ILCS 5/6-500 and 625 ILCS 5/6-521
- 5) Effective Date of Amendments: April 12, 2007
- 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 Department's Division of Driver Services, and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 16895; October 27, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Sections 1030.96(a) and 1030.98(a), in the definition of "Serious traffic violation" deleted "by administrative rule to be serious" and reinstated "pursuant to 92 Ill. Adm. Code 1040.20". Other technical, non-substantive changes were made as suggested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1030.APPENDIX A	Amendment	31 Ill. Reg. 1821; January 19, 2007
1030.83	Amendment	30 Ill. Reg. 18863; December 15, 2006

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NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: These amendments are necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Arlene J. Pulley  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

217/557-4462

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

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## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
<u>1030.83</u>	<u>Hazardous Material Endorsement</u>
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses

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

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

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December

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13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007.

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**Section 1030.96 Seasonal Restricted Commercial Driver's License**

- a) For purposes of this Part, the following definitions shall apply:

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

*"Agricultural commodities" – includes plants and plant parts, livestock, poultry, livestock or poultry products, seeds, sod, shrubs and other products of agricultural origin including premises necessary to and used directly in agricultural production. [415 ILCS 60/4]*

"Alcohol" – any substance containing any form of alcohol, including but not limited to: ethanol, methanol, propanol and isopropanol.

"Alcohol concentration" – the number of grams of alcohol per 210 liters of breath; or, the number of grams of alcohol per 100 milliliters of blood; or, the number of grams of alcohol per 67 milliliters of urine.

"Class A vehicle" – any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the Gross Vehicle Weight Rating (GVWR) of the vehicle(s) being towed is in excess of 10,000 pounds. Holders of a Class A license may, with the appropriate or required endorsements, operate all vehicles within Class A, B, C, and D, but are not authorized to operate motorcycles or motor driven cycles.

"Class B vehicle" – any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle not in excess of 10,000 pounds GVWR. Holders of a Class B license may, with appropriate endorsements, operate all vehicles within Class B, C, and D, but are not authorized to operate motorcycles or motor driven cycles.

"Class C vehicle" – any single vehicle with a GVWR of 16,001 or more pounds but less than 26,001 pounds GVWR or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; or any vehicle less than 26,001 pounds GCWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials which requires the vehicle to be placarded; or any vehicle less than 26,001 pounds GCWR designed to transport 16 or more

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people including the driver or used in the transportation of hazardous materials which requires the vehicle to be placarded, towing a vehicle with a GVWR of 10,000 pounds or less or with a GCWR of less than 26,001 pounds. Holders of a Class C license may operate all vehicles within Class C and D, but are not authorized to operate motorcycles or motor driven cycles. A Class C license is not required to operate rental vehicles when transporting an individual's own personal property or that of an immediate family member for non-business purposes within this State, if the individual has successfully completed a safety course regarding safe operation of the vehicle.

"Class D vehicle" – is defined as: any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials which would require such vehicle to be placarded; or any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials which would require such vehicle to be placarded, towing any vehicle providing the GCWR is less than 26,001 pounds. Holders of a Class D license may operate all vehicles within Class D, and may operate rental vehicles up to 26,000 pounds when transporting an individual's own personal property or that of an immediate family member for non-business purposes within the State, if the individual has successfully completed a safety course regarding the safe operation of the vehicle, but are not authorized to operate motorcycles or motor driven cycles.

"Commercial Driver's License" ~~or "(CDL)"~~ – ~~a driver's~~ license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383 (2003), to an individual, person which authorizes the individual that person to operate drive a ~~certain~~-class of a commercial motor vehicle ~~vehicles~~.

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

"Commercial motor vehicle" ~~or "CMV"~~ – a motor vehicle, used in commerce, except those referred to in Section 6-500(6)(B) of the Illinois Vehicle Code, designed to transport passengers of property if having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations (49 CFR 383); or any combination of vehicles with a GCWR of 26,001 pounds or

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~~more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. This definition does not include recreational vehicles as defined in Section 1-169 of the Illinois Vehicle Code [625 ILCS 5/1-169] when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.~~

the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations (49 CFR 383 (2003)); or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

the vehicle is designed to transport 16 or more persons; or

the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR 172, subpart F (2003).

"Controlled substance" – shall have the same meaning as defined in Section 102 of the Illinois Controlled Substances Act, and shall also include cannabis as defined in Section 3 of the Cannabis Control Act.

"Conviction" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. [625 ILCS 5/6-500(8)]~~a final adjudication of guilt by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default.~~

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

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

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"Disqualification" – a withdrawal of the privilege to drive a commercial motor vehicle.

"Drive" – drive, operate or be in physical control of a motor vehicle.

"Driver applicant" – an individual who applies to a state to obtain, transfer, upgrade, or renew a CDL~~any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a commercial driver's license (CDL).~~

"Farm" – includes stock, dairy, poultry, forestry, fruit, fur-bearing animals and truck farms, plantations, ranches, nurseries, range, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards.

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

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

"Foreign jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "State".

"Full information" – all records of traffic law convictions, as contained in the records then on file in the Office of the Secretary of State or any other state, whether the person has a current driver's license then on file, the driver's license number, and the address and personal description of said person as reflected on the person's driver's license application.

"Gross vehicle weight rating (GVWR)" – the value specified by the manufacturer(s) as the maximum loaded weight of a single or combination of vehicles, or the registered gross weight vehicle, whichever is greater. The GVWR of a combination of vehicles, commonly referred to as the gross combination weight rating (GCWR) is the GVWR of the power unit plus the GVWR of the towed unit or units, or the combined registered weight of the power unit plus the towed unit, whichever is greater.

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"Hazardous materials" means any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 (2003) or any quantity of a material listed as a select agent or toxin in 42 CFR 73 (2003) ~~material" substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce (49 App. U.S.C. 1801 et seq.).~~

"Invalidation" – the indefinite withdrawal of the privilege to drive a commercial motor vehicle with a seasonal restricted commercial driver's license (except as otherwise provided in this Section).

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

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

"Motor vehicle" – every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails except vehicles moved solely by human power and motorized wheelchairs.

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

"Safety checklist" – an explanation, which is provided by an employer to an employee prior to obtaining a restricted CDL, concerning the controls and features of the vehicle and its operation.

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

"Serious traffic violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CDL, of: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation relating to reckless

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~~driving; or a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation in any type or class or motor vehicle of the following offenses or a similar violation of a law or local ordinance of any state relating to motor vehicle traffic control: violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation relating to reckless driving; or a violation of any State Law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident;~~ or a violation of Section 6-501, relating to having multiple driver's licenses; or a violation of subsection (a) of Section 6-507 of the Illinois Driver Licensing Law relating to the requirement to have a valid CDL; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines pursuant to 92 Ill. Adm. Code 1040.20.

"State" – a state of the United States, the District of Columbia and any Province or Territory of Canada and Mexico.

- b) In order to be eligible for a seasonal restricted commercial driver's license, the driver applicant must meet the following qualification standards:
- 1) The driver applicant must be employed by one ~~(1)~~ or more of the following farm-related services:
    - A) Farm retail outlet and/or supplier;
    - B) Agri-chemical business;
    - C) Custom harvester;
    - D) Livestock feeder;
  - 2) The driver applicant must have held any motor vehicle operator's license for at least a period of a one ~~(1)~~-year prior to the date of application for a seasonal restricted CDL;
  - 3) The driver applicant must have a valid Illinois Class B driver's license;

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- 4) The driver applicant shall not have more than one ~~(1)~~ driver's license;
- 5) The driver applicant's driving privileges must not have been suspended, revoked, canceled or disqualified in this State or any other state within two ~~(2)~~ years prior to application for a restricted CDL;
- 6) The driver applicant must not have been convicted of a "serious traffic violation" in any class of motor vehicle within two years prior to application for a restricted CDL;
- 7) The driver applicant shall not have any~~No~~ convictions for accident-connected traffic law violations, and no record of at-fault accidents in any class of motor vehicle within two years prior to the application for a restricted CDL;
- 8) The driver applicant must submit with his/her initial application for a restricted CDL a letter from his/her initial employer verifying that the driver applicant is employed in one of the required farm-related services and complete the safety checklist on the application regarding the safe operation of the vehicle he/she will be operating.
  - A) The safety checklist shall consist of a demonstration and discussion, by the employer with the employee/driver applicant, of the following features for the safe operation of a commercial motor vehicle:
    - i) parking (hand) brake;
    - ii) headlights;
    - iii) parking lights;
    - iv) emergency (hazard) lights;
    - v) brake lights;
    - vi) tires;

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- vii) horn;
  - viii) turn signals;
  - ix) windshield wipers;
  - x) rear vision mirrors;
  - xi) gear shift;
  - xii) safety belts.
- B) The employee/driver applicant must be informed:
- i) that a commercial motor vehicle requires more turning area than a car and to watch when making turns;
  - ii) not to tailgate since the weight of the truck requires stopping distances (at least one vehicle length for every 10 MPH between truck and vehicle ahead);
  - iii) to allow more time for acceleration when pulling out into traffic;
  - iv) to obey weigh station scale signs;
  - v) to observe truck speed limits;
  - vi) to approach low overheads such as gas station and motel canopies, bridges, toll booths, and drive-throughs cautiously;
  - vii) to avoid backing up the truck, but, if necessary, to have another person guide him/her;
  - viii) to drive and park cautiously on hills.
- c) Prior to the issuance of a restricted CDL, the Secretary of State shall perform a records check through the Commercial Driver's License Information System

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(CDLIS) and enter each restricted CDL holder's record into CDLIS.

- d) All ~~driver applicants~~~~drivers~~ issued a restricted commercial driver's license shall be allowed to operate the kind and type of ~~vehicles~~~~vehicles(s)~~ as follows:
- 1) Class B: Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. Holders of a Class B license may operate all vehicles of Classes B, C, and D, but are not authorized to operate motorcycles or motor driven cycles.
  - 2) In order to transport hazardous materials intrastate a restricted CDL holder must be at least 18 years of age.
  - 3) In order to transport hazardous materials interstate a restricted CDL holder must be at least 21 years of age.
  - 4) A restricted CDL holder may transport only the following hazardous materials:
    - A) 1,000 gallons or less of diesel fuel;
    - B) 3,000 gallons or less of liquid fertilizer; or
    - C) Solid fertilizers that are not mixed with any organic substance.
- e) A restricted CDL shall be issued for either a ~~one hundred eighty (180)~~ day period or two ~~ninety (90)~~ day periods in any ~~twelve (12)~~ month period. In no event shall the second ~~ninety (90)~~ day period exceed the expiration of the ~~twelve (12)~~ month period. If ~~the driver applicant~~~~a person~~ elects the two ~~ninety (90)~~ day periods, he/she will receive two separate restricted CDLs prior to each period. Prior to the issuance of the second restricted CDL, the Department shall review the ~~driver applicant's~~~~holder's~~ driving record for any violation as outlined in subsections (b)(5) through (b)(7). The ~~driver applicant~~~~holder~~ shall be issued the second restricted CDL provided he/she is not otherwise ineligible for the same.
- f) A restricted CDL shall be valid only within 150 air miles from the farm or farm-related business being served. The holder of a restricted CDL shall at all times while employed by a farm-related service and operating a commercial motor vehicle have in his/her possession verification of his/her employment that

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includes the location of his/her employer's farm or farm-related business.

- g) All fees shall be as required by Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118]. A restricted CDL may be revalidated without fee for up to four ~~(4)~~ years from the date of issuance of the first restricted CDL.
- h) A restricted CDL shall be invalidated and/or further action shall be taken against the individual's driving privileges if any of the following occurs:
- 1) The Secretary of State receives reliable written evidence that the individual is no longer employed by one of the required farm-related services;
  - 2) The Secretary of State receives reliable written evidence that the individual has not held a motor vehicle operator's license for at least one ~~(1)~~-year prior to the date of application for a restricted CDL;
  - 3) The Secretary of State receives reliable written evidence that the individual no longer has a valid Illinois driver's license;
  - 4) The Secretary of State receives reliable written evidence that the individual's driving privileges have been suspended, revoked, canceled or disqualified in this State or any other state;
  - 5) The Secretary of State receives reliable written report of a conviction of a "serious traffic violation" in any class of motor vehicle;
  - 6) The Secretary of State receives reliable written report for a conviction of an accident-connected traffic law violation and/or at-fault accident;
  - 7) The Secretary of State receives reliable written evidence of any violation of this Part.
- i) An individual whose restricted CDL has been invalidated shall not be eligible to apply for another restricted CDL until the expiration of two ~~(2)~~ years from the effective date of his/her invalidation.
- j) An individual~~A driver~~ who possesses a restricted CDL shall be subject to the

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disqualification provisions of Section 6-514 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-514].

- k) An individual~~A driver~~ who possesses a restricted CDL shall be subject to the prohibitions against driving a commercial motor vehicle while having any alcohol in such individual's~~person's~~ system as outlined in Section 6-515 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-515].
- l) An individual~~A driver~~ who possesses a restricted CDL shall be subject to the implied consent requirements for commercial motor vehicle drivers as outlined in Section 6-516 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-516].
- m) An individual~~A driver~~ who possesses a restricted CDL shall be subject to the implied consent warning as outlined in Section 6-517 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-517].
- n) An individual~~A driver~~ whose restricted CDL has been disqualified and/or invalidated who wishes to have a hearing shall follow the procedures as outlined in Section 6-520 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-520].

(Source: Amended at 31 Ill. Reg. 6370, effective April 12, 2007)

**Section 1030.98 School Bus Commercial Driver's License**

- a) For purposes of this Section, the following definitions shall apply:

"Cancellation" – the without prejudice annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Sections 1-110 of the Illinois Vehicle Code and 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].

"Commercial Driver's License" or "(CDL)" – a driver's license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383 (2003), ~~state~~ to an individual~~a person~~, which authorizes the individual~~that person~~ to operate~~drive~~ a certain class of commercial motor vehicle ~~or vehicles~~ [625 ILCS 5/6-500(3)].

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

"Commercial Motor Vehicle" or "CMV" – a motor vehicle, used in commerce, except those referred to in Section 6-500(6)(~~Bd~~) of the Illinois Vehicle Code, designed to transport passengers or property if:

the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations (49 CFR 383 (2003))~~or the Secretary of State~~; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

the vehicle is designed to transport 16 or more persons; or

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

*"Conviction" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of ~~whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated~~ [625 ILCS 5/6-504]. [625 ILCS 5/6-500(8)]*

"Disqualification" – a withdrawal of the privilege to drive a commercial motor vehicle.

"Driver Applicant" – an individual who applies to a state to obtain, transfer, upgrade, or renew a CDL.

"Felony" – an offense under State or Federal law that is punishable by death or

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imprisonment for a term of one year or more.

"Gross Vehicle Weight Rating" or "~~{GVWR}~~" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single ~~or a combination of vehicle~~ vehicle(s), or the registered gross weight, whichever is greater. The GVWR of a combination of vehicles (commonly referred to as the Gross Combination Weight Rating (GCWR)) is the GVWR of the power unit plus the GVWR of the towed unit or units~~unit(s), or the combined registered weight of the power unit plus towed unit(s), whichever is greater~~. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit.

"School Bus" – Every motor vehicle, except as otherwise provided in this definition, owned or operated by or for a school operated by a religious institution or a public or private child care facility, pre-school, primary or secondary school for the transportation of persons regularly enrolled in any such entity as students in Grade 12 or below in connection with any activity of the entity. This definition does not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events or for shuttle service between attendance centers or other educational facilities and not over a regular or customary school bus route.

A religious organization bus as defined in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182].

A motor vehicle designed for carrying not more than nine passengers that is not registered as a school bus under Section 3-808 of the Illinois Vehicle Code [625 ILCS 5/3-808].

"School Bus Commercial Driver Instruction Permit" or "~~{School Bus CDIP}~~" – an instruction permit, with a "J48" restriction, which limits CMV operation to a school bus only, as defined in this Part.

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

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

"Serious Traffic Violation" – ~~a conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CDL, of: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation relating to reckless driving; notwithstanding convictions, which in and of themselves result in the immediate suspension or revocation of a driver's license and privilege, the following offenses~~ or a ~~similar~~ violation of any state law or local ordinance of any state relating to motor vehicle traffic control ~~shall be considered a serious traffic violation: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation of any State Law or local ordinance relating to motor vehicle traffic control~~ (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-501 of the Illinois Driver Licensing Law relating to having multiple driver's licenses; or a violation of subsection (a) of Section 6-507 of the Illinois Driver Licensing Law relating to the requirement to have a valid CDL; or a violation of Section 6-104(d) of the Illinois Vehicle Code [625 ILCS 5/6-104(d)] relating to the possession of a valid school bus driver permit; or a violation of the speed limit in school zone as defined in Section 11-605 of the Illinois Vehicle Code [625 ILCS 5/11-605]; or a violation of passing a stopped school bus as defined in Section 11-1414 of the Illinois Vehicle Code [625 ILCS 5/11-1414]; or failure to stop at railroad crossing as defined in Section 11-1202 of the Illinois Vehicle Code [625 ILCS 5/11-1202]; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, ~~that which~~ the Secretary of State determines pursuant to 92 Ill. Adm. Code 1040.20.

"State" – a state or territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of

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*Canada* [625 ILCS 5/1-195].

"Third Party Tester" – an entity that has been approved by the Secretary.

- b) In order to be eligible for a school bus commercial driver's license, the driver applicant must:
- 1) be eligible and have applied for an Illinois school bus permit pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1] and 92 Ill. Adm. Code 1035;
  - 2) pass a written school bus core knowledge and passenger endorsement written tests;
  - 3) pass the skills test in a representative vehicle.
- c) In order to be eligible for a school bus commercial driver instruction permit the driver applicant must pass the written school bus core knowledge test.
- d) The Secretary of State shall issue a school bus CDIP in accordance with Section 1030.65 of this Part and Section 6-105 of the Illinois Vehicle Code [625 ILCS 5/6-105].
- e) The Secretary of State shall deny issuance of a school bus CDL and/or school bus CDIP:
- 1) for failure to meet the qualification standards contained in Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508];
  - 2) for failure to meet any eligibility requirements contained in this Section.
- f) *Prior to the issuance of a school bus CDL and school bus CDIP, the Secretary of State shall perform a records check through the Problem Driver Pointer System (PDPS) and the Commercial Driver's License Information System (CDLIS), meet all requirements as outlined in 49 CFR 384 (2003), and enter each school bus CDL holder's record into CDLIS [625 ILCS 5/6-513].*
- g) A ~~person~~persons applying for and operating on a school bus CDIP shall be exempt from obtaining and holding an Illinois bus driver permit, but must be

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accompanied by an individual holding the proper license classification and a school bus driver permit.

h) All ~~driver applicants~~ drivers issued a school bus commercial driver's license shall have their commercial motor vehicle operation limited to a school bus, but may operate non-commercial motor vehicles with classification or of a lesser classification.

i) A driver applicant with a school bus CDL issued under this Section shall have on his/her driver's license a Type "J48" restriction and a "P" and "S" endorsement.

j) A school bus CDL shall expire in accordance with the provisions of Section 6-115 of the Illinois Vehicle Code [625 ILCS 5/6-115].

k) The fees for a school bus commercial driver's license shall be as follows:

- 1) Driver's license upgrade to school bus CDL with J48 restriction, regardless of age .....\$~~1020~~
- 2) Renewal school bus CDL with J48 restriction, regardless of age .....\$20
- 3) Duplicate or corrected school bus CDL .....\$5
- 4) Instruction Permit issued to any person holding a valid Illinois driver's license for the purpose of changing to a school bus CDL .....\$10
- 5) School bus CDL upgrade to regular CDL .....\$~~4020~~
- 6) Driver's license renewal, plus school bus commercial driver's license instruction permit .....\$20

l) A driver applicant who possesses a school bus CDL or school bus CDIP shall be subject to the disqualification provisions of the Illinois Vehicle Code [625 ILCS 5/6-514].

m) A driver applicant who possesses a school bus CDL or school bus CDIP shall be subject to the prohibitions against driving a commercial motor vehicle while having any alcohol in such person's system as outlined in Section 6-515 of the

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Illinois Vehicle Code [625 ILCS 5/6-515].

- n) A driver [applicant](#) who possesses a school bus CDL or school bus CDIP shall be subject to the implied consent requirements for commercial motor vehicle drivers as outlined in Section 6-516 of the Illinois Vehicle Code [625 ILCS 5/6-516].
- o) A driver [applicant](#) who possesses a school bus CDL or school bus CDIP shall be subject to the implied consent warnings as outlined in Section 6-517 of the Illinois Vehicle Code [625 ILCS 5/6-517].
- p) A driver [applicant](#) whose school bus CDL or school bus CDIP has been canceled or withdrawn may contest the sanction by requesting a hearing pursuant to the procedures as outlined in Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118]. The cancellation or withdrawal of a school bus CDL shall remain in effect pending the outcome of that hearing.
- q) A driver [applicant](#) who possesses a school bus CDL or school bus CDIP shall be subject to the cancellation provisions of Section 6-201 of the Illinois Vehicle Code [625 ILCS 5/6-201].
- r) A driver [applicant](#) who possesses a school bus CDL or school bus CDIP shall be subject to all provisions of the Uniform Commercial Drivers License Act [625 ILCS 5/Ch. 6, Art. V].

(Source: Amended at 31 Ill. Reg. 6370, effective April 12, 2007)

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- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3) Section Number: 1070.20                      Adopted Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/Ch. 7; 625 ILCS 5/6-521
- 5) Effective Date of Amendment: April 12, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 7855; April 28, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: At end of the main source note, agency added "emergency expired September 11, 2006" and made other technical, non-substantive changes as suggested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking will make the policies of the Secretary of State's office consistent with those of the Division of Insurance, and will further guarantee that wrongful suspensions are not being entered on driving records.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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Arlene J. Pulley  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

217-557-4462

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1070  
ILLINOIS SAFETY RESPONSIBILITY LAW

Section	
1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments
1070.100	Bankruptcy
1070.110	Illinois Safety and Family Financial Responsibility Law

**AUTHORITY:** Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

**SOURCE:** Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. 7956, effective May 30, 1996; amended at 24 Ill. Reg. 1672, effective January 14, 2000; emergency amendment at 27 Ill. Reg. 14361, effective August 20, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18458, effective November 24, 2003; emergency amendment at 30 Ill. Reg. 7974, effective April 14, 2006, for a maximum of 150 days; emergency expired September 11, 2006; amended at 30 Ill. Reg. 6392, effective April 12, 2007.

**Section 1070.20 Future Proof**

- a) For purposes of this Section, the following definitions shall apply:

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"Certificate of Insurance" - certificate filed with the Secretary of State's Office as proof that the person has purchased financial responsibility insurance as outlined in 625 ILCS 5/7-315.

"Department" - Department of Driver Services of the Office of the Secretary of State.

"Financial Responsibility Insurance" - insurance used to establish proof of financial responsibility as established in Sections 7-315 and 7-316 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-315 and 7-316].

"Illinois Insurance Guarantee Fund" - section of the Illinois Department of Insurance which deals with disposition of assets following bankruptcy.

"Law" - the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 7].

"Lien" - claim on property of another as security for payment of a just debt.

"Motor Vehicle Liability Policy" - "owner's policy" or an "operator's policy" of liability insurance which is certified pursuant to Section 7-315 or 7-316, and comports with Section 7-302 of the Law and which complies with the requirements of Section 7-317(b), (c), (d), and (f) of the Law.

"Proof of Financial Responsibility for the Future" - ability to respond in damages for any liability resulting from the ownership, maintenance, use or operation of a motor vehicle as provided in Section 7-302 of the Law.

"Real Estate Bond" - proof filed pursuant to Section 7-320 of the Law.

"Secretary of State" - Secretary of State of Illinois.

"Stock" - proportionate share in ownership of corporation held by individual and which is usually represented by a stock certificate.

"Surety" - a person who makes himself/herself liable for another's debts

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or defaults of obligations.

- b) When a person purchases insurance to file proof of financial responsibility for the future, the insurance company will file a certificate of insurance with the Department. The certificate filed shall be either the AAMVA (American Association of Motor Vehicle Administrators) Uniform Financial Responsibility form, containing the insured's name and address, license number, and birthdate; current policy number and effective date of the insurance policy and the name of the insurance company with the signature of its authorized representative, or other certificate of insurance proof conforming to the requirements of Section 7-315 or 7-316 of the Law, which is endorsed and certifies policy limits as specified in Section 7-302 of the Law. If an owner's rather than operator's policy, it must include the model year, trade name and identification number of the vehicle. The owner's policy must also conform with the amounts specified in Section 7-302 of the Law.
- c) If a person purchases a certificate of insurance to satisfy his/her requirement to file future proof of financial responsibility and the insurance company fails and is no longer in business, and ceases operations by order of a court, and the Department is notified by the Illinois Insurance Guarantee Fund of the non-operation of the insurance company, the person shall have 30 days after notification by the Department to file a new certificate of insurance or satisfy his/her future proof requirement by cash or one of the other alternate methods provided in Section 7-314 of the Law. If a suspension has been entered even though the person has filed future proof of financial responsibility within the 30 day time period, the suspension shall be removed.
- d) If a person required to furnish proof of financial responsibility for the future chooses to file a bond pursuant to Section 7-320 of the Law, and the bond is executed by the person giving the proof and two individual sureties, the following conditions must be met:
  - 1) Each surety must own real estate within the State of Illinois.
  - 2) Each surety must have equity in that real estate in the amount of the bond.
  - 3) The bond must be endorsed by the clerk of the court and approved by a judge as provided in Section 7-320 of the Law.

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- e) If any evidence of proof of financial responsibility for the future filed under the Law falls below the amount required as provided in Section 7-302 of the Law, additional evidence shall be required. Cash and securities are deposited with the Illinois State Treasurer and the Treasurer monitors the securities and informs the Department if its value falls below the amount required. A certificate of insurance or bonds, real estate bonds that are without liens, stocks, and cash shall be accepted as evidence to establish the additional required proof of financial responsibility for the future. The additional security shall be sent to the Safety and Financial Responsibility Section, Department of Driver Services, 2701 South Dirksen Parkway, Springfield, Illinois 62723.
- f) Whenever any evidence of proof of ability to respond in damages required to be filed pursuant to the provisions of Section 7-301 of the Law no longer fulfills the purpose for which required, the Department shall require other evidence of ability to respond in damages including but not limited to an endorsed certificate of insurance meeting the requirements of Section 7-302 of the Law, bonds, unencumbered real estate bonds, stocks or cash. The person required to post proof shall have 30 days after notification by the Department to post or file additional proof. If the person fails to post proof within 30 days then the Secretary of State shall suspend the driver's license, registration certificate, license plates and registration sticker pending receipt of such proof.
- g) Proof of Financial Responsibility as required in the Law shall be made by filing with the Secretary of State a written or electronic certificate of insurance. Notices of cancellation or termination of the certified policy of insurance proof as required in Sections 7-315 and 7-318 of the Law must be submitted in writing or electronically. All written or electronic certificates of insurance proof and cancellation or termination as required in the Law must be submitted in a manner satisfactory to the Secretary of State.
- h) A notice of cancellation or termination of the certified policy of insurance for nonpayment of premiums shall only be sent to the Secretary of State after the insured has failed to discharge, on or after the due date, any of his or her obligations in connection with the payment of premiums, or installments that are payable directly to the insurer, its agent, or a party that has financed the premium. In the event an insurance company violates the provisions of this subsection, that violation shall be reported to the Illinois Department of Financial and Professional Regulation-Division of Insurance.

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(Source: Amended at 30 Ill. Reg. 6392, effective April 12, 2007)

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## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: State Board of Elections Procurement Rules
- 2) Code Citation: 44 Ill. Adm. Code 2600
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2600.1	New Section
2600.5	New Section
2600.10	New Section
2600.15	New Section
2600.20	New Section
2600.100	New Section
2600.200	New Section
2600.205	New Section
2600.210	New Section
2600.300	New Section
2600.305	New Section
2600.310	New Section
2600.315	New Section
2600.320	New Section
2600.325	New Section
2600.330	New Section
2600.335	New Section
2600.340	New Section
2600.345	New Section
2600.350	New Section
2600.400	New Section
2600.405	New Section
2600.500	New Section
2600.600	New Section
2600.700	New Section
2600.800	New Section
2600.805	New Section
2600.900	New Section
2600.905	New Section
2600.910	New Section
2600.920	New Section
2600.1000	New Section
2600.1005	New Section
2600.1010	New Section

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2600.1015	New Section
2600.1020	New Section
2600.1100	New Section
2600.1105	New Section
2600.1110	New Section
2600.1115	New Section
2600.1120	New Section
2600.1200	New Section
2600.1205	New Section
2600.1210	New Section
2600.1300	New Section
2600.1305	New Section
2600.1310	New Section
2600.1315	New Section
2600.1320	New Section
2600.1325	New Section
2600.1330	New Section

- 4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500].
- 5) Effective Date of Rulemaking: July 1, 2007
- 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 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: 30 Ill. Reg. 17233; November 3, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

New Section 2600.1325 "Subcontractors" was added.

New Section 2600.1330 "Domestic Products" was added.

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In Section 2600.10, deleted subsection (b)(1)(2).

In Section 2600.300, subsection (b)(1), added new sentence to the end of paragraph.

In Section 2600.305, added new subsection (m).

In Section 2600.310, subsection (c), added subsection (c)(2).

In Section 2600.310, subsection (d), added a new sentence to the end of paragraph

In Section 2600.310, subsection (g)(3), revised language.

In Section 2600.315, subsection (a), changed "\$10,000" to "\$25,000" in the first line.

In Section 2600.320, added new subsection (c)(1)-(7).

In Section 2600.330, subsection (f), added a new sentence to the end of paragraph.

In Section 2600.330, subsection (g), added a new sentence to the end of paragraph.

In Section 2600.335, subsection (d), added new language after "loans".

In Section 2600.345, subsection (c), the language was revised.

In Section 2600.350, subsection (b), added new sentence to the end of paragraph.

In Section 2600.350, subsection (d)(2), added and revised new subsection (B) and revised subsection (C); relabeled additional subsections accordingly.

In Section 2600.400, subsection (a), added new language following "supply".

In Section 2600.400, subsection (b)(1), added new sentence to the end of paragraph.

In Section 2600.500, added new subsection (c)(1)-(4).

In Section 2600.700, subsection (a), added and revised new subsection (3).

In Section 2600.910, subsection (a), added new sentence to the end of paragraph.

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In Section 2600.1115, added new sentence to the end of paragraph.

In Section 2600.1120, subsection (b)(1), added new sentence to the end of paragraph.

In Section 2600.1315, subsection (a), added and revised new subsection (a)(1) and relabeled existing subsections accordingly.

- 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 rulemaking establishes a method of procurement of goods and services for use by the State Board of Elections. It replaces repealed Part 2600.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/557-9939

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

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY MANAGEMENT  
CHAPTER XXVI: STATE BOARD OF ELECTIONS

## PART 2600

## STATE BOARD OF ELECTIONS PROCUREMENT RULES

## SUBPART A: GENERAL

Section	
2600.1	Title
2600.5	Policy
2600.10	Application
2600.15	Definitions
2600.20	Property Rights

## SUBPART B: PROCUREMENT AUTHORITY

Section	
2600.100	Exercise of Procurement Authority

## SUBPART C: PUBLICIZING PROCUREMENT ACTIONS

Section	
2600.200	Illinois Procurement Bulletin
2600.205	Supplemental Notice
2600.210	Direct Solicitation

## SUBPART D: SOURCE SELECTION AND CONTRACT FORMATION

Section	
2600.300	General Provisions
2600.305	Competitive Sealed Bidding
2600.310	Competitive Sealed Proposals
2600.315	Small Purchases
2600.320	Sole Economically Feasible Source Procurement
2600.325	Emergency Procurements
2600.330	Competitive Selection Procedures for Professional and Artistic Services
2600.335	Other Methods of Source Selection

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- 2600.340 Tie Bids and Proposals
- 2600.345 Mistakes
- 2600.350 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART E: SUPPLIERS AND RESPONSIBILITY

- Section
- 2600.400 Suppliers
- 2600.405 Responsibility

SUBPART F: BID, PROPOSAL AND PERFORMANCE SECURITY

- Section
- 2600.500 Security Requirements

SUBPART G: CONTRACT TYPE

- Section
- 2600.600 Types of Contracts

SUBPART H: DURATION OF CONTRACTS

- Section
- 2600.700 Duration of Contracts - General

SUBPART I: CONTRACT MATTERS

- Section
- 2600.800 Prevailing Wage
- 2600.805 Equal Employment Opportunity; Affirmative Action

SUBPART J: PREFERENCES

- Section
- 2600.900 Procurement Preferences
- 2600.905 Sheltered Workshops for the Disabled
- 2600.910 Small Business Set Aside Program
- 2600.920 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

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## SUBPART K: ETHICS

## Section

2600.1000	Conflicts of Interest
2600.1005	Negotiations for Future Employment
2600.1010	Exemptions
2600.1015	Revolving Door
2600.1020	Disclosure of Financial Interests and Potential Conflicts of Interest

## SUBPART L: COMPLAINTS, PROTESTS AND REMEDIES

## Section

2600.1100	Complaints Against Vendors
2600.1105	Suspension
2600.1110	Resolution of Contract Controversies
2600.1115	Violation of Statute or Rule
2600.1120	Protests

## SUBPART M: GOVERNMENTAL JOINT PURCHASING

## Section

2600.1200	General
2600.1205	No Agency Relationship
2600.1210	Obligations of Participating Governmental Units

## SUBPART N: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

## Section

2600.1300	Severability
2600.1305	Government Furnished Property
2600.1310	Inspections
2600.1315	Records and Audits
2600.1320	Written Determinations
2600.1325	Subcontractors
2600.1330	Domestic Products

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

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SOURCE: Adopted by emergency rule at 22 Ill. Reg. 20642, effective November 6, 1998, for a maximum of 150 days; emergency expired April 4, 1999; adopted at 23 Ill. Reg. 5687, effective May 3, 1999; old Part repealed at 31 Ill. Reg. 6455 and new Part adopted at 31 Ill. Reg. 6399, effective July 1, 2007.

## SUBPART A: GENERAL

**Section 2600.1 Title**

This Part may be cited as the State Board of Elections Procurement Rules.

**Section 2600.5 Policy**

All procurements by the State Board of Elections (SBEL) shall be accomplished in the most economical, expeditious and commercially reasonable manner that is in accordance with statute, this Part and other applicable rules.

**Section 2600.10 Application**

- a) Several Articles of the Illinois Procurement Code [30 ILCS 500] (the Code) will be referenced in this Part as though applicable to SBEL and all procurements of goods or services conducted by SBEL.
- b) The Code and this Part do not apply to:
  - 1) *grants;*
  - 2) *hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual;*
  - 3) *collective bargaining contracts;*
  - 4) *contracts necessary to prepare for anticipated litigation or investigations, provided that the SBEL Chief Legal Counsel shall give his or her prior approval. [30 ILCS 500/1-10]*

**Section 2600.15 Definitions**

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As used in this Part, terms defined in the Illinois Procurement Code shall have those meanings and other terms used are defined in this Section.

"Bid" means the response to an Invitation for Bids.

"Bidder" means any person who submits a bid.

"Brand Name or Equal Specification" means a specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements and that allows the submission of equivalent products.

"Brand Name Specification" means a specification limited to one or more items by manufacturers' names or catalogue numbers.

"Bulletin" means the Procurement Bulletin mandated by Article 15 of the Procurement Code.

"Chief Procurement Officer" or "CPO" means the Executive Director of the State Board of Elections or his or her designee.

"CMS" means the Department of Central Management Services.

"Code" means the Illinois Procurement Code [30 ILCS 500].

"Consulting Services" means services provided by a business or person as an independent contractor to advise and assist an agency in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of SBEL. The services may or may not rise to the level of professional and artistic as defined in the Code and this Part.

"Contract" means any agreement or lease that requires the payment of State funds by SBEL in exchange for goods or services. A contract may be in written or oral form.

"Contractor" or "Vendor" may be used interchangeably for purposes of this Part.

"Day" means calendar day in computing any period of time. The day of the event from which the designated period of time begins to run shall not be included, but

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the last day of the period shall be included unless it is a Saturday, Sunday, or State holiday, in which event, the period shall run to the end of the next business day.

*"Invitation for Bids" or "IFB" means the process by which SBEL requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids. [30 ILCS 500/1-15.45]*

"Multi-step Sealed Bidding" means a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the State and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.

"Offer from Responsive Bidders or Offerors" means only those offers that are received using an Invitation for Bids or Request for Proposals under Sections 20-10, 20-15 and 20-35 or Article 35 of the Code. Disclosures are not required in small, sole source or emergency procurements.

"Offerors" means only those businesses submitting proposals that are acceptable or potentially acceptable. The term shall not include businesses that submitted unacceptable proposals.

"Practicable", as used in Section 20-15 (Competitive Sealed Proposals) of the Code and in this Part, denotes what may be accomplished or put into practical application. "Advantageous" connotes a judgmental assessment of what is in the State's best interest. Before a procurement may be conducted by competitive sealed proposals, the Procurement Officer shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the State.

"Procurement Officer" means an individual appointed by the CPO to conduct particular procurement, or his or her designee.

*"Professional and Artistic Services" means those services provided under contract to SBEL by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability [30 ILCS 500/1-15.60].*

"Proposal" means the response to a Request for Proposals.

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"Qualified Products List" means an approved list of supplies described by model or catalogue numbers that, prior to competitive solicitation, the SBEL has determined will meet the applicable specification requirements.

"Request for Information" or "RFI" means the process by which SBEL requests information from offerors for applicable contracts.

*"Request for Proposals" or "RFP" means the process by which SBEL requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals. [30 ILCS 500/1-15.75]*

*"Responsive Bidder" means a person who has submitted a bid that conforms in all material respects to the Invitation for Bids. [30 ILCS 500/1-85]*

"Responsible Offeror" means a person who has submitted an offer that conforms in all material respects to the Request for Proposals.

"SBEL" means the State Board of Elections.

*"Service" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance and the financing of the performance [30 ILCS 500/1-15.90].*

*"Specification" means any description, provision, or requirement pertaining to the physical, functional, or performance characteristics or the nature, of a supply or service. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply or service item for delivery. [30 ILCS 500/1-15.95]*  
Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.

*"Supplies" means all personal property, including but not limited to equipment, materials and printing, and the financing of those supplies. [30 ILCS 500/1-15.110]*

"Unsolicited Offer" means any offer other than one submitted in response to a solicitation.

**Section 2600.20 Property Rights**

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Receipt of an Invitation for Bids or other procurement document, or submission of any response to an IFB or document, or other offer, confers no right to receive an award or contract, nor does it obligate SBEL in any manner.

## SUBPART B: PROCUREMENT AUTHORITY

**Section 2600.100 Exercise of Procurement Authority**

- a) The CPO shall ensure that all procurements of SBEL are in accordance with the Code and this Part and are in the best interests of the State.
- b) The CPO may appoint one or more employees under his direction and supervision to serve as an SPO.

## SUBPART C: PUBLICIZING PROCUREMENT ACTIONS

**Section 2600.200 Illinois Procurement Bulletin**

Notice of any procurement action required by the Code to be publicized in the Illinois Procurement Bulletin will be forwarded to CMS for inclusion in the appropriate volume of the Bulletin in accordance with rules promulgated by CMS (44 Ill. Adm. Code 1.1510).

**Section 2000.205 Supplemental Notice**

Publication in the Bulletin may be supplemented by publication elsewhere at the discretion of SBEL.

**Section 2600.210 Direct Solicitation**

In addition to giving notice in the Bulletin, SBEL may directly contact prospective vendors by providing copies of Invitations for Bids, Requests for Proposals, or other procurement information. Direct solicitation may be oral or in writing and all vendors solicited in this manner must receive the same information as that provided by publication. No direct solicitation shall be made prior to the date any required notice first appears in the Bulletin.

## SUBPART D: SOURCE SELECTION AND CONTRACT FORMATION

**Section 2600.300 General Provisions**

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- a) Any bid or proposal received or modified after the time and date for receipt, and at other than the specified location, is late. The Procurement Officer may, prior to the date or time for submitting or modifying a bid or proposal, extend the date or time or request bidders or offerors who have submitted timely bids or proposals to extend the time of their bids provided that the extension does not permit other vendors or offerors an opportunity to submit bids or proposals. Any unsigned bid will be considered only if the bidder's signature is transmitted before the time and date for receipt.
- b) Bidding Process
  - 1) The Invitation for Bids or the Request for Proposals may require that vendors submit, by a certain time and date, a notice of their intent to submit a bid or proposal in response to the IFB or RFP. Bids and proposals submitted without complying with the notice of intent requirement may be rejected. There shall be a minimum of 14 days between the Invitation for Bids or Request for Proposals and the close of the bidding process unless the Procurement Officer deems that an immediate procurement is necessary.
  - 2) If only one bid or proposal is received, an award may be made to the single bidder or offeror if the Procurement Officer finds that the price submitted is fair and reasonable and that either other prospective bidders had reasonable opportunity to respond or there is not adequate time for resolicitation. If the Procurement Officer finds that either factor exists, he or she may solicit new bids or offers under sole source (Section 2600.320) or emergency (Section 2600.325) procedures or cancel the procurement.
  - 3) An Invitation for Bids or Request for Proposals may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, or grand total of all items.
  - 4) Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts may only be accepted if the vendor is also independently evaluated as the winner of the other IFBs or RFPs, provided the agency need not delay procurement actions to accommodate the vendor's all or none condition.

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- 5) The CPO or designee may consider unsolicited offers provided that an unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to SBEL and it meets the requirements for a small (Section 2600.315), sole source (Section 2600.320), or emergency (Section 2600.325) procurement.
  - 6) The CPO or designee may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to materially change its bid or proposal in response to a request for clarification.
  - 7) The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the CPO determines in writing that it is not practical to award another contract at the time of the extension.
  - 8) The quantity that may be ordered from a definite quantity contract without additional notice and competition may be increased by up to 20% provided the CPO determines that separate bidding for the additional quantity is not likely to achieve lower pricing. A particular procurement may specify a different percentage provided that it does not exceed the applicable small purchase threshold.
  - 9) If, within 30 days after making an award to a particular vendor pursuant to a competitive sealed bid by or on behalf of SBEL, SBEL wishes to make another purchase request for the same item and for the same or lesser quantity, the CPO may contract with that vendor on the same terms and conditions, including price, without additional notice and competition, if the contract is acceptable to the vendor.
  - 10) Vendors must clearly identify any information that is exempt from the disclosure requirement of the Illinois Freedom of Information Act [5 ILCS 140] and must request special handling of that material.
  - 11) Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited.
- c) Assignment, Novation or Change of Name

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- 1) Assignment. Contracts entered into under this Part are not transferable or otherwise assignable without the written consent of the CPO. However, a vendor may assign moneys receivable under a contract after due notice to SBEL. Any assignee must meet all requirements for contracting with the State.
  - 2) Recognition of a Successor in Interest; Novation. When in the best interest of SBEL, a successor in interest may be recognized in a novation agreement. Any transferee must: assume all of the transferor's obligations, meet all requirements for contracting with the State, waive all rights under the contract as against the State and furnish a satisfactory performance bond unless the transferor guarantees performance of the contract.
  - 3) Change of Name. A vendor may submit a written request to change the name in which it holds a contract with SBEL. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.
  - 4) Reports. All change of name or novation agreements under this subsection (c) shall be reported to the CPO or designee within 30 days after the date the agreement becomes effective so that the bid list may be updated.
- d) Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].
  - e) If SBEL uses a method of source selection that it is not, by law, required to use (e.g., use of a competitive sealed bid for a small purchase), it is not bound to strict compliance with the Code and rules governing the method of source selection used.

**Section 2600.305 Competitive Sealed Bidding**

- a) The Invitation for Bids must include the following elements: the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by SBEL, the purchase description, evaluation factors, delivery or performance schedule, any inspection and acceptance

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requirements not included in the purchase description, and the contract terms and conditions, including warranty and bonding or other security requirements.

- b) The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where the documents can be obtained.
- c) Bidder Submissions
  - 1) Bid Form. The Invitation for Bids may include a form or format for submitting bids. If a form or format is specified, vendor shall submit bids as instructed. The invitation for bids shall be available to the public.
  - 2) Bid Samples and Descriptive Literature. SBEL may require bid samples or descriptive literature in order to evaluate required characteristics of the items bid. Any unsolicited bid samples or descriptive literature is submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids, and may not be utilized by the vendor to contest a decision or understanding with SBEL.
- d) Public Notice
  - 1) Publication. Every procurement for supplies and services in excess of the small purchase amount that must be procured using an Invitation for Bids shall be publicized in the Illinois Procurement Bulletin (see Section 2600.200).
  - 2) Distribution. Invitations for Bids or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall, at a minimum, indicate where Invitations for Bids may be obtained; generally describe what is needed; and indicate the due date for bids. Where appropriate, the Procurement Officer may require payment of a fee or a deposit for supplying the Invitation for Bids.
- e) Pre-Bid Conference

A pre-bid conference may be conducted to enhance understanding of the procurement requirements. The pre-bid conference shall be announced as a part of the Invitation for Bids notice. The conference may be designated as

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"attendance mandatory" or "attendance optional". The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written amendment to the Invitation for Bids. Amendments shall be supplied to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the amendment shall be supplied to attendees only.

- f) Amendments to Invitations for Bids
  - 1) Form. Amendments to Invitations for Bids must be clearly identified and reference the portion of the IFB it amends and must be made available to all prospective bidders known to have received an Invitation for Bids.
  - 2) Timeliness. Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids does not permit such preparation, the amendment shall extend the response time. If SBEL deems necessary, the response time may be extended by fax or telephone and confirmed in the amendment.
- g) Pre-Opening Modification or Withdrawal of Bids
  - 1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids prior to the time and date set for bid opening.
  - 2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.
- h) Receipt, Opening and Recording of Bids
  - 1) Receipt. Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.

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- 2) Bids and modifications shall be opened publicly at the time, date, and place designated in the Invitation for Bids. Opening shall be witnessed by a State employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer shall be recorded and the name of each bidder read aloud or otherwise made available. The name of the witness shall also be recorded at the opening. The winning bid shall be available for public inspection after award, along with the record of each unsuccessful bid.
- i) Bid Evaluation and Award
    - 1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids, except as permitted in the Code and this Part. The Invitation for Bids shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the Invitation for Bids.
    - 2) Responsiveness. A bid must conform in all material respects to the Invitation for Bids.
      - A) Product or Service Acceptability. The Invitation for Bids shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for such inspection or examination as SBEL deems necessary before the contract is awarded.
      - B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering that does not meet the acceptability requirements shall be rejected.

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- 3) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (i), bids will be evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the Invitation for Bids. Only objectively measurable criteria that are set forth in the Invitation for Bids shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible the evaluation factors shall be reasonable estimates based upon information the State has available concerning future use and shall provide for the equitable treatment of all bids. Pricing for optional supplies or services, or for renewal terms, may be considered, particularly when the pricing for such items or terms is unbalanced when compared to other pricing in the bid.
- 4) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.
- j) The Procurement Officer may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. The Procurement Officer may choose a bidder other than the lowest responsible and responsive bidder for reasons including but not limited to a difference in quality or speed or delivery. The name of the bidder selected, pricing, and the reasons for selecting this bidder instead of the low bidder must be published in the Bulletin.
- k) The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. In procurements over the small purchase limit set in Section 2600.315 (Small Purchases), notice of award shall be published in the Bulletin.
- l) The IFB or RFP and any resulting contract should define whether prices cover transportation, transit insurance, delivery, installation, taxes, and any other costs.
- m) The contract resulting from this process shall reflect the awarded requirements and no material changes shall be made except in compliance with the requirements of the Code and this Part, including, but not limited to, source selection and Bulletin posting requirements.

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**Section 2600.310 Competitive Sealed Proposals**

- a) Competitive Sealed Proposals, as opposed to Competitive Sealed Bidding, may be used whenever permitted by the Code and as described in this Part.
- b) The Competitive Sealed Proposal method of source selection may be used to procure the following categories (note that the following services, if they are professional and artistic, must be procured pursuant to Section 2600.330):
  - 1) electronic data processing equipment, software, and services;
  - 2) telecommunications equipment, software, and services;
  - 3) consulting services; and
  - 4) employee benefits and management of those benefits.
- c) Competitive Sealed Proposals may be used on a case-by-case basis when it is determined by the Procurement Officer that competitive sealed bidding is either not practicable or not advantageous.
  - 1) If competitive sealed bidding is not practicable or is not advantageous, competitive sealed proposals should be used.
  - 2) "Practicable" Distinguished from "Advantageous". As used in Section 20-15 (Competitive Sealed Proposals) of the Illinois Procurement Code and in this Section, "practicable" denotes what may be accomplished or put into practicable application, and "advantageous" connotes a judgmental assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest. Before procurement may be conducted by competitive sealed proposals, the Procurement Officer shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the State.
  - 3) The key element in determining whether use of a proposal is advantageous is the need for flexibility. The competitive sealed proposal method differs from competitive sealed bidding in two important ways:

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- A) it permits discussions with competing offerors and changes in their proposals, including price; and
  - B) it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract.
- 4) When evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration, use of competitive sealed proposals is the appropriate procurement method.
- 5) Competitive sealed bidding is not practicable unless the nature of the procurement permits award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the purchase description, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids. Factors to be considered in determining whether competitive sealed bidding is not practicable include:
- A) whether the contract needs to be other than a fixed-price type;
  - B) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;
  - C) whether offerors may need to be afforded the opportunity to revise their proposals, including price;
  - D) whether award may need to be based upon a comparative evaluation, as stated in the Request for Proposals, of differing price, quality, and contractual factors in order to determine the most advantageous offering to the State. Quality factors include technical and performance capability and the content of the technical proposal; and
  - E) whether the primary consideration in determining award may not be price.

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- 6) Competitive sealed proposals may be used if it is determined that it is not advantageous to the State, even though practicable, to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed bidding is not advantageous include:
  - A) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the State; and
  - B) whether the factors listed in subsection (c)(3) of this Section are desirable, in conducting a procurement, rather than necessary; if they are, then such factors may be used to support a determination that competitive sealed bidding is not advantageous.
- d) The Request for Proposals must be prepared in accordance with Section 2600.305 and must include a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions and a statement of when and how price should be submitted. Proposals must include the name and place of business of the offeror, a plan for carrying out the requested services together with a showing of qualifications to carry out the plan, and a list of any relevant experience the offeror has had with similar plans.
- e) Proposals and modifications shall be opened as designated in the Request for Proposals. Opening shall be witnessed by at least two SBE employees. A record shall be prepared that shall include the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract. Proposals and modifications shall be opened in a manner to avoid disclosing contents to competitors. Only State personnel and contractual agents may review the proposals prior to award.
- f) Criteria and evaluation of proposals in this Section shall be performed in accordance with Section 2600.305.
- g) Proposal Discussions with Individual Offerors
  - 1) Discussions may be held to promote understanding of the State's requirements and the offerors' proposals or facilitate arriving at a contract

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that will be most advantageous to the State, taking into consideration price and the other evaluation factors set forth in the Request for Proposals.

- 2) Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of, or change to, the Request for Proposals, the Request shall be amended to incorporate the clarification or change. Any disclosure of information to offerors from competing proposals is prohibited. Any clarification of a proposal shall be reduced to writing by the offeror.
- 3) Best and Final Offers. The Procurement Officer may request Best and Final offers, when in the best interest of the State, for reasons including, but not limited to, reducing scope to accommodate budget, obtain lower cost at no or insignificant change from original proposal, accepting new technology at no or insignificant change in cost, or having vendors adjust proposals to focus on one or several alternatives originally requested or proposed. Best and Final offers may be requested from all offerors or from only those in the zone of contention after preliminary evaluation as determined by the Procurement Officer. The request for Best and Final offers may pertain to any aspect of the solicitation, including but not limited to qualifications, specifications, scope of work or price. The Best and Final request shall clearly identify the matters that the offerors must address, and the matters may vary from vendor to vendor if necessary. Best and Final offers shall be submitted by a specified date and time. The Procurement Officer may conduct additional discussions or change the State's requirements and require another submission of Best and Final offers. If an offeror does not submit a Best and Final offer, that offeror's immediately previous offer will be construed as its Best and Final offer.
  - h) An award shall be made by the Procurement Officer pursuant to a written determination showing the basis on which the award was found to be most advantageous to the State, based on the factors set forth in the Request for Proposals.
  - i) The successful offeror shall be notified of award. Notification may be in the form of a letter, purchase order or other clear communication. When the award exceeds the small purchase limit set in Section 2600.315 of this Part, notice of award shall be published in the Bulletin.

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**Section 2600.315 Small Purchases**

- a) This Section is applicable to procurements of \$25,000 or less for professional and artistic services or supplies and \$30,000 or less for construction. If only a unit price or hourly rate is known, the contract shall be considered a small purchase and this Section shall apply. Each July 1, the small purchase maximum shall be adjusted for inflation as determined by the Consumer Price Index for all Urban Consumers as determined by the United States Department of Labor and rounded to the nearest \$100.
- b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a 12 month period.
- c) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.
- d) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- e) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

**Section 2600.320 Sole Economically Feasible Source Procurement**

- a) The provisions of this Section apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement meets the definition of a small purchase or an emergency procurement as defined this Part.

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- b) The determination as to whether a procurement shall be made as a sole source shall be made by the CPO or his designee. The determination and the basis for the determination shall be in writing and shall include an explanation as to why no other vendor will be suitable or acceptable to meet the need.
- c) Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:
  - 1) where the compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;
  - 2) where a sole supplier's items are needed for trial use or testing;
  - 3) where a sole supplier's item is to be procured for commercial resale;
  - 4) where public utility regulated services are to be procured;
  - 5) where the item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;
  - 6) the procurement of the media for advertising; and
  - 7) the procurement of art or entertainment services.
- d) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 2600.315 or that is an emergency as defined in Section 2600.325 may be made in accordance with those Sections and need not comply with these sole source procedures. A change in the length of the contract that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.

**Section 2600.325 Emergency Procurements**

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- a) The provisions of this Part apply to every procurement over the small purchase limit as defined in Section 2600.315 that is not a sole source procurement as defined in Section 2600.320 made under emergency, including quick purchase, conditions.
- b) This Section may be used to extend an existing contract for such period of time as is needed to conduct a competitive method of source selection when terminating or allowing the contract to terminate would not be advantageous to the State.
- c) Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.
- d) The Procurement Officer shall make a written determination stating the basis for an emergency procurement and for the selection of the particular vendor. Record of the basis for the emergency must be retained.
- e) An affidavit of each emergency procurement shall be filed with the Auditor General within 10 days after the procurement and shall include the vendor's name, the amount and type of the contract, a description of the vendor's responsibilities, and the basis for using the emergency procurement procedure.
- f) Notice of the emergency procurement shall be published in the Bulletin in accordance with Subpart C of this Part.

**Section 2600.330 Competitive Selection Procedures for Professional and Artistic Services**

- a) The provisions of this Section apply to every procurement of professional and artistic services, except as otherwise provided in this Part.
- b) If the professional or artistic contract is with a firm or other business entity, the individuals whose education, experience and technical ability provided the basis on which the firm or other business entity was selected must meet the qualifications.
- c) Except as authorized under Section 20-25 (Sole Source Procurement) or Section 20-30 (Emergency Procurements) of the Code, these competitive selection

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procedures shall be used for all procurements of professional and artistic services of \$25,000 or more or as otherwise established in Section 20-20 of the Code.

- d) The CPO may use the list of prequalified professional and artistic vendors maintained by CMS pursuant to 44 Ill. Adm. Code 1.2045.
- e) Notice of the need for professional and artistic services shall be made by the Procurement Officer in the form of a Request for Proposals and must be given as provided in Section 2600.200 and published in the Procurement Bulletin. Notice shall also be distributed to prequalified persons interested in performing the services required by the proposed contract.
- f) The Request for Proposals shall be in the form specified by the CPO or his or her designee and must be returned to and handled by the CPO or his or her designee. It must comply with the Invitation for Bids requirements found in Section 2600.305.
- g) Proposals shall be evaluated only on the basis of evaluation factors stated in the Request for Proposals. Price will not be evaluated until ranking of all proposals and identification of the most qualified vendor. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:
  - 1) the plan for performing the required services;
  - 2) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;
  - 3) the personnel, equipment, and facilities to perform the services are currently available or demonstrated to be made available at the time of contracting; and
  - 4) a record of past performance of similar work.
- h) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals. Opening shall be witnessed by an SBEL employee, but the person opening proposals shall not serve as witness. A record

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shall be prepared that includes the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract. Proposals of offerors who are not awarded the contract shall not be open to public inspection.

- i) The Procurement Officer may conduct discussions with any offeror in order to determine in greater detail the offeror's qualifications or learn more about the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach. The Procurement Officer may allow changes to the proposal based on those discussions.
- j) Discussions shall not disclose any information derived from proposals submitted by other offerors, and the agency conducting the procurement shall not disclose any information contained in any proposals until after award of the proposed contract has been made. The proposal of the offeror awarded the contract shall be open to public inspection, except as otherwise provided in the contract.
- k) After conclusion of validation of qualifications, evaluation, and discussion, the Procurement Officer shall rank the acceptable offerors in the order of their respective qualifications.
- l) Pricing submitted for all proposals timely submitted shall be opened and ranked.
  - 1) If the low price is submitted by the most qualified vendor, the Procurement Officer may award to that vendor.
  - 2) If the price of the most qualified vendor is not low and if it does not exceed \$25,000, the Procurement Officer may award to that vendor.
  - 3) If the price of the best qualified vendor exceeds \$25,000, the Procurement Officer must state why a vendor other than the low priced vendor was selected and that determination shall be published in the Bulletin.
- m) If compensation, contract requirements, and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is cancelled. Compensation must be determined in writing to be fair and reasonable, as determined by the Procurement Officer based

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on the circumstances of the particular procurement, including but not limited to the nature of the services needed, qualifications of the offerors, consideration of range of prices received in the course of the procurement, and SBEL's identified budget.

- n) The Procurement Officer may choose to negotiate with a source other than the best qualified offeror if compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified offeror. A written record stating the reasons for the disagreement shall be placed in the file. The Procurement Officer shall advise the best qualified offeror of the termination of negotiations.
- o) Nothing in this Section shall prohibit the Procurement Officer from making a selection that represents the best value, qualifications, price and other relevant factors established in the Request for Proposals being considered. The Procurement Officer may, in considering best value, determine the proposal from a fully qualified vendor that submitted the lowest price to be the best value without further evaluation.
- p) The Procurement Officer may enter into negotiations with the next most qualified vendor or vendors when SBEL has a need that requires multiple vendors under contract.
- q) Small, sole source and emergency procurements of professional and artistic services under the jurisdiction of a Procurement Officer do not require approval of the CPO to proceed. Any notices shall be published by the Procurement Officer.
- r) Following completion of the contract, the Procurement Officer shall provide a synopsis of the contract and shall rate the vendor's performance. A copy of the completed form shall be maintained in the files of the CPO.

**Section 2600.335 Other Methods of Source Selection**

- a) 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 is necessary to obtain the total quantity or the required delivery. The Procurement Officer shall make a written determination setting forth the reasons for the split

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award and retain it in the procurement file.

- b) The Procurement Officer may choose to use a term and condition contract when necessary to purchase assets that precede a procurement. 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 SBEL to procure from the vendor. 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.
- c) 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.
- d) The Procurement Officer must ensure that SBEL complies with federal requirements that are necessary to receive or maintain any federal aid funds, grants or loans, and may not contravene SBEL's reimbursement provisions in 26 Ill. Adm. Code 204.50(e).

**Section 2600.340 Tie Bids and Proposals**

- a) This Section is applicable when bids or proposals from responsive and responsible vendors are identical in price or evaluation and represent the low price.
- b) In case of a tie bid, the procurement will be awarded based on consideration of the following factors, in no particular order: Illinois resident vendor status, experience in contracting with the State, vendor quality and delivery time.

**Section 2600.345 Mistakes**

- a) When the Procurement Officer becomes aware that a mistake has been made, he or she shall request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the

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vendor alleges a mistake, the bid or proposal may be corrected or withdrawn if the conditions set forth in this Section, as applicable, are met.

- b) Mistakes in Bids Discovered After Opening but Before Award
  - 1) **Minor Informalities.** A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirement of the Invitation for Bids, the correction or waiver of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery, or contractual conditions is negligible). The Procurement Officer shall waive such informalities or allow the bidder to correct them depending on which is in the best interest of SBEL.
  - 2) **Mistakes in which Intended Correct Bid Is Evident.** If the mistake and the intended correct bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended correct bid and may not be withdrawn.
  - 3) A bidder may be permitted to withdraw a low bid due to mistake if the mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident or the bidder submits proof of evidentiary value that clearly demonstrates that a mistake was made.
- c) Once discussions are commenced with any offeror or after Best and Final offers are requested, any offeror may propose to correct any mistake prior to the date set for conclusion of discussions or for receipt of Best and Final offers, provided the correction would not be contrary to the fair and equal treatment of other offerors. Mistakes shall not be corrected after award of the contract, except when the Procurement Officer finds it would result in an unconscionable windfall to the State.
- d) In any circumstance in which a proposal is corrected or withdrawn, or correction or withdrawal is denied, the Procurement Officer shall prepare a written determination showing that relief was granted or denied in accordance with this Part.

**Section 2600.350 Cancellation of Solicitations; Rejection of Bids or Proposals**

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- a) Any solicitation may be canceled when the Procurement Officer believes cancellation to be in SBEL's best interest. Nothing shall compel the award of a contract. This Section shall govern any such cancellations.
- b) When a solicitation is canceled prior to opening, notice of cancellation shall be sent to all businesses that responded to the solicitation. The notice of cancellation shall identify the solicitation, explain the reason for cancellation and explain whether another solicitation on the subject matter will be necessary. The notice of cancellation shall be placed in the procurement file.
- c) Cancellation of Solicitation; Rejection of All Bids or Proposals After Opening
  - 1) After opening but prior to award, a solicitation may be canceled in whole or in part when the Procurement Officer determines in writing that such action is in the State's best interest for reasons including, but not limited to, elimination of the need for the requested supplies or service, inability to fund the procurement, a change in circumstances that requires an alteration in the procurement plan, there is evidence the bids are collusive, or the bids are at clearly unreasonable prices.
  - 2) When the solicitation is canceled or when all bids or proposals are rejected, all vendors who submitted bids or proposals shall be sent a notice, upon request, informing them of the reasons for the cancellation or rejection.
- d) Rejection of Individual Bids or Proposals in Whole or in Part
  - 1) Notice in Solicitation. Each solicitation shall provide that any bid or proposal may be rejected in whole or in part when in the best interest of SBEL as described in subsection (d)(2).
  - 2) Reasons for Rejection. Reasons for rejecting a bid or proposal may include, but are not limited to:
    - A) the business that submitted the bid or proposal is nonresponsive or nonresponsible;
    - B) the proposal is untimely, non-responsive or deemed to be unacceptable to fit the agency's needs;

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- C) SBEL can no longer expect to fund the project due to increased prices or all qualified bidders seeking unreasonable prices; or
  - D) the supply or service item offered in the bid is unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the Invitation for Bids.
- 3) Notice of Rejection. Upon request, unsuccessful bidders or offerors shall be advised of the reasons for rejection.

## SUBPART E: SUPPLIERS AND RESPONSIBILITY

**Section 2600.400 Suppliers**

- a) SBEL may contract with any qualified source of supply not limited to those found to be qualified by CMS pursuant to 44 Ill. Adm. Code 1.2045.
- b) Special Sources
  - 1) Prior to any equipment procurement, SBEL may consider property available from the State and Federal Surplus Warehouses, which are under the jurisdiction of CMS. The State Property Control Act [30 ILCS 605/7a] requires that surplus furniture be considered before any purchase of new furniture valued at \$500 or more per piece. SBEL may use any prequalified bidder list maintained by CMS and avail itself of the standards for qualification found at 44 Ill. Adm. Code 1.2045 and 1.2046.
  - 2) Various supplies and services are available from qualified workshops for the disabled and procurement from these workshops is encouraged. Notice and competition is not required pursuant to Section 45-35 of the Code.
  - 3) Various supplies and services are available from State agencies and other governmental units. These may be procured without notice and competition.
- c) Prequalification

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- 1) The CPO shall determine any categories of services for which he or she deems prequalification to be in the best interests of the agency and shall allow for a prequalification period once per year. Notice of the prequalification period shall be announced in the Procurement Bulletin and shall alert vendors that they must take part in the prequalification period in order to be eligible for future procurements.
- 2) The prequalification may be used for a specific procurement or type of procurement, and it may include any factors the CPO deems to aid in the determination of whether a vendor is likely to be "responsible" or otherwise qualified to undertake the procurement.
- 3) Except in the case of professional and artistic services, distribution of and responses to the solicitation may be limited to prequalified vendors and award of a contract may be denied because a vendor was not prequalified. If eligibility for the procurement will be limited to prequalified vendors, the Invitation for Bids, Request for Proposals or other procurement request shall state that fact.
- 4) Any prequalification of vendors of professional and artistic services shall include, at a minimum, a specified level of education, experience, and technical ability, and may require certification or licensure or membership in professional associations.

**Section 2600.405 Responsibility**

- a) Contracts are to be made only with responsible vendors unless no responsible vendor is available to meet the State's needs. If there is doubt about responsibility, and if a bond or other security would adequately protect the State's interests, then that vendor may be awarded a contract upon receipt of the bond or other security. SBEL may use any prequalified bidder list maintained by CMS.
- b) Standards. Factors to be considered in determining whether the standard of responsibility has been met may include, but are not limited to, whether a prospective vendor:
  - 1) has available the appropriate financial, material, equipment, facility, and personnel resources and expertise (or the ability to obtain them) necessary

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to meet all contractual requirements (the Procurement Officer may designate a level of financial resource below which the vendor will be deemed "not responsible");

- 2) is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;
  - 3) has a satisfactory record of performance. Vendors who are or have been deficient in current or recent contract performance in dealing with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the vendor;
  - 4) has a satisfactory record of integrity and business ethics. Vendors who are under investigation or indictment for criminal or civil actions that bear on the particular procurement or that create a reasonable inference or appearance of a lack of integrity on the part of the vendor may be declared not responsible for the particular procurement;
  - 5) has supplied all necessary information in connection with the inquiry concerning responsibility;
  - 6) has a current Public Contracts number from the Illinois Department of Human Rights, pursuant to 44 Ill. Adm. Code 750.210, if required or is otherwise statutorily barred from contracting with the State. Proof of application for a Public Contracts number prior to opening of bids or proposals will be sufficient for an initial determination;
  - 7) is current in payment of all State of Illinois taxes, including the unemployment insurance tax.
- c) The prospective vendor shall supply information requested by the Procurement Officer concerning the responsibility of the vendor. The State may supplement this information from other sources and may require additional documentation at any time. If the vendor fails to supply the requested information, the Procurement Officer shall base the determination of responsibility upon any available information, or may find the prospective vendor nonresponsible.

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- d) Upon request, the prospective vendor shall submit evidence that it possesses necessary financing, equipment, facilities or expertise or that it has an acceptable plan to subcontract for such necessary items.
- e) If a vendor who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the CPO or the SPO. The final determination shall be made part of the procurement file.
- f) Vendors not having a history of performance may be considered responsible if no other disqualifying factors exist. A bond or other security may be required of such vendors.
- g) Vendors who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing vendor that has been determined not responsible will also be determined not to be responsible unless the new organization can prove it was not set up for the purpose of avoiding an earlier determination of nonresponsibility.

## SUBPART F: BID, PROPOSAL AND PERFORMANCE SECURITY

**Section 2600.500 Security Requirements**

A Procurement Officer may require that a vendor furnish bid, proposal, or performance security on SBEL contracts. Whenever security is required, the procurement document will clearly indicate the type and amount of security. Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, irrevocable letter of credit or bond. Any bond must be issued by a surety company authorized to do business in the State of Illinois.

## SUBPART G: CONTRACT TYPE

**Section 2600.600 Types of Contracts**

- a) This Section contains descriptions of types of contracts and limitations as to when they will be utilized by SBEL in its procurements. Types of contracts not mentioned in this Section may also be utilized.
- b) The cost-plus-a-percentage-of-cost method of contracting is prohibited by Section 20-55 of the Code. This type of contracting may not be used alone or in

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conjunction with an authorized type of contract. A cost-plus-percentage-of-cost contract is one in which the vendor selects the supply or service on which the vendor's percentage is applied. Contracts that involve a percentage mark-up are not necessarily a cost-plus-a-percentage-of-cost contract.

- c) Fixed-Price Contracts. If the contract permits unilateral action by the vendor to bring about the condition under which a price increase may occur, SBEL shall have the right to reject the price increase and terminate without cost the future performance of the contract.
- d) A cost-reimbursement type contract will be used only when the Procurement Officer determines in writing that such a contract is likely to be less costly to the State than any other type or that it is impracticable to obtain the items. This Section does not apply to reimbursement of travel expenses in accordance with applicable travel control board regulations.
- e) Cost Contract. A cost contract provides that the vendor will be reimbursed for allowable costs incurred in performing the contract, but will not receive a fee.
- f) Cost-Plus-Fixed-Fee Contract. This is a cost-reimbursement type contract that provides for payment to the vendor of an agreed fixed fee in addition to reimbursement of allowable incurred costs. The fee is established at the time of contract award and does not vary if the actual cost of contract performance is greater or less than the initial estimated cost established for the work. Thus, the fee is fixed but not the contract amount because the final contract amount will depend on the allowable costs reimbursed. The fee is subject to adjustment only if the contract is modified to provide for an increase or decrease in the scope of work specified in the contract.
- g) Time and Materials Contracts; Labor Hour Contracts. Time and materials contracts provide an agreed basis for payment for materials supplied and labor performed. Labor hour contracts provide only for the payment of labor performed. They shall, to the extent possible, contain a stated ceiling or an estimate that shall not be exceeded without prior SBEL approval.
- h) Definite Quantity and Indefinite Quantity Contracts
  - 1) Definite Quantity. A definite quantity contract is a fixed-price contract that provides for delivery of a specified quantity of supplies or services,

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either at specified times or when ordered.

- 2) **Indefinite Quantity.** An indefinite quantity contract is a contract for an indefinite amount of supplies or services to be furnished at specified times, or as ordered, that establishes unit prices of a fixed-price type. Generally an approximate quantity or the best information available as to quantity is stated in the solicitation. The contract may provide a minimum quantity SBEL is obligated to order and may also provide for a maximum quantity provision that limits SBEL's obligation to order.
  - i) **Leases.** A lease is a contract for the use of supplies or real property under which title will not pass to the State at any time, except pursuant to an option to purchase.
  - j) Contracts may provide for payment to the vendor of a percentage of the amount the vendor recovers or collects on behalf of SBEL. The percentage may be fixed or may vary depending on amount of recovery or other factors, and the percentage may be paired with a fixed price or cost reimbursement method.
  - k) When a contract is to contain an option for renewal, extension, or purchase, notice of that provision shall be included in the solicitation. These options may be exercised without taking other procurement action when the option is established for exercise at SBEL's option, and there is no material change in the terms and conditions or any such change is dependent on a fixed formula or standard established in the original contract. A purchase option in a lease may be exercised only if the lease containing the purchase option was awarded under competitive sealed bidding or competitive sealed proposals, the leased supply or facility is the only supply or facility that can meet SBEL's requirements, the purchase option price is less than the small purchase limit or emergency conditions exist.
  - l) Notwithstanding any provision in any contract, supplies or services available from State programs, such as Correctional Industries, may be ordered without violating any contract.
  - m) Notwithstanding any provision in any contract, SBEL reserves the right to take bids separately if a particular quantity requirement arises that exceeds SBEL's normal needs or ordering requirements.

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- n) The CPO may authorize an IFB, RFP or sole source negotiation for energy conservation measures under which SBEL would make payment based on utility cost savings. The contract shall require a clearly defined baseline of energy usage and method of measuring cost savings, taking into account at least differing weather conditions, changes in facility, usage and cost of energy.

## SUBPART H: DURATION OF CONTRACTS

**Section 2600.700 Duration of Contracts - General**

- a) General
- 1) A multi-term contract for a total term of up to 5 years is authorized when determined by the Procurement Officer to be in the best interest of the State.
  - 2) A software license may have a term longer than 10 years, including for a perpetual term, provided the payment term is limited to no more than 10 years.
  - 3) Except in an emergency or when the Procurement Officer determines that immediate performance is necessary, the vendor shall not begin billable performance on the contract prior to final approval. The Procurement Officer must approve any pre-contract work and shall document the reasons for such approval in the procurement file. Each solicitation and contract shall contain a provision alerting vendors that they will not be eligible for reimbursement for work performed prior to execution of the contract, except as provided in this subsection (a)(3).
- b) The contractual obligation of both parties in each fiscal period succeeding the first is subject to appropriation and availability of funds. The contract shall provide that, in the event funds are not available for any succeeding fiscal period, the remainder of the contract shall be canceled without penalty to, or further payment being required by, the State. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.
- c) A multi-term contract may be used when special production of definite quantities or the furnishing of long-term services is required to meet SBEL needs; or a

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multi-term contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies via SBEL procurement.

- d) Any multi-term contract solicitation shall state: the proposed term, the amount of supplies or services required for the proposed contract period, the type of pricing requested (e.g., firm for term), and how and when award will be determined.
- e) Renewals
  - 1) When the original procurement specifically called for an initial term plus renewals, the renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years, the terms and conditions do not change except as provided in the contract (such as price escalations tied to an index) and the option is reserved solely to the State or is by mutual agreement. A renewal option that requires modification to a material term or condition of the contract shall be treated as a new contract and shall be subject to competitive procurement procedures established by the Code and this Part.
  - 2) When the original procurement was silent as to renewals, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. This renewal shall start a new term not to exceed 10 years.

## SUBPART I: CONTRACT MATTERS

**Section 2600.800 Prevailing Wage**

- a) For employees working in the areas of public works, printing and janitorial services, no bidder will be awarded a contract unless its employees are paid wages and benefits and are working under conditions prevalent in the location where the work is to be performed.
- b) Prevailing wage and conditions prevalent means the hourly wage rate, overtime, holiday pay, pension, welfare, premium differential, vacation pay and other benefits received by employees and the environmental conditions under which they work.
- c) Prevailing Wage Rates

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- 1) Prevailing wage rates, benefits and conditions will be those in effect on the first date of the contract, provided that, if the rate changes during the contract term and the amount of change is known before execution of the contract, then the contract rate will vary in like amount.
  - 2) If the initial prevailing wage, etc., cannot be determined prior to execution, contracts may be entered into and will remain valid for the stated term.
- d) If a collective bargaining agreement is in effect between the vendor and employee representatives governing the type of printing, janitorial, window washing or security guard service sought, that agreement will define minimum wages, benefits and conditions that must be paid in order for a bidder to be considered responsible.
  - e) For public works, location means the county where the physical work upon public works is performed, except that, if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which skilled laborers, workers and mechanics may be obtained in sufficient numbers to perform the work.
  - f) For printing contracts, location means the prevailing wages evidenced by union contracts in the county where the work is performed. Where the printing is performed in a plant outside the jurisdiction of this State, it shall be deemed produced in the Illinois locality in which delivery of the printing ordered is required to be made. When printing is required to be delivered to more than one Illinois locality, the printing shall be deemed produced in the Illinois locality to which the largest dollar volume of printing under the contract is to be delivered.
  - g) For janitorial services, window washing and security guard services, location means the county in which the work is to be performed.
  - h) Prevailing wages, benefits and conditions will be determined by the Illinois Department of Labor.

**Section 2600.805 Equal Employment Opportunity; Affirmative Action**

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Every party to a public contract and every eligible bidder shall:

- a) Refrain from unlawful discrimination and discrimination based on citizenship status in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination;
- b) Comply with the procedures and requirements of the Department of Human Rights (DHR) regulations concerning equal employment opportunities and affirmative action;
- c) Provide such information, with respect to its employees and applicants for employment, and assistance as DHR may reasonably request;
- d) Have written sexual harassment policies that include, at a minimum, the following information:
  - 1) the illegality of sexual harassment;
  - 2) the definition of sexual harassment under State law;
  - 3) a description of sexual harassment, utilizing examples;
  - 4) the vendor's internal complaint process, including penalties;
  - 5) the legal recourse, investigative and complaint process available through DHR and the Human Rights Commission;
  - 6) directions on how to contact DHR and the Commission; and
  - 7) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policies shall be provided to DHR upon request.

## SUBPART J: PREFERENCES

**Section 2600.900 Procurement Preferences**

The procurement preferences identified in Article 45 of the Procurement Code shall be

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considered in developing procurement documents, conducting evaluations and drafting contracts. Subsequent Sections of this Subpart M identify conditions for the use of certain of the statutory preferences.

**Section 2600.905 Sheltered Workshops for the Disabled**

- a) The Procurement Officer may determine to contract with a sheltered workshop on the list maintained by CMS, and may do so without notice or competition.
- b) **Conditions for Use**  
The CPO shall, in consultation with the State Use Committee created by the Procurement Code (Section 45-35(c)), determine which articles, materials, services, food stuffs and supplies that are produced or manufactured by persons with disabilities in State use sheltered workshops shall be given preference by purchasing agencies procuring those items. The CPO shall use procedures established by CMS for implementing this Section.
- c) The CPO shall use the list of all qualified sheltered workshops and the supplies and services each qualified sheltered workshop provides, which is maintained by CMS.
- d) **Pricing Approval**
  - 1) While notice and competition is not required prior to contracting with a sheltered workshop, prices must be reasonable. Whether a price is reasonable will be determined based upon current market prices, historical prices, prices received by other State agencies for similar supplies or services, the policy of the Code to promote procurements from sheltered workshops, and other such relevant factors.
  - 2) The State Use Committee, established under Section 45-35(c) of the Code, must approve contracts for reasonableness of price if:
    - A) the supply or service would ordinarily be subject to competitive sealed bidding or competitive sealed proposals methods of source selection; or
    - B) the supply or service is bid and the sheltered workshop is selected even though not the lowest responsible bidder.

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- 3) State Use Committee approval is not required if:
  - A) the contract qualifies as a small purchase as defined in Section 2600.315 and no bidding was conducted; or
  - B) the contract is awarded to the sheltered workshop under a competitive procedure.

**Section 2600.910 Small Business Set Aside Program**

- a) CMS has determined categories of supplies or service procurements that will be set aside for small business located in Illinois. SBEL will use the list of categories for set-aside currently found at 44 Ill. Adm. Code 1.4545.
- b) The CPO or designee may use the list maintained by CMS of responsible vendors that meet the criteria of small business. A business that fits the definition of small on the day of bid or proposal opening will be considered small for the duration of the contract.
- c) If a Procurement Officer wishes to make a procurement covered by a set-aside designation, the solicitation must note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses will be rejected as nonresponsive.
- d) If the Procurement Officer determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Procurement Officer shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Illinois Procurement Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with the limitations of the Code and this Part.
- e) Unless the CPO provides a definition for a particular procurement that reflects industrial characteristics, a small business shall meet the definition found in Section 45-45 of the Procurement Code.
- f) Vendors desiring to submit bids or proposals or to otherwise contract for items set

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aside for small businesses shall submit information verifying that the vendor qualifies as a small business. The CPO may establish procedures for verifying this information.

**Section 2600.920 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities**

The Business Enterprise Act for Minorities, Females, and Persons with Disabilities [30 ILCS 575] (Act) sets a goal (minimum 12%) for contracting with businesses owned or controlled by minorities, females, or persons with disabilities. Upon direction of the CPO, SBEL may establish set-asides and other such preferences for vendors certified under the Act and may refer to the list of businesses certified and maintained by CMS.

## SUBPART K: ETHICS

**Section 2600.1000 Conflicts of Interest**

- a) An individual has a conflict of interest when he or she has a direct pecuniary interest in a contract and is owed a payment or otherwise receives a direct financial benefit in conjunction with performance of a contract, including finder's fees and commission payments. No individual with a conflict of interest in a particular procurement may take part in the procurement process.
- b) This Section does not apply to contracts with licensed professionals, provided the contracts are competitively bid as described in Subpart D.

**Section 2600.1005 Negotiations for Future Employment**

- a) *It is unlawful for any person employed by SBEL, or on a continual contractual relationship with SBEL, to participate in contract negotiations on behalf of SBEL with any firm, partnership, association, or corporation with whom that person has a contract for future employment or is negotiating concerning possible future employment. [30 ILCS 500/50-15(a)]*
- b) An individual who performs services pursuant to a contract and who meets the requirements of an "employee" as opposed to an independent contractor is in a "continued contractual relationship" from the effective date of the contract until the contract is terminated.

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- c) An individual who performs services pursuant to a contract and who meets the requirements of an "independent contractor" as opposed to an "employee" is in a "continued contractual relationship" if the contract term is indefinite, is automatically renewed, is renewable at the individual's option, is renewable unless SBEL must act to terminate, or has a definite term of at least three months.

**Section 2600.1010 Exemptions**

If the Procurement Officer finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, the CPO may exempt named individuals from the prohibitions of Section 50-13 of the Code when, *in its judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section* [30 ILCS 500/50-20].

**Section 2600.1015 Revolving Door**

The CPO shall designate in writing the SBEL employees whose jobs or whose position descriptions are at least 51% directly related to State procurement. The following activities are directly related to State procurement: drafting specifications, preparing Invitations for Bids and Requests for Proposals, evaluating responses to Invitations for Bids and Requests for Proposals, negotiating contracts, and supervising any of the foregoing. The CPO shall maintain that information for a period of at least two years following the end or revocation of the designation. Those employees shall be subject to the Revolving Door provision found in Section 50-30 of the Code.

**Section 2600.1020 Disclosure of Financial Interests and Potential Conflicts of Interest**

- a) For purposes of Section 50-35(b) of the Code, "parent entity" means a person who owns 100% of the bidding entity.
- b) For purposes of Section 50-35(b)(1) of the Code, "contractual employment of services" means any contract to provide services to the State, whether as independent contractor or employee, that is by and between the State and the named individual.
- c) Distributable or distributive income means the income of a company after payment of all expenses, including employee salaries and bonuses, and retained earnings, that is distributed to those entitled to receive a share of that income.

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- d) Personal services shall be any contract for services subject to the Code, including, for example, professional and artistic services, repair services, or cleaning and guard services, but excluding contracts with employees who are exempt from the Code under Section 1-10(b)(4).
- e) Once a disclosure is made in relation to a particular contract, the disclosure need not be repeated if the contract is amended.
- f) 10K Disclosures
  - 1) Any vendor subject to federal 10K reporting requirements may submit its 10K to SBEL in satisfaction of the disclosure requirement of Section 50-35(b) of the Code provided the vendor also identifies the specific sections or parts in the 10K disclosure where SBEL may find information, if any, pertaining to those who have an ownership interest or an interest in the distributable income of the vendor or its parent, or other information that the vendor knows or reasonably should know identifies a potential conflict of interest with the State. If the financial interest or conflict of interest information requested by SBEL is not in the 10K, but is in a document referenced in the 10K, or in a document that may be submitted to the Securities Exchange Commission in conjunction with or in lieu of the 10K, then that additional documentation shall be provided as well.
  - 2) 10K disclosures are available for public review. Any potential conflict of interest identified by the public and brought to the attention of the CPO shall be investigated.
  - 3) In circumstances in which a vendor may submit a 10K disclosure in lieu of the specific disclosure requirements of the Code and for purposes of the Procurement Officer's duty to consider any conflict or potential conflict of interest that may exist, but that is not subject to specific disclosure requirements of the Code and this Part and that is not personally known by the Procurement Officer, the duty of the Procurement Officer "publicly known or reasonably available to the public" shall be satisfied by taking into consideration information identified by the vendor in the 10K disclosure and any information disclosed pursuant to public review of the 10K disclosure.

## SUBPART L: COMPLAINTS, PROTESTS AND REMEDIES

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**Section 2600.1100 Complaints Against Vendors**

- a) Whenever a vendor fails to meet contract requirements, including but not limited to failure to deliver on time or meet specifications, SBEL shall take appropriate action to initiate a complaint.
- b) For relatively minor infractions, SBEL may initiate contact by telephone or in person. If not resolved by this action, a written complaint shall be made.
- c) For other infractions, SBEL shall send a written complaint to the vendor detailing the problem. For complaints regarding contracts established by the CPO for CMS, a form available from the CPO for CMS shall be used to process those complaints and CMS shall be informed of the resolution or status of the complaint.

**Section 2600.1105 Suspension**

SBEL may recommend to CMS that a vendor be suspended from doing business with the State, with one or more agencies, or for specific types of supplies or services.

**Section 2600.1110 Resolution of Contract Controversies**

- a) The Procurement Officer shall have authority to resolve controversies and may accept delivery in accordance with contract requirements as resolution of a complaint.
- b) Subject to the approval of the Procurement Officer, the vendor may adjust a contract by substituting an alternative specification or reducing the contract amount to compensate for a failure to provide full performance.
- c) In any of the following cases, the Procurement Officer shall have the right to terminate or rescind any contract entered into under this Part:
  - 1) The successful bidder fails to furnish a satisfactory performance bond within the time specified.
  - 2) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered by SBEL.

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- 3) Any supplies or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall be grounds for termination or rescission, even though the vendor offers to replace the supplies or services promptly.
  - 4) The vendor is guilty of misrepresentation (for example, misbranding of food or drugs) in connection with another contract for the sale of supplies or services to SBEL such that the vendor cannot reasonably be depended upon to fulfill the vendor's obligations as a responsible vendor under any of the vendor's contracts with SBEL.
  - 5) The vendor should be adjudged bankrupt; enter into receivership or make a general assignment for the benefit of creditors due to insolvency; disregard laws, rules, or instructions of the Procurement Officer; or act in violation of any provision of the contract; or if the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.
  - 6) The vendor obtained the contract by fraud, collusion, conspiracy or other unlawful means.
  - 7) Any other breach of contract or other unlawful act by the vendor.
- d) **Withholding Money to Compensate State for Damages**  
If a contract is terminated or rescinded under this Section, SBEL may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the State of Illinois for any damages suffered by it because of the vendor's breach of contract or other unlawful act on the vendor's part on which the cancellation is based.

**Section 2600.1115 Violation of Statute or Rule**

If the CPO finds that the solicitation, award or contract is in violation of statute or this Part, the CPO may cancel the solicitation, award or contract, or make modifications to correct the violation, if the correction may be legally accomplished. When a contract is voided under this Section, SBEL shall attempt to return any supplies delivered under the contract that have not

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been used or distributed. Contracts based on awards or solicitations that were in violation of law shall be terminated at no cost to the State unless statute or rule allows the State to modify, ratify or take other corrective action.

**Section 2600.1120 Protests**

- a) An actual or prospective bidder, offeror, or vendor that may be aggrieved in connection with a procurement may file a written protest with the CPO on any phase of solicitation or award, including but not limited to specifications preparation, bid solicitation, or award.
- b) Filing of Protest
  - 1) Protests shall be made in writing to the CPO and shall be filed within 7 calendar days after the protester knows or should have known of the facts giving rise to the protest. A protest is considered filed when physically received by the CPO. Protests filed after the 7 calendar day period shall not be considered. In regard to a protest regarding specifications, the protest must be received within 7 calendar days after the date the solicitation was issued, and in any event must be received by SBEL at the designated address before the date for opening of bids or proposals. For the purpose of protests to sole source contracts, the protest period shall be 14 days.
  - 2) To be considered a protest under this Section, the envelope must be labeled as a protest and include the name and address of the protester, an identification of the procurement or contract, a statement of the protest and any supporting documentation or evidence that is relevant to the protest.
- c) Any additional information requested by SBEL shall be submitted in a timely manner in order to expedite consideration of the protest. Failure of the protesting party to comply with a deadline for a request for information by the CPO may result in resolution of the protest without consideration of that information.
- d) When a protest has been timely filed and before an award has been made, the CPO shall make no award of the contract until the protest has been resolved. If timely received but after award, the award shall be revoked without penalty and no award made until the protest has been resolved. In either case, the CPO may make the award or reinstate the award upon a determination that the needs of

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SBEL require an immediate award and performance under the contract.

- e) A decision on a protest shall be made by the CPO as expeditiously as possible after receiving all relevant requested information. If a protest is sustained, the available remedies include, but are not limited to, reversal of award and cancellation or revision of the solicitation.
- f) If an action concerning the protest has commenced in court, the CPO shall not act on the protest, but shall refer the protest to the Attorney General, unless otherwise directed by the Attorney General.

## SUBPART M: GOVERNMENTAL JOINT PURCHASING

**Section 2600.1200 General**

In an effort to make the procurement process more efficient, SBEL and other governmental units (including not-for-profit entities authorized by law to participate in joint purchasing) may agree to utilize each others' procurement contracts. This authority is governed by this Subpart and the Governmental Joint Purchasing Act [30 ILCS 525]. Only the CPO may enter into contracts under the Act.

**Section 2600.1205 No Agency Relationship**

In any joint procurement situation, the other governmental unit must issue its own purchase order, accept its own deliveries and make its own payments. SBEL shall have no obligation to the vendor for payment of orders placed by other joint purchasers.

**Section 2600.1210 Obligations of Participating Governmental Units**

If governmental units choose to use contracts established by SBEL or by CMS on behalf of SBEL, they must:

- a) provide to the CPO a copy of the ordinance or resolution passed by the governing body of the governmental unit giving authority to make purchases from contracts issued by the State of Illinois;
- b) make all purchases under the State contracts for public use only and specifically prohibit personal use or consumption by any individual, public employee or official;

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- c) make payment to the vendor within 30 days after receipt of supplies or services;
- d) place orders with the supplier directly using their own purchase order forms. A copy of the purchase order must also be sent to the CPO. This copy will be used for statistical purposes and will serve as notice that the governmental unit has complied with the bid action;
- e) inspect all items immediately for compliance with the contract specifications and report to the CPO any failure of suppliers to comply with contract requirements;
- f) attempt to resolve disputes with the vendor before involving SBEL.

## SUBPART N: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

**Section 2600.1300 Severability**

If any provision of this Part or any application thereof is held invalid, that invalidity shall not affect other provisions or applications of this Part that can be given effect without the invalid provision or application.

**Section 2600.1305 Government Furnished Property**

If SBEL provides any property to the vendor in furtherance of the contract, that property shall remain the property of the State but may be consumed by the vendor if necessary to complete the contract. Vendor will issue a receipt for the property and will be responsible for its safekeeping and for return of unused property to the State.

**Section 2600.1310 Inspections**

- a) Inspection of Plant or Site  
SBEL may enter, or authorize CMS to enter, a vendor's or subcontractor's plant or place of business to:
  - 1) inspect supplies or services for acceptance by SBEL pursuant to the terms of a contract;
  - 2) audit the books and records of any vendor or subcontractor;

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- 3) investigate an action to debar or suspend a person from consideration for award of contracts pursuant to the Code;
  - 4) determine whether the standards of responsibility have been met or are capable of being met;
  - 5) determine if the contract is being performed in accordance with its terms; and
  - 6) accomplish any other purpose permitted by law.
- b) Inspection and Testing of Supplies and Services
- 1) Solicitation and Contractual Provisions. Contracts of SBEL may provide for the inspection of supplies and services at the vendor's or subcontractor's facility and performance tests to determine whether the supplies or services conform to solicitation requirements, or, after award, to contract requirements, and are therefore acceptable. Inspections and tests shall be conducted in accordance with the terms of the solicitation and contract and may be conducted by CMS on behalf of SBEL.
  - 2) The CPO may establish operational procedures, or may rely on procedures established by CMS, governing the testing and trial use of equipment, material, and other supplies by SBEL, and the application of resulting information and data to specifications or procurements.
- c) Conduct of Inspections
- 1) Inspectors. Inspections or tests shall be performed so as not to unduly delay the work of the vendor or subcontractor. No inspector other than the CPO may change any provision of the specifications or the contract without written authorization of the CPO. The presence or absence of an inspector shall not relieve the vendor or subcontractor from any requirements of the contract.
  - 2) Location. When an inspection is made in the plant or place of business of a vendor or subcontractor, the vendor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.

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- 3) Time. Inspection or testing of supplies and services performed at the plant or place of business of any vendor or subcontractor shall be performed at reasonable times.

**Section 2600.1315 Records and Audits**

- a) Retention of Books and Records  
Books and records that relate to performance of a contract, including subcontracts, and that support amounts charged to SBEL, shall be maintained:
  - 1) by the agency, for three years, in the procurement file. The procurement file shall include substantive documents and records of communications that pertain to the procurement and resulting contract, Procurement Bulletin postings, vendor responses, evaluation material, modification or withdrawal of bids, and contractor reviews, any protest documents, and a record of the successful bidder. The solicitation document and contract, as well as any amendments, renewals or extensions to those documents, must also be included.
  - 2) by a vendor, for three years from the date of final payment under the prime contract;
  - 3) by a subcontractor, for at least three years from the date of final payment under the subcontract; and
  - 4) by a vendor and subcontractor for such longer period of time as is necessary to complete ongoing or announced audits.
- b) Contract Audit
  - 1) Types of Contracts Audited. The type of contract under which books and records should be audited is that in which price is based on costs or is subject to adjustment based on costs, or that in which auditing would be appropriate to assure satisfactory performance, such as a time and materials contract.
  - 2) Situations in which an audit may be warranted include, but are not limited to, when the CPO determines that a question has arisen in connection

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with:

- A) the financial condition, integrity, and reliability of the vendor or subcontractor;
- B) any prior audit experience;
- C) the adequacy of the vendor's or subcontractor's accounting system;
- D) the number or nature of invoices or reimbursement vouchers submitted by the vendor or subcontractor for payment;
- E) the use of federal assistance funds;
- F) the fluctuation of market prices affecting the contract; or
- G) any other situation in which the CPO finds that an audit is necessary for the protection of the State's best interest.

**Section 2600.1320 Written Determinations**

- a) When the Code or this Part requires a written determination, the officer required to prepare the determination may delegate its preparation, but the responsibility for and the execution of the determination shall not be delegated.
- b) Each written determination shall set out sufficient facts, circumstances, and reasoning as will substantiate the specific determination that is made.
- c) While an officer is responsible for the execution of the written determination, other SBEL personnel, particularly technical personnel, are responsible for furnishing to the cognizant official, in an accurate and adequate fashion, the information pertinent to the determination. When requested, the information shall be furnished in writing to the cognizant official who shall have the authority to decide the final form and content of the determination and to resolve any questions or conflicts arising with respect to the determination.
- d) The CPO is authorized to prescribe methods and operational procedures to be used in preparing written determinations.

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- e) Each written determination shall be filed in the solicitation or contract file to which it applies, shall be retained as part of that file for so long as the file is required to be maintained, and, except as otherwise provided by statute or rule, shall be open to public inspection.

**Section 2600.1325 Subcontractors**

All competitive sealed proposals, including proposals for professional and artistic services, shall include a provision to require each offeror to identify, either in its proposal or prior to award, the identity of any subcontractor that will be used in the performance of the contract, as well as the amounts expected to be paid to each subcontractor. For purposes of this Section, subcontractors are those specifically hired to perform all or part of the services or to provide the supplies requested by the State.

**Section 2600.1330 Domestic Products**

Nothing in this Part shall be construed to contravene the Purchase of Domestic Products Act [30 ILCS 517].

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## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Procurement
- 2) Code Citation: 44 Ill. Adm. Code 2600
- 3) Section Number: 2600.10                      Adopted Action:  
Repealed
- 4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]
- 5) Effective Date of Rulemaking: July 1, 2007
- 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 repealer, 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: 30 Ill. Reg. 17230; November 3, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? 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 any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking was repealed for the purpose of adopting new procurement policy rules within the existing 44 Ill. Adm. Code 2600 already titled "Procurement". An adopted rulemaking, accompanying this adopted repealer, explains the transition of the two rulemakings in the main source note of the adopted rule.
- 16) Information and questions regarding this adopted repealer shall be directed to:

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED REPEALER

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

217/557-9939

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Nonscheduled Bus Inspections
- 2) Code Citation: 92 Ill. Adm. Code 456
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
456.10	Amended
456.40	Amended
456.50	Amended
456.60	Amended
456.70	Renumbered
456.75	Renumbered, Amended
456.80	Amended
456.90	Renumbered
456.95	Renumbered, Amended
- 4) Statutory Authority: Implementing and authorized by Section 13-109 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109] and Section 12-812 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-812]
- 5) Effective Date of Amendments: April 11, 2007
- 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 Department's Division of Traffic Safety and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 22, 2006; 30 Ill. Reg. 19465
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Various nonsubstantive corrections were made throughout the Part in agreement with JCAR.

At Section 456.40 "Bus", the Department deleted "(the Code)".

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At Section 456.40 "School Bus", the Department moved the definitions of Type I, Type I-A and Type II School Buses so that they are formatted correctly as separate definitions that appear alphabetically within the Section.

At Section 456.60(gg), the Department changed "statute" to "Section 12-802 of the Code".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Department reevaluated its nonscheduled bus inspection program (the program) and determined, within its authority, that some adjustments to the violation penalty criteria (criteria) were necessary. Some criteria were moved to more stringent penalty categories while others were moved to less stringent penalty categories. These adjustments reflect, more realistically, how the program has evolved since its inception. These adjustments have been made throughout Section 456.60, Violation Criteria for School Buses; newly renumbered Section 456.75, Violation Criteria for Special Education School Buses; and newly renumbered Section 456.95, Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles. The following summaries highlight the changes the Department made to update this Part:

Section 456.10 Purpose and Scope – The Department added language to clarify the purpose and scope of the Part and to clarify when and where nonscheduled bus inspections occur.

Section 456.40 Definitions - The Department added, deleted and updated definitions necessary to enforce this Part.

Section 456.50 Enforcement Procedures - The Department clarified and updated enforcement procedures as well as corrected statutory language.

Section 456.60 Violation Criteria for School Buses - The following components were either amended or were added to this Section. Minor editorial corrections were made to other components not listed below.

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Axles	Lettering
Barrier	Lights
Battery	Locked Compartment
Battery Cables	Mirrors
Battery Carrier/Compartment	Noise Suppression Switch (see Wiring)
Brakes	Paint
Bumpers, Front and Rear	Pedals
Certificate of Safety	Pretrip Inspection Book
Certification Label, Federal	Projections
Cleanliness	Radio Speakers
Crossing Control Arm	Reflectors
Defrosters	Rub Rails
Doors	Seat Belts
Emergency Exits	Seats, Passenger's
Engine Compartment	Steering System
Entrance Door	Steps
Exhaust System	Stop Arm Panel
Fenders	Sun Visor
Fire Extinguisher	Suspension
First Aid Kit	Trash Container
Floor Coverings	Warning Devices
Frame and Body	Wheels
Fuel Storage/Delivery System	Window Glazing
Grab Handles	Windshield Washer
Heaters	Windshield Wipers
Hood	Wiring/Insulation
Horn	
Instruments and Panel	

Section 456.70 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles – The Department renumbered this Section to Section 456.95.

Section 456.75 Violation Criteria for Special Education School Buses – The Department alphabetized the list of components in this newly renumbered Section. Additionally, the following components were either amended or added to this Section.

Fastening Devices  
Grab Handles

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Lifts/Ramps  
 Restraining or Safety Devices  
 Seating (Monitor/Aide)  
 Special Light  
 Special Service Door

Section 456.80 Violation Criteria for Alternate Fuel School Buses – The Department revised the criteria for Pipe Hose and Fittings in this Section.

Section 456.90 Violation Criteria for Special Education School Buses – The Department renumbered this Section to Section 456.75.

Section 456.95 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles – The following components were either amended or were added to this newly renumbered Section.

Axles and Tag Axles	Hood
Brakes	Horn
Bumpers, Front and Rear	Lettering
Certificate of Safety	Lights
Doors	Mirrors
Emergency Exits	Paint
Exhaust System	Reflectors
Fenders	Seats
Fire Extinguisher	School Bus Identification
Flooring	Steering System
Frame and Body	Steps
Fuel Storage/Delivery System	Stop Arm Panel
Suspension	Windshield Washer
Warning Devices	Windshield Wipers
Wheels	Wiring and Insulation
Window Glazing	

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

Ms. Catherine Allen  
 Illinois Department of Transportation  
 Division of Traffic Safety  
 P. O. Box 19212

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62794-9212

217/785-1181

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

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

## PART 456

## NONSCHEDULED BUS INSPECTIONS

## Section

456.10	Purpose and Scope
456.20	Application
456.30	Standards of Construction
456.40	Definitions
456.50	Enforcement Procedures
456.60	Violation Criteria for School Buses
456.70	Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles ( <a href="#">Renumbered</a> )
<a href="#">456.75</a>	<a href="#">Violation Criteria for Special Education School Buses</a>
456.80	Violation Criteria for Alternate Fuel School Buses
456.90	Violation Criteria for Special Education School Buses ( <a href="#">Renumbered</a> )
<a href="#">456.95</a>	<a href="#">Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles</a>

AUTHORITY: Implementing and authorized by Section 13-109 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109] and Section 12-812 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-812].

SOURCE: Adopted at 15 Ill. Reg. 5894, effective April 8, 1991; amended at 16 Ill. Reg. 16649, effective October 16, 1992; amended at 17 Ill. Reg. 22070, effective December 10, 1993; amended at 18 Ill. Reg. 11650, effective July 7, 1994; amended at 31 Ill. Reg. 6457, effective April 11, 2007.

**Section 456.10 Purpose and Scope**

This Part prescribes the requirements and procedures used to implement [Section 13-109\(b\) of the Illinois Vehicle Inspection Law \[625 ILCS 5/13-109\(b\)\] that provides for periodic nonscheduled inspections of school buses, buses registered as charitable vehicles, and religious organization buses at locations where the buses are stored or parked.](#) ~~the nonscheduled inspection program for school buses, buses registered as charitable vehicles and religious organization buses.~~ The Division's nonscheduled bus inspection program is used to monitor the maintenance and

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condition of the buses for safety purposes.

(Source: Amended at 31 Ill. Reg. 6457, effective April 11, 2007)

**Section 456.40 Definitions**

"Bus" – Every motor vehicle, other than a commuter van, designed for carrying more than ~~10~~<sup>ten</sup> persons, including the driver. (See Section 1-107 of the Illinois Vehicle Code ~~(the Code)~~ ~~(Ill. Rev. Stat. 1991, ch. 95½, par. 1-107)~~ [625 ILCS 5/1-107].)

"Certificate of Safety" – The ~~authorized~~ visible symbol, authorized by Section 13-110 of the Code and provided ~~furnished~~ by the ~~Division's~~ Department's Commercial Vehicle Safety Section (CVSS) for use by ~~to~~ an Official Testing Station, that which is ~~to be~~ directly affixed to a vehicle by a Certified Safety Tester only after the completion of a proper safety test demonstrating that the ~~to a~~ vehicle ~~which~~ meets the minimum ~~prescribed safety~~ standards established by the Division (i.e., 92 Ill. Adm. Code 448, 441, 443, and 445). ~~Department's Commercial Vehicle Safety Section.~~

~~"Charitable Bus" – Any bus which is owned and operated by a charitable not-for-profit organization and is used primarily in conducting the official activities of such organization. (Section 1-171.01 of the Code)~~

"Charitable Vehicle" - Any vehicle that is exclusively owned and operated by a religious or charitable not-for-profit organization and is used primarily in conducting the official activities of such organization. This definition does not include:

a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on special trips or in connection with special events and not over a regular or customary religious organization bus route;

a school bus as defined in Section 1-182 of the Code; or

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*a First Division vehicle, other than one designed for transporting not less than 7 nor more than 10 passengers, as defined in Section 1-217 of the Code; except that, for purposes of determining the number of persons a vehicle is designed to carry, in any vehicle equipped with one or more wheelchair tiedowns, each wheelchair tiedown shall be counted as 4 persons. (Section 1-111.1a of the Code)*

"Code" – The Illinois Vehicle Code ~~[625 ILCS 5/](Ill. Rev. Stat. 1991, ch. 95½, pars. 1-100 et seq.)~~ [625 ILCS 5/1-101 et seq.].

"Commercial Vehicle Safety Section" or "(CVSS)" – A section of the Bureau of Safety Programs of the Division of Traffic Safety, ~~of the~~ Illinois Department of Transportation.

"Department" – *The Department of Transportation of the State of Illinois, acting directly or through its duly authorized officers and agents* ~~agents or officers.~~  
(Section 1-115.05 of the Code ~~13-100 of the Illinois Vehicle Inspection Law~~)

"Division" - The Illinois Department of Transportation, Division of Traffic Safety.

"Illinois Vehicle Inspection Law" or "~~The (the Law)~~" – ~~Ill. Rev. Stat. 1991, ch. 95½, pars. 13-100 et seq.~~ [625 ILCS 5/Ch. 13, 101 et seq.]

"Nonscheduled Inspection" – The ~~Division's~~ Department's program used to monitor the maintenance and condition of school buses, religious organization buses and buses registered as charitable vehicles ~~as authorized by P.A. 86-1223, effective January 1, 1991.~~ Nonscheduled inspections are performed on a periodic basis at locations where the buses are stored or parked.

"Non-scheduled Inspection Report" or "(NIR)" – The form used by the Division to document nonscheduled inspection findings and to indicate actions taken when necessary. ~~Department to issue nonscheduled inspection penalties.~~

"Official Testing Station" – All contiguous real and personal property that ~~which~~ houses the testing lane or lanes ~~lane(s)~~ (if required) and any and all equipment (if applicable) and supplies relating to the safety testing of vehicles. Official testing stations are classified as either public or private. Public stations are open to the public and are authorized to safety test vehicles as required by Section 13-101 of

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the Law and Section 6-410 of the Code. Private stations are established by companies for the purpose of safety testing vehicles that are owned or operated by the company; therefore, private stations are not open to the public.

"Officer" or "Inspector" – An employee of the Illinois Department of Transportation, Commercial Vehicle Safety Section.

"Operator" – The owner or the individual responsible for the maintenance and condition of a school bus, religious organization bus or a bus registered as a charitable vehicle.

"Out-of-Service Penalty" – The most serious penalty that which can be assessed. This penalty requires a bus to be inspected at an Official Testing Station before being placed back in service. (See Section 13-109**(b)** of the Law.)

"*Religious Organization Bus*" – See the definition of "charitable vehicle" in this Section. Any bus which is owned and operated by a religious organization and is used primarily in conducting the official activities of such organization. (Section 1-171.01 of the Code)

"School Bus Brake Inspection Report" or "SBBIR" "~~SB-6~~" – The form used by school bus operators to verify that brake inspections have been performed as required by 92 Ill. Adm. Code 447. The required brake inspection report is subject to inspection by the Division's officers. ~~the Department.~~

"School Bus" –

~~Type I School Bus – A School Bus with a gross vehicle weight rating of more than 10,000 pounds.~~

~~Type II School Bus – A School Bus with a gross vehicle weight rating of 10,000 pounds or less. (Section 12-800 of the Illinois Vehicle Equipment Law) (Ill. Rev. Stat. 1991, ch. 95½, par. 12-800) [625 ILCS 5/12-800]~~

*Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:*

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*Any public or private primary or secondary school;*

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

*Any public, private or religious nursery school.*

*This definition shall not include the following:*

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

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

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

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

*A motor vehicle of the First Division~~first division~~. (~~Section 1-182 of the Code~~)*

*A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic school sponsored activities. (Section 1-182 of the Code)*

"Three-Day Notice Penalty" – This penalty requires a violation to be corrected within ~~3~~three working days before ~~Division~~Department officers return for a reinspection. (See Section 13-109(c) of the Law.)

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"Type I School Bus" - A school bus with a gross vehicle weight rating of more than 10,000 pounds. (Section 1-213.4 of the Code)

"Type II School Bus" - A school bus with a gross vehicle weight rating of 10,000 pounds or less. (Section 1-213.5 of the Code)

"Type I-A School Bus" - A term commonly used by school bus manufacturers to classify a certain type of school bus that is a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door, designed for carrying more than 10 persons. The Type I-A school bus has a Gross Vehicle Weight Rating (GVWR) of more than 10,000 pounds.

"Warning Penalty" – This penalty requires a violation to be corrected within 30 days and the appropriate copy of the NIR to be mailed to the CVSS as soon as repairs are made. (See Section 13-109(d) of the Law.)

(Source: Amended at 31 Ill. Reg. 6457, effective April 11, 2007)

**Section 456.50 Enforcement Procedures**

- a) The ~~Division~~Department will conduct periodic nonscheduled inspections of school buses, of buses registered as charitable vehicles and of religious organization buses. (See Section 13-109(b) of the Law.)
- b) The nonscheduled inspections will be conducted by the Division's officers ~~of the Department~~ at locations where the vehicles listed in subsection (a) of this Section~~above~~ are stored or parked. The SBBIR must be kept for a period of at least 12 months at the location where the bus is stored or parked and the SBBIR must be available for inspection by the Division's officers during normal business hours.
- c) Nonscheduled inspections will consist of inspecting those items listed in ~~Section~~Sections 456.60, ~~456.75~~456.70, 456.80 or ~~456.95~~456.90 of this Part, (depending on the type of vehicle being inspected). The ~~Division's~~Department's officers will note any violation of this Part on the ~~Nonscheduled Inspection Report~~ (NIR) and fill in the penalty portion of the NIR according to the most serious penalty assessed. Penalties are separated into three categories: Out-of-Service, Three-Day Notice, and Warning. All violations listed on the ~~NIR form~~ shall be corrected within the time period noted on the NIR~~required period of time~~.

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[\(See subsections \(f\), \(g\), and \(h\) of this Section.\)](#)

- d) The NIR consists of the original form and three copies. The original and ~~one second~~ copy will be issued to the bus operator. ~~One~~ ~~The third~~ copy will be mailed to the CVSS by the ~~Division's~~ ~~Department's~~ officer and the ~~remaining fourth~~ copy will be retained by the ~~Division's~~ ~~Department's~~ officer.
- e) The ~~bus operator's second~~ copy of the NIR ~~shall be designed to~~ be returned to the CVSS after either all warning violations have been corrected, or the ~~Division's~~ ~~Department's~~ third day follow-up inspection has been completed, or inspection at an Official Testing Station for an out-of-service penalty has been conducted. ~~See subsection~~ ~~Refer to subsections~~ (f), (g) or (h) ~~of this Section below~~ for ~~penalty~~ procedures.
- f) If a nonscheduled inspection reveals that any ~~component item~~ listed in ~~Section~~ ~~Sections~~ 456.60, ~~456.75~~ ~~456.70~~, 456.80 or ~~456.95~~ ~~456.90 of this Part~~ meets the "out-of-service" criteria listed in those Sections, the ~~Division's~~ ~~officer~~ ~~Department~~ will remove the Certificate of Safety from the vehicle and ~~will~~ place the vehicle out-of-service. (~~See~~ Section 13-109 ~~(b)(e)~~ of the Law.)
- 1) *A bright orange, triangular decal will be placed on an out-of-service vehicle where the Certificate of Safety ~~has been removed~~ ~~was located~~.* (Section 13-109 ~~(b)(e)~~ of the Law)
  - 2) The vehicle must pass a complete safety test at an official testing station before it is again placed in service. (See Section 13-109(b) of the Law.) A complete inspection includes all of the pertinent components listed in this Part plus a valid SBBIR (see 92 Ill. Adm. Code 447). ~~The vehicle must pass an inspection, including presenting a valid wheel pull (SB-6) form, at an Official Testing Station before it is again placed in service. (Section 13-109(e) of the Law)~~
  - 3) An ~~out-of-service~~ ~~Out-of-Service~~ penalty requires the ~~bus operator's second~~ copy of the NIR to be returned to the CVSS by the bus operator after the bus passes ~~a complete~~ ~~an~~ inspection at an Official Testing Station.
  - 4) *Causing or allowing the operation of an out-of-service vehicle with passengers or unauthorized removal of an out-of-service decal is a Class 3 felony.* (Section 13-109 (e) of the Law)

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- g) If a nonscheduled inspection reveals that any component listed in ~~Section~~Sections 456.60, ~~456.75~~456.70, 456.80 or ~~456.95~~456.90 of this Part meets the "three-day notice" criteria listed in those Sections, the ~~Division's officer~~Department will issue a three-day notice penalty. (See Section 13-109(c) of the Law.)
- 1) A bright yellow triangular decal will be placed next to the Certificate of Safety. (See Section 13-109(c) of the Law.)
  - 2) ~~The Division will reinspect the vehicle after 3 working days to determine that the violation has been corrected and remove the yellow, triangular decal. Department personnel will return to the location of the vehicle after three working days to determine that the violation has been corrected and will remove the yellow decal if no violations exist.~~ (See Section 13-109(c) of the Law.)
  - 3) A ~~three-day notice~~Three-Day Notice penalty requires the bus operator's~~second~~ copy of the NIR to be completed and returned to the CVSS by the ~~Division's~~Department's officer when ~~the officer~~he returns for the follow-up inspection after the third day.
  - 4) If the violation is not corrected within ~~3~~three working days, the ~~Division~~Department will place the vehicle out-of-service in accordance with subsection (f) ~~of this Section~~above. (See Section 13-109~~(c)~~(e) of the Law.)
  - 5) *Causing or allowing the operation of a vehicle with a ~~3~~three day decal for longer than ~~3~~three days with the decal attached or the unauthorized removal of a ~~3~~three day decal is a Class C misdemeanor.* (Section 13-109(e) of the Law)
- h) If a nonscheduled inspection reveals that any ~~component~~item listed in ~~Section~~Sections 456.60, ~~456.75~~456.70, 456.80 or ~~456.95~~456.90 of this Part meets any of the "warning-" criteria listed in those Sections, the ~~Division~~Department will issue a warning notice to the bus operator requiring correction of the violation or violations. The NIR will be provided to the bus operator and will list all warning notice violations.~~the NIR to the bus operator with all violations listed.~~ (See Section 13-109~~(d)~~(e) of the Law.)

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- 1) The bus operator shall correct the violation or violations as soon as practicable and submit a report to the Division~~have all violations corrected~~ within 30 days ~~after~~from the date of the nonscheduled inspection affirming that the corrections have been made. (See Section 13-109~~(de)~~ of the Law.)
- 2) A warning~~Warning~~ penalty requires the bus operator's~~second~~ copy of the NIR to be returned to the CVSS by the bus operator after all violations have been corrected.
- 3) If the Division~~Department~~ has not been advised that the corrections have been made by receipt of the bus operator's~~second~~ copy of the NIR, and the violations~~violation~~ still exist~~exists~~, the Division~~Department~~ will place the vehicle out-of-service in accordance with subsection (f) of this Section. (See Section 13-109~~(de)~~ of the Law.)
  - i) If a nonscheduled inspection reveals that any component~~item~~ listed in Section~~Sections~~ 456.60, 456.75~~456.70~~, 456.80 or 456.95~~456.90~~ of this Part warrants the issuance of a penalty, the bus operator ~~or owner~~ may repair or replace defective items while the Division's~~Department's~~ officers are on location. If the bus~~owner or~~ operator chooses to repair or replace the defective item, it must be done while the Division's officers are still on location and shall~~may~~ not alter the Division's officers'~~officer's~~ schedule ~~in order to wait for any repair or correction.~~ All components~~Any defects~~ repaired or corrected on location will be documented on the NIR by the Division's officers.

(Source: Amended at 31 Ill. Reg. 6457, effective April 11, 2007)

### Section 456.60 Violation Criteria for School Buses

The following components~~items~~ will be inspected during a nonscheduled inspection. A violation of one component~~item~~ may only necessitate a warning while other components~~items~~ may require a 3-~~three~~day notice or cause the vehicle to be declared out-of-service. Certain components~~items~~ have criteria listed in more than one penalty category, depending on the degree of the specific violation. If any criteria listed below exists, the corresponding penalty will be issued:

- a) Air Cleaner:

WARNING – missing; not properly attached.

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- b) Aisle:
- 1) OUT-OF-SERVICE – obstructed.
  - 2) WARNING – does not meet minimum dimension requirements (refer to 92 Ill. Adm. Code [441451](#).Appendix A(b)).
- c) Alternator:
- ~~3THREE~~\_DAY – belts are torn, broken or slipping; does not meet capacity rating or electrical requirements; not functioning.
- d) Axles:
- 1) OUT-OF-SERVICE – not firmly attached; cracked; broken; [wheel seals leaking grease or fluids](#)~~leaking fluids~~; insufficient capacity (as determined by 49 CFR 568.4 ([October 1, 20041992](#))).
  - 2) [WARNING - pinion seal leaking.](#)
- e) Barrier:
- 1) OUT-OF-SERVICE – missing-~~(if required)~~; not solidly attached.
  - 2) WARNING – padding or covering shows wear and tear~~;~~; does not meet minimum height requirements (refer to 92 Ill. Adm. Code [441451](#).Appendix A(e)).
- f) Battery:
- ~~WARNINGTHREE~~\_DAY – excessive corrosion; not secured.
- g) Battery Cables:
- ~~WARNINGTHREE~~\_DAY – [broken](#); corroded; not securely attached.
- h) Battery Carrier/Compartment:

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~~WARNINGTHREE DAY~~ – when battery is mounted outside of engine compartment, it is not properly attached in weather-tight vented compartment; compartment door does not latch.

## i) Brakes:

- 1) OUT-OF-SERVICE – any problem found with service brake system. SBBIR forms not being completed, maintained or available for inspection. Any defect in emergency brake system (other than indicator light).
- ~~2) THREE DAY—any problem found with emergency brake system.~~
- ~~2)3) WARNING – SBBIR not completed properly. Emergency brake indicator light not functioning. (See 92 Ill. Adm. Code 441.Appendix B(d)).any SB 6 violation (refer to 92 Ill. Adm. Code 451. APPENDIX A(i)(7)(A)).~~

## j) Bumper, Front:

- 1) OUT-OF-SERVICE – missing; bumper damage thatwhich interferes with tire condition or movement; loose; broken; protruding parts.
- 2) WARNINGTHREE DAY – loose; broken; protruding components; does not meet thickness requirements (refer to 92 Ill. Adm. Code 441451.Appendix B(e).A(j)).

## k) Bumper, Rear:

- 1) OUT-OF-SERVICE - missing; loose; broken; protruding parts.
- 2) WARNINGTHREE DAY – loose; broken; protruding components; hitchable; does not meet thickness requirements (refer to 92 Ill. Adm. Code 441451.Appendix C(a).A(k)).

## l) Certificate of Safety:

OUT-OF-SERVICE – missing; expired; voided; over on mileage; incorrect type of Certificate of Safety.

## m) Certification Label, Federal:

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WARNING – ~~missing; label is absent;~~ defaced; destroyed; ~~illegible;~~ or not permanently affixed; required information is missing (refer to 92 Ill. Adm. Code ~~441451~~. Appendix ~~C(c)~~. ~~x A(m)(1)~~).

## n) Cleanliness:

WARNING – excessive ~~rubbish/rubble~~ or trash; excessive dirt; spilled fluids; decorations; clutter on dash.

o) Crossing Control Arm:

1) OUT-OF-SERVICE - missing; does not work or function properly; illegal on/off switch.

2) 3-DAY - illegal light or reflector color; not minimum length.

p) ~~q)~~ Defrosters:

1) OUT-OF-SERVICE – does not function properly between October 2 and April 14; blades are not protected.

2) ~~WARNINGTHREE DAY~~ – does not function properly between April 15 and October 1; auxiliary fans are not securely mounted.

q) ~~p)~~ Drive Shaft Guard:

WARNING – not solid; not firmly attached; missing.

r) ~~q)~~ Emergency Exits:

1) OUT-OF-SERVICE – illegal locks (refer to 92 Ill. Adm. Code ~~441451~~. Appendix ~~D(b)(4)~~ ~~x A(q)(4)~~); no engine cutoff; obstructed/~~blocked~~; latch broken; exit does not operate/work; both audible and visible alarms on emergency exit doors/door(s) do not operate; no audible alarm on emergency window exits.

2) ~~WARNINGTHREE DAY~~ – binding; no guard; exterior handle is hitchable; door does not seal properly; either audible or visible alarms on

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emergency exit ~~doors~~door(s) do not operate.

~~s)†~~ Engine Compartment:

- 1) ~~3~~THREE-DAY – excessive oil in engine compartment; ~~engine does not start or run properly.~~
- 2) WARNING - minor oil in engine compartment; does not start or run properly (except when the bus is in the process of being repaired).

~~t)s)~~ Entrance (Service) Door/Driver's Door/Additional Doors~~Entrance Door:~~

- 1) OUT-OF-SERVICE – fails to close; view is obstructed; illegal locks; does not ~~operate~~open properly; manual override is missing on power operated doors; special service door not made inoperable if seats are installed next to the special service door.
- 2) ~~THREE DAY—binding, jamming, over the center control not operating properly.~~
- ~~2)3)~~ WARNING – rubber seals are missing or torn; holes are present; not sealing properly; minor binding.

~~u)†~~ Exhaust System:

- 1) OUT-OF-SERVICE – any leaks in the exhaust system; leaks into or under passenger compartment; broken; disconnected; does not discharge in proper location or under the bus body; improper size reduction; not securely attached or supported.
- 2) ~~WARNING~~THREE DAY – shield is not present if required (refer to 92 Ill. Adm. Code ~~441451~~.Appendix D(d)(2)A(s)(1)); extends too far outside body; not securely attached or supported.

~~v)†~~ Fenders:

~~OUT-OF-SERVICE~~THREE DAY – protruding components; not properly attached; excessive collision damage that is detrimental to the safe operation of the vehicle.

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w)✕ Fire Extinguisher:

- 1) OUT-OF-SERVICE – not fully charged; ~~or~~ missing.
- 2) ~~WARNINGTHREE DAY~~ – seal is broken; improper rating; overcharged; not mounted in readily accessible location; not labeled if in compartment.

x)w First Aid Kit:

- 1) ~~OUT-OF-SERVICETHREE DAY~~ – missing; empty.
- 2) WARNING – kit not complete (at least 4 packages are not present) (refer to 92 Ill. Adm. Code 441451.Appendix E(c)A(w)); medicine or tourniquet is present; ~~packages are not sealed~~; not mounted in readily accessible location; defective container.

y)✕ ~~Floor and Wheel Floor Coverings; Firewall; Passenger Compartment;Floor and Floor coverings:~~

- 1) ~~OUT-OF-SERVICE - holes are present (other than screw holes); sagging; broken; not firmly attached.~~
- 2) ~~WARNINGTHREE DAY~~ – screw holes are present; sagging; broken; not firmly attached; torn or missing covering; missing or damaged floor stripping; defective boots; engine cover is not secure; does not sealcovering or missing.

z)✕ Frame and Body:

- 1) Frame:  
  
OUT-OF-SERVICE – broken; cracked; improper welds; rusted through; structurally unsafe; sagging.
- 2) Body (Exterior and Interior):
  - A) ~~OUT-OF-SERVICETHREE DAY~~ – collision damage thatwhich is detrimental to the safe operation of the vehicle ; not properly

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attached to frame. Body tie downs are loose or missing. Holes penetrating the interior of the vehicle.

- B) WARNING – rusted through; holes are present but are not penetrating the interior of the vehicle~~holes are present.~~

aa)z) Fuel Storage and Delivery System:

- 1) OUT-OF-SERVICE – fuel tank is leaking or loose; no fuel tank guard if required (refer to 92 Ill. Adm. Code 441.451.Appendix F(a)(5)A(z)(5)); fuel lines are loose, sagging, rubbing, chaffing, leaking, cracked or broken; fuel cap is missing.
- 2) ~~3THREE-DAY~~ – ~~shield is not present if required (refer to 92 Ill. Adm. Code 451.APPENDIX A(s)(1))~~; alternate fuel system not removed~~remains~~ after conversion to gasoline or diesel (alternate fuel is no longer used).
- 3) WARNING - no shield (if required) (refer to 92 Ill. Adm. Code 441.Appendix D(d)(2)).

bb)aa) Grab Handles (Exterior and Interior):

- 1) OUT-OF-SERVICE - missing; hitchable; snagable.

AGENCY NOTE: "Hitchable" is defined as being designed to allow riding or grasping on to an exterior portion of the bus so as to "hitch" a ride.

- 2) WARNING – handles are ~~missing or~~ loose.

cc)bb) Heaters:

- 1) OUT-OF-SERVICE - not working between October 2 and April 14.
- 4) ~~THREE DAY—missing or not firmly attached.~~
- 2) WARNING – poor working condition; defective, damaged, or unsecured hoses, supports or baffles; rear heater not covered or padded; defective or missing switches; not working between April 15 and October 1.

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dd)ee) Hood:

OUT-OF-SERVICE~~THREE DAY~~ – does not open; broken, missing or defective latches or hinges.

ee)dd) Horn (Interior and Exterior):

- 1) OUT-OF-SERVICE – missing horn or horn component; ~~defective~~; not audible for 200 feet; cannot be controlled from driver's seat.
- 2) WARNING - not readily accessible to driver; unsecured wiring.

ff)ee) Instruments and Instrument Panel:

- 1) OUT-OF-SERVICE – brake failure indicator~~indication~~ gauges or devices do not operate properly or are missing; headlight switch defective; odometer not working; turn signal lever not functioning properly.
- 2) 3THREE DAY – ~~odometer, directional signal, 8~~light flasher ~~indicator~~, or high beam indicator lights do not operate properly or are missing; switches (other than headlight) are defective or missing.
- 3) WARNING - instruments or instrument panel obstructed by unauthorized material (e.g., books, radios, trash, food, etc.); emergency brake indicator light does not function.

gg)ff) Lettering (Interior and Exterior):

WARNING – lettering is missing; ~~;~~ incorrect location; ~~;~~ incorrect color; illegible; decals or lettering not authorized or allowed by Section 12-802 of the Code or 92 Ill. Adm. Code 441 or 443 is present; lettering is obstructed; no window lines. ~~not~~ black, distinct, or allowed.

hh)gg) Lights~~Light(s)~~/Lamps (Exterior and Interior) (refer to 92 Ill. Adm. Code 441451.Appendix G(d)A~~(hh)~~ for proper colors):

- 1) Backup:

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- A) ~~3THREE~~-DAY – both lights do not function; ~~improper color;~~  
~~broken lens or other component.~~
- B) WARNING - one light does not function; improper color; broken lens or other component.
- 2) Clearance:
- WARNING – do not function; improper color; broken lens or other component.
- 3) Cluster:
- WARNING – do not function; improper color; broken lens or other component.
- 4) Flashing 8-light Systemsystem:
- A) OUT-OF-SERVICE – do not function; incorrect sequence; do not cancel; illegal by-pass activation switch (red lights only); improper color; broken lens or other component.
- B) WARNING - 8-light activation indicator panel not functioning properly; crossing control arm override switch not wired properly.
- 5) Headlights:
- A) OUT-OF-SERVICE – do not function; improper color; dimmer switch defective; not securely attached.
- B) WARNING – ~~cracked~~broken lens.
- 6) Interior:
- WARNING – do not function; improper color; broken lens or other component; missing or broken switches.
- 7) License Plate:

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WARNING – does not function; missing; improper color; broken lens or other component.

## 8) Marker:

WARNING – missing; do not function; improper color; broken lens or other component.

## 9) Parking:

WARNING – do not function; improper color; broken lens or other component.

## 10) Stepwell:

WARNING – does not function; improper color; broken lens or other component.

## 11) Stop/Brake:

A) OUT-OF-SERVICE – ~~does~~ not function; does not release; improper color; broken lens.

B) ~~WARNINGTHREE-DAY~~ – crackedimproper color; broken lens or other component.

12) Strobe ~~(optional)~~:

AGENCY NOTE: Mandatory on all school buses manufactured after December 31, 1999.

A) OUT-OF-SERVICE – missing (if required).

B) 3-DAY – not operating properly.

C) WARNING – location is incorrect (see AGENCY NOTE below); refer to 92 Ill. Adm. Code 451. APPENDIX A(hh)(15)); shielding is present.

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AGENCY NOTE: Ideally, the correct strobe location is determined by the strobe's filament height. The filament height is multiplied by 30 and the lamp is located that distance from the rear of the bus. If this formula cannot be met (e.g., length of the bus, air conditioner, or roof hatch prohibits), the strobe can be located as near as practicable above the rear axle, horizontally centered between the rear tires, and always to the rear of roof exits and/or air conditioners.

- 13) Tail:
- A) OUT-OF-SERVICE – do not function; improper color; broken lens.
  - B) ~~3THREE~~ DAY – cracked~~improper color; broken lens or other component.~~
- 14) Turn Signal (Left and Right Armored included):
- A) OUT-OF-SERVICE – front or rear do not function; broken lens.
  - B) ~~WARNINGTHREE~~ DAY – improper color; cracked~~broken lens or other component.~~ Side armored turn signals do not function or are missing.

~~ii)hh)~~ Locked Compartment:

- 1) ~~3-THREE~~ DAY – not readily accessible to driver; ~~lettering or Identification is missing~~; alarm does not function when compartment is locked and engine is running (only when fire extinguisher, warning devices, or first aid kit are stored in locked compartment).
- 2) WARNING - lettering or identification is missing.

~~jj)ii)~~ Mirrors (Exterior and Interior):

- 1) OUT-OF-SERVICE – missing; not functioning as required; broken mount; mirror is broken or cracked; mirror is pitted or clouded to obstruct driver's view; size or type not approved.

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- 2) WARNING – ~~broken or~~ cracked; clouded; pitted but not obstructing driver's view; stickers or unauthorized materials are present; loose mounting; ~~not approved.~~

kk)jj) Paint Requirement:

- 1) OUT-OF-SERVICE - paint does not meet color requirements (refer to 92 Ill. Adm. Code 441. Appendix H(b)).
- 2) WARNING – reflective tape outlining emergency exits is missing, defective, improperly located, improper color, poor condition;~~does not meet color requirements (refer to 92 Ill. Adm. Code 451. APPENDIX A (kk));~~ paint is in poor condition.

ll)kk) Pedals (Accelerator, Brake, ~~and~~ Clutch, Emergency/Parking):

- 1) OUT-OF-SERVICE - missing.
- 2) 3THREE\_DAY – missing; damaged; rubber cover or non-skid material missing; altered in a manner not approved by the Division.~~altered.~~

mm)ll) Pre-trip Book - (See 92 Ill. Adm. Code 458 (School Bus Driver's Pretrip Inspection Requirements).):

WARNING – not being prepared; missing; improper completion ~~or distribution;~~ operator not complying with recordkeeping requirements of 92 Ill. Adm. Code 458.

nn)mm) Projections:

- 1) Exterior:
  - A) OUT-OF-SERVICE - dangerous to pedestrians or other vehicles.
  - B) WARNINGTHREE\_DAY – hitchable ;~~dangerous to pedestrians.~~
- 2) Interior:

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~~WARNINGTHREE DAY~~ – not padded (if required); ~~interferes~~interfere with entering or exiting the bus or with head impact zone (e.g., cameras, air conditioners, brooms, etc).

oo) Radio Speakers:

WARNING - located within restricted area and not disconnected.

pp)mm) Reflectors/Reflective Tape (also see Paint Requirements):

- 1) ~~THREE DAY~~—missing.
- 2) WARNING – missing; damaged; not properly located; wrong color.

qq)oo) Rub Rails:

WARNING – missing; damaged; not securely attached.

rr)pp) Seat Belts (Driver and Passenger):

- 1) OUT-OF-SERVICE – missing (if required) (refer to 92 Ill. Adm. Code 441.Appendix I(a) and 92 Ill. Adm. Code 443.Appendix I(a));~~or~~ broken; improper mounting; if required (refer to 92 Ill. Adm. Code 451. APPENDIX x A(oo) and APPENDIX B(oo)); buckle does not operate properly; required number of belts not present (refer to 92 Ill. Adm. Code 443.Appendix I(a)451. APPENDIX B(oo)).
- 2) WARNING – driver's retractor does not operate properly; not off floor; dirtyoptional seat belts do not meet requirements.

ss)qq) Seat, Driver's:

- 1) OUT-OF-SERVICE - broken; loose; missing.
- 2) WARNING – damaged covering; not adjustable.

tt)rr) Seat, Passenger's:

- 1) OUT-OF-SERVICE – missing barrier (if required) (refer to 92 Ill. Adm.

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~~Code 451. APPENDIX A(e);~~ loose; broken frame or components; seats installed in a manner other than prescribed in 49 CFR 571.222 (except special education buses with prior Division approval).

- 2) WARNING – incorrect height or center-to-center seat spacing (refer to 92 Ill. Adm. Code 441. Appendix I(c) and 92 Ill. Adm. Code 443. Appendix I(c))~~451. APPENDIX A(qq);~~ damaged covering; loose seat cushion.

~~uu)ss)~~ Steering System:

- 1) Exterior:

A) Linkage Components:

OUT-OF-SERVICE – broken; bent; welded repairs; loose; insecurely mounted; ~~or~~ missing.

B) Steering Components:

OUT-OF-SERVICE – broken; loose; ~~;~~ leaking; ~~;~~ binding; belts and hoses frayed or; cracked; ~~;~~ inoperative power or power-assist unit inoperative or missing; reservoir low or empty; incorrect fluid.

- 2) Interior:

~~A)~~ OUT-OF-SERVICE – column support bracket is broken, loose or missing; excessive up and down movement in steering shaft; excessive damage to steering wheel; spokes are missing; lash exceeds acceptable limits.

~~B)~~ ~~THREE DAY~~ ~~—lash exceeds acceptable limits (refer to 92 Ill. Adm. Code 451. APPENDIX A(rr)(2)(B)).~~

~~vv)tt)~~ Steps, Entrance:

- 1) OUT-OF-SERVICE – broken; ~~;~~ rusted through.

- 2) WARNING – sagging; ~~;~~ damaged ribbing; defective or missing white nosing.

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ww)uu)

## Stop Arm Panel:

- 1) OUT-OF-SERVICE – missing; lights not functioning; panel does not operate properlyfunction.
- 2) THREE-DAY – ~~not operating properly~~; incorrect panel; lights not flashing alternately; optional second stop arm panel does not meet requirements.
- 3) WARNING – incorrect paint (refer to 92 Ill. Adm. Code 441451.Appendix J(a)A(tt)); poor condition; crossing control arm override switch is wired improperly allowing stop arm panel to activate when the 8-way flashing signal system is deactivated.

xx)vv)

## Sun Visor:

WARNING – broken; damaged; missing; does not comply with requirements.

yy)ww)

## Suspension:

- 1) Shocks:
  - A) OUT-OF-SERVICE – broken; missing; broken mounts.
  - B) WARNINGTHREE-DAY – leakage; loose; loose mounting.
- 2) Springs and Spring Assembly Components:

OUT-OF-SERVICE – broken; cracked; damaged; loose; missing spring or spring assembly component.
- 3) Air

OUT-OF-SERVICE - leaking; damaged; leaning excessively; rubbing on frame or body.

zz)xx) Tow Hooks (optional):

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WARNING – extend beyond bumper; not securely attached.

aaa) Trash Container:

WARNING - not secure; obstructing aisle; overflowing with trash.

bbb)yy) Warning Devices:

- 1) OUT-OF-SERVICE - missing.
- 2) WARNING – incomplete set~~missing~~; reflectors are cracked or broken; flags are ripped or torn; emergency triangles are not operational; not securely mounted or readily accessible.

ccc)zz) Wheels:

- 1) Wheel Housing:
  - A) OUT-OF-SERVICE – tire rubs against any portion of chassis, body or bumper; does not meet clearance requirements; not firmly secured; holes are present.
  - B) THREE DAY—do not meet clearance requirements; not firmly secured; holes are present.
- 2) Rim:

OUT-OF-SERVICE – cracked; broken; elongated holes; missing lug nuts; lock ring damaged; bent ; improper welds.
- 3) Tires (refer to 92 Ill. Adm. Code 441451.Appendix K(d)(3)A-(bbb)(3)):
  - A) Steering axle:
    - i) OUT-OF-SERVICE – regrooved, recapped, retreaded; restricting markings are present; insufficient tread depth at any measured point of a major tread groove (4/32); broken or cut cord; any sign of carcass failure; tires are not same construction; regular and mud/snow tread are mixed; radial

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and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged.

ii) WARNING – flat tire.

B) Drive axle:

i) OUT-OF-SERVICE – missing; insufficient tread depth at any measured point of a major tread groove (2/32); broken or cut cord.

ii) 3THREE-DAY – radial and bias ply tires are used incorrectly; regular and mud/snow tread are improperly mixed on same axle; tire exceeds diameter of its mate; regrooved or recut on tire not labeled "regroovable"; bias tube installed on radial; damaged valve stem; flat tire on dual wheel axle.

iii) WARNING – flat tire on single wheel axle.

ddd) Window Glazing:

1) Emergency Exit Windows:

A) OUT-OF-SERVICE - missing; shattered; any sharp edge that could inflict cuts to the skin.

B) WARNING - improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed.

2) Service Door Windows:

A) OUT-OF-SERVICE - missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed.

B) WARNING - improper "AS" rating; incorrect glazing material; any crack to glazing.

3) Side Windows:

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- A) OUT-OF-SERVICE - missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed in driver's side window.
- B) WARNING - improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed other than to driver's side window.

4) Windshield:

- A) OUT-OF-SERVICE - missing; shattered; not firmly sealed or attached; any crack more than 6 inches in length in the area swept by the windshield wiper blade; any "starchip" measuring more than 1 inch in diameter in the area swept by the windshield wiper blade; driver's visibility obstructed; any sharp edge that could inflict cuts to the skin.
- B) WARNING - any crack more than 6 inches in length outside the area swept by the windshield wiper blade; any "starchip" more than 1 inch in diameter outside the area swept by the windshield wiper blade; discoloration more than 3 inches up from the bottom or more than 1 inch down from the top or in more than 1 inch from the left or right side (except tinting that is allowed by 625 ILCS 5/12-503).

aaa) Windows:

- 1) ~~OUT-OF-SERVICE—windshield is missing or shattered.~~
- 2) ~~THREE-DAY—not properly marked with "AS" rating (refer to 92 Ill. Adm. Code 451. APPENDIX A (ccc)); operating mechanisms do not function; alarms do not function, if required; glass is cracked or broken; visibility is obstructed; emergency opening requirements are not met (refer to 92 Ill. Adm. Code 451. APPENDIX A (ccc)(1) and (3)); not firmly sealed or attached; 1 1/2 inches or more "star chip"; missing; incorrect size.~~
- 3) ~~WARNING—stop lines are missing.~~

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~~eee)bbb)~~ Windshield Washer:

- 1) 3-DAY - broken or missing components.
- 2) WARNING – does not operate properly; no fluid.

~~fff)eee)~~ Windshield ~~Wipers~~ Wiper:

- 1) OUT-OF-SERVICE – wipers do not operate; broken blades or arms; wipers operate on only one speed; activation knob missing.
- 2) WARNING – does not cover entire cleaning area; rubber blades are damaged; does not park properly; scratches windshield.

~~ggg)ddd)~~ Wiring (Interior, Exterior, Engine Compartment) and Insulation (~~Interior and Exterior~~):

- 1) OUT-OF-SERVICE - for school buses manufactured on or after January 1, 2006, noise suppression switch is missing or does not function properly (refer to 92 Ill. Adm. Code 440.420(vv)(8) or 442.620(e)).
- 2) WARNING – insulation is broken, frayed, or missing; fuses or breakers are not present (refer to 92 Ill. Adm. Code ~~441.Appendix D(a)(4)~~ 451-APPENDIX A(p)); not securely attached; not on proper circuit.

(Source: Amended at 31 Ill. Reg. 6457, effective April 11, 2007)

**Section 456.70 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles (Renumbered)**

(Source: Renumbered to Section 456.95 at 31 Ill. Reg. 6457, effective April 11, 2007)

**Section 456.75 Violation Criteria for Special Education School Buses**

Special education school buses are subject to the inspection requirements of Section 456.60 and the following:

- a) Fastening Devices:

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OUT-OF-SERVICE – do not secure wheelchair; not forward facing (if required); broken; damaged.

b) Grab Handles:

- 1) OUT-OF-SERVICE - missing; hitchable or snagable.
- 2) WARNING – not securely attached; do not meet requirements (refer to 92 Ill. Adm. Code 445.Appendix A and Appendix B(a)).

c) Lifts and Ramps:

- 1) OUT-OF-SERVICE – does not operate properly; does not meet requirements (refer to 92 Ill. Adm. Code 445.Appendix A and Appendix B(b)); lift operates when door is closed.
- 2) WARNING - non-skid material for ramp or lifts missing or defective.

d) Restraining or Safety Devices:

- 1) OUT-OF-SERVICE - missing (when required) or broken.
- 2) WARNING - damaged; not securely fastened.

e) Seating (Monitor or Aide Use Only):

3-DAY - damaged, not securely mounted, illegal folding chair, no barrier (when required) or seatbelts missing (when required) for forward facing seat or non-forward facing seat.

AGENCY NOTE: All exceptions must be approved by the Division.

f) Special Light:

WARNING - missing; does not operate properly at door area; illegal color; broken lens.

g) Special Service Door:

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- 1) 3-DAY - defective door handle or latch; binding; will not close properly.
  - 2) WARNING - does not operate or seal properly; does not meet requirements (refer to 92 Ill. Adm. Code 445.Appendix A and Appendix B(f)); audible or visible alarm does not work or is missing.
- a) ~~Restraining or Safety Devices:~~  
~~WARNING—not securely fastened; missing when required.~~
  - b) ~~Special Service Door:~~  
~~WARNING—does not operate properly; does not meet requirements (refer to 92 Ill. Adm. Code 451.APPENDIX C and D(c)); audible or visible alarm does not work or is missing.~~
  - e) ~~Lifts and Ramps:~~  
~~OUT OF SERVICE—does not operate properly; does not meet requirements (refer to 92 Ill. Adm. Code 451.APPENDIX C and D (e)).~~
  - d) ~~Fastening Devices:~~  
~~OUT OF SERVICE—do not secure wheelchair.~~
  - e) ~~Special Light:~~  
~~WARNING—missing; does not operate properly.~~
  - f) ~~Grab Handles:~~  
~~WARNING—not securely attached; do not meet requirements (refer to 92 Ill. Adm. Code 451.APPENDIX C and D (h)).~~

(Source: Renumbered from Section 456.90 to Section 456.75 and amended at 31 Ill. Reg. 6457, effective April 11, 2007)

**Section 456.80 Violation Criteria for Alternate Fuel School Buses**

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Alternate fuel school buses are subject to the inspection requirements of Section 456.60 and the following:

- a) Pipe Hose and Fittings:
- 1) OUT-OF-SERVICE – incorrect pipe size; fuel supply line thatwhich passes through driver or passenger compartment; reduced piping system; incorrect piping material; piping system blocks or hampers window or door; piping system is not located at least 36 inches from air inlet or outlet; missing drain cock; missing rain cap; piping system is not one piece originating below the bus floor and exiting outside the bus roof; holes where pipe exits or enters are not sealed; piping system does not terminate above the eave line or does extend above the roof of the bus.
  - 2) 3THREE\_DAY – any parts remain from alternate fuel system remains after conversion to gasoline or diesel; no longer used but not made inoperable.
  - 3) WARNING – Shielding is not present on piping outside the body below the window line.
- b) Container and Container Appurtenances:
- OUT-OF-SERVICE – Incorrect location; valves, appurtenances and connections are not mounted in enclosed compartment.
- c) Identification Decal:
- WARNING – missing.

(Source: Amended at 31 Ill. Reg. 6457, effective April 11, 2007)

**Section 456.90 Violation Criteria for Special Education School Buses (Renumbered)**

(Source: Renumbered to Section 456.75 at 31 Ill. Reg. 6457, effective April 11, 2007)

**Section 456.95 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles**

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a) Axles and Tag Axles:

- 1) OUT-OF-SERVICE - not firmly attached; cracked; broken; wheel seals leaking grease; tag axle not operating properly; air leak.
- 2) WARNING - pinion seal leaking.

## b)a) Brakes:

- 1) OUT-OF-SERVICE – any problem found with the service brake system; any problem found with emergency brake system (other than indicator light).
- 2) ~~WARNINGTHREE DAY~~ – any problem found with emergency brake system; emergency brake indicator light does not function.

c)b) Bumpers (Front and Rear):

- 1) OUT-OF-SERVICE – missing; loose; broken; protruding components.
- 2) ~~THREE DAY~~—loose; broken; protruding components.

## d)e) Certificate of Safety:

OUT-OF-SERVICE – missing; expired; ~~or~~ voided; incorrect type of Certificate of Safety.

e) Doors (Interior and Exterior):

- 1) OUT-OF-SERVICE - fails to open or close properly; fails to latch; hinges broken; door handles missing; over-the-center control not installed or operating properly.
- 2) WARNING - seals damaged or missing; damage that prevents proper sealing.

## f)d) Emergency Exits:

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- 1) OUT-OF-SERVICE – obstructed; does not comply with required number or size of exits (refer to 92 Ill. Adm. Code 448.Appendix C); latch or hinges broken; does not open or close properly~~fully~~; missing components.
- 2) ~~WARNINGTHREE DAY~~ – binding; does not seal properly; damage that prevents proper sealing.

g)~~e)~~ Exhaust System:

OUT-OF-SERVICE – any leaks in system into or under passenger compartment; broken; disconnected; not securely attached.

h)~~f)~~ Fenders:

~~OUT-OF-SERVICETHREE DAY~~ – protruding components; not securely attached; missing.

i)~~g)~~ Fire Extinguisher:

- 1) OUT-OF-SERVICE – not fully charged; missing.
- 2) ~~WARNINGTHREE DAY~~ – seal is broken; not mounted in readily accessible location; not labeled if in compartment; improper rating; overcharged.

AGENCY NOTE: 10 BC is proper rating for fire extinguisher.

j)~~h)~~ Floor, Floor Covering, Firewall and Occupant Compartment, and Engine Cover:

- 1) OUT-OF-SERVICE - holes in floorboard; sagging; broken; not firmly attached.
- 2) ~~WARNINGTHREE DAY~~ – ~~holes are present; sagging;~~ torn covering; defective boots; engine cover does not latch or seal properly.

k)~~i)~~ Frame and Body:

- 1) Frame:

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OUT-OF-SERVICE – broken; cracked; rusted through; structurally unsafe; sagging; improper welds.

2) Body (Interior and Exterior):

A) OUT-OF-SERVICE - damage that is detrimental to the safe operation of the vehicle; body tie downs loose or missing; holes penetrating interior of the vehicle.

B) WARNING – holes not penetrating interior of the vehicle~~rusted through; protruding object~~; any other component loose, missing or broken.

l)j) Fuel Storage and Delivery System:

OUT-OF-SERVICE – fuel tank is leaking or loose; fuel lines are loose, leaking, sagging, rubbing, chaffing, cracked or broken; fuel cap is missing.

m)k) Hood:

~~OUT-OF-SERVICE~~THREE-DAY – missing; broken; does not open; defective latches or hinges.

n)l) Horn (Interior and Exterior):

OUT-OF-SERVICE – missing; defective; not audible.

o)m) Lettering (Interior and Exterior):

WARNING – signs or words "SCHOOL BUS" are present; emergency exits are not ~~labeled~~labelled (if required); operating instructions are not present on emergency exits (if required); "NO STANDEES" not present (if required) (refer to 92 Ill. Adm. Code 448.Appendix C).

p)n) ~~Lights~~Light(s)/Lamps (Interior and Exterior):1) Flashing 8-light System:

WARNING - if present, not made inoperable.

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2)4) Headlamps:

- A) OUT-OF-SERVICE – missing; do not function; not securely mounted.
- B) WARNING – cracked~~broken~~ lens on replaceable light source; improper color; defective dimmer switch.

3)2) License Plate:

WARNING – missing; does not function; improper color; broken lens or other component.

4)3) Parking/Marker:

WARNING – missing; do not function; improper color; broken lens or other component.

5)4) Stop/Brake:

- A) OUT-OF-SERVICE – missing; do not function properly; broken lens; improper color.
- B) WARNINGTHREE DAY – improper color; cracked~~broken~~ lens ~~or other component~~.

6) Strobe

WARNING - strobe lamp is present (only allowed on school buses).

7)5) Tail:

- A) OUT-OF-SERVICE – missing; do not function properly; broken lens; improper color.
- B) WARNINGTHREE DAY – cracked~~improper color; broken~~ lens ~~or other component~~.

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8)6) Turn Signal (Interior and Exterior):

- A) OUT-OF-SERVICE – missing; do not function properly; driver activation lever defective or missing; broken lens; improper color.
- B) WARNINGTHREE DAY – crackedimproper color; broken lens or other component.

9)7) Unison Flashing Amber "4-light" Warning System (allowedOptional on Religious Organization Buses only):

WARNING – lens is improper color; system flashes alternately; indicator light does not function in driver's compartment; not made inoperative if vehicle is not a Religious Organization Bus; school bus "8-light" system is presentcharitable bus.

q)8) Mirrors (Interior and Exterior):

- 1) OUT-OF-SERVICE – missing (if required); shattered.
- 2) WARNING – broken or cracked; pitted; clouded; loose or broken mounting; incorrect size; incorrect location; obstructed.

r)9) Paint:

WARNING – school bus yellow is still primary color.

s)10) Reflectors and Reflective Tape:

- 1) THREE DAY missing.
- 2) WARNING – missing; damaged; wrong color; not properly located (refer to 92 Ill. Adm. Code 448.AppendixAPPENDIX A).

t)11) Seats (Driver and Passenger):

- 1) OUT-OF-SERVICE – driver's seat adjusting mechanism slips out of place; any seat or frame is loose or broken; seat belt is missing (if required); seat belt is inoperative (if present).

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2) WARNING - seat coverings are torn or missing.

u) School Bus Identification:

WARNING - any of the following are present: "SCHOOL BUS" lettering; "school bus yellow" paint; flashing 8-light system; stop arm panel; strobe light.

v)Ⓢ) Steering System:

1) Exterior:

OUT-OF-SERVICE – linkage components are bent; binding; jamming; welded repairs; loose; insecurely mounted; ~~or~~ missing. Steering components are loose; or leaking; belts are frayed or; cracked; loose, missing or inoperative power or power assist unit; reservoir is low or empty or missing.

2) Interior:

A) OUT-OF-SERVICE – column support bracket is loose or missing; excessive up and down movement in steering shaft; excessive damage to steering wheel; spokes are missing; lash exceeds acceptable limits.

B) ~~THREE DAY~~ lash exceeds acceptable limits (refer to 92 Ill. Adm. Code 448.APPENDIX A).

w) Steps, Entrance:

1) OUT-OF-SERVICE - broken; rusted through.

2) WARNING - sagging; obstructed.

x)Ⓢ) Stop Arm Panel:

WARNING – present (allowed on school buses only).

y)Ⓢ) Suspension:

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## 1) Shocks:

A) OUT-OF-SERVICE – broken; missing; broken or loose mounts.

B) WARNINGTHREE DAY – leakage; ~~loose mounting~~.

2) Springs and Spring Components:

OUT-OF-SERVICE – any missing; broken; cracked, damaged, or loose spring or spring component.

3) Air

OUT-OF-SERVICE - damaged; leaking air; not properly attached; not sitting level; rubbing on any part of the frame or body.

z)w) Warning Devices:

WARNING – missing; incomplete; reflectors are cracked or broken; flags are ripped or torn; emergency triangles are not operational.

aa)w) Wheels:1) Wheel Housing:

OUT-OF-SERVICE - tire rubs against any portion of body, chassis, bumper; does not meet clearance requirements; not firmly attached; holes are present.

2) Rim:

OUT-OF-SERVICE – cracked; broken; elongated holes; defective welds; missing or broken lugs or lug nuts; lock ring damaged; bent.

3) Tires (refer to 92 Ill. Adm. Code 448.APPENDIX A):

A) Steering axle:

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- i) OUT-OF-SERVICE – regrooved, recapped, retreaded; restricting markings are present; insufficient tread depth at any measured point of a major tread groove (4/32); broken or cut cord; any sign of carcass failure; tires are not same construction; regular and mud/snow tread are mixed; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged.
  - ii) WARNING – flat tire.
- B) Drive axle:
- i) OUT-OF-SERVICE – missing; insufficient tread depth at any measured point of a major tread groove (2/32); broken or cut cord.
  - ii) ~~3-THREE~~-DAY – radial and bias ply tires are used incorrectly; regular and mud/snow tread are improperly mixed on same axle; tire exceeds diameter of its mate; regrooved or recut on tire not labeled "regroovable"; bias tube installed on radial; damaged valve stem; flat tire on dual wheel axle.
  - iii) WARNING – flat tire on single wheel axle.

bb)\*) Window Glazing~~Windows~~:

- 1) Emergency Exits:
  - A) OUT-OF-SERVICE - missing; shattered; any sharp edge that could inflict cuts to the skin.
  - B) WARNING - improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed.
- 2) Service Door Windows:
  - A) OUT-OF-SERVICE - missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed.

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B) WARNING - improper "AS" rating; incorrect glazing material; any crack to glazing.

3) Side Windows:

A) OUT-OF-SERVICE - missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed in driver's side windows.

B) WARNING - improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed other than to driver's side window.

4) Windshield:

A) OUT-OF-SERVICE - missing; shattered; not firmly sealed or attached; any crack more than 6 inches in length in the area swept by the windshield wiper blade; any "starchip" measuring more than 1 inch in diameter in the area swept by the windshield wiper blade; driver's visibility obstructed; any sharp edge that could inflict cuts to the skin.

B) WARNING - any crack more than 6 inches in length outside the area swept by the windshield wiper blade; any "starchip" more than 1 inch in diameter outside the area swept by the windshield wiper blade; discoloration more than 3 inches up from the bottom or more than 1 inch down from the top or in more than 1 inch from the left or right side (except tinting that is allowed by 625 ILCS 5/12-503).

~~THREEDAY— not properly marked with "AS" rating (refer to 92 Ill. Adm. Code 448.APPENDIX x A); operating mechanisms do not function; glass is cracked or broken; visibility is obstructed; emergency opening requirements are not met (refer to 92 Ill. Adm. Code 448.APPENDIX C); not firmly sealed or attached.~~

cc)† Windshield Washer:

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- 1) 3-DAY - broken; missing components.
  - 2) WARNING – does not operate properly; no fluid.
- dd)z) Windshield Wipers~~Wiper~~:
- 1) OUT-OF-SERVICE – wipers do not operate properly; broken blades or arms; driver activation knob is missing.
  - 2) WARNINGTHREE DAY – does not cover entire cleaning area; rubber blades are damaged; does not park properly.
- ee)aa) Wiring (Interior,~~and~~ Exterior, and Engine Compartment) and Insulation:  
Insulation:
- WARNING – broken; short circuiting; frayed; not securely attached;~~or~~ missing.

(Source: Renumbered from Section 456.70 to Section 456.95 and amended at 31 Ill. Reg. 6457, effective April 11, 2007)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 10, 2007 through April 16, 2007 and have been scheduled for review by the Committee at its May 15, 2007 meeting in Springfield. 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>
5/27/07	<u>Secretary of State</u> , Business Corporation Act (14 Ill. Adm. Code 150)	2/16/07 31 Ill. Reg. 2867	5/15/07
5/27/07	<u>Secretary of State</u> , General Not For Profit Corporations (14 Ill. Adm. Code 160)	2/16/07 31 Ill. Reg. 2878	5/15/07
5/27/07	<u>Secretary of State</u> , Limited Liability Company Act (14 Ill. Adm. Code 178)	2/16/07 31 Ill. Reg. 2882	5/15/07
5/27/07	<u>Secretary of State</u> , Uniform Commercial Code (14 Ill. Adm. Code 180)	2/16/07 31 Ill. Reg. 2888	5/15/07
5/30/07	<u>Department of Financial and Professional Regulation-Division of Insurance</u> , Construction and Filing of Accident and Health Insurance Policy Forms (50 Ill. Adm. Code 2001)	12/15/06 30 Ill. Reg. 18847	5/15/07
5/30/07	<u>Illinois Racing Board</u> , Trifecta (11 Ill. Adm. Code 306)	2/16/07 31 Ill. Reg. 2850	5/15/07
5/30/07	<u>Illinois Racing Board</u> , Superfecta (11 Ill. Adm. Code 311)	2/16/07 31 Ill. Reg.	5/15/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

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5/30/07	<u>Illinois Racing Board</u> , Entries and Declarations (11 Ill. Adm. Code 1312)	2/16/07 31 Ill. Reg. 2858	5/15/07
5/30/07	<u>Illinois Racing Board</u> , Entries, Subscriptions, and Declarations (11 Ill. Adm. Code 1413)	2/16/07 31 Ill. Reg. 2862	5/15/07

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking of the State of Illinois has issued a fine of \$5,000 per Consent Order No. 2007-MBR-07, against A M Mortgage Corporation, License No. MB.0006411 of Lincolnwood, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective April 2, 2007. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REVOCATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of North Shore Funding Corporation, License No. MB.0006664 of Elmhurst, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective April 11, 2007. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## PROCLAMATIONS

**2007-122  
HACEMOS DAY**

WHEREAS, during the summer of 1988, two Southwestern Bell Telephone first level managers in San Antonio, Texas had a vision of forming an internal organization to address concerns and issues regarding the strengthening of their corporation, their Hispanic body, and their respective communities; and

WHEREAS, the name HACEMOS, translated in English to “we do,” was selected for the new organization, symbolizing their commitment to undertaking projects that best serve the interests of their employees, their corporation and their community; and

WHEREAS, on January 1, 1989, HACEMOS was officially formed, and a Houston organization called the Hispanic Telephone Workers Association was the first chapter inducted. HACEMOS has since merged with similar organizations all across the country, and as of 2002, they have chartered 28 chapters with a membership nearing 1,700; and

WHEREAS, other than helping to develop their own employee body, HACEMOS’ efforts include providing scholarships and mentoring to deserving youth, and offering charitable support to the needy through various programs and events; and

WHEREAS, for the first time in the organization’s history, the city of Chicago has been selected for the HACEMOS Annual Scholarship Foundation National Conference in 2007. This year’s conference, entitled “Redefining the Future,” will be held at the Holiday Inn-Mart Plaza from June 29 – July 1:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 30, 2007 as **HACEMOS DAY** in Illinois, and encourage all citizens to join in recognizing this organization’s work on behalf of Hispanic AT&T employees, and the community as a whole.

Issued by the Governor April 9, 2007.

Filed by the Secretary of State April 10, 2007.

**2007-123  
UNITED NEGRO COLLEGE FUND DAY**

WHEREAS, in 1943, Dr. Frederick D. Patterson, President of what is now Tuskegee University, urged his fellow black college presidents to raise money collectively through an “appeal to the national conscience.” The next year, on April 25, 1944, Dr. Patterson, Dr. Mary McLeod Bethune and others incorporated the United Negro College Fund (UNCF) with 27 member colleges; and

## PROCLAMATIONS

WHEREAS, in its 63 years of existence, the UNCF has raised more than \$2 billion to help a total of more than 350,000 students attend college, and has distributed more funds to help minorities attend school than any entity outside of the government; and

WHEREAS, the UNCF provides more than 400 scholarships and fellowships that support students at the undergraduate, graduate and doctoral level; provides operating support to 39 member institutions; and administers millions of dollars that help provide computers, technology integration training for faculty members and technological infrastructure support for historically black colleges and universities; and

WHEREAS, hundreds of thousands of individuals have become part of the UNCF family through volunteering and donating resources. One of UNCF's signature events, The Lou Rawls Parade of Stars/An Evening of Stars, has raised over \$200 million for UNCF students and has featured some of the world's most extraordinary talent and celebrities; and

WHEREAS, graduates of UNCF institutions have made lasting contributions to our nation by building successful careers in the fields of business, politics, health care and the arts. Prominent names include Dr. Martin Luther King, Jr., actor/director Spike Lee, and former Virginia Governor L. Douglas Wilder – the first African American to be elected Governor of a U.S. State; and

WHEREAS, on April 25, the UNCF will celebrate its 63<sup>rd</sup> anniversary of incorporation, and as Illinois shares in the UNCF's commitment to ensuring that African Americans (and all minorities) have access to affordable opportunities in higher education, we are proud to recognize them on this occasion:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 25, 2007 as **UNITED NEGRO COLLEGE FUND DAY** in Illinois, and encourage all citizens to join in paying tribute to this fine organization and their 63 years of tireless work on behalf of African American students.

Issued by the Governor April 10, 2007.

Filed by the Secretary of State April 10, 2007.

**2007-124**  
**MINE SAFETY DAY**

WHEREAS, over 50 percent of all electricity used in the United States comes from coal, and Illinois' coal supply is among the most abundant on the planet. Currently, Illinois coal companies produce 33 million tons of coal annually; and

## PROCLAMATIONS

- WHEREAS, since the beginning of this administration, Illinois has invested \$64.7 million in coal development projects, including more than \$45 million in grants to Illinois coal operators who upgrade their facilities to make their product more competitive, as well as more than \$11 million for advanced research through the Illinois Clean Coal Institute. Additionally, in 2003 I signed a law adding \$300 million in revenue bonds to the Coal Revival Program, which provides tax and financing incentives to large clean coal fueled projects; and
- WHEREAS, with the coal industry being an integral part of our State's economy and workforce, we must constantly remind ourselves of the dangers of mining, and the need to take every necessary precaution to ensure the safety of all mine workers. Unfortunately, tragic accidents do sometimes occur, such as the West Virginia mine disaster that killed 12 miners in January 2006; and
- WHEREAS, following this tragedy, I signed critical mine safety legislation into law, providing Illinois miners and rescuers additional safety measures in the event of an emergency; and
- WHEREAS, April 15 of this year marks the fourth consecutive year Illinois coal mines have gone without a fatality – a feat never before achieved in this state. This impressive milestone is a testament to the success of recent increases in safety measures, and greater awareness and caution among mine workers; and
- WHEREAS, the State of Illinois salutes the Department of Natural Resources for all their hard work in contributing to the safety of miners over the past four years, and all the miners themselves for their attention to critical safety measures and precautions:
- THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15, 2007 as **MINE SAFETY DAY** in Illinois in recognition of four consecutive years of safe and fatality-free mining in this state.

Issued by the Governor April 10, 2007.

Filed by the Secretary of State April 10, 2007.

# ILLINOIS ADMINISTRATIVE CODE

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