

2009

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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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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 preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 22, 2008	January 2, 2009
2	December 29, 2008	January 9, 2009
3	January 5, 2009	January 16, 2009
4	January 12, 2009	January 23, 2009
5	January 20, 2009	January 30, 2009
6	January 26, 2009	February 6, 2009
7	February 2, 2009	February 13, 2009
8	February 9, 2009	February 20, 2009
9	February 17, 2009	February 27, 2009
10	February 23, 2009	March 6, 2009
11	March 2, 2009	March 13, 2009
12	March 9, 2009	March 20, 2009
13	March 16, 2009	March 27, 2009
14	March 23, 2009	April 3, 2009
15	March 30, 2009	April 10, 2009
16	April 6, 2009	April 17, 2009
17	April 13, 2009	April 24, 2009
18	April 20, 2009	May 1, 2009
19	April 27, 2009	May 8, 2009
20	May 4, 2009	May 15, 2009
21	May 11, 2009	May 22, 2009
22	May 18, 2009	May 29, 2009
23	May 26, 2009	June 5, 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 1, 2009	June 12, 2009
25	June 8, 2009	June 19, 2009
26	June 15, 2009	June 26, 2009
27	June 22, 2009	July 6, 2009
28	June 29, 2009	July 10, 2009
29	July 6, 2009	July 17, 2009
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33	August 3, 2009	August 14, 2009
34	August 10, 2009	August 21, 2009
35	August 17, 2009	August 28, 2009
36	August 24, 2009	September 4, 2009
37	August 31, 2009	September 11, 2009
38	September 8, 2009	September 18, 2009
39	September 14, 2009	September 25, 2009
40	September 21, 2009	October 2, 2009
41	September 28, 2009	October 9, 2009
42	October 5, 2009	October 16, 2009
43	October 13, 2009	October 23, 2009
44	October 19, 2009	October 30, 2009
45	October 26, 2009	November 6, 2009
46	November 2, 2009	November 13, 2009
47	November 9, 2009	November 20, 2009
48	November 16, 2009	November 30, 2009
49	November 23, 2009	December 4, 2009
50	November 30, 2009	December 11, 2009
51	December 7, 2009	December 18, 2009
52	December 14, 2009	December 28, 2009

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 11 to July 1, 2009.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Weights and Measures Act
- 2) Code Citation: 8 Ill. Adm. Code 600
- 3) Section Numbers: 600.310 Proposed Action:
Amend
- 4) Statutory Authority: Weights and Measures Act [225 ILCS 470]
- 5) A Complete Description of the Subjects and Issues Involved: The Department will increase fees for commercial weighing and measuring device inspections and metrology laboratory services. Fee increases are necessary to support the Department's operating costs. The last fee increase was in 2003.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281

217/785-5713

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

217/785-4505 (fax)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will have no effect on municipalities or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: January 2009

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER p: WEIGHTS AND MEASURES

PART 600
WEIGHTS AND MEASURES ACT

SUBPART A: PACKAGING AND LABELING

- Section
- 600.1 National Institute of Standards and Technology Handbook 130
- 600.10 Definitions (Repealed)
- 600.20 Application (Repealed)
- 600.30 Identity (Repealed)
- 600.40 Declaration of Identity: Nonconsumer Package (Repealed)
- 600.50 Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
- 600.60 Declaration of Quantity: Consumer Packages (Repealed)
- 600.70 Declaration of Quantity: Nonconsumer Packages (Repealed)
- 600.80 Prominence and Placement: Consumer Packages (Repealed)
- 600.90 Prominence and Placement: Nonconsumer Package (Repealed)
- 600.100 Requirements: Specific Consumer Commodities, Packages, Containers (Repealed)
- 600.110 Exemptions (Repealed)
- 600.120 Variations to be Allowed (Repealed)
- 600.130 Standards of Fill (Repealed)
- 600.140 Wholesale and Retail Exemption
- 600.150 Revocation of Conflicting Regulations (Repealed)
- 600.160 Tables: Weights and Measures Standards for Illinois

SUBPART B: ROOFING AND ROOFING MATERIALS

- Section
- 600.250 Roofing and Roofing Materials Shall Be Sold Either by the "Square" or by the "Square Yard." (Repealed)

SUBPART C: WEIGHING AND MEASURING DEVICES:
METERS – SCALES – FEES

Section

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 600.300 Vehicle Scales Regulation
- 600.310 Fees
- 600.320 Scales Used for the Enforcement of Highway Weight Laws
- 600.330 National Institute of Standards and Technology Handbook 44

SUBPART D: MOISTURE METER TESTING

Section

- 600.350 General (Repealed)
- 600.360 Testing and Inspection (Repealed)
- 600.370 Rejected Moisture Testing Devices (Repealed)
- 600.380 Use of Moisture Measuring Devices (Repealed)

SUBPART E: REGISTRATION OF SERVICE AGENCIES, SERVICEMEN,
AND SPECIAL SEALERS FOR COMMERCIAL
WEIGHING AND MEASURING DEVICES

Section

- 600.450 Policy (Repealed)
- 600.460 Definitions (Repealed)
- 600.470 Certificate of Registration (Repealed)
- 600.480 Types of Certificates (Repealed)
- 600.490 Examinations (Repealed)
- 600.500 Exemptions (Repealed)
- 600.510 Registration Fee (Repealed)
- 600.520 Reports (Repealed)
- 600.530 Bonds (Repealed)
- 600.540 Standards and Testing Equipment (Repealed)
- 600.550 Revocation of Certificate of Registration (Repealed)
- 600.560 Publication of Lists (Repealed)

SUBPART F: LIQUID PETROLEUM MEASURING DEVICES

Section

- 600.650 Use of Gasoline Pumps Which Are Not Capable of Computing the Prices Which Exceed 99.9¢ Per Gallon (Repealed)
- 600.660 Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons
- 600.670 System Used to Sell Petroleum Product
- 600.680 Unit Price Per Gallon Displayed (Repealed)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

600.690	Price of Gasoline (Repealed)
600.700	Unit Price Indicator: Set at One-Half Total Selling Price (Repealed)
600.710	Decals or Stickers Affixed to the Pump Face (Repealed)
600.720	Information Sign Indicating Half Gallon Pricing of Gasoline (Repealed)
600.730	Conversion Kits or Replacement Pumps: Deadline (Repealed)
600.740	Three-Wheel Computers Prohibited
600.750	One-Half Gallon Pricing Applicable to All Metering Pumps at Facility (Repealed)
600.760	Stop Use Order; Hearing
600.770	Maintenance of Equipment

SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID
PETROLEUM PRODUCTS

Section

600.800	Price Per Gallon or Liter in Advertisement
600.810	Height and Width of Numbers
600.820	Advertised Price Complete
600.830	Advertising Other Commodities; Misleading Advertising Prohibited
600.840	Product Identity and Type of Service
600.850	Advertisement of Price Not Required Except on Pump
600.860	Stop Use Order; Hearing
600.TABLE A	Minimum Height of Numbers and Letters (Repealed)
600.TABLE B	Standard Weight Per Bushel for Agricultural Commodities
600.TABLE C	Illinois Standard Weights and Measures
600.TABLE D	Equivalents: Cubic Inches in U.S. Standard Capacity Measures
600.TABLE E	Weights of Coal Per Cubic Foot
600.TABLE F	Equivalents to be used by Seller in Transposing Weights
600.TABLE G	Measurement of Surfaces and Volumes

AUTHORITY: Implementing and authorized by Section 8 of the Weights and Measures Act [225 ILCS 470/8].

SOURCE: Rules and Regulations Relating to the Weights and Measures Act, filed December 17, 1969, effective January 1, 1970; amended November 5, 1971, effective November 15, 1971; amended August 26, 1975, effective September 4, 1975; amended March 22, 1976, effective April 1, 1976; amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979; amended at 3 Ill. Reg. 45, p. 81, effective January 1, 1980; codified at 5 Ill. Reg. 10562; amended at 12 Ill. Reg. 8306, effective May 3, 1988; amended at 12 Ill. Reg. 15524, effective September 20, 1988;

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

emergency amendment at 18 Ill. Reg. 4426, effective March 7, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14692, effective September 13, 1994; amended at 19 Ill. Reg. 8114, effective June 7, 1995; amended at 20 Ill. Reg. 303, effective January 1, 1996; amended at 22 Ill. Reg. 1141, effective January 1, 1998; amended at 23 Ill. Reg. 8813, effective July 26, 1999; amended at 26 Ill. Reg. 8346, effective June 1, 2002; emergency amendment at 27 Ill. Reg. 10434, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18546, effective November 25, 2003; amended at 28 Ill. Reg. 15456, effective November 22, 2004; emergency amendment at 32 Ill. Reg. 10963, effective July 3, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 17674, effective November 1, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART C: WEIGHING AND MEASURING DEVICES:
METERS – SCALES – FEES

Section 600.310 Fees

The Director of Agriculture and each city sealer of weights and measures shall collect and receive fees for the use of the State or city as the case may be at the following rates. Per hour fee is charged for each hour or portion thereof.

DEVICE

Scales by capacity <u>0-300-50</u> pounds	<u>20</u> 18
<u>Scales by capacity</u> <u>31-300</u> pounds	<u>50</u>
<u>Scales by capacity</u> <u>301-1000</u> pounds	<u>75</u>
Scales by capacity <u>1001-2000</u> 51-2000 pounds	<u>150</u> 39
Scales by capacity 2001+ pounds	<u>200</u> 186
Additional readouts	<u>50</u> 39

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

Railroad track scales per hour	<u>12594</u>
Use of scale truck per hour	<u>200186</u>
Belt conveyer scales per hour	<u>10094</u>
Livestock scales	<u>300186</u>
Motor fuel dispensers <u>up to 20 gpm</u>	<u>2318</u>
<u>Motor fuel dispensers</u> <u>20+ gpm</u>	<u>50</u>
Motor fuel meters up to 2 ³ / ₄ "	<u>10094</u>
Motor fuel meters over 2 ³ / ₄ "	<u>200186</u>
LPG meters	<u>165140</u>
Mass flow meters per hour	<u>10094</u>
Grain moisture meters	<u>10094</u>
Metrology lab fee per hour plus shipping	<u>155140</u>
<u>NTEP field lab per hour plus travel</u>	<u>155</u>

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Autism Research Fund Scientific Review Committee
- 2) Code Citation: 59 Ill. Adm. Code 270
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
270.10	New
270.20	New
270.30	New
270.40	New
- 4) Statutory Authority: Authorized by Section 10-8 of the Department of Human Services Act [20 ILCS 1305], Section 10 of the State Finance Act [30 ILCS 105/5.653] and Section 15 of the Illinois Income Tax Act [35 ILCS 5/507JJ]
- 5) A Complete Description of the Subjects and Issues Involved: This is a new Part authorized by PA 94-442 that requires the Department to establish a Scientific Review Committee to review and assess grant applications for autism research.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses and not-for-profit corporations capable of scientific research into autism may wish to apply for research funding resulting from this rule.
- B) Reporting, bookkeeping or other procedures required for compliance: Those required to document compliance with the Department of Human Services Community Services Agreement and the fiscal/administrative record keeping and requirements of 89 Ill. Adm. Code 509.
- C) Types of professional skills necessary for compliance: Skills associated with scientific research in the detection, prevention, screening, and treatment of autism, possibly including conduct of clinical trials. Also, skills associated with tracking expenditures and reporting the results of said research.

14) Regulatory agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

TITLE 59: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

PART 270

AUTISM RESEARCH FUND SCIENTIFIC REVIEW COMMITTEE

Section

270.10	Purpose
270.20	Definitions
270.30	Role of the Scientific Review Committee
270.40	Membership and Operations of the Scientific Review Committee

AUTHORITY: Authorized by Section 10-8 of the Department of Human Services Act [20 ILCS 1305/10-8], Section 5.653 of the State Finance Act [30 ILCS 105/5.653] and Section 5077JJ of the Illinois Income Tax Act [35 ILCS 5/507JJ].

SOURCE: Adopted at 33 Ill. Reg._____, effective _____.

Section 270.10 Purpose

The Department shall promulgate rules for the creation of a scientific review committee to review and assess applications for the grants authorized under this Part.

Section 270.20 Definitions

For the purposes of this Part, the following terms are defined:

"Autism" means a severely incapacitating life-long developmental disability that:

may be manifested before a person is 30 months of age;

may be caused by physical disorders of the brain; and

is characterized by uneven intellectual development and a combination of disturbances in the rates and sequences of cognitive, affective, psychomotor, language and speech development.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

This syndrome is further evidenced by abnormal responses to sensory stimuli, problems in developing social relationships, and ritualistic and compulsive behavior.

"Autism Research Fund" means a special fund in the State Treasury that is for the purpose of funding research concerning autism.

"Autism Task Force" means the task force appointed by the Secretary of the Department of Human Services that offers policy recommendations on autism services to the Secretary and that assisted in preparing the September 1, 2005 report to the Governor and the General Assembly required by Public Act 93-773.

"Department" means the Illinois Department of Human Services.

"Research" means, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective in the detection, prevention, screening, and treatment of autism and may include clinical trials.

"Secretary" means the Secretary of the Illinois Department of Human Services.

Section 270.30 Role of the Scientific Review Committee

A Scientific Review Committee shall make recommendations to the Department regarding the award of grants from funds appropriated from the Autism Research Fund. The funds are to be used to support research concerning autism. The Scientific Review Committee's recommendations shall be based on its review and assessment of applications for these grants.

Section 270.40 Membership and Operations of the Scientific Review Committee

- a) The Scientific Review Committee shall develop specific objectives and internal procedures necessary to receive grant applications, review grant applications and form recommendations to the Department;
- b) The committee shall serve without compensation;
- c) The Scientific Review Committee shall consist of:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

- 1) the Clinical Director of the Department's Division of Developmental Disabilities, or designee, who shall serve as Chair and who shall govern in case of a tie;
 - 2) the Clinical Director of the Department's Division of Mental Health, or designee;
 - 3) one doctoral level psychologist who is an employee of the Division of Developmental Disabilities, appointed by the Director of the Division of Developmental Disabilities;
 - 4) one doctoral level psychologist who is an employee of the Division of Mental Health, appointed by the Director of the Division of Mental Health;
 - 5) one employee of the Division of Developmental Disabilities who has two or more years experience in direct clinical services, appointed by the Director of the Division of Developmental Disabilities;
 - 6) one employee of the Division of Mental Health who has two or more years experience in direct clinical services, appointed by the Director of the Division of Mental Health; and
 - 7) two representatives from the Autism Task Force, to be selected by the Autism Task Force.
- d) The Scientific Review Committee's review and recommendations must consider and address the following items:
- 1) a statement of the research question or hypothesis, or a description of interventions or model programs upon which the research will be based;
 - 2) a prioritized listing of measurable objectives for the project;
 - 3) for each objective proposed for the project, a sequential listing of activities to achieve the objective, the time line for completing each activity, and identification of the individual responsible for coordinating the implementation of each objective; and

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- 4) a description of the evaluation methods to be used to measure progress in achieving objectives and a plan for monitoring the overall project.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Electronic Prescription Monitoring Program
- 2) Code Citation: 77 Ill. Adm. Code 2080
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2080.10	Amend
2080.20	Amend
2080.30	Amend
2080.50	Amend
2080.70	Amend
2080.90	Amend
2080.100	Amend
2080.200	New Section
2080.210	New Section
2080.211	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 316, 317, 318, 319, 320 and 321 of Article III of the Illinois Controlled Substances Act [720 ILCS 570/316, 317, 318, 319 320 and 321]
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is necessary to: add Schedule III, IV and V drugs to the Prescription Monitoring Program; include language about the Illinois Prescription Information Library and how to access this system; authorize other states access to Illinois' Prescription Monitoring Program; and require Pharmacists to report prescriptions dispensed weekly rather than semi-monthly.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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 rulemaking pending on this Part? No

DEPARTMENT OF HUMAN SERVICES

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

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Pharmacies
- B) Reporting, bookkeeping or other procedures required for compliance: Pharmacies will be required to report prescriptions dispensed weekly instead of semi-monthly for schedule II, III, IV and V Controlled Substances.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER e: CONTROLLED SUBSTANCES ACTIVITIESPART 2080
ELECTRONIC PRESCRIPTION MONITORING PROGRAM

Section

2080.10	Authority
2080.20	Incorporation by Reference and Definitions
2080.30	General Description
2080.40	Official Triplicate Prescription Blanks (Repealed)
2080.50	Authorized Prescribers
2080.60	Application (Repealed)
2080.70	Schedule II, III, IV and V Drug Prescription Requirements
2080.80	Prohibited use of the Official Triplicate Prescription Blank (Repealed)
2080.90	Dispensing a Schedule II, III, IV or V Drug
2080.100	Dispenser Responsibility
2080.110	Partial filling of prescriptions (Repealed)
2080.120	Emergency situations (Repealed)
2080.130	Prescriptions from out-of-state prescribers and exempt Federal practitioners (Repealed)
2080.140	Exemptions for prescribers in hospitals and institutions (Repealed)
2080.150	Exemptions for long term care and home infusion services (Repealed)
2080.160	Exemptions for narcotic treatment programs (Repealed)
2080.170	Exemptions for research (Repealed)
2080.180	Investigatory and regulatory referrals (Repealed)
2080.190	Reports
2080.200	Prescriber and Dispenser Inquiry System
2080.210	Access to the Prescription Information Library (PIL)
2080.211	Other State Prescription Monitoring Authority Access

AUTHORITY: Implementing and authorized by Sections 316, 317, 318, 319, 320 and 321 of Article III of the Illinois Controlled Substances Act [720 ILCS 570/316, 317, 318, 319, 320 and 321].

SOURCE: Adopted at 10 Ill. Reg. 4497, effective March 3, 1986; amended at 17 Ill. Reg. 11424, effective July 6, 1993; amended at 20 Ill. Reg. 3107, effective February 2, 1996; recodified from the Department of Alcoholism and Substance Abuse to the Department of

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NOTICE OF PROPOSED AMENDMENTS

Human Services at 21 Ill. Reg. 9319; amended at 26 Ill. Reg. 3975, effective March 4, 2002; amended at 33 Ill. Reg. _____, effective _____.

Section 2080.10 Authority

This Part is promulgated pursuant to the Illinois Controlled Substances Act (the Act) [720 ILCS 570] that empowers the Department of Human Services to codify the efforts of this State to conform with the regulatory systems of the federal government and other states to establish national coordination of efforts to control the abuse of Schedule II, III, IV and V retail dispensed drugs. It relates to the collection of prescription information listed in Schedule II, III, IV and V within Sections~~Section~~ 206, 208, 210 and 212 of the Act, or in the federal Schedule II, III, IV and V and "Amendment of Schedules" list of drugs at 21 USC 812(b)(2), (b)(3), (b)(4), (b)(5) and (c).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 2080.20 Incorporation by Reference and Definitions

No incorporations by reference in this Part ~~include~~includes any later amendments or editions. The definitions that apply to this Part are those found in the Act.

"Act" means the Illinois Controlled Substances Act [720 ILCS 570].

"Birth Date" means medication recipient's birth date.

"Central Repository" means a place designated by the Department where Schedule II, III, IV and V drug data is ~~stored or housed~~collected.

"DEA Number" means the United States Drug Enforcement Agency prescriber or dispenser registration number.

"Department" means the Illinois Department of Human Services, or its successor agency.

"Electronic Device" means using a computer system to transmit prescriptions from a prescriber directly to a dispenser.

"Exempt Prescribers in Hospitals and Institutions" means prescribers in hospitals or institutions licensed under the Hospital Licensing Act [210 ILCS 85] who

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authorize the administration or dispensing of Schedule II drugs within the hospital or institution.

"Facsimile Equipment" means any device capable of sending or receiving facsimile of documents through connection with a telecommunications network.

"Illinois Controlled Substances License Number" means the State license number issued by the Department of [Financial and Professional Regulation](#) permitting prescribers to possess, prescribe or dispense, and permitting dispensers to possess and dispense, controlled substances in Illinois pursuant to the Controlled Substances Act (see 77 Ill. Adm. Code 3100).

"National Drug Code (~~NDC~~)-Identification Number" [or "NDC Identification Number"](#) means the number used to provide uniform product identification for all substances recognized as drugs in the United States Pharmacopoeia National Formulary, [USP31-NF26First Edition](#) (US Pharmacopoeial Convention, 12601 Twinbrook Parkway, Rockville, Maryland 20852 (~~20082002~~)).

["Patient ID" means the identification of the individual receiving the medication or the responsible individual obtaining the medication on behalf of the recipient or the owner of the animal. As to the need for identification it would conform to the "proper filling" requirement set forth in 720 ILCS 570/312\(h\). The name that is on the prescription needs verification in a standard manner. The confirmation of sex, birth date and a form of specific ID fits the standard for "proper filling".](#)

"Prescribed" means ordered by a prescriber either verbally, electronically or in writing.

["Prescription Information Library" or "PIL" means a database containing six months of controlled substance, retail, prescription information that is accessible only by prescribers and dispensers for patient treatment usage.](#)

["Quantities of a Controlled Substance Dispensed" means the total of an NDC product dispensed whether it is in a solid unit such as a tablet or capsule, in a liquid unit such as milliliters, or in another unit as specified within the product identification.](#)

["Recipient's Name" means the given or common name of a person who is the intended user of a dispensed medication. It may also mean the species or](#)

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common name or common given name of an animal that is the intended user of a dispensed medication. If an animal's name is entered, the owner's name is required also.

"Schedule II, III, IV or V Drug" means any drug listed as a federal Schedule II, III, IV or V drug (21 USC 812(b)(2), (b)(3), (b)(4), (b)(5) and (c)) or listed as an Illinois Schedule II, III, IV or V drug by statute [720 ILCS 570/206, 208, 210 and 212] or rule.

"Sex" means the medication recipient's sex if the recipient is a human.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 2080.30 General Description

The ~~Electronic~~ Prescription Monitoring Program (PMP) monitors all retail prescriptions for Schedule II, III, IV and V drugs that are dispensed, except for hospital inpatients and drug abuse treatment programs licensed by the Department, within the State of Illinois. Each time a Schedule II, III, IV or V drug is dispensed, the dispenser must transmit specific information to a central repository designated by the Department.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 2080.50 Authorized Prescribers

A prescription for a Schedule II, III, IV or V drug shall be issued only by a prescriber who:

- a) Possesses a valid professional license issued by the Illinois Department of Financial and Professional Regulation (~~DFPR~~DFPR) as a physician licensed to practice medicine in all of its branches, dentist, optometrist, podiatrist, veterinarian, nurse practitioner, physician assistant or other licensed prescriber of another state or jurisdiction; and
- b) Is licensed to prescribe Schedule II, III, IV and V drugs by the State of Illinois or any state; and
- c) Must be registered by the United States Drug Enforcement Administration (DEA) to prescribe Schedule II, III, IV and V drugs.

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(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 2080.70 Schedule II, [III, IV and V](#) Drug Prescription Requirements

- a) A dispenser may fill a prescription for a Schedule II, [III, IV or V](#) drug upon receipt of a written, facsimile or verbal order of a physician unless otherwise specifically exempted or allowed by federal or State law.
- b) A prescription for a Schedule II, [III, IV or V](#) drug shall:
 - 1) If written, be dated as of and signed on the day when issued;
 - 2) Bear the full name and address of the patient, or in the case of veterinary treatment, the full name and address of the animal owner, as well as the species or common name of the animal being treated;
 - 3) Bear the full name and address of the prescriber;
 - 4) Bear the DEA Registration number of the prescriber;
 - 5) If written, be signed by the prescriber in the same manner as the prescriber would sign a check or legal document;
 - 6) If written, be written in ink with a pen, typewriter or computer printer or with an indelible pencil;
 - 7) Specify the drug name, strength, dosage and form;
 - 8) Specify the quantity of drug to be dispensed, both written and numeric;
 - 9) Not [allow a Schedule II prescription to](#) be filled more than seven days after the date of issue; ~~and~~
 - 10) Contain only one Schedule II drug prescription order per prescription blank;:-
 - [11\) Limit the maximum time allowed for a Schedule III, IV or V prescription to be filled at six months with a maximum of five refills; and](#)

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12) Allow more than one prescription order per prescription blank for a Schedule III, IV or V drug.

- c) In the case of an emergency, a prescriber may issue a lawful oral prescription, where failure to issue might result in loss of life or intense suffering. The oral prescription shall include a statement concerning the circumstances constituting the emergency for which the oral prescription was used. Within 7 days after issuing an emergency prescription, the prescriber shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist. The prescription shall comply with all aspects enumerated in 720 ILCS 570/309.

d) Patient ID for Proper Filling:

- 1) The sex field is a verifying element of a patient ID. It needs to be entered in the sex field.
- 2) The birth date is a verifying element of a patient ID and needs to be entered in the birth date field.
- 3) The final verifying element of a patient ID for an animal or individual is not a set standard. Each pharmacy or chain will adopt its own standard. The concern is that if a standard is too rigid, the enterprise's business activity will suffer. Any of the following may be used. If the primary choice is not available, another choice may be used.
 - A) Driver's license or equivalent, state issued ID;
 - B) Telephone number of the patient's residence (include area code);
 - C) An internal pharmacy ID system;
 - D) Employer ID;
 - E) Student ID;
 - F) Insurance ID; or

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G) Social Security number. There is a privacy issue with this ID, and it is not recommended for use.

4) If a child's or other person's prescription is delivered to or accepted by a person other than the intended user, an ID should verify the name of the individual accepting the prescription.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 2080.90 Dispensing a Schedule II, III, IV or V Drug

A prescriber who administers a Schedule II, III, IV or V drug in the course of the prescriber's professional practice subject to the Act may do so without issuing a written prescription for that drug.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 2080.100 Dispenser Responsibility

Each time a Schedule II, III, IV or V drug is dispensed, the dispenser must transmit, not more than 745 days after dispensing, to the central repository the following information:

- a) Dispenser DEA number.
- b) Recipient's (or animal and owner's) name and address.
- c) National drug code (NDC) identification number of the Schedule II, III, IV or V drug dispensed.
- d) Quantity of the Schedule II, III, IV or V drug dispensed.
- e) Date prescription filled.
- f) Date prescription written.
- g) Prescriber DEA number.
- h) Patient ID.

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- i) Patient sex (1 for male, 2 for female or 3 for animal).
- j) Patient birth date (yyyymmdd – year, month, day).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 2080.200 Prescriber and Dispenser Inquiry System

The Department's Bureau of Pharmacy and Clinical Support Systems or successor shall establish, operate, maintain and enhance a stand-alone, one-to-one secure link with the necessary encrypted software that shall function as a prescriber and dispenser inquiry system to be known as the Illinois Prescription Information Library (PIL). The Bureau must install a system to track each use of the PIL. The tracking system will only be utilized for the following purposes:

- a) Determining if a prescriber or dispenser is properly using the PIL. If it is considered by the PIL staff that any registered user is not using the PIL responsibly, an investigator from the Illinois Department of Financial and Professional Regulation's Bureau of Drug Compliance will be contacted in order to investigate the issue. If the PIL supervisor considers the issue serious and of immediate concern, the registered user's PIL access may be suspended.
- b) Determining if a non-registered person or entity is attempting to access the system. The PIL staff shall report the situation to the Department and to one or more of the following entities:
 - 1) Illinois law enforcement agency;
 - 2) Illinois regulatory entity;
 - 3) federal agency; or
 - 4) an agency in another state.

(Source: Added at 33 Ill. Reg. _____, effective _____)

Section 2080.210 Access to the Prescription Information Library (PIL)

- a) Only a medical prescriber or dispenser may utilize the PIL.

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- b) A user may only access the PIL for a patient's medical treatment.
- c) Development, modification and maintenance of the PIL is allowed by Department staff.
- d) In order to expedite the approval and oversight of PIL applicants and users, the PIL must be managed by a licensed dispenser.
- e) PIL staff determine if a PIL user applicant may become a PIL user by using the following criteria:
 - 1) Applicant's first and last name;
 - 2) Pharmacy, clinic or office street address, city, state and zip code;
 - 3) U.S. Department of Justice, Drug Enforcement Administration (DEA) number;
 - 4) For a pharmacist's application, the pharmacy DEA number;
 - 5) Illinois prescriber or dispenser license number; and
 - 6) Business telephone number.
- f) The PIL manager will review user applications that are unusual and render a professional decision as to whether access shall be granted.
- g) The PIL manager will review the user access log for any unusual or improper activity by a user.
- h) The PIL manager will directly monitor the development, modification and/or expansion of the PIL.

(Source: Added at 33 Ill. Reg. _____, effective _____)

Section 2080.211 Other State Prescription Monitoring Authority Access

- a) Other states may request access to the PMP database:

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- 1) After approval of a Memorandum of Understanding from the Illinois Department of Human Services; and
- 2) After approval from the Department's Bureau of Pharmacy and Clinical Support Systems' manager; the request must be:
 - A) related to a "probable cause" investigation; or
 - B) for a health care inquiry system for prescribers and dispensers.
- b) Each state requesting access must comply with Illinois law and allow reciprocity.

(Source: Added at 33 Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Testing Fees For Analytical Services
 - 2) Code Citation: 35 Ill. Adm. Code 691
 - 3) Section Number: 691.102 Adopted Action:
Amendment
 - 4) Statutory Authority: Implementing and authorized by Section 17.7 of the Illinois Environmental Protection Act [415 ILCS 5/17.7]
 - 5) Effective Date of Amendment: May 13, 2009
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this rulemaking contain incorporations by reference? No
- A copy of the adopted amendment, including any material incorporated by reference, is on file in the Illinois Environmental Protection Agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 12, 2008; 32 Ill. Reg. 18916
 - 10) Has JCAR issued a Statement of Objection to this rulemaking? No
 - 11) Differences between proposal and final version: No changes to the proposal were made other than non-substantive changes requested by JCAR.
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
 - 13) Will this rulemaking replace any emergency amendment currently in effect? No
 - 14) Are there any amendments pending on this Part? No
 - 15) Summary and Purpose of Amendment: This rulemaking updates a statutory citation found in Section 691.102 and corrects typographical errors in other sections of the rule.
 - 16) Information and questions regarding this adopted amendment shall be directed to:

ENVIRONMENTAL PROTECTION AGENCY

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Stefanie Diers, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 691
TESTING FEES FOR ANALYTICAL SERVICES

SUBPART A: GENERAL

Section	
691.101	Purpose and Applicability
691.102	Definitions
691.103	Payment of Annual Testing Fee Required Prior to Laboratory Testing by the Agency (Repealed)
691.104	Period of Program Participation
691.105	Nonparticipation in the Program
691.106	Relation to Other Fee Systems (Repealed)
691.107	Severability

SUBPART B: PROGRAM PARTICIPATION FEES

Section	
691.200	Fee Payment
691.201	Calculation of Fee
691.202	Annual Testing Fee After Calendar Year 1990 (Repealed)
691.203	Determining the Number of Service Connections

SUBPART C: PROCEDURES FOR BILLING AND
COLLECTING PROGRAM PARTICIPATION FEES

Section	
691.301	Billing Statements
691.302	Due Date of Payment
691.303	Form of Payment
691.304	Prohibition Against Refund (Repealed)
691.305	Overpayment or Underpayment of Program Participation Fee
691.306	Audit and Access to Records

SUBPART D: DISPUTE RESOLUTION PROCEDURES

ENVIRONMENTAL PROTECTION AGENCY

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Section

691.401 Council's Non-Concurrence With the Agency Fee Determination

691.403 Dispute Resolution

691.APPENDIX A Agreement for Reduced Participation in Sample Analysis
(Repealed)

AUTHORITY: Implementing and authorized by Section 17.7 of the Environmental Protection Act [415 ILCS 5/17.7].

SOURCE: Adopted at 14 Ill. Reg. 2045, effective January 18, 1990; amended at 19 Ill. Reg. 12648, effective August 24, 1995; amended at 33 Ill. Reg. 7072, effective May 13, 2009.

SUBPART A: GENERAL

Section 691.102 Definitions

- a) Unless specified otherwise, all terms shall have the meaning set forth in the Act.
- b) For purposes of this Part, the following definitions apply:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Certified laboratory" means any laboratory approved by the Agency pursuant to 35 Ill. Adm. Code 183, or other department or agency of State government if such authority is delegated for the specific parameters to be examined, pursuant to Section 4(n) or (o) of the Act.

"Community water supply" or "supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. (Section ~~3.1453-05~~ of the Act)

"Council" means the Community Water Supply Testing Council established by Section 17.7(~~f~~)(g) of the Act.

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"Drinking water analysis program" or "Program" means the laboratory analysis of community water supplies by the Agency for any community water supply that does not declare its intent to not participate, in accordance with Section 691.105(c), and pays the fees established pursuant to Subpart B of this Part.

"Laboratory testing" means the analysis of drinking water by the Agency required under 35 Ill. Adm. Code Subtitle F and federal regulations established under the Safe Drinking Water Act (42 ~~USC~~U.S.C. 300f).

"Parent community water supply" or "Parent supply" is a community water supply that uses or sells potable water derived from its own sources or receives only a portion of its potable water from other potable water sources.

"Program participation fee" or "fee" means the amount due from the community water supply for analytical services under the Program.

"Public water supply" or "PWS" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, ~~intakes~~intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply". (Section ~~3.3653-28~~ of the Act)

"Purchasing community water supply" or "Purchasing supply" is a community water supply that purchases or receives its potable water entirely from another potable water source.

"Service connection" means the opening, including all fittings and appurtenances at the water main through which water is supplied to the user.

(Source: Amended at 33 Ill. Reg. 7072, effective May 13, 2009)

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- 1) Heading of the Part: Auction License Act
- 2) Code Citation: 68 Ill. Adm. Code 1440
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1440.10	Amendment
1440.110	Amendment
1440.120	Amendment
1440.130	Repealed
1440.140	Amendment
1440.145	New Section
1440.150	Amendment
1440.160	Amendment
1440.170	Amendment
1440.190	Amendment
1440.200	Amendment
1440.210	Amendment
1440.230	Amendment
1440.250	Amendment
1440.260	Amendment
1440.270	Amendment
1440.280	Amendment
1440.300	Amendment
1440.310	Amendment
1440.320	Amendment
1440.330	Amendment
1440.350	Amendment
1440.360	Amendment
1440.400	Amendment
1440.410	Amendment
1440.420	Amendment
1440.430	Amendment
1440.440	Amendment
1440.450	Amendment
1440.460	Amendment
1440.470	Amendment
- 4) Statutory Authority: Auction License Act [225 ILCS 407]

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- 5) Effective Date of Amendments: May 14, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: December 19, 2008; 32 Ill. Reg. 19235
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 1440.150, subsections (a)(1) through (3) and (5) through (8) are reinstated in the final version after being stricken in the proposed version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 95-0572, effective June 1, 2008, made numerous changes to the Auction License Act; this proposed rulemaking implements its provisions. Section 1440.145 concerning license renewals has been added to clarify the renewal process and the time frame for renewals. Obsolete fees have been removed from Section 1440.170, and a cap has been added to limit restoration fees. Practice prior to passage of the examination has been eliminated in Section 1440.140. Changes in Section 1440.310 regarding continuing education include providing for more than 6 CE hours to be offered in a day and providing a mechanism for approving CE earned in another state. The advertising requirements in Section 1440.230 has been simplified, and in Section 1440.270 concerning Escrow or Trust Accounts, associate auctioneers shall deliver all escrow funds to their managing auctioneer no later than 24 hours after the receipt of those funds. Also, associate auctioneers are prohibited from maintaining special accounts. The amendments also include numerous non-substantive changes, including changing references throughout the entire Part from "OBRE" to

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"IDFPR", "OBRE" to "Division" and "Commissioner" to "Director" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.

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

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VIII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 1440

AUCTION LICENSE ACT

SUBPART A: DEFINITIONS

Section
1440.10 Definitions

SUBPART B: AUCTION LICENSE

Section
1440.100 Necessity of License; Exemptions
1440.110 Examination
1440.120 Application for Auctioneer, Associate Auctioneer License and Auction Firm
1440.130 Application for Licensure, Practice Prior to the Act ([Repealed](#))
1440.140 45 Day Permit Sponsor Card
[1440.145 Renewals](#)
1440.150 Restoration of Lapsed or Expired License
1440.160 Nonresident Auctioneer, Associate Auctioneer Reciprocity
1440.170 Fees
1440.180 Earnings from the Investment of Moneys in the Auction Recovery Fund
1440.190 Address Change, Notification
1440.200 Pocket Card
1440.210 Assumed Name
1440.220 Supervisory Duties
1440.230 Advertising; Buyer Premium; Disclosure
1440.240 Unlicensed Assistants
1440.250 Felony convictions; Discipline of Other Professional License; Notification
1440.260 Advertising; Auction without Reserve; Absolute Auction
1440.270 Escrow or Trust Accounts
1440.280 Termination for Failure to Pay Taxes, Child Support or Student Loan

SUBPART C: CONTINUING EDUCATION

Section
1440.300 Continuing Education Schools Approval and License

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1440.310	Continuing Education
1440.320	Expiration and Renewal for Continuing Education Schools and Courses
1440.330	Distant Learning Programs
1440.340	Class Attendance Requirements
1440.350	Withdrawal of Approval of School and Courses
1440.360	Discipline of Schools

SUBPART D: INTERNET AUCTION LISTING SERVICE

Section

1440.400	Definitions
1440.410	Registration
1440.420	Expiration of Registration
1440.430	Renewal of Registration
1440.440	Issuance of Certificate of Registration
1440.450	Notification of Name Change
1440.460	Assumed Name
1440.470	Notification of Address Change; Street Address
1440.480	Fees

AUTHORITY: Implementing and authorized by the Auction License Act [225 ILCS 407].

SOURCE: Adopted by emergency rulemaking at 23 Ill. Reg. 13414, effective October 25, 1999, for a maximum of 150 days; adopted at 24 Ill. Reg. 3518, effective February 22, 2000; amended at 25 Ill. Reg. 12586, effective September 28, 2001; amended at 28 Ill. Reg. 13212, effective September 16, 2004; amended at 33 Ill. Reg. 7077, effective May 14, 2009.

SUBPART A: DEFINITIONS

Section 1440.10 Definitions

"Act" means the Auction License Act [225 ILCS 407].

"Advertisement" means any written, oral, or electronic communication that contains a promotion, inducement, or offer to conduct an auction or offer to provide an auction service, including but not limited to brochures, pamphlets, radio and television scripts, telephone and direct mail solicitation, electronic media, and other means of promotion.

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"Advisory Board" shall mean the Auctioneer Advisory Board.

"Associate Auctioneer" means a person who conducts an auction, but who is under the direct supervision of, and is sponsored by, a licensed auctioneer or auction firm.

"Auction" means the sale or lease of property, real or personal, by means of exchanges between an auctioneer or associate auctioneer and prospective purchasers or lessees, which consists of a series of invitations for offers made by the auctioneer or associate auctioneer and offers by prospective purchasers or lessees for the purpose of obtaining an acceptable offer for the sale or lease of the property including the sale or lease of property via mail, telecommunications, or the Internet.

"Auction Contract" means a written or oral agreement between an auctioneer, associate auctioneer, or an auction firm and a seller, sellers, lessor or lessors.

"Auction Firm" means any corporation, partnership, or limited liability company that acts as an auctioneer and provides an auction service.

"Auction School" means any educational institution, public or private, which offers a curriculum of auctioneer education and training approved by [the Division of BRE](#).

"Auction Service" means the service of arranging, managing, advertising or conducting auctions.

"Auctioneer" means a person or entity who, for another, for a fee, compensation, commission or any other valuable consideration at auction or with the intention or expectation of receiving value consideration by the means of or process of an auction or sale at auction or providing an auction service, offers, negotiates, or attempts to negotiate an auction contract, sale, purchase, or exchange of goods, chattels, merchandise, personal property, real property, or any commodity that may be lawfully kept or offered for sale by or at auction.

"Buyer Premium" means any fee or compensation paid by the successful purchaser of property sold or leased at or by auction, to the auctioneer, associate auctioneer, auction firm, seller, lessor or other party to the transaction, other than the purchase price.

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"Cashier" means a person who accepts, records and documents payments and information from bidders or prospective bidders, and performs other clerical services for and under the direct supervision of a licensed auctioneer or auction firm, while conducting an auction or providing an auction service.

"Clerk" means a person who records and documents information and performs other clerical services for and under the direct supervision of an auctioneer or an auction or providing an auction service.

"CE" means continuing education.

~~"Commissioner" means the Commissioner of the Office of Banks and Real Estate.~~

"Compensation" means the valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including but not limited to:

- commissions;
- fees;
- referral fees;
- bonuses;
- prizes;
- merchandise;
- finder fees;
- performance of services;
- coupons or gift certificates;
- discounts;

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rebates;

a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;

retainer fee; or salary.

"Consignment Sale" means the sale or lease of property at an auction, whereby a person or entity takes temporary control, title or possession of the property to be sold or leased for the purpose of that person or entity to sell or lease the property, receive and distribute the proceeds of the sale or lease of the property. The person or entity who conducts a consignment sale auction shall not be exempt from licensure under this Act, except for those persons or entities who are otherwise exempt from licensure, as provided by the Act and these Rules.

["Department" means the Department of Financial and Professional Regulation.](#)

["Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.](#)

["Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.](#)

"Goods" means chattels, movable goods, merchandise, or personal property or commodities of any form or type that may be lawfully kept or offered for sale.

"Licensee" means any person licensed under the Act.

"Livestock Auctioneer" means an auctioneer or associate auctioneer, licensed under this Act, and employed by a business registered as a market agency under the federal Packers and Stockyards Act (7 USC 181 et seq.) or under the Livestock Auction Market Law [225 ILCS 640], who by public outcry sells livestock at the registered business.

"Managing Auctioneer" means any person licensed as an auctioneer who manages and supervises an auction firm and licensees sponsored by an auction firm or auctioneer.

["OBRE" means the Office of Banks and Real Estate.](#)

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"Person" shall mean an individual, association, partnership, corporation, limited liability company, or the officers, directors, or employees of the same.

"Pre-renewal Period" means the 24 months prior to the expiration date of a license issued under the Act.

"Ring Assistant" means a person who acknowledges a bid from a member of the audience during the sale or lease of property at an auction and conveys the bid to the auctioneer, but only the auctioneer may accept the bid for the sale or lease of property at auction.

"Rules" means this Part.

"School" means a continuing education school approved and licensed in accordance with the Act and this Part.

["Secretary" means the Secretary of the Department of Financial and Professional Regulation.](#)

"Sponsor Card" shall mean the temporary permit issued by the sponsoring auctioneer certifying that the licensee named is employed by or associated with the sponsoring auctioneer and the sponsoring auctioneer shall be responsible for the actions of the sponsored licensee.

"Sponsoring Auctioneer" means the auctioneer or auction firm who has issued a sponsor card to a licensed associate auctioneer or auctioneer.

"Terms and Conditions" means an announcement made orally or in written form at an auction sale, including but not limited to the condition of the property being sold or leased, the type of payment expected from the purchaser, when payment is expected from the purchaser, when possession, control and ownership of the property being sold or leased passes to the purchaser, and any other information which is pertinent to the auction.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

SUBPART B: AUCTION LICENSE

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Section 1440.110 Examination

- a) Every person who makes application for a license as an auctioneer or associate auctioneer shall take and pass a written examination authorized by [the DivisionOBRE](#), ~~except those exempt from the examination requirement pursuant to Section 10-25 of this Act.~~
- b) Each applicant for an auctioneer or associate auctioneer license shall file an application for examination with [the DivisionOBRE](#) or its designated testing service. The application for examination shall include:
- 1) Certification that the applicant is 18 years of age; and
 - 2) Certification of graduation from high school or equivalent (e.g., GED).

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.120 Application for Auctioneer, Associate Auctioneer License and Auction Firm

- a) Each applicant for an auctioneer or associate auctioneer license shall submit on forms provided ~~by the Division to OBRE~~:
- 1) The applicant's name, address and telephone number;
 - 2) The applicant's Social Security Number and date of birth; [the DivisionOBRE](#) shall make available the applicant's Social Security Number only to the Illinois Department of Revenue; to determine a tax delinquency, the Illinois Department of Public Aid; to determine a delinquency in court ordered child support payments, and the Illinois Student Assistance Commission (ISAC); to determine a delinquency for a student loan authorized by ISAC, or by subpoena;
 - 3) Certification that the applicant is 18 years of age;
 - 4) Certification of graduation from high school or equivalent (e.g., GED);
 - 5) The fee as provided by Section 1440.170 of this Part;

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- 6) A properly completed sponsor card issued in accordance with Section 10.35 of the Act and Section 1440.140 of this Part;
 - 7) Proof of successful completion of the examination authorized by [the DivisionOBRE](#), unless otherwise exempt from examination as provided by [Section 10-25 \(Practice Prior to the Act\) of the Act and Section 1440.130 of this Part](#) or Section 10-45 (Nonresident Auctioneer Reciprocity) of the Act and Section 1440.160 of this Part; and
 - 8) Any other information as required by [the DivisionOBRE](#), including but not limited to personal history, criminal record, Illinois tax delinquency, Illinois student loan delinquency, court ordered child support delinquency, or other information used by [the DivisionOBRE](#) to determine an applicant's fitness for licensure.
- b) A person who desires to conduct auctions, provide an auction service or practice auctioneering in the form of a partnership, corporation or limited liability company shall make application for an auction firm license on forms provided by [the DivisionOBRE](#) to the [DivisionOffice of Banks and Real Estate](#) and shall include the following:
- 1) The applicant's name, address and telephone number;
 - 2) The applicant's Federal Employer Identification Number or tax identification number; [the DivisionOBRE](#) shall make available an applicant's FEIN or tax identification number only to the Illinois Department of Revenue to determine a tax delinquency, or by subpoena;
 - 3) A list of all officers, directors, and owners with percentage of ownership of the auction firm;
 - 4) Articles of Incorporation or Organization, or other evidence of legal formation or authority to conduct business as approved by [the DivisionOBRE](#);
 - 5) Proof of a properly licensed managing auctioneer;
 - 6) The fee as provided by Section 1440.170 of this Part; and

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- 7) Any other information as required by [the DivisionOBRE](#), including but not limited to personal history, criminal record, Illinois tax delinquency, Illinois student loan delinquency, court ordered child support delinquency, or other information used by [the DivisionOBRE](#) to determine an applicant's fitness for licensure.
- c) All information provided by an applicant to [the DivisionOBRE](#) is subject to audit by [the DivisionOBRE](#) within 5 years from the date in which the application was received by [the DivisionOBRE](#).

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.130 Application for Licensure, Practice Prior to the Act [\(Repealed\)](#)

- a) ~~An applicant who desires to apply for an auctioneer or associate auctioneer license under the Act without examination shall submit an application on forms provided by OBRE to the Office of Banks and Real Estate providing the information as required by Sections 10-5 and 10-15 of the Act and Section 1440.110 of this Part, except the requirement for proof of successful completion of the examination authorized by OBRE. In addition, an applicant who makes application for licensure under Section 10-25 of the Act and this Section shall verify that he or she:~~
 - 1) ~~Is a resident of the State of Illinois;~~
 - 2) ~~Has practiced as an auctioneer for a period of at least 2 years prior to January 1, 2000; and~~
 - 3) ~~Has conducted a minimum of 5 auctions of real or personal property within the 2 years prior to January 1, 2000.~~
- b) ~~All information on an application for licensure provided by an applicant to OBRE is subject to audit by OBRE within 5 years after the date in which the application was received by OBRE.~~

(Source: Repealed at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.140 45 Day Permit Sponsor Card

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- a) A properly issued 45 Day Permit Sponsor Card shall serve as a temporary permit allowing the sponsored individual to engage in the practice of auctioneering for a period of 45 days after its issuance date only under the direct supervision of the sponsoring auctioneer or auction firm.
- b) A sponsoring auctioneer or auction firm shall only execute a 45 Day Permit Sponsor Card to a sponsored individual upon presentation of:
 - 1) A valid auctioneer or associate auctioneer examination passing score report from [the Division OBRE](#) or its designated testing vendor ~~that~~^{which} states that the sponsoring auctioneer or auction firm may issue a 45 Day Permit Sponsor Card; or
 - 2) An original terminated license, pursuant to Section 10-35 of the Act, endorsed by the sponsoring auctioneer or auction firm by whom the sponsored individual was previously sponsored or associated.
- c) Upon issuance of a properly completed 45 Day Permit Sponsor Card:
 - 1) The sponsoring auctioneer or auction firm shall send to [the Division OBRE](#) within 24 hours the original 45 Day Permit Sponsor Card, the original terminated license (if applicable), the original examination score report and initial application (if applicable), and the proper fee.
 - A) If the sponsored individual is unable to obtain an original terminated license from his or her previous sponsoring auctioneer or auction firm, the sponsored individual shall prepare a sworn written statement as to why the terminated license is not submitted. The sponsoring auctioneer or auction firm shall submit the written statement in lieu of an original terminated license to [the Division OBRE](#);
 - 2) The sponsoring auctioneer or auction firm shall retain a copy of the 45 Day Permit Sponsor Card for its records; and
 - 3) The sponsored individual shall retain a copy of the 45 Day Permit Sponsor Card, and shall use it in lieu of a license until a license is issued by [the Division OBRE](#), but not for a period in excess of 45 days after its issuance.

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- d) If a new license has not been issued by ~~the Division~~OBRE within 45 days after the issuance of a 45 Day Permit Sponsor Card, the sponsored individual shall not practice auctioneering.
- e) ~~The Division~~OBRE may grant an extension of a 45 Day Permit Sponsor Card, but the extension must be requested in writing by the sponsoring auctioneer or auction firm.
- f) If ~~the Division~~OBRE denies any application in which a 45 Day Permit Sponsor Card was issued, the 45 Day Permit Sponsor Card shall be null and void upon written notice from ~~the Division~~OBRE.
- g) ~~An applicant for an auctioneer or associate auctioneer license, who is required to pass the examination for licensure, may conduct an auction on a 45 Day Permit Sponsor Card without having first passed the examination under the following conditions:~~
- 1) ~~The applicant has made application on forms provided by OBRE and paid all applicable fees as if the applicant were making application for an initial license;~~
 - 2) ~~The applicant provides evidence to OBRE that he or she was unable to schedule such examination with OBRE or the approved testing vendor prior to submitting the application as provided in this Section;~~
 - 3) ~~The applicant certifies that he or she shall abide by the be subject to all the provisions of the Act and these Rules; and~~
 - 4) ~~The applicant certifies that he or she shall schedule the examination, pass and provide documentation of same to OBRE within 45 days of the issuance of the 45 Day Permit Sponsor Card.~~
- ~~A person shall only make application under this paragraph, one time in any 5 year period.~~

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

[Section 1440.145 Renewals](#)

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- a) Every license and registration issued under the Act shall expire on December 31, 2010, and thereafter a license shall expire every 2 years on December 31 of each even-numbered year. The holder of a license or registration may renew the license by paying the fee required by Section 1440.170 and meeting the continuing education requirements set forth in Section 1440.310.
- b) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.
- c) Practicing or operating on a license or registration that has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 20-15 of the Act.

(Source: Added at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.150 Restoration of Lapsed or Expired License

- a) A licensee whose license has lapsed or expired shall have 2 years from the date the license expired to restore his or her license without examination. The licensee whose license has expired shall make application on forms provided by the Division, OBRE to the Office of Banks and Real Estate which shall include the following:
 - 1) The applicant's name, address and telephone number;
 - 2) The applicant's Social Security Number and date of birth;
 - 3) The applicant's license number;
 - 4) ~~A statement from the applicant containing an employment history since the expiration of the applicant's license;~~
 - 4)5) The fees as provided by Section 1440.170 of this Part;
 - 5)6) A properly completed 45 day permit sponsor card issued in accordance with Section 10-35 of the Act and Section 1440.140 of this Part;
 - 6)7) Proof of successful completion of 12 hours of approved continuing

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education; and

~~7)8)~~ Any other information as required by ~~the Division~~OBRE, including but not limited to personal history, criminal record, Illinois tax delinquency, Illinois student loan delinquency, court ordered child support delinquency, or other information used by ~~the Division~~OBRE to determine an applicant's fitness for licensure.

- b) A licensee whose license has lapsed or expired for a period in excess of 2 years shall ~~certify to be required to provide proof of~~ successful completion of 12 hours of approved education within 6 months prior to making application, ~~and~~ meet the requirements ~~of and make application the same as~~ an initial applicant pursuant to Article 10 of the Act and this Part promulgated for the administration of the Act. The licensee shall make a restoration application on forms provided by the Division.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.160 Nonresident Auctioneer, Associate Auctioneer Reciprocity

- a) A person holding a current license in good standing to conduct auctions, provide an auction service or engage in auctioneering in a jurisdiction in which ~~the Division~~OBRE has a reciprocal agreement shall make application to ~~the Division~~OBRE on forms provided by ~~the Division~~OBRE that shall include the following:
- 1) The applicant's name, address and telephone number;
 - 2) The applicant's Social Security Number and date of birth;
 - 3) Certification that the applicant is 18 years of age;
 - 4) Certification of graduation from high school or equivalent (e.g., GED);
 - 5) The fee as provided by Section 10-50 of the Act and Section 1440.170 of this Part;
 - 6) A properly completed sponsor card issued in accordance with Section 10-35 of the Act and Section 1440.140 of this Part;

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- 7) A certification in writing that the nonresident applicant shall abide by all the provisions of the Act and this Part with respect to his or her auction activities within the State of Illinois and submit to the jurisdiction of [the Division](#)~~OBRE~~ as provided in the Act and this Part; and
 - 8) Any other information as required by [the Division](#)~~OBRE~~, including but not limited to personal history, criminal record, Illinois tax delinquency, Illinois student loan delinquency, court ordered child support delinquency, or other information used by [the Division](#)~~OBRE~~ to determine an applicant's fitness for licensure.
- b) A person holding a current nonresident license may become a resident licensee without examination should he or she become domiciled in the State of Illinois by making application to [the Division](#)~~OBRE~~ on forms provided by [the Division](#)~~OBRE~~.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.170 Fees

- a) The license application fee for an auctioneer for:
 - 1) an initial license application shall be \$200;
 - A) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$100 until January 1, 2002 for deposit into the Auction Administration Fund; and~~
 - B) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Recovery Fund;~~
 - 2) a renewal application shall be ~~calculated at the rate of~~ \$225 per year; ~~in addition to the renewal application fee, each renewal applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Recovery Fund;~~
 - 3) a renewal application, ~~in which the application~~ with fee, that was

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- postmarked after the expiration date of the license ~~and is received by OBRE within 45 days after the expiration date~~, shall be the renewal fee plus a \$50 penalty;
- 4) a restoration application shall be all lapsed renewal application fees, not to exceed \$675, plus a \$50 penalty and \$25 for a 45 Day Permit Sponsor Card;
 - 5) a 45 Day Permit Sponsor Card application shall be \$25; and
 - 6) a duplicate license shall be \$25.
- b) The license application fee for an associate auctioneer for:
- 1) an initial license application shall be \$100;
 - A) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$100 until January 1, 2002 for deposit into the Auction Administration Fund; and~~
 - B) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Administration Fund;~~
 - 2) a renewal application shall be ~~calculated at the rate of~~ \$125 per year; ~~in addition to the renewal application fee, each renewal applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Recovery Fund;~~
 - 3) a renewal application, ~~in which the application~~ with fee, that was postmarked after the expiration date of the license ~~and is received by OBRE within 45 days after the expiration date~~, shall be the renewal fee plus a \$50 penalty;
 - 4) a restoration application shall be all lapsed renewal application fees, not to exceed \$375, plus a \$50 penalty and \$25 for a 45 Day Permit Sponsor Card;
 - 5) a 45 Day Permit Sponsor Card application shall be \$25; and

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- 6) a duplicate license shall be \$25.
- c) The license application fee for an auction firm for:
- 1) an initial license application shall be \$100;
 - A) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$100 until January 1, 2002 for deposit into the Auction Recovery Fund; and~~
 - B) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Recovery Fund;~~
 - 2) a renewal application shall be calculated at the rate of \$125 per year; ~~in addition to the renewal application fee, each renewal applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Recovery Fund;~~
 - 3) a renewal application, ~~in which the application~~ with fee, ~~that~~ was postmarked after the expiration date of the license ~~and is received by OBRE within 45 days after the expiration date,~~ shall be the renewal fee plus a \$50 penalty;
 - 4) a managing auctioneer change application shall be \$25; and
 - 5) a duplicate license shall be \$25.
- d) The license application fee for an auction school for:
- 1) an initial license application shall be \$2,000;
 - A) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$100 until January 1, 2002 for deposit into the Auction Administration Fund; and~~
 - B) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$25 until January 1, 2002 for~~

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~~deposit into the Auction Recovery Fund;~~

- 2) a renewal application shall be ~~calculated at the rate of~~ \$1,000 per year; ~~in addition to the renewal application fee, each renewal applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Administration Fund;~~
- 3) a renewal application, ~~in which the application~~ with fee, ~~that~~ was postmarked after the expiration date of the license ~~and is received by OBRE within 45 days after the expiration date,~~ shall be the renewal fee plus a \$250 penalty; and
- 4) a duplicate license shall be \$25.
- e) The license application fee for an auction continuing education course, ~~in which application for approval was not made with the initial application or the renewal application of the auction school,~~ shall be \$50 per course. A duplicate course license shall be \$25.
- f) The fee for a certification of a licensee's record for any purpose shall be \$25.
- g) The fee for copies, license certification and other services shall be the cost of preparing and providing the same, as established by policy of ~~the Division~~OBRE.
- h) The fee for requesting a waiver of continuing education requirements pursuant to Section 10-30 of the Act and Section 1440.310(d)(2) of this Part shall be \$25.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.190 Address Change, Notification

Any licensee granted a license under the Act shall notify ~~the Division~~OBRE in writing of any change of business or mailing address within 24 hours after the change. A licensee who fails to notify ~~the Division~~OBRE in writing of any address change shall be responsible for any failure to comply with any notice sent to the licensee by ~~the Division~~OBRE to the extent it may affect his or her license status or penalties assessed by ~~the Division~~OBRE.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

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Section 1440.200 Pocket Card

The Division~~OBRE~~ shall issue, along with each license issued under the Act, a pocket card. All licensees shall carry the pocket card at all times and shall display it upon demand. If the licensee is operating on a properly issued 45 Day Permit Sponsor Card, the licensee shall carry a copy of the 45 Day Permit Sponsor Card in lieu of and until a pocket card is issued by the
Division~~OBRE~~.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.210 Assumed Name

If a licensee operates under any name other than that appearing on his or her license, he or she shall submit to the Division~~OBRE~~ a certified copy of his or her registration under the Assumed Business Name Act [805 ILCS 405] at the time of application or within 30 days after registration.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.230 Advertising; Buyer Premium; Disclosure

- a) For all advertising for a specific auction (including any print advertising, classified ads, display ads, sale bills, brochures, internet advertising, calendar ads and line ads paid for by a licensee or seller, and websites), a~~A~~ licensee ~~under the Act~~ shall clearly disclose ~~on any advertisement: 1)~~ — the name of the sponsoring auctioneer or the sponsoring auctioneer's properly registered assumed business name. The name of a sponsored auctioneer may be included in the advertisement. ~~licensee's name; if a licensee uses an assumed name or d/b/a, the licensee shall register that name with OBRE, pursuant to Section 1440.200 of this Part;~~
- 2) the licensee's license number, as assigned by OBRE;
 - 3) the name of the city, village or town, and state, in which the licensee or the licensee's business is located;
 - 4) the licensee's telephone number; and
 - 5) the terms and conditions of the auction, to the best knowledge of the licensee at the time of printing, taping or production of the advertisement.

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- b) The disclosure requirements in subsection (a) do not apply to radio and television advertisements, institutional advertising, signs or calendars run by any publication for which payment is not made by a licensee or seller.
- c) A licensee shall conspicuously post or deliver to all registered participants the complete terms and conditions of the auction. The licensee ~~under this Act~~ shall clearly announce before the auction the material terms and conditions necessary to understand the procedures for the auction, including but not limited to payment terms and removal and any changes to the posted or delivered terms and conditions. The terms and conditions shall include the material information necessary to understand the procedures and ~~shall disclose any differences in the terms and conditions of the auction from any previous advertisement~~ for the auction, expressly including payment terms, and, if applicable, buyer registration and buyer premium charges.
- d)e) If a licensee ~~under the Act~~ conducts an auction or provides an auction service in which a buyer premium is charged or collected, the licensee shall clearly disclose on any advertisement that there is a buyer premium charge and the terms of the buyer premium.
- 1) ~~clearly disclose on any advertisement that there is a buyer premium charged and the terms of the buyer premium;~~
 - 2) ~~clearly post at the auction site that there is a buyer premium charged and the terms of the buyer premium; and~~
 - 3) ~~clearly announce during the terms and conditions of the auction that there is a buyer premium charged and the terms of the buyer premium.~~

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.250 Felony Convictions; Discipline of Other Professional License; Notification

- a) A licensee who has a license issued pursuant to the Act or this Part shall notify the DivisionOBRE in writing within 30 days from the date of conviction for any crime described by Section 20-15(3) of the Act. In addition to the notice, the licensee shall provide to the DivisionOBRE the court record and documents

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involved with the conviction or other information as required by [the Division](#)~~OBRE~~ to determine fitness for licensure.

- b) A licensee who has had another license disciplined pursuant to Section 20-15(5) [of the Act](#) shall notify [the Division](#)~~OBRE~~ in writing within 30 days after any adverse final order. In addition to the notice, the licensee shall provide to [the Division](#)~~OBRE~~ the record and/or documents involved with the disciplinary action or other information as required by [the Division](#)~~OBRE~~ to determine fitness for licensure.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.260 Advertising; Auction without Reserve; Absolute Auction

- a) [No advertisement or announcement for an "absolute auction" or "auction without reserve" shall include any terms or language regarding a minimum bid or minimum price.](#)
- b) [No advertisement or announcement for](#)~~An auctioneer, associate auctioneer or auction firm shall not advertise or announce an auction as~~ an "absolute auction" or "auction without reserve" [shall be issued](#)~~or words with a similar meaning~~ unless:
- 1)a) there are no liens or encumbrances on the property to be sold other than current tax obligations, easements, or restrictions of record to any person other than the seller, unless every holder of each lien or encumbrance provides the auctioneer written evidence of a binding commitment that the liens or encumbrances shall be released immediately after the sale or at closing, without regard to the amount of the highest bid on the property or the identity of the high bidder; and
- 2)b) within the auction contract there is a binding written requirement that the seller, or agent of the seller, shall accept the highest bid, and transfer ownership of the property, without regard to the amount of the highest bid or the identity of the high bidder, and that the seller, or agent of the seller, shall not bid at the "absolute auction" or "auction without reserve", or otherwise participate in the bidding process.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

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Section 1440.270 Escrow or Trust Accounts

- a) For the purposes of the Act and this Part "escrow monies" means all monies, promissory note, legal tender or financial consideration entrusted to, held by, and deposited with an auctioneer, associate auctioneer or auction firm in consideration of property sold or leased by the auctioneer, associate auctioneer or auction firm for the benefit of the parties to the transaction.
- b) Pursuant to Section 20-15 of the Act, licensees who accept escrow monies shall maintain and deposit in a special account, separate and apart from any personal or ordinary business accounts, all monies entrusted to the licensee while acting as an auctioneer, while conducting an auction or providing an auction service.
- c) A licensee may maintain more than one special account or may elect to hold all escrow monies in one special account. A licensee who accepts escrow monies shall maintain a special account, and shall maintain a bookkeeping system in his or her office or place of business, including systems of electronic data processing, and such system shall consist of the following:
 - 1) A record book, called a journal, for each special account, that shall show the chronological sequence in which escrow monies were received and disbursed by the licensee and a running balance after each entry;
 - 2) For each auction, a deal file which contains clerk sheets and settlement sheets that correspond to journal entries;
 - 3) A record or account ledger (e.g., check ledger) that shall show the date, amount of monies deposited into the special account, and date, amount and payee of any money disbursed from the special account; and
 - 4) Bank statements for each special account shall be reconciled monthly within 10 days after the receipt of the bank statement, except where there has been no transactional activity during the previous month. The reconciliation shall include a written work sheet comparing the balances as shown on the bank statement, the journal and the ledger, respectively, in order to insure agreement between the special account and the journal and the ledger entries with respect to such special account. Each reconciliation shall be kept for at least three years from the last day of the month covered by the reconciliation.

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- d) A licensee who maintains any special account shall notify [the DivisionOBRE](#) in writing of the name and location of the depository in which such special accounts are held, and shall execute a written consent giving [the DivisionOBRE](#) the authority to examine and/or audit any or all such special accounts.
- e) [The DivisionOBRE](#) shall make available for distribution, on request, samples of approved bookkeeping systems.
- f) A licensee shall not commingle any monies held for another in connection with the practice of auctioneering, conducting an auction, or providing an auction service with any personal account or normal business account. A licensee shall only deposit his or her own funds into the special accounts in which escrow monies are held to open the account or maintain a sufficient balance to avoid incurring service charges. In addition, a licensee shall not disburse monies from any special account for his own personal or business use, except for commissions, compensation, fees, advertising or other expenses incurred by the licensee pursuant to the terms of the auction listing contract.
- g) A licensee shall deposit all escrow monies into the licensee's special account no later than the next business day following acceptance of the monies.
- h) [Associate auctioneers shall deliver all escrow funds to their managing auctioneer no later than 24 hours after receipt of those funds.](#)
- i) [Associate auctioneers are prohibited from maintaining special accounts.](#)

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.280 Termination for Failure to Pay Taxes, Child Support or Student Loan

- a) If [the DivisionOBRE](#) receives information that a licensee who has been issued a license under the Act has failed to pay or is more than 30 days in arrearage on taxes, court ordered child support or a student loan pursuant to Section 20-20 of the Act, [the DivisionOBRE](#) shall notify, by certified mail, return receipt requested, a licensee that his or her license will be automatically terminated in 30 days from the date of the notice, unless the appropriate administering agency provides to [the DivisionOBRE](#) information and proof that the licensee has corrected the failure to pay the arrearage.

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- b) The licensee may request a hearing on the termination, but the hearing shall be limited to the presentation of evidence on the issues of mistaken identity, proof that the respondent has entered into a payment plan or that the debt has been discharged in bankruptcy.
- c) [The Division](#)~~OBRE~~ and the Board shall not hear evidence as to whether a licensee has failed to pay or is in arrearage on the payments. The responsibility for the hearing of evidence is with the appropriate administering agency.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

SUBPART C: CONTINUING EDUCATION

Section 1440.300 Continuing Education Schools Approval and License

Approval of continuing education (CE) schools. Those entities seeking approval as CE schools shall maintain an office for maintenance of all records, office equipment and office space necessary for customer service.

- a) The CE school's office may be subject to inspection by authorized representatives of [the Division](#)~~OBRE~~ during regular working hours and upon at least 24 hours' notice when [the Division](#)~~OBRE~~ has reason to believe that there is not full compliance with the Act or this Part and that this inspection is necessary to ensure full compliance.
- b) [The Division](#)~~OBRE~~ shall be reimbursed by any out-of-state CE school for all reasonable expenses incurred by the inspector in the course of the inspection.
- c) Entities seeking approval as CE schools shall file a CE school application, on forms provided by [the Division](#)~~OBRE~~, along with the required fee. The application shall include the following:
 - 1) [An agreement by the applicant that the applicant shall provide to the Division, upon request, a schedule including location, date, time and name of instructor of each CE course to be offered](#)~~A list of all CE courses that the CE school is planning to offer during the 12-month period following approval and a list of all instructors the school plans to utilize in the offering of the CE courses. The list shall include the instructor's name,~~

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~~address, and approval number. An approved CE school shall not be precluded from offering CE courses or from utilizing instructors not listed in the initial application or subsequent annual renewals if written notice of the CE course and the instructor to be utilized is submitted 30 days prior to the CE course date pursuant to subsection (e)(3)(E) of this Section;~~

- 2) ~~The description, location, date and time of each CE course to be offered;~~
 - 3) The CE school's certification:
 - A) that the content areas of all CE courses offered by the CE school for CE credit will conform to those listed in ~~this Part~~[Section 25-5\(b\) and \(c\) of the Auction License Act](#);
 - B) that all CE courses offered by the CE school for CE credit will comply with the criteria in this Section;
 - C) the CE school will be responsible for verifying attendance at each CE course and providing a certificate of completion signed by the CE school on forms provided by ~~the Division~~[OBRE](#). Further, that the school will maintain these records for not less than 5 years and shall make these records available for inspection by ~~the Division~~[OBRE](#) during regular business hours;
 - D) that, upon request by ~~the Division~~[OBRE](#), the CE school will submit evidence as is necessary to establish compliance with this Section ~~and Sections 25-10 through 25-15 of the Act~~. The evidence shall be required when ~~the Division~~[OBRE](#) has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;
 - E) ~~that the CE school will submit to OBRE a written notice of a course 30 days prior to the CE course date if the program was not listed in the application or any subsequent renewal application. The notice shall include the description, location, date and time of the CE course to be offered;~~ F) that the CE school will only offer CE, other than self-study CE, in an environment that is conducive to learning (i.e., adequate lighting, seating) and does not jeopardize the health, safety, and welfare of the attendees; and

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- ~~F)G)~~ that financial resources are available to equip and maintain its office in a manner necessary to enable the CE school to comply with ~~Article 25 of the Act~~, this Section, and this Part, documented by a current balance sheet, an income statement or any similar evidence ~~as requested by the Division OBRE;~~
- ~~4) Evidence of the CE school's ability to provide the certificates required by Section 25-10(e) of the Act.~~
- d) CE schools approved to offer the courses ~~required by Article 25 of the Act~~ shall be deemed to be approved to offer CE programs upon completion of an application for approval and submission of the fee required by Section 1440.170.
- e) Within 30 days after the action by the Auction Advisory Board and ~~the Division OBRE~~, ~~the Division OBRE~~ shall issue an approval and license to the CE school or notify the CE school, in writing, why approval cannot be issued.
- f) Approved CE schools shall comply with the following:
- 1) No approved CE school shall allow the premises or classrooms utilized during CE courses to be used by anyone to directly or indirectly recruit new affiliates for any company. CE schools and CE instructors shall report to ~~the Division OBRE~~ any efforts to recruit licensees.
 - 2) No approved CE school shall advertise that it is endorsed, recommended, or accredited by ~~the Division OBRE~~. The CE school, however, may indicate that the school and the CE course have been approved and licensed by ~~the Division OBRE~~.
 - 3) Approved CE schools shall utilize in the teaching of approved CE courses only CE instructors who are qualified and knowledgeable in the content offered in the course.
 - 4) Approved CE schools shall specify in any advertising promoting CE courses the number of CE hours that may be credited toward Illinois CE requirements for license renewal. Further, approved CE schools shall specify the number of mandatory or elective CE course hours that may be earned by successfully completing the course.

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- 5) All CE courses given by approved CE schools shall be open to all licensees and not be limited to members of a single organization or group.
- g) The CE school shall be responsible for assuring verified attendance at each CE course or self-study examination. No renewal applicant shall receive CE credit for time not actually spent attending the CE course or when a passing score of 70% on the examination was not achieved.
- h) To maintain approved CE school status, each CE school shall submit, prior to December 31 of odd numbered years, a school renewal application along with the required fee. ~~The CE school shall be required to submit to OBRE with the renewal application the following:~~
- ~~1) A list of those CE courses planned to be offered in the 12-month period immediately following the renewal period. This list shall include a description, location, date and time the course is planned to be offered.~~
 - ~~2) A list of those instructors the school plans to utilize. This list shall include the name and address.~~
- i) Each approved CE school shall submit to ~~the Division~~OBRE on or before the 15th of each month a graduation report of those licensees passing approved CE courses offered by it during the preceding calendar month.
- ~~1) The monthly graduation reports shall include the following information for each licensee: A) the licensee's name, address, social security number, and license number; B) the CE school's name and license number; and C) the CE course name, course identification number, course category (mandatory or elective), credit hours, and the date and time classes were held. 2) If a CE school during the preceding calendar month gave no courses, that CE school shall report in writing that no courses were given.~~
 - ~~2)3) The monthly graduation reports may be submitted in a computer readable format specified by ~~the Division~~OBRE.~~
 - ~~3)4) There is no processing fee for a monthly graduation report submitted in the computer readable format specified by ~~the Division~~OBRE. Each monthly graduation report submitted on paper or in a format other than that specified by ~~the Division~~OBRE shall be accompanied by a processing~~

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fee of \$.50 per student, per course, listed on the report, payable by check to [the Division](#)~~OBRE~~.

~~4)5)~~ A monthly graduation report received by [the Division](#)~~OBRE~~ with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative fee of \$200 in addition to the fees set forth in subsection (i)~~(34)~~.

~~5)6)~~ If a CE school fails to file monthly graduation reports or a statement saying that none were given, or fails to pay required fees, if any, as set forth in subsections (i)~~(34)~~ and ~~(45)~~, for three successive months, then the courses offered by that school may be disqualified until all delinquent graduation reports, processing fees, and administrative fees as set forth in subsections (i)~~(34)~~ and ~~(45)~~ have been submitted to and are received by [the Division](#)~~OBRE~~. ~~The Division~~~~OBRE~~ shall send notice to the school of an informal conference before the ~~Auction Advisory~~ Board and of pending disqualification, by certified or registered mail, return receipt requested, or by other signature restricted delivery service.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.310 Continuing Education

a) Continuing Education Requirements

1) In accordance with ~~Section~~~~Sections~~ 10-30 ~~and 25-5~~ of the Act, during each pre-renewal period, prior to the expiration date of the license, each auctioneer and associate auctioneer who makes application to renew his or her license must successfully complete 12 hours of auction continuing education courses approved by ~~the Division~~~~the Advisory Board and~~ ~~OBRE~~ from a school ~~reviewed~~~~approved~~ by the ~~Advisory~~ Board and ~~approved by the Division~~~~OBRE~~.

2) Auctioneers and associate auctioneers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 10-30 of the Act ~~and this Section~~.

3) ~~The Division~~~~OBRE~~ shall conduct random audits to verify compliance with

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this Section.

- b) Approved Continuing Education
- 1) CE credit may be earned for verified attendance at or participation in an approved course that is licensed by ~~the Division~~OBRE, and is offered by an approved CE school that is licensed by ~~the Division~~OBRE, that meets the requirements set forth in Section 1440.300 of this Part.
 - 2) CE credit may also be earned for completion of a self-study course that is offered by an approved CE school that meets the requirements set forth in Section 1440.330 of this Part.
 - 3) ~~The Pursuant to Section 25-5 of the Act, the~~ requirement that CE be obtained through a curriculum ~~reviewed~~approved by the ~~Auction Advisory Board and~~ approved by the Division~~OBRE~~ shall be satisfied by successful completion of the following:
 - A) Mandatory category. Each renewal applicant shall successfully complete 12 hours of CE, of which 6 hours shall be mandatory core subjects in the following categories:
 - i) Illinois statutes and rules governing auctioneering;
 - ii) federal statutes and regulations governing auctioneering;
 - iii) auctioneering ethics;
 - iv) escrow and trust accounts;
 - v) contracts; and
 - vi) other subject matter ~~recommended~~approved by the Board.
 - B) Elective category. Each renewal applicant may satisfy the remaining 6 hours of CE from the mandatory core subjects categorized in subsection (b)(3)(A), or may successfully complete an additional 6 hours of CE in the following elective subject categories:

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- i) agency;
 - ii) business courses related to auctioneering;
 - iii) real estate related courses;
 - iv) auction management;
 - v) bid calling;
 - vi) public speaking;
 - vii) advertising;
 - viii) specialty auction courses; or
 - ix) other subject matter ~~recommended~~ approved by the Board.
- 4) One hour of approved CE shall include at least 50 minutes of classroom instruction and shall be exclusive of any time devoted to taking the examination set forth in subsection (b)(6) ~~below~~.
 - 5) Each CE course shall include one or more subjects from either the mandatory category or elective category set forth in subsection (b)(3)(A) or (B), whenwhere the individual is in actual attendance, or participates in, or completes self-study. All CE courses shall be a minimum of three hours and shall be offered in three-hour increments. Each three-hour increment shall be from topics in the core or elective category. In no case shall topics from the mandatory and elective category be combined within the same three-hour period. The CE school shall clearly indicate on the certificate of completion the number of hours earned from each CE course and identify whether the completed course was from the mandatory or elective category.
 - 6) Each CE course shall include the successful completion of an examination that measures the attendee's understanding of the course material. A score of at least 70% is required on the examination for successful completion of any CE course.

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- A) The examination shall be given on-site immediately following any CE course. When a sequence of courses is offered, the examination will be given at the end of each individual course on material that covers all the aspects of the course.
 - B) All examinations, including self-study examinations and retake examinations, shall be proctored by a representative of the approved CE school and shall include at least 25 questions for each three-hour period.
 - C) No credit for CE shall be given to any licensee unless the examination is successfully completed. The CE school shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for the CE course unless the entire course is retaken and the examination is successfully completed.
- 7) Self-study CE shall comply with all of the requirements of this Section, except that:
- A) Verified attendance is only required for taking the examination.
 - B) Classroom instruction is not required for self-study CE, as the intent is for the licensees to review and learn the material on their own.
 - C) The examination site for self-study shall be determined by the CE school and it shall be proctored by a representative of the approved sponsor. An instructor is not required to proctor the examination.
- 8) All CE courses shall:
- A) Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of auctioneering.
 - B) Provide experiences (e.g., role playing, lectures, films) that contain

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subject matter and course materials relevant to that set forth in [this Section ~~25-5 of the Act.~~](#)

- C) Be developed and presented by persons with education and/or experience in subject matter of the CE course.
- 9) Nothing shall prohibit an approved CE school and its instructors from utilizing audio-visual aides or satellite communication with two-way voice interaction in assisting in the presentation of CE courses.
- 10) CE credit may be earned by an instructor for teaching an approved CE course. Credit for teaching an approved CE course may only be earned one time per course during the instructor's pre-renewal period. One hour of teaching is equal to one hour of CE.
- 11) ~~CE credit shall not be given for CE courses taken in Illinois from schools not pre-approved by the Board and OBRE. 12) The CE school shall notify the Division when~~ ~~Except for self-study CE courses, no~~ more than 6 hours of CE ~~is offered~~ ~~may be taken~~ in any calendar day. This notification shall be submitted to the Division at least 2 weeks prior to the CE course offering.
- c) Certification of Compliance with CE Requirements
- 1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a) and (b) of this Section.
- 2) The Division ~~OBRE~~ may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of completion; ~~transcript, etc.~~). It is the responsibility of each renewal applicant to provide the additional evidence during an audit as proof of CE completed.
- 3) When, during an audit or compliance review, the Division ~~OBRE~~ determines that a licensee may be deficient in complying with CE requirements, the Division ~~OBRE~~ will notify the licensee, and the sponsoring auctioneer of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is received to submit to the Division ~~OBRE~~

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evidence of compliance with CE requirements.

- A) If satisfactory evidence of compliance with CE requirements (as set forth in subsection (c)(2) of this Section) is submitted, [the Division](#)~~OBRE~~ shall notify the licensee by first class mail that the licensee is in compliance.
- B) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to subsection (c)(1) of this Section but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may, during the 60 days notice period, submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of \$25 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, [the Division](#)~~OBRE~~ shall notify the licensee and the sponsoring auctioneer of the licensee that the license is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.
- C) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-15(1) of the Act regarding false or fraudulent representation to obtain a license. ~~The Division and of the continuing education requirements of Article 25 of the Act.~~ [OBRE](#) shall send notice pursuant to Section 20-5 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring auctioneer of the licensee.

d) [Waiver or Extension of CE Requirements](#)

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- 1) An auctioneer and associate auctioneer are exempt from the continuing education requirements if it is his or her first renewal.
- 2) As provided for in Section 10-30 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application along with a \$25 processing fee within 90 days after completion of the CE course and prior to expiration of the license. The Board shall review and recommend approval or disapproval of the CE course provided the CE school and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a proctored examination. In determining whether the CE school and CE course are substantially equivalent, the Board shall use the criteria in Section 1440.310(b).
- 3) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning the noncompliance, a request for waiver or extension of the CE requirements on the basis of those facts and, if desired, a request for an interview before the Board. If the Division finds from the statement or any other evidence submitted that good cause has been shown for granting a waiver or extension of the CE requirements, or any part of the requirements, the Division shall waive enforcement of the requirements for the renewal period for which the applicant has applied.
- 4) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the renewal period;
 - B) A temporary, incapacitating illness documented by a licensed physician. A second consecutive request for a CE waiver pursuant to this subsection (d)(4)(B) shall be prima facie proof that the renewal applicant has a physical illness, mental illness, or other impairment including, without limitation, deterioration through the aging process, mental illness, or disability that results in the

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inability to practice the profession with reasonable judgment, skill and safety, in violation of Section 20-15(24) of the Act, which shall be grounds for denial of the renewal or other discipline;

C) Temporary undue hardship (e.g., hospitalization or being disabled and unable to practice auction on a temporary basis).

5) If an interview is requested at the time the request for waiver or extension is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

6) Any renewal applicant who submits a request for waiver or extension pursuant to subsection (d)(3) shall be deemed to be in good standing until the Division's final decision on the application has been made.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.320 Expiration and Renewal for Continuing Education Schools and Courses

- a) Every continuing education school and course license shall expire on December 31 of each odd numbered year.
- b) Each licensed CE school shall be responsible for renewal of the CE school and course license on forms provided by the Division~~OBRE~~. Failure to receive a renewal form shall not constitute a valid reason for failure to pay the renewal fee or to renew the appropriate license.
- c) The applicable fees shall be those set forth in Section 1440.170 of this Part.
- d) ~~Each CE school shall submit a list of courses to be taught as part of the renewal application.~~ e) Operation of a CE school on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 20-15 of the Act.
- e)f) Any continuing education school whose license under the Act has expired for more than two years shall not be eligible to renew its license and must make an initial application in accordance with the Act and this Part.

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~~f~~g) Any CE school whose license has expired for less than two years may renew the license at any time by complying with the requirements of the Act and this Part, making application and paying the required fees and penalties.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.330 Distant Learning Programs

~~Distant~~Distance learning programs shall be affiliated with an approved school and meet the curriculum requirements set forth in Section 1440.310 of this Part, as applicable.

~~Distant~~Distance learning programs means those courses designed to be taken by means other than attendance in a classroom, e.g., Internet courses or correspondence/home study type courses.

- a) The program shall be approved by ~~the Division~~OBRE in accordance with Section ~~30-1025-10~~ of the Act, and the approved school shall:
 - 1) Maintain a brief description of each lesson;
 - 2) Maintain a list of titles, authors, publishers, and copyright dates of all instructional materials;
 - 3) Require minimum passing scores for all examinations of no less than 70%.
- b) The program shall develop a written statement of teaching methods to be employed and materials and equipment needed for each course of instruction.
- c) The program shall establish written policies and procedures for examinations and lessons that shall include provisions for instructor comments, suggestions and written correction of errors. There shall also be written procedures for the prompt return of materials.
- d) The program shall establish performance objectives for each specific course of study.
- e) A qualified instructor shall be available during normal business hours to answer student questions.
- f) Students shall be allowed to attend the school's regularly scheduled CE courses.

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(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.350 Withdrawal of Approval of School and Courses

- a) Upon written recommendation of the Board, ~~the Division~~[OBRE](#) shall withdraw the approval of the continuing education school or course when the quality of the program fails to continue to meet the established criteria set forth in this Part or if approval of the school or program was based upon false or deceptive information.
- b) If the Board has reason to believe there has been any fraud, dishonesty, or lack of integrity in the furnishing of any documentation for the evaluation of a school or program, it shall refer the matter for investigation and any disciplinary action that might be appropriate under the Act and this Part.
- c) A CE school whose program or courses are being reconsidered shall be given at least 30 days written notice prior to any reconsideration by the Board. The officials in charge may either submit written comments or request a hearing before the Board.
- d) In the event the auction license of the administrator of an approved school is suspended or revoked, the school approval shall automatically be rescinded.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.360 Discipline of Schools

- a) Upon written recommendation of the Board to the ~~Secretary~~[Commissioner](#), ~~the Division~~[OBRE](#) may refuse to issue or renew a license, reprimand, fine, withdraw approval, place on probation, suspend, or revoke any license or otherwise discipline any license of any school, or applicant for the license, and may impose a civil penalty not to exceed \$10,000 upon a licensee, when at any time:
 - 1) The quality of the course, instruction or program fails to meet the established criteria set forth in the Act and this Part.
 - 2) If the license approval was based upon false or deceptive information.
 - 3) If any other professional license, accreditation, or certification by [the](#)

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[DivisionOBRE](#) of the school is suspended, revoked, or otherwise disciplined.

- 4) When the applicant or licensee has:
 - A) subverted or attempted to subvert the integrity of any exam or course, including through improper reproduction of an exam, providing an answer key to an exam, cheating, bribery or otherwise, or aids and abets an applicant or licensee to subvert the integrity of any exam or course;
 - B) made any substantial misrepresentation or misleading or untruthful advertising, including without limitation guaranteeing success or a "pass score" on any exam or in any course or using any trade name or insignia of membership in any educational or any auction organization of which the applicant or licensee is not a member;
 - C) offered auction courses without utilizing qualified instructors;
 - D) failed to provide information to [the DivisionOBRE](#) as required under any provision of the Act or this Part; or
 - E) disregarded or violated any provisions of the Act or this Part.
- b) Disciplinary proceedings shall be conducted as provided for in Article 20 of the Act.
- c) Upon recommendation of the Auction Advisory Board, [the DivisionOBRE](#) may temporarily suspend, without hearing, the approval and license of a school's courses for failure to comply with the Act or this Part. No CE credit shall be granted to any licensee for completing a CE course for which the approval of [the DivisionOBRE](#) has been temporarily suspended.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

SUBPART D: INTERNET AUCTION LISTING SERVICE

Section 1440.400 Definitions

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Unless otherwise clarified by this Subpart, definitions set forth in the Act and this Part shall also apply for the purposes of this Subpart.

"Close of a transaction" shall mean the conclusion of the bidding process of a transaction on an Internet auction listing service web site. It shall not be construed to mean when a seller receives payment for the property and/or when a purchaser receives the property at the conclusion of a transaction on an Internet auction listing service web site.

~~"DBRE" means the Division of Banks and Real Estate of the Department of Financial and Professional Regulation.~~

"Designated agent" means the person listed in the registration of an Internet auction listing service who will respond to ~~Division~~~~DBRE~~ written requests for information, records and related documents maintained in connection with the activities subject to registration.

"Registrant" means any person registered as an Internet auction listing service under the Act and this Part.

"Registration" means the acceptance by ~~the Division~~~~DBRE~~ of the completed forms along with the applicable fees submitted by a person providing or seeking to provide an Internet auction listing service.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.410 Registration

- a) An applicant who desires to register as an Internet auction listing service shall submit to ~~the Division~~~~DBRE~~ on forms provided by ~~the Division~~~~DBRE~~:
- 1) The applicant's name, address, social security number or federal employer identification number, and telephone number;
 - 2) The applicant's designated agent;
 - 3) The fee as provided by Section 1440.480; and
 - 4) Certifications as provided in Section 10-27(c) of the Act.

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- b) If an applicant is making application as an Internet auction listing service in the form of a corporation, limited liability company or legally formed partnership, the applicant, in addition to the information provided in subsection (a), shall submit to [the Division DBRE](#) on forms provided by [the Division DBRE](#):
- 1) The articles of incorporation or organization or evidence of other legal authority, and if the corporation, limited liability company, or other legally formed partnership is registered in a state other than Illinois, a certificate of authority to conduct business in the State of Illinois; and
 - 2) A list of all officers, directors, and owners with a percentage of ownership that is in excess of 10%.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.420 Expiration of Registration

Pursuant to Section [1440.145 of this Part 10-27\(e\) of the Act](#), all certificates of registration issued under the Act and this Subpart shall expire on [December 31, 2010, and thereafter a registration shall expire every 2 years on December 31 of each even](#)~~September 30 of odd~~ numbered ~~year~~~~years~~.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.430 Renewal of Registration

- a) An applicant for renewal of a registration issued pursuant to Section 1440.410 shall submit to [the Division DBRE](#):
- 1) An application, provided by [the Division DBRE](#), that is signed and fully completed by the applicant; and
 - 2) The fee as provided by Section 1440.480.
- b) Any person who fails to submit a renewal application by the expiration date of the registration may renew the registration for a period of 2 years following the expiration date of the registration by submitting to [the Division DBRE](#):

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- 1) An application, provided by [the Division DBRE](#), that is signed and fully completed by the applicant; and
 - 2) The fee and late penalty as provided by Section 1440.480.
- c) Any person who fails to submit a renewal application within 2 years of the expiration date of the registration shall not be eligible to renew the registration, and must meet the requirements of a new applicant as provided by Section 1440.410, plus pay all lapsed fees and penalties as provided by Section 1440.480 of this Subpart.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.440 Issuance of Certificate of Registration

[The Division DBRE](#) shall issue a certificate of registration to all Internet auction listing services registered under the Act and this Subpart. The certificate shall include the name, address, date of expiration and registration number of the Internet auction listing service.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.450 Notification of Name Change

It is the responsibility of each registrant under the Act and this Subpart to notify [the Division DBRE](#) in writing, within 15 days after any change of name. For example, if the registrant has had a name change either by court order or due to a change in marital status, the registrant shall notify [the Division DBRE](#) of the name change together with a certified copy of the marriage certificate or portions of the court order relating to the name change, and indicate the name in which the registration shall be issued.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

Section 1440.460 Assumed Name

If a registrant operates under any name other than that appearing on the certificate of registration, the registrant shall submit to [the Division DBRE](#) a certified copy of the registration under the Assumed Business Name Act [805 ILCS 405] at the time of the application or within 30 days after the registration.

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(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

| **Section 1440.470 Notification of Address Change~~Assumed Name~~**

| It is the responsibility of the registrant to notify the Division~~DBRE~~ in writing within 15 days after a change of address. If a registrant uses a post office box number as a mailing address, the registrant shall also provide the Division~~DBRE~~ with the street address of the registrant's business location.

(Source: Amended at 33 Ill. Reg. 7077, effective May 14, 2009)

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- 1) Heading of the Part: Real Estate Appraiser Licensing
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3)

<u>Section Number</u> :	<u>Adopted Action</u> :
1455.100	Amendment
1455.130	Amendment
1455.150	Amendment
1455.160	Amendment
1455.240	Amendment
1455.250	Amendment
1455.320	Amendment
1455.350	Amendment
1455.360	Amendment
1455.370	Amendment
1455.380	Repealed
1455.400	Amendment
1455.430	Amendment
1455.440	Amendment
- 4) Statutory Authority: Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]
- 5) Effective Date of Amendments: May 14, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: December 19, 2008; 32 Ill. Reg. 19279
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 1455.240 (a), the incorporations by reference of the *Uniform Standards of Professional Appraisal Practice* (USPAP) was reinstated and the effective dates were updated to 2008. (The dates had

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been stricken in the proposed version.) In Section 1455.240 (c), "shall" was reinstated in the line, "If the Division files a formal complaint, a USPAP Standard 3 review shall be utilized by the Division, except the Division may limit the scope of Standard 3 to exclude valuation." In the proposed version, "may" replaced "shall".

DFPR also corrected this Notice Page. The adopted action column now correctly states "Repealed" for Section 1455.380 as opposed to "Amended" as was stated incorrectly in the Proposed Notice Page (December 19, 2008, at 32 Ill. Reg. 19279).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Under the provisions of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, Congress has authorized The Appraisal Foundation through its Appraiser Qualifications Board (AQB) to establish the minimum education, experience and examination requirements necessary for real property appraisers to obtain a state certification and through its Appraisal Standards Board (ASB) to establish the *Uniform Standards of Professional Appraisal Practice* (USPAP). The purpose of the amendments is to bring the rules under the Illinois Real Estate Appraiser Licensing Act in compliance with the federal standards as revised.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455

REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section
1455.10 Definitions

SUBPART B: LICENSING REQUIREMENTS

Section
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Appraiser License; Application by Non-Resident for Licensure by Reciprocity

1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Expiration Date

1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License (Repealed)

1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

Section
1455.150 Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education

1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real

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Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident
Continuing Education Approval

SUBPART D: EXPERIENCE REQUIREMENTS

Section

- 1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License
1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License
1455.190 Verification of Experience Credit
1455.200 Acceptable Appraisal Experience Credit

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section

- 1455.210 Notification of Name Change
1455.220 Assumed Name
1455.230 Address Change; Street Address
1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

SUBPART F: ENFORCEMENT PROVISIONS

Section

- 1455.250 Grounds for Discipline
1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
1455.270 Additional Education; Reporting Requirements
1455.280 Administrative Warning Letter
1455.290 Cooperation Required with the Division
1455.300 Felony Convictions; Discipline of Other Professional License; Notification
1455.310 Unprofessional Conduct

SUBPART G: ADMINISTRATIVE PROVISIONS

Section

- 1455.320 Fees
1455.330 Granting of Variances
1455.340 Duties of the Secretary

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SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section

- 1455.350 Education Provider Application; Requirements
- 1455.360 Pre-License Education Course Requirements of Education Providers
- 1455.370 Pre-License Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser
- | 1455.380 Examples of Acceptable Pre-License Education Courses [\(Repealed\)](#)
- 1455.390 Continuing Education Course Requirements of Education Providers
- 1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student
- 1455.410 Distance Education
- 1455.420 Expiration Date and Renewal for Education Providers and Pre-License and Continuing Education Courses
- 1455.430 Continuing Education Reporting
- 1455.440 Transcript or Certificate of Completion

SUBPART I: TRANSITION PROVISIONS

Section

- 1455.450 Appraiser Applicants – Transition Provisions
- 1455.460 Education Providers, Pre-License and Continuing Education Courses – Transition Provisions

SUBPART J: HEARINGS

Section

- 1455.470 Applicability
 - 1455.480 Administrative Law Judges
 - 1455.490 Disqualification of an Administrative Law Judge
-
- 1455.APPENDIX A Caption for a Case Filed by the Division
 - 1455.APPENDIX B Caption for a Case Filed by the Petitioner

AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

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SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 824, effective December 29, 2003; amended at 29 Ill. Reg. 16445, effective October 13, 2005; amended at 31 Ill. Reg. 4741, effective March 9, 2007; amended at 33 Ill. Reg. 7121, effective May 14, 2009.

SUBPART B: LICENSING REQUIREMENTS

Section 1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Appraiser License; Application by Non-Resident for Licensure by Reciprocity

- a) Each applicant for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License shall submit to the Division:
 - 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

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- 2) The fee as provided by Section 1455.320;
 - 3) Proof of successful completion of the pre-license education requirements as provided by Section 1455.150 of this Part;
 - 4) A score report/application that provides proof of successful completion of the pre-license experience requirements as provided by Subpart D; and
 - 5) Proof of successful completion of the examination authorized by the Division and endorsed by the Appraiser Qualification Board (AQB).
- b) Each applicant for an Associate Real Estate Appraiser License shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which questions have been answered;
 - 2) The fee as provided by Section 1455.320;
 - 3) Proof of successful completion of the pre-license education requirements as provided by Subpart C; and
 - 4) A score report/application that provides proof of successful completion of the examination authorized by the Division ~~and administered by Applied Measurement Professionals, Inc. that may be contacted at 8310 Nieman Road, Lenexa KS 66214 or at its website at www.goamp.com.~~
- c) Each non-resident applicant for a real estate appraiser license issued pursuant to Section 5-30 of the Act from a jurisdiction with which the Division has a valid reciprocal agreement shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320;
 - 3) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the Appraisal Subcommittee's (ASC) National Registry history that may be obtained

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from the ASC at 2000 K Street, NW, Suite 310, Washington, DC 20006 or at its website at www.asc.gov; and

- 4) Consent to jurisdiction pursuant to Section 5-30(b) of the Act. For the purposes of this subsection (c), the Division shall issue a license reflecting the rank for which the non-resident is qualified (Certified General Real Estate Appraiser, Certified Residential Real Estate Appraiser or Associate Real Estate Appraiser), as determined by, the requirements for licensure in the jurisdiction that licensed the non-resident applicant compared to the requirements of the Act and this Part.

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

Section 1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

- a) Each non-resident applicant for a temporary practice permit issued pursuant to Section 5-50 of the Act shall submit to the Division:
 - 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the ASC National Registry; and
 - 3) The fee as provided by Section 1455.320.
- b) The term for a temporary practice permit shall be 6 months from the date of issuance and may be extended for a period of an additional 6 months by request in writing to the Division.
- c) Any person issued a temporary practice permit shall be limited to ~~a one or more~~ specific appraisal ~~assignment~~ assignments. For the purposes of this Section, the term "~~assignment~~ assignments" shall mean ~~a one or more~~ real estate ~~appraisal~~ appraisals and written appraisal ~~report~~ reports that are covered by a contract to provide an appraisal.
- d) Any person issued a temporary practice permit shall be subject to the provisions

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of the Act and this Part, and the Division shall take regulatory responsibility for any person violating any provisions of the Act and this Part while the person is practicing in the State of Illinois.

- e) If the Division takes any disciplinary action against an appraiser practicing in the State of Illinois under a temporary practice permit, it shall notify the jurisdiction of the appraiser's place of residence.

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

SUBPART C: EDUCATION REQUIREMENTS

Section 1455.150 Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education

- a) ~~General— Experience Prior to July 1, 2005~~
~~An applicant for licensure as a State Certified General Real Estate Appraiser who has gained appraisal experience prior to July 1, 2005 shall file an application with the Division. All applications must be postmarked by December 31, 2007 and meet the following criteria.~~
- ~~1) Successfully complete 180 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and may include the 120 classroom hours completed by a State Certified Residential Real Estate Appraiser licensed under the Act or the 75 classroom hours completed by an Associate Real Estate Appraiser licensed under the Act or by a State Licensed Real Estate Appraiser licensed under a previous Act, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by the Division.~~
 - ~~2) Proof of successful completion of the examination authorized by the Division and endorsed by the Appraiser Qualification Board (AQB).~~
- b) ~~General— No Experience Prior to July 1, 2005~~
~~An applicant for licensure as a State Certified General Real Estate Appraiser who has not gained appraisal experience prior to July 1, 2005 shall file an application~~

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~~with the Division and meet the following criteria:~~

- ~~1) A bachelor's degree or equivalent as outlined by the AQB;~~
 - ~~2) 3000 hours of AQB appraisal experience;~~
 - ~~3) 300 hours of modular appraisal education as stated in the Guide Notes (GN-1) of the AQB-2008 Criteria (The Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington DC 20005; www.appraisalfoundation.org; (202) 347-7722); and~~
 - ~~4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the Appraiser Qualifications Board and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.~~
- e) Residential – Experience Prior to January 1, 2006
- ~~1) An applicant for licensure as a State Certified Residential Real Estate Appraiser who has gained appraisal experience prior to January 1, 2006 shall file an application with the Division and meet the following criteria. Applications must be postmarked by December 31, 2007.~~
 - ~~2) Successfully complete 120 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and may include the 75 classroom hours completed by an Associate Real Estate Appraiser licensed under the Act or by a State Licensed Real Estate Appraiser licensed under a previous Act, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB-certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by the Division.~~
- ad) Residential – No Experience Prior to July 1, 2006 – Application After December 31, 2007

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An applicant for licensure as a State Certified Residential Real Estate Appraiser who has not gained appraisal experience prior to July 1, 2006 and files an application after December 31, 2007 shall meet the following criteria.

- 1) 2500 hours of AQB Appraisal Experience;
- 2) 200 hours of modular appraisal education as stated in the Guide Notes (GN-1) of the AQB 2008 Criteria;
- 3) Associates degree or equivalent as outlined by AQB; and
- 4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the Appraiser Qualifications Board and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.

| be) Any person who makes application for an Associate Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 75 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by the Division.

| cf) The Division may accept evidence of successful completion of pre-license education credit from another jurisdiction, if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the minimum licensing requirements of the AQB Criteria and may be in modular format for licensure after January 1, 2008. A real estate appraiser who wishes to obtain credit for pre-license education courses not licensed by the Division shall submit to the Division:

- 1) An application provided by the Division requesting approval for pre-license education credit, signed by the applicant, on which all questions are answered;

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- 2) A certificate of successful completion provided by the education provider, a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested pre-license education credit, or any other evidence to be considered by the Division; and
- 3) The fee as provided in Section 1455.320.

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

Section 1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident Continuing Education Approval

a) CE Credit

- 1) A State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Appraiser who makes application to renew his or her real estate appraiser license shall successfully complete the equivalent of 14 hours of approved continuing education per year preceding the renewal, e.g., a total of 28 hours of approved continuing education for a 2 year renewal. Continuing education may be obtained anytime during the pre-renewal period. [Continuing education credit will only be accepted from education providers and courses approved by the Division.](#)
- 2) If a real estate appraiser was issued an initial license for less than [185 days](#) prior to the expiration of the license, then no continuing education is required for that renewal. If a real estate appraiser has held a license [185 days or more](#) ~~for more than one year~~ prior to the expiration, but less than two years, then 14 hours of approved continuing education is required. A State Licensed Real Estate Appraiser who makes application to convert his or her license to an Associate Real Estate Appraiser License pursuant to the Act and this Part shall be required to successfully complete the equivalent of 14 hours of approved continuing education per year preceding the conversion, e.g., a total of 28 hours of approved continuing education for the 2 years prior to conversion.

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- 3) A real estate appraiser must complete the 7-hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB a minimum of 7 hours of continuing education in coursework relative to USPAP that is approved by the AQB and taught by an AQB certified instructor who also hold a current appraiser certification by a state during each pre-renewal period prior to renewing or converting his or her real estate appraiser license, unless the real estate appraiser was issued his or her initial license for a period of less than 185 days~~one year~~ prior to the expiration date. ~~Continuing education credit will only be accepted from education providers and courses approved by the Division.~~
- b) CE Credit from Another Jurisdiction
- ↳ The Division may accept evidence of successful completion of continuing education credit from another jurisdiction if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the recommendations of the AQB, and if the credit was earned during the appropriate pre-renewal period. A real estate appraiser who wishes to obtain credit for continuing education courses not licensed by the Division shall submit to the Division:
- 1A) An application provided by the Division requesting approval for continuing education credit, signed by the applicant, on which all questions are answered;
- 2B) A certificate of successful completion provided by the education provider or a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested continuing education credit; and
- 3C) The fee as provided in Section 1455.320.
- 2) ~~No more than 21 hours of distance learning may be used to meet the continuing education requirements during any pre-renewal period. The 7 hour USPAP course required during each pre-renewal period may not be obtained through a distance learning course or program.~~

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

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- a) Pursuant to Section 10-10 of the Act, the ~~2008~~2006 Uniform Standards of Professional Appraisal Practice (USPAP), ~~effective January 1, 2008~~effective July 1, 2006, by the Appraisal Standards Board (ASB) of the Appraisal Foundation (The Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005), are hereby incorporated by reference with no later amendments or editions.
- b) All real estate appraisers licensed under the Act shall practice in accordance with USPAP except where the standards are contrary to Illinois law or public policy (USPAP, Jurisdictional Exception).
- c) All investigators, auditors and examiners employed or retained by the Division are exempt from the requirements of USPAP Standard 3 while performing an investigation, audit or examination. If the Division files a formal complaint, a USPAP Standard 3 review shall be utilized by the Division, except the Division may limit the scope of Standard 3 to exclude valuation.

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

SUBPART F: ENFORCEMENT PROVISIONS

Section 1455.250 Grounds for Discipline

Pursuant to Section 15-10(a) of the Act, failure to comply with any of the following shall be considered a violation and may be subject to discipline as provided for in the Act and this Part:

- a) In developing a real property appraisal, an appraiser shall analyze any prior sales of the property that occurred within three years if such information is readily available to the appraiser in the normal course of business. In developing a real property appraisal of one to four units of residential property, an appraiser shall analyze any prior listings of the property that occurred within three years if such information is readily available to the appraiser in the normal course of business.
- b) Work File
 - 1) An appraiser shall prepare a work file for each appraisal, appraisal review, or appraisal consulting assignment. The work file shall include the name of the client and identity, by name or type, of any other intended users,

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true copies (as transmitted to the client) of any written reports, documented on any type of media; summaries of any oral reports or testimony, or a transcript of the testimony, including the appraiser's signed and dated certification; and all other data information and documentation necessary to comply with this Part and all other applicable Sections of the Act and provisions of USPAP.

- 2) A work file shall be in existence prior to and contemporaneous with the issuance of a written or oral report. A written summary of an oral report shall be added to the work file within a reasonable time after the issuance of the oral report. A work file shall be made available to the Division within 30 days after request.
- c) An appraiser shall perform assignments with impartiality, objectivity, and independence, and without accommodation of personal interests.
- d) When preparing a real property appraisal or appraisal assignment, an appraiser shall not act as an advocate for any party.
- e) **Comparable Properties**
 - 1) ~~For the purposes of compliance with USPAP Standard Rule 1-4(a), comparable properties are those properties that are generally similar to the subject property being appraised and may include the following characteristics: building size, architectural style, functional utility, building materials, construction quality, age and condition of improvements, site size, location, view, economic market conditions, and conditions of sale. An appropriate comparable need not necessarily comply with all of the preceding characteristics. However, whenever a comparable is utilized that deviates substantially from the subject property being appraised, the deviation shall be explained in the appraisal report and/or the appropriate adjustment made.~~
 - 2) ~~Additionally, properties used as comparables, whenever possible, should be competitive with the subject property and ideally located in the same economic market area or neighborhood. If sufficient data on the sales of local comparables are unavailable, transactions involving properties in other comparable, but not directly competitive, neighborhoods or locations may be utilized in the sales comparison analysis.~~

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- ⌘ Letter of Transmittal
- 1) An appraiser who signs any part of the appraisal report, including letter of transmittal, must also sign the certification. An appraiser who signs any part of the appraisal report, including letter of transmittal, accepts full responsibility for the contents of the appraisal report and any violations of the Act, this Part or USPAP contained within the appraisal report.
 - 2) For the purposes of this subsection (ef), a letter of transmittal is any letter, cover page, memorandum or similar document that accompanies the appraisal report when it is transmitted to the client.
- g) ~~A rebuttable presumption of dishonesty shall arise whenever an appraiser, while performing an appraisal of one to four units of residential property, commits one or more of the following acts or omissions and fails to provide a credible explanation upon request:~~
- 1) ~~Reports a sale of a comparable when no such sale occurred;~~
 - 2) ~~Reports a sale of a comparable that cannot be independently verified;~~
 - 3) ~~Reports a verification source when no such verification exists;~~
 - 4) ~~Mislabeled or omits to label the location of the subject or comparable sales on a location map, if used, when the proper labeling would have raised a legitimate question as to the appropriateness of the comparable sale;~~
 - 5) ~~Mislabeled or omits to label the address and/or city of the subject or a comparable sale when the proper labeling would have raised a legitimate question as to the appropriateness of the comparable sale;~~
 - 6) ~~Significantly misreports or omits to report the appropriate unit of comparison of the subject and/or a comparable property when the proper reporting would have raised a legitimate question as to the appropriateness of the comparable data;~~
 - 7) ~~Utilizes, as comparable sales, properties located outside the economic market area when suitable comparable sales were available within the~~

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~~economic market area; or~~

- 8) ~~Any significant deviation from USPAP standards, the Act or this Part, when viewed in the totality of the circumstances, raises a legitimate question as to the overall credibility of the appraisal.~~

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

SUBPART G: ADMINISTRATIVE PROVISIONS

Section 1455.320 Fees

- a) Initial application fee for appraiser license.
- 1) The application fee for an initial license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, and an Associate Real Estate Appraiser shall be \$225.
 - 2) In addition to the initial fee for an initial applicant as a State Certified General Real Estate Appraiser and a State Certified Residential Real Estate Appraiser prescribed in subsection (a)(1), each applicant shall pay \$75, which shall include the National Registry fee.
- b) Renewal application fee for appraiser license.
- 1) The application fee to renew a license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or a State Licensed Real Estate Appraiser shall be calculated at \$250 per year, which shall include the National Registry fees.
 - 2) The application to renew an Associate Real Estate Appraiser License shall be calculated at \$150 per year.
 - 3) The application fee to renew a license that has expired, as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, an Associate Real Estate Appraiser, or a State Licensed Real Estate Appraiser, shall be the sum of all lapsed renewal fees plus a \$50 late fee.

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- c) ~~Application fee to convert a license. 1) The application fee to convert a license as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be \$250. 2) The application fee to convert a license that has expired as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be \$250, plus a \$50 late fee. d) Application fee for temporary practice permit.~~

The application fee for a temporary practice permit pursuant to the Act and this Part shall be \$150. There shall be no additional fee required for an extension granted pursuant to the Act and this Part for a temporary practice permit.

- de) Initial application fee for a license as an education provider, a pre-license course, and a continuing education course.

- 1) The application fee for a license as an education provider shall be \$1050, plus course application fees.
- 2) The application fee for a license for a pre-license course shall be \$150.
- 3) The application fee for a license for a continuing education course shall be \$100.

- ef) Application fee to renew a license as an education provider, a pre-license course, and a continuing education course.

- 1) The application fee to renew a license as an education provider shall be calculated at \$550 per year.
- 2) The application fee to renew a license that has expired as an education provider shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- 3) The application fee to renew a license as a pre-license course shall be calculated at \$100 per year.
- 4) The application fee to renew a license that has expired as a pre-license course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- 5) The application fee to renew a license as a continuing education course shall be calculated at \$75 per year.

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6) The application fee to renew a license that has expired as a continuing education course shall be the sum of all lapsed renewal fees plus a \$50 late fee.

fg) For the purposes of determining if a license has expired under this Section, Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall consider the license expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by the Division on a date later than the expiration date.

gh) General.

- 1) All fees paid pursuant to the Act and this Part are non-refundable.
- 2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be \$25.
- 3) The fee for a certification of a licensee's record for any purpose shall be \$25.
- 4) The fee for a decorative wall license showing registration shall be the cost of producing the license.
- 5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.
- 6) Applicants for an examination as a State Certified Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Appraiser shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the

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forfeiture of the examination fee.

- 7) ~~The fee for requesting a waiver of any education requirement provided by the Act and this Part shall be \$50.8)~~ The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.
- 89) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be \$1 per page.
- 910) The Division may charge an administrative fee not to exceed \$2,000, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1455.280 of this Part.

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section 1455.350 Education Provider Application; Requirements

- a) In accordance with Section 20-5 of the Act, any person or entity seeking approval to provide pre-license and/or continuing education courses shall submit an application on forms provided by the Division along with the appropriate fee required by Section 1455.320.
- b) The program of pre-license and/or continuing education for a licensed education provider shall:
- 1) Be approved by the provider's governing and/or supervising body;
 - 2) Utilize qualified instructors to instruct such courses as, but not limited to:
 - A) pre-license education courses for a State Certified General Real Estate Appraiser (the instructor shall be a State Certified General Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);
 - B) pre-license courses for a State Certified Residential Real Estate Appraiser or an Associate Real Estate Appraiser (the instructor shall be a State Certified General Real Estate Appraiser, a State

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Certified Residential Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);

C) continuing education courses (the instructor should have the appropriate education and experience in appraisal or the subject matter being taught); or

D) all instructors teaching USPAP courses shall be AQB certified instructors [who also hold a current appraiser certification from a state](#); and

3) Offer courses that are approved and licensed by the Division, and conform to the standards established in this Subpart.

c) Facilities

1) An education provider must provide an office for the maintenance of all records, office equipment and office space necessary for customer service.

2) The premises, equipment and facilities of the education provider shall comply with applicable community, state or federal fire codes, building codes, and health and safety standards.

3) The education provider is subject to inspection prior to approval or at any time thereafter by authorized representatives of the Division. Inspections shall be conducted during regular business hours, with at least 48 hours advance notice.

4) No education provider shall maintain an office, or conduct education courses, in a private residence.

5) An education provider shall only conduct education courses in locations that are conducive to learning.

d) Administration

1) No licensed education provider shall advertise that it is endorsed, recommended, or accredited by the Division. The education provider may

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indicate that it is licensed by, and the course of study has been approved and licensed by, the Division.

- 2) Each education provider shall provide a prospective student prior to enrollment with information specifying the course of study to be offered, the tuition, the provider's policy regarding refunds, any additional fee for supplies, materials or books, and other matters that are material to the relationship between the provider and the student.
- 3) Each education provider shall maintain for each student a record including the course of study undertaken, dates of attendance, and a transcript of courses satisfactorily completed. All records shall be maintained by the education provider for a period of 5 years and shall be made available to the student or to the Division upon request during regular business hours. An education provider may charge a student the cost of reproducing copies of a transcript.
- 4) Each education provider shall upon request by the Division, provide evidence of financial resources available to equip and maintain its program, as documented by, e.g., a current balance sheet or an income statement.
- 5) Any out-of-state education providers shall reimburse the Division for all reasonable expenses incurred by the Division while inspecting their facilities.
- 6) Each education provider shall notify the Division of all proposed changes in ownership of the education provider at least 30 days prior to the change in ownership.

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

Section 1455.360 Pre-License Education Course Requirements of Education Providers

- a) For the purposes of this Section, a course shall be defined as a course of instruction that meets the curriculum requirements of this Subpart for each license category and that is at least 15 hours in length.
- b) Each course shall meet the appropriate course curriculum prescribed in Section

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1455.370 of this Subpart.

- c) Each course shall include an examination of a minimum of 25 questions for each 15 hours of instruction, e.g., a 15 hour course would require a 25 question examination, a 30 hour course would require a 50 question examination. The questions shall be either multiple choice or true/false or a combination. Open book examinations shall not be accepted. No student shall be deemed to have successfully completed the course unless he or she has scored a minimum of 70% on the course examination.
- d) The Division shall only grant approval for courses that are a part of an overall pre-license education program for each license category; e.g., an education provider must have a 75 hour pre-license program approved for an Associate Real Estate Appraiser, a ~~200+20~~ hour pre-license program approved for a State Certified Residential Real Estate Appraiser, and an education provider must have a ~~300+80~~ hour pre-license education program approved for a State Certified General Real Estate Appraiser. The Division will not review or recommend any course to the Board that consists of integrated course content not equaling a full module.
- e) Each education provider who seeks approval of a course shall submit to the Division an application on forms provided by the Division, which shall include, but is not limited to, an outline and course description for each course, materials to be used in instruction, an examination with answer key, and the appropriate fee pursuant to Section 1455.320.

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

Section 1455.370 Pre-License Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser

- a) Pre-license education course work to obtain a license as a State Certified General Real Estate Appraiser shall consist of ~~300+80~~ classroom hours of instruction, which may include the 75 hour requirement for a State Licensed Real Estate Appraiser License issued pursuant to a previous Act, the 75 hour requirement for an Associate Real Estate Appraiser License, or the ~~200+20~~ hour requirement for a State Certified Residential Real Estate Appraiser License. The content for pre-license instruction courses shall not be repetitive and shall represent a progression

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of instruction in which the appraiser's knowledge is increased. The core curriculum for pre-license instruction courses shall be the core curriculum as approved and as revised by the Appraiser Qualifications Board of The Appraisal Foundation, in topics including, but not limited to, the following:

- 1) ~~influences on real estate value:~~
- 2) ~~physical and environmental;~~
 - A) ~~economic;~~
 - B) ~~governmental and legal; and~~
 - C) ~~social.~~
- 3) ~~legal considerations in appraisal:~~
 - A) ~~real estate vs. real property;~~
 - B) ~~real property vs. personal property;~~
 - C) ~~limitations on real estate ownership;~~
 - D) ~~legal rights and interests;~~
 - E) ~~forms of property ownership;~~
 - F) ~~legal descriptions; and~~
 - G) ~~transfer of title.~~
- 4) ~~types of value:~~
 - A) ~~market value or value in exchange;~~
 - B) ~~price;~~
 - C) ~~cost;~~

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- D) ~~investment value;~~
- E) ~~value in use;~~
- F) ~~assessed value;~~
- G) ~~insurable value; and~~
- H) ~~going concern value.~~
- 5) ~~economic principles:~~
 - A) ~~anticipation;~~
 - B) ~~balance;~~
 - C) ~~change;~~
 - D) ~~competition;~~
 - E) ~~conformity;~~
 - F) ~~contribution;~~
 - G) ~~increasing and decreasing returns;~~
 - H) ~~opportunity cost;~~
 - I) ~~substitution;~~
 - J) ~~supply and demand; and~~
 - K) ~~surplus productivity.~~
- 6) ~~real estate markets and analysis:~~
 - A) ~~characteristics of real estate markets;~~
 - B) ~~absorption analysis;~~

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- ~~C) role of money and capital markets; and~~
 - ~~D) real estate financing.~~
- 7) valuation process:
 - ~~A) definition of the problem;~~
 - ~~B) collection and analysis of data;~~
 - ~~C) analysis of highest and best use;~~
 - ~~D) application and limitations of each approach to value;~~
 - ~~E) approach to value;~~
 - ~~F) reconciliation and final value estimate; and~~
 - ~~G) the appraisal report.~~
- 8) property description:
 - ~~A) site description;~~
 - ~~B) improvement description; and~~
 - ~~C) basic construction and design.~~
- 9) highest and best use analysis:
 - ~~A) four tests;~~
 - ~~B) vacant site or as if vacant;~~
 - ~~C) as improved; and~~
 - ~~D) interim use.~~

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- 10) ~~appraisal math and statistical concepts:~~
 - A) ~~compound interest concepts; and~~
 - B) ~~statistical concepts used in appraisal.~~
- 11) ~~sales comparison approach:~~
 - A) ~~research and selection of comparables;~~
 - B) ~~elements of comparison;~~
 - C) ~~adjustment process; and~~
 - D) ~~application of sales comparison approach.~~
- 12) ~~site value:~~
 - A) ~~sales comparison;~~
 - B) ~~land residual;~~
 - C) ~~allocation;~~
 - D) ~~extraction;~~
 - E) ~~ground rent capitalization;~~
 - F) ~~subdivision analysis; and~~
 - G) ~~plottage and assemblage.~~
- 13) ~~cost approach:~~
 - A) ~~steps in cost approach; and~~
 - B) ~~application of the cost approach.~~
- 14) ~~income approach:~~

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- A) ~~estimation of income and expenses;~~
 - B) ~~operating statement ratios;~~
 - C) ~~direct capitalization;~~
 - D) ~~cash flow estimates (before tax);~~
 - E) ~~measures of cash flow;~~
 - F) ~~discounted cash flow analysis (DCF); and~~
 - G) ~~six functions of a dollar.~~
- 15) ~~valuation of partial interests:~~
- A) ~~life estate;~~
 - B) ~~undivided interest in commonly held property;~~
 - C) ~~easements;~~
 - D) ~~timeshares;~~
 - E) ~~cooperatives;~~
 - F) ~~leased fee estate; and~~
 - G) ~~leasehold estate.~~
- 16) ~~appraisal standards and ethics.~~
- 17) ~~narrative report writing.~~
- 18) ~~other topics approved by the Division and recommended by the AQB.~~
- b) Pre-license education course work to obtain a license as a State Certified Residential Real Estate Appraiser shall consist of 200~~120~~ classroom hours of

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instruction, which may include the 75 hour requirement for a State Licensed Real Estate Appraiser issued pursuant to a previous Act or the 75 hour requirement for an Associate Real Estate Appraiser License. The content for pre-license instruction courses shall not be repetitive and shall represent a progression of instruction in which the appraiser's knowledge is increased. The core curriculum for pre-license instruction courses shall be the core curriculum as approved and as revised by the Appraiser Qualifications Board of The Appraisal Foundation.~~in topics including, but not limited to, the following:~~

- 1) ~~influences on real estate value:~~
 - A) ~~physical and environmental;~~
 - B) ~~economic;~~
 - C) ~~governmental and legal; and~~
 - D) ~~social.~~
- 2) ~~legal considerations in appraisal:~~
 - A) ~~real estate vs. real property;~~
 - B) ~~real property vs. personal property;~~
 - C) ~~limitations on real estate ownership;~~
 - D) ~~legal rights and interests;~~
 - E) ~~forms of property ownership;~~
 - F) ~~legal descriptions; and~~
 - G) ~~transfer of title.~~
- 3) ~~types of value:~~
 - A) ~~market value or value in exchange;~~

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- B) ~~price;~~
 - C) ~~cost;~~
 - D) ~~investment value;~~
 - E) ~~value in use;~~
 - F) ~~assessed value;~~
 - G) ~~insurable value; and~~
 - H) ~~going concern value~~
- 4) ~~economic principles:~~
- A) ~~anticipation;~~
 - B) ~~balance;~~
 - C) ~~change;~~
 - D) ~~competition;~~
 - E) ~~conformity;~~
 - F) ~~contribution;~~
 - G) ~~increasing and decreasing returns;~~
 - H) ~~opportunity cost;~~
 - I) ~~substitution;~~
 - J) ~~supply and demand; and~~
 - K) ~~surplus productivity.~~
- 5) ~~real estate markets and analysis:~~

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- A) ~~characteristics of real estate markets;~~
 - B) ~~absorption analysis;~~
 - C) ~~role of money and capital markets; and~~
 - D) ~~real estate financing.~~
- 6) ~~valuation process:~~
- A) ~~definition of the problem;~~
 - B) ~~collection of analysis of data;~~
 - C) ~~analysis of highest and best use;~~
 - D) ~~application and limitations of each approach to value;~~
 - E) ~~reconciliation of final value estimate; and~~
 - F) ~~the appraisal report.~~
- 7) ~~property description:~~
- A) ~~site inspection;~~
 - B) ~~improvement description; and~~
 - C) ~~basic construction and design.~~
- 8) ~~highest and best use analysis:~~
- A) ~~four tests;~~
 - B) ~~vacant site or as if vacant;~~
 - C) ~~as improved; and~~

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- D) ~~interim use.~~
- 9) ~~appraisal math and statistical concepts:~~
 - A) ~~compound interest concepts; and~~
 - B) ~~statistical concepts used in appraisal.~~
- 10) ~~sales comparison approach:~~
 - A) ~~research and selection of comparables;~~
 - B) ~~elements of comparison;~~
 - C) ~~adjustment process; and~~
 - D) ~~application of sales comparison approach.~~
- 11) ~~site value:~~
 - A) ~~sales comparison;~~
 - B) ~~land residual;~~
 - C) ~~allocation;~~
 - D) ~~extraction; and~~
 - E) ~~plottage and assemblage.~~
- 12) ~~cost approach:~~
 - A) ~~steps in cost approach; and~~
 - B) ~~application of the cost approach.~~
- 13) ~~income approach:~~
 - A) ~~estimation of income and expenses;~~

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- ~~B) operating statement ratios;~~
 - ~~C) direct capitalization; and~~
 - ~~D) gross rent multiplier analysis.~~
 - ~~14) valuation of partial interests:~~
 - ~~A) interests created by a lease;~~
 - ~~B) lease provisions;~~
 - ~~C) valuation considerations; and~~
 - ~~D) other partial interests.~~
 - ~~15) appraisal standards and ethics.~~
 - ~~16) narrative report writing.~~
 - ~~17) other topics approved by the Division and recommended by the AQB.~~
- c) Pre-license education course work to obtain a license as an Associate Real Estate Appraiser shall consist of 75 classroom hours of instruction and the content of instruction shall include instruction in, but not limited to, the following topics:
- 1) influences on real estate value;
 - 2) legal considerations in appraisal;
 - 3) types of value;
 - 4) economic principles;
 - 5) real estate markets and analysis;
 - 6) valuation process;

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- 7) property description;
- 8) highest and best use analysis;
- 9) appraisal statistical concepts;
- 10) sales comparison approach;
- 11) site value;
- 12) cost approach;
- 13) income approach;
- 14) valuation of partial interests;
- 15) appraisal standards and ethics; and
- 16) other topics approved by the Division.

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

Section 1455.380 Examples of Acceptable Pre-License Education Courses (Repealed)

- a) ~~Examples of an acceptable Real Estate Appraiser pre-license program and courses include:~~
 - 1) ~~Basic real estate appraisal principles, 30 hours~~
 - A) ~~Real property concepts and characteristics~~
 - i) ~~Basic real property concepts~~
 - ii) ~~Real property characteristics~~
 - iii) ~~Legal description~~
 - B) ~~Legal consideration~~

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- i) ~~Forms of ownership~~
- ii) ~~Public and private controls~~
- iii) ~~Real estate contract~~
- iv) ~~Lease~~
- C) ~~Influences on real estate values~~
 - i) ~~Governmental~~
 - ii) ~~Economic~~
 - iii) ~~Social~~
 - iv) ~~Environmental, geographic and physical~~
- D) ~~Types of value~~
 - i) ~~Market value~~
 - ii) ~~Other value types~~
- E) ~~Economic principles~~
 - i) ~~Classic economic principles~~
 - ii) ~~Application and illustration of economic principles~~
- F) ~~Overview of real estate markets and analysis~~
 - i) ~~Market fundamentals, characteristics and definitions~~
 - ii) ~~Supply side analysis~~
 - iii) ~~Demand analysis~~
 - iv) ~~Use of market analysis~~

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- G) ~~Ethics and how they apply in appraisal theory and practice~~
- 2) ~~Basic appraisal procedures, 30 hours~~
 - A) ~~Overview of approaches to value~~
 - B) ~~Valuation procedures~~
 - i) ~~Defining the problem~~
 - ii) ~~Collecting and selecting data~~
 - iii) ~~Analyzing~~
 - iv) ~~Reconciling and final value opinion~~
 - v) ~~Communicating the appraisal report~~
 - C) ~~Property description~~
 - i) ~~Geographic characteristics of the land/site~~
 - ii) ~~Geologic characteristics of the land/site~~
 - iii) ~~Location and neighborhood characteristics~~
 - iv) ~~Land/site considerations for highest and best use~~
 - v) ~~Improvements~~
 - D) ~~Residential applications~~
- 3) ~~The 15-hour National USPAP course or its equivalent, 15 hours~~
 - A) ~~Preamble and ethics rules~~
 - B) ~~Standard 1~~

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- ~~C) Standard 2~~
- ~~D) Standards 3 through 10~~
- ~~E) Statements and advisory opinions~~
- 4) Residential market analysis and highest and best use, 15 hours
 - A) Residential markets and analysis
 - ~~i) Market fundamentals, characteristics and definitions~~
 - ~~ii) Supply analysis~~
 - ~~iii) Demand analysis~~
 - ~~iv) Use of market analysis~~
 - B) Highest and best use
 - ~~i) Test constraints~~
 - ~~ii) Application of highest and best use~~
 - ~~iii) Special considerations~~
 - ~~iv) Market analysis~~
 - ~~v) Case studies~~
- 5) Residential appraiser site valuation and cost approach, 15 hours
 - A) Site valuation
 - ~~i) Methods~~
 - ~~ii) Case studies~~
 - B) Cost approach

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- i) ~~Concepts and definitions~~
 - ii) ~~Replacement/reproduction cost new~~
 - iii) ~~Accrued depreciation~~
 - iv) ~~Methods of estimating accrued depreciation~~
 - v) ~~Case studies~~
- 6) ~~Residential sales comparison and income approaches, 30 hours~~
- A) ~~Valuation principles & procedures—sales comparison approach~~
 - B) ~~Valuation principles & procedures—income approach~~
 - C) ~~Finance and cash equivalency~~
 - D) ~~Financial calculator introduction~~
 - E) ~~Identification, derivation and measurement of adjustments~~
 - F) ~~Gross rent multipliers~~
 - G) ~~Partial interests~~
 - H) ~~Reconciliation~~
 - I) ~~Case studies and applications~~
- 7) ~~Residential report writing and case studies, 15 hours~~
- A) ~~Writing and reasoning skills~~
 - B) ~~Common writing problems~~
 - C) ~~Form reports~~

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- ~~D) Report options and USPAP compliance~~
- ~~E) Case studies~~
- 8) ~~Statistics, modeling and finance, 15 hours~~
 - ~~A) Statistics~~
 - ~~B) Valuation models (AVMs and mass appraisal)~~
 - ~~C) Real estate finance~~
- 9) ~~Advanced residential applications and case studies, 15 hours~~
 - ~~A) Complex property, ownership and market conditions~~
 - ~~B) Deriving and supporting adjustments~~
 - ~~C) Residential market analysis~~
 - ~~D) Advanced case studies~~
- 10) ~~General appraiser market analysis and highest and best use, 30 hours~~
 - ~~A) Real estate markets and analysis~~
 - ~~i) Market fundamentals, characteristics and definitions~~
 - ~~ii) Supply analysis~~
 - ~~iii) Demand analysis~~
 - ~~iv) Use of market analysis~~
 - ~~B) Highest and best use~~
 - ~~i) Test constraints~~
 - ~~ii) Application of highest and best use~~

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- iii) ~~Special considerations~~
 - iv) ~~Market analysis~~
 - v) ~~Case studies~~
- 11) ~~General appraiser sales comparison approach, 30 hours~~
- A) ~~Value principles~~
 - B) ~~Procedures~~
 - C) ~~Reconciliation~~
 - D) ~~Case studies~~
- 12) ~~General appraiser site valuation and cost approach, 30 hours~~
- A) ~~Site valuation~~
 - i) ~~Methods~~
 - ii) ~~Case studies~~
 - B) ~~Cost approach~~
 - i) ~~Concepts and definitions~~
 - ii) ~~Replacement/reproduction cost new~~
 - iii) ~~Accrued depreciation~~
 - iv) ~~Methods of estimating accrued depreciation~~
 - v) ~~Case studies~~
- 13) ~~General appraiser income approach, 60 hours~~

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- A) ~~Overview~~
- B) ~~Compound interest~~
- C) ~~Lease analysis~~
- D) ~~Income analysis~~
- E) ~~Vacancy and collection loss~~
- F) ~~Reconstructed income and expense statement~~
- G) ~~Stabilized net operating income estimate~~
- H) ~~Direct capitalization~~
- I) ~~Discounted case flow~~
- J) ~~Yield capitalization~~
- K) ~~Partial interests~~
- L) ~~Case studies~~
- 14) ~~General appraiser report writing and case studies, 30 hours~~
 - A) ~~Writing and reasoning skills~~
 - B) ~~Common writing problems~~
 - C) ~~Report options and USPAP compliance~~
 - D) ~~Case studies~~

(Source: Repealed at 33 Ill. Reg. 7121, effective May 14, 2009)

Section 1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student

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- a) Continuing education courses for a State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, or State Licensed Real Estate Appraiser shall include [the 7 hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB a minimum of 7 hours of coursework relative to USPAP that is approved by the AQB and](#) taught by an AQB certified instructor [who holds a current appraiser certification by a state](#) during the pre-renewal period prior to renewal or conversion of a license; shall increase his or her skill, knowledge and competency in real estate appraisal; and shall cover other real estate related appraisal topics, such as, but not limited to:
- 1) Ad valorem taxation;
 - 2) Arbitration;
 - 3) [Courses](#)~~Business courses~~ related to practice of real estate appraisal;
 - 4) Development cost estimating;
 - 5) [Dispute resolution](#);
 - [6](#)) Ethics and standards of professional practice;
 - [76](#)) Land use planning, zoning, ~~taxation~~;
 - [87](#)) Management, leasing, ~~brokerage~~, timesharing;
 - [98](#)) Property development [partial interests](#);
 - [109](#)) Real estate appraisal;
 - [1140](#)) Real estate law, [easements, legal interests](#);
 - [1244](#)) Real estate litigation, [damages, condemnation](#);
 - [1342](#)) Real estate financing and investment;
 - [1413](#)) Real estate appraisal related computer applications; [and](#)

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- ~~1514)~~ Real estate securities and syndication, ~~and~~
- ~~15)~~ ~~Real property exchange.~~
- b) Up to one-half of an individual's continuing education requirement ~~Continuing education credit~~ may also be granted by the Division for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined by the Division to be equivalent to obtaining continuing education. A real estate appraiser who wishes to obtain continuing education credit for these activities shall submit to the Division:
- 1) An application to request continuing education credit for participation other than as a student signed by the applicant and on which all questions are answered; and
 - 2) The fee provided by Section 1455.320.

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

Section 1455.430 Continuing Education Reporting

- a) Each licensed education provider, pursuant to Section 20-5(e) of the Act, that is approved to offer approved continuing education courses shall submit to the Division, on or before the 15th of each month, a report of those licensees successfully completing the continuing education courses offered by the provider during the preceding calendar month.
- b) The monthly reports shall include, but not limited to, the following information for each licensee:
- 1) the licensee's name, address, ~~social security number~~ and license number;
 - 2) the education provider's name and license number;
 - 3) the continuing education course name and license number; and
 - 4) other information as required by the Division.

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- c) If an education provider during the preceding calendar month gave no continuing education courses, the provider shall report, on forms provided by the Division, that no courses were given.
- d) The monthly reports shall be submitted in a computer readable format provided and specified by the Division.
- e) There will be no processing fee for a monthly report submitted in the computer readable format provided and specified by the Division. Each monthly report submitted on paper or in a format other than a computer readable format provided and specified by the Division shall be accompanied by a processing fee of \$.50 per licensee, per course, listed on the report, payable by check to the Division.
- f) A monthly report received by the Division with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative late fee of \$200 in addition to the fees set forth in subsection (a)(4).
- g) If an education provider fails to file monthly reports or a statement that no courses were offered, or fails to pay the required fees for three consecutive months, the courses offered by that school may be disqualified pursuant to the procedures set forth in the Act and this Part until all delinquent reports, processing fees, and administrative fees as set forth in this Section have been submitted to and are received by the Division. The Division shall send notice to the school of an informal conference before the Real Estate Appraisal Board and of pending disqualification pursuant to the Act and this Part, by certified or registered mail, return receipt requested, or by other signature restricted delivery service.

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

Section 1455.440 Transcript or Certificate of Completion

Within 21 days after completion of the course, each licensed education provider shall provide to each student who successfully completes an approved pre-license or continuing education course a certified transcript or certificate of completion. The certified transcript or certificate of completion shall include, but is not limited to, the following information:

- a) the student's name, address, ~~social security number~~ and license number (if applicable);

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- b) the name and license number of the education provider;
- c) the name and license number of the course; and
- d) the approved hours completed.

(Source: Amended at 33 Ill. Reg. 7121, effective May 14, 2009)

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- 1) Heading of the Part: Loan Repayment Assistance for Dentists
- 2) Code Citation: 77 Ill. Adm. Code 580
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
580.100	New
580.110	New
580.200	New
580.210	New
580.220	New
580.230	New
580.240	New
- 4) Statutory Authority: Loan Repayment Assistance for Dentists Act [110 ILCS 948]
- 5) Effective Date of Rulemaking: May 14, 2009
- 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 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: September 5, 2008;
32 Ill. Reg. 14455
- 10) Has JCAR issued a Statement of Objection to these rules? Yes
 - A) Statement of Objection: May 8, 2009; 33 Ill. Reg. 6546
 - B) Agency Response: May 29, 2009; 33 Ill. Reg. 7234
 - C) Date Agency Response Submitted for Approval of JCAR: May 8, 2009
- 11) Differences between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

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1. In Section 580.100, in the definition of "Rural," reference to "community" was changed to "geographic area".
2. In Section 580.200, a new subsection (d) was added: "d) Applicants shall demonstrate that the applicant meets all eligibility criteria in Section 580.210."
3. In Section 580.230(a), the 2nd sentence was deleted: "The contract will describe the terms of repayment and any additional provisions that ensure compliance with the laws of the State of Illinois and enforcement of the contract."
4. In Section 580.230(c), the proposed text was deleted and replaced with the following: "The grantee shall provide care to low income patients in a number at least equal to the percentage of low income persons residing in the service area." (See additional changes below.)
5. In Section 580.240(a) and (c), "contract" was deleted and "grant agreement" was inserted.
6. Subsection 580.240(c)(6) was deleted.
7. In Section 580.240(d), "collection" was deleted and "resolution" was inserted.

The following change were made in response to comments and suggestions of JCAR:

1. In Section 580.100, "HSPA" was changed to "HPSA".
2. In Section 580.200(a), "The Department will review all applications received." was added after "the Act)".
3. In Section 580.220, subsection (c)(4) was deleted.
4. In Section 580.220(d), "initially" was deleted.
5. In Section 580.220 (d), after "of each year" and before the period, "except for 2009 when applications will be accepted between May 15 and June 1 and awarded by June 25" was added.
6. Section 580.220(e), "Payments shall be made on a quarterly basis to grant recipients following the completion of each three-month period of compliance with the terms of the grant agreement.", was added.
7. In Section 580.230(a), "contract" was changed to "grant agreement".
8. In Section 580.230, subsection (c) was deleted and the subsection (d) label was changed to (c).
9. In Section 580.230, the subsection (e) label was changed to (d). The proposed language was deleted and replaced with the following: "The grant program administered under this Part will allow for an initial two-year grant and one additional two-year grant. Grant recipients will be given priority for the second two-year grant funding so long as they continue to meet the eligibility requirements described in Section 25 of the Act."

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In addition, various typographical, grammatical, and form changes were made in response to the comments from 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 Rulemaking: These rules administer a dental loan repayment program as authorized by the Loan Repayment Assistance for Dentists Act [110 ILCS 948]. The rules include definitions and incorporated and referenced materials, application and eligibility requirements, and provisions governing grant awards, grant terms and obligations, and penalties for failure to fulfill the terms and obligations.
- 16) Information and questions regarding these adopted rules shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 580
LOAN REPAYMENT ASSISTANCE FOR DENTISTS

SUBPART A: GENERAL PROVISIONS

- Section
- 580.100 Definitions
- 580.110 Incorporated and Referenced Materials

SUBPART B: EDUCATIONAL LOAN REPAYMENT APPLICATION,
ELIGIBILITY AND PROGRAM REQUIREMENTS

- Section
- 580.200 Application
- 580.210 Eligibility
- 580.220 Grant Awards
- 580.230 Grant Terms and Obligations
- 580.240 Penalty for Failure to Fulfill Obligation

AUTHORITY: Implementing and authorized by the Loan Repayment Assistance for Dentists Act [110 ILCS 948].

SOURCE: Adopted at 33 Ill. Reg. 7166, effective May 14, 2009.

SUBPART A: GENERAL PROVISIONS

Section 580.100 Definitions

"Act" means the Loan Repayment Assistance for Dentists Act [110 ILCS 948].

"Applicant" means a person who submits an application to the Department to receive a dental loan assistance grant.

"Dental Payments" means compensation provided to dentists and dental specialists for services rendered under Article V of the Illinois Public Aid Code

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[305 ILCS 5/Art. V], administered by the Illinois Department of Healthcare and Family Services (HFS). (Section 10 of the Act)

"Dental Specialist" means a person who has received a license as a dentist in this State and who is trained and qualified to practice in one or more of the following specialties of dentistry: endodontics, oral and maxillofacial surgery, orthodontics, pedodontics, periodontics, and prosthodontics. (Section 10 of the Act)

"Dentist" means a person who has received a general license pursuant to Section 11(a) of the Illinois Dental Practice Act [225 ILCS 25/11(a)], who may perform any intraoral and extraoral procedure required in the practice of dentistry, and to whom are reserved the responsibilities specified in Section 17 of the Illinois Dental Practice Act. (Section 10 of the Act)

"Department" means the Department of Public Health. (Section 10 of the Act)

"Designated Shortage Area" means a dental Health Professional Shortage Area (HPSA) as defined by the United States Department of Health and Human Services (Designation of Health Professional Shortage Areas (42 CFR 5, 51c) and the Public Health Service Act (42 USC 216, 254c)) or as otherwise designated by the Department of Public Health. (Section 10 of the Act)

"Educational Loans" means higher education student loans that a person has incurred in attending a registered professional dental education program in this State. (Section 10 of the Act)

"Full-Time Practice" means a dental practice with a 40-hour work week where at least 32 hours of the 40 hours per week are spent providing clinical services. These services shall be conducted during normally scheduled clinic hours in the ambulatory care setting offices specified in the contract. The remaining hours shall be spent providing inpatient care and/or in practice-related administrative activities. The 40 hours per week may be compressed into no fewer than four days per week, with no more than 12 hours of work to be performed in any 24-hour period. Time spent in "on-call" status will not count toward the 40-hour week. Hours worked over the required 40 hours per week will not be applied to any other work week.

"Grantee" refers to a person who is the recipient of a grant for educational loan repayment assistance under the Act and this Part.

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"HPSA Score" refers to the HPSA shortage severity score calculated by the United States Department of Health and Human Services, Bureau of Health Professionals when an HPSA is federally designated. This severity score provides a relative number of the amount of dental shortage in a geographic area.

"Low Income Person" refers to a person whose income is at or below the 200% poverty level as determined by the most recent U.S. Census Bureau's decennial census information.

"Low Income Patients" refers to the patients in the dental practice whose income is at or below the 200% poverty level as determined by the most recent U.S. Census Bureau's decennial census information

"Medical Assistance" means services for medical and dental assistance provided under Article V of the Illinois Public Aid Code.

"Medical Assistance Reimbursement Documentation" refers to the documentation of medical assistance reimbursement dollars that dentists receive from the Illinois Department of Healthcare and Family Services for dental services provided to medical assistance recipients. The Department of Healthcare and Family Services periodically provides this data to the Department.

"Program" means the educational loan repayment assistance program for dentists and dental specialists established by the Department under the Act. (Section 10 of the Act)

"Registered Professional Dental Education Program" means a dental school located in Illinois and accredited by the American Dental Association Commission on Dental Accreditation (CODA).

"Rural" means any geographic area not located in a U.S. Census Bureau Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a geographic area located within a Metropolitan Statistical Area but having a population of 2,500 or less.

"Service Area" refers to the geographic area of the HPSA.

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"Service Term" refers to the length of time that the dentist will receive loan repayment funds from the Department while serving a dental HPSA.

"Urban" means any geographic area that does not meet the rural geographic area definition in this Part.

Section 580.110 Incorporated and Referenced Materials

- a) The following Illinois statutes are referenced in this Part:
 - 1) Loan Repayment Assistance for Dentists Act [110 ILCS 948]
 - 2) Illinois Public Aid Code [305 ILCS 5]
 - 3) Illinois Dental Practice Act [225 ILCS 25]
- b) The following federal statutes are referenced in this Part:

Public Health Service Act [42 USC 216, 254b and 254e]
- c) The following federal regulations are incorporated in this Part:

Designation of Health Professional Shortage Areas (42 CFR 5, 51c) (October 1, 2007)
- d) Incorporations by reference of federal regulations refer to the regulations on the date specified and do not include any later amendments or editions.

**SUBPART B: EDUCATIONAL LOAN REPAYMENT APPLICATION,
ELIGIBILITY AND PROGRAM REQUIREMENTS****Section 580.200 Application**

- a) *The Department shall, each year, consider 4 applications for assistance under the program.* (Section 20 of the Act) The Department will review all applications received.

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- b) Applicants shall complete an application on forms available from the Department. The applicant shall indicate the location of the dental practice in a designated shortage area where service will be performed.
- c) Applicants shall document currently existing educational loan indebtedness to a governmental or commercial lending institution incurred for educational expenses in pursuit of the applicant's dental degree in Illinois. The documentation of indebtedness shall include a photocopy or original copy of promissory notes or other evidence of indebtedness with disclosure of the lending institution or agency, loan amount, loan period and interest rate.
- d) Applicants shall demonstrate that the applicant meets all eligibility criteria in Section 580.210.

Section 580.210 Eligibility

To be eligible for assistance under the program, an applicant must meet all of the following qualifications: (Section 25 of the Act)

- a) *He or she must be a citizen or permanent resident of the United States.*
- b) *He or she must be a resident of this State.*
- c) *He or she must be practicing full time in this State as a dentist or dental specialist.*
- d) *He or she must currently be repaying educational loans.*
- e) *He or she must accept dental payments as defined in the Act.*
- f) *He or she must continue full-time practice in this State in a designated shortage area for 2 years. (Section 25 of the Act)*

Section 580.220 Grant Awards

- a) *For each year that a qualified applicant who is selected as a recipient practices full time in this State in a designated shortage area as a dentist or dental specialist, the Department shall, subject to appropriation, award a grant to that person in an amount equal to the amount in educational loans that the person*

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must repay that year. However, the total amount in grants that a person may be awarded under the program must not exceed \$25,000 per year for a 4-year period. The Department shall require recipients to use the grants to pay off their educational loans. (Section 30 of the Act)

- b) Payments must be used for the repayment of educational loans, including principal, interest and related expenses of government and commercial loans, received by the individual and used for tuition expenses while attending a registered professional dental education program in this State.
- c) When qualified applicants are available in both the dentists and dental specialists groups, the Department will award at least one grant to an individual in each group. Applicants will be selected with the following scoring system:
 - 1) All eligible applications will be divided into two groups:
 - A) Dentists
 - B) Dental Specialists
 - 2) Applicants in each group will be ranked by HPSA score from highest need to lowest need with highest need being awarded first.
 - 3) When qualified applicants are available, 50 percent of awards in each group will be made to urban dentists or dental specialists and 50 percent to rural dentists or dental specialists. When there are fewer than four eligible applications, the highest HPSA score not awarded from all groups will be the award recipient.
- d) The Department will accept applications for funding between July 1 and September 30 of each year, except for 2009 when applications will be accepted between May 15 and June 1 and awarded by June 25. If enough eligible applications are received, all awards will be made. However, if funds remain available, subsequent applications will be evaluated individually as received.
- e) Payments shall be made on a quarterly basis to grant recipients following the completion of each three-month period of compliance with the terms of the grant agreement.

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Section 580.230 Grant Terms and Obligations

- a) Each dentist or dental specialist selected for educational loan repayment shall enter into a written grant agreement with the Department.
- b) Grantees shall complete two years of service in the underserved area designated in their application. Grantees who wish to move their practice from the location described in the recipient's original application and retain status as a recipient shall receive approval from the Department prior to relocating and shall relocate to an area that qualifies for the same or a higher HPSA score.
- c) Mandatory reporting requirements every six months include:
 - 1) The grantee shall provide documentation of the percentage of low income patients served in his or her practice. Medical assistance reimbursement documentation and practice documentation will be accepted for this purpose.
 - 2) The grantee shall provide documentation that the amount of money paid for educational loan debt is greater than or equal to the amount of money paid by the Department under this program. Cancelled checks or documentation from the lending institution will be accepted for this purpose.
- d) The grant program administered under this Part will allow for an initial two-year grant and one additional two-year grant. Grant recipients will be given priority for the second two-year grant funding so long as they continue to meet the eligibility requirements described in Section 25 of the Act.

Section 580.240 Penalty for Failure to Fulfill Obligation

- a) Upon breach of grant agreement, *loan repayment recipients shall repay the Department a sum equal to the amount received under the program, plus an annual percentage rate (APR) of 7% interest.* (Section 35 of the Act)
- b) The grantee shall repay all funds provided by the Department under this Part within a period of time equal to the grantee's service term.

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- c) A breach of grant agreement shall include, but not be limited to, the following situations:
- 1) Failure to practice full-time *in a designated shortage area* at the location specified in the grant agreement (Section 35 of the Act);
 - 2) Relocation to an area that has a lower priority ranking as a designated shortage area;
 - 3) Material misstatement in reporting information to the Department, for example, misstating the percentage of low income patients served;
 - 4) Making any material misrepresentation to the Department for the purpose of obtaining a grant;
 - 5) Failure to practice *in a designated shortage area for two years*. (Section 35 of the Act)
- d) If the grantee does not repay all funds owed to the Department within the required time period, the Department shall refer the matter to the Attorney General for resolution.

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Illinois Swimming Pool and Bathing Beach Code
- 2) Code Citation: 77 Ill. Adm. Code 820
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
820.10	Amend
820.20	Amend
820.120	Amend
820.140	Amend
820.200	Amend
820.210	Amend
820.230	Amend
820.250	Amend
820.320	Amend
820.330	Amend
820.340	Amend
- 4) Statutory Authority: Swimming Facility Act [210 ILCS 125]
- 5) Effective Date of Rulemaking: May 18, 2009
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date filed with the Index Department: May 18, 2009
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file and available for public inspection at the Illinois Department of Public Health, 525 W. Jefferson Street, Springfield, Illinois 62761-0001.
- 9) Reason for Emergency: The Virginia Graeme Baker Pool and Spa Safety Act (VGB Act) is a newly implemented federal law (15 USC 8001 et seq.) designed to prevent accidental drowning deaths of small children by requiring the installation and proper use of barriers or fencing around swimming pools and spas as well as specifying entrapment protection standards for swimming pool or spa drain covers. The VGB Act covers all swimming pools and spas, including residential pools and spas. Congress set out a one-year timeframe in which pool and spa owners/operators were required to comply with the federal mandates.

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When the VGB Act was initially enacted Dec 19, 2007, the law required the federal Consumer Product Safety Commission (CPSC) to provide a 12 month window to allow pool operators/owners to come into compliance. The deadline for compliance was set for December 19, 2008; however, CPSC did not issue formal guidance and interpretation regarding the provisions of the VGB Act until October 1, 2008, leaving only a short window for the states, industry and operators to comply. CPSC has issued subsequent interpretations and guidance documents as states, industry and the regulated public identified questions and areas of concern.

Section 5-45 of the Illinois Administrative Procedure Act states that "'emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare" and that "requires adoption of a rule upon fewer days than is required" by the regular rulemaking process. IDPH evaluated official positions and interpretations, relevant standards and the availability of compliant products before issuing this emergency rulemaking, in order to develop an appropriate response. This emergency rulemaking will align the Illinois Swimming Pool and Bathing Beach Code with the federal requirements to ensure that owners/operators of swimming facilities are able to comply with both State and federal requirements. This alignment of State and federal regulations is necessary to ensure that persons using public swimming facilities during the spring 2009 pool season are protected from drowning due to entrapment and that swimming facility owners are able to meet both State and federal requirements.

According to Section 820.210(f)(3) of the Illinois Swimming Pool and Bathing Beach Code, bather entrapment prevention requires the use of multiple or large size drains of at least 18" x 18". The VGB Act declares 18" x 18" to be a blockable drain and defines an "unblockable" drain as either 18" x 23" or 29" diagonally. Also, a secondary protection device, a certified safety cover, is necessary if a single drain cover less than 18" x 23" is utilized. The VBG Act requires safety covers to be certified contrary to the current Illinois Swimming Pool and Bathing Beach Code. In addition, this expansion will ensure that bather entrapment provisions are properly addressed and enhance public safety and welfare.

- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking will implement amendments to Part 820 Illinois Swimming Pool and Bathing Beach Code to address changes in federal law resulting from passage of the Virginia Graeme Baker Pool and Spa Safety Act (15 USC 8001 et seq.). These changes require that all public and commercial pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains; that pools and spas existing after the date of December 19, 2008 must have: more than 1 drain; one or more unblockable drains; or no main

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drain; and that every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 8003 of the federal Act. Regulated entities must alter their drains to be in compliance with federal mandate. However, IDPH will not have any regulatory authority to ensure that these bather entrapment requirements are enforced because the federal act does not authorize enforcement by states. Because the current Illinois rules are not equal to the new federal requirements, and it is impossible for owner/operators of swimming facilities in Illinois to be in compliance with both the State and federal requirements, this rulemaking is being adopted. The new certified safety covers protrude from the pool floor, which is not allowed in the current code.

- 11) Are there any proposed rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate on units of local government because they have been responsible for compliance with the federal requirements of the Virginia Graeme Baker Pool and Spa Safety Act (15 USC 8001 et seq.) since December 2009.
- 13) Information and questions regarding these amendments shall be directed to:

Susan Meister
Administrative Rules Coordinator
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, IL 62761-0001

217/782-2043
DPH.RULES@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER n: RECREATIONAL FACILITIESPART 820
ILLINOIS SWIMMING POOL AND BATHING BEACH CODE

SUBPART A: GENERAL

Section

820.10 Definitions

[EMERGENCY](#)820.20 Incorporated [and Referenced](#) Materials[EMERGENCY](#)

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

Section

820.100 Permits

820.110 Water Supplies

820.120 Wastewater Disposal

[EMERGENCY](#)

820.130 Food Service Sanitation

820.140 [Swimming Facilities in Existence Prior to January 1, 2009](#) Exemptions[EMERGENCY](#)

820.150 Variances

SUBPART C: SWIMMING ~~FACILITY~~~~POOL~~ DESIGN REQUIREMENTS

Section

820.200 General Design Requirements

[EMERGENCY](#)820.210 Swimming ~~Facility~~~~Pool~~ Water Treatment System[EMERGENCY](#)

820.220 Swimming Pool Bather Preparation Facilities

[EMERGENCY](#)

820.230 Wading Pools

[EMERGENCY](#)

820.240 Spray Pools

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820.250 Slides

| [EMERGENCY](#)

820.260 New Equipment, Construction and Materials (Repealed)

820.270 Lazy Rivers

SUBPART D: OPERATIONAL REQUIREMENTS

Section

820.290 Applicability of Operation Requirements

820.300 Personnel

820.310 Safety Equipment

820.315 Notification

820.320 Water Quality

| [EMERGENCY](#)

820.330 Swimming Pool Closing

| [EMERGENCY](#)

820.340 Operation and Maintenance

| [EMERGENCY](#)

820.350 Operation Reports and Routine Sampling

820.360 Patron Regulations

820.370 Swimming Suits and Towels Furnished by Management

820.380 Wading Pools, Spray Pools and Therapy Pools

820.390 Refuse Disposal

SUBPART E: BATHING BEACH DESIGN AND OPERATION

Section

820.400 Minimum Sanitary Requirements for Bathing Beaches

820.500 Minimum Sanitary Requirements for Bathing Beaches (Renumbered)

820.APPENDIX A

Illustrations

820.ILLUSTRATION A Slope of Pool Floor

820.ILLUSTRATION B Pool Walls

820.ILLUSTRATION C General Pool Diving Area Dimensions

820.ILLUSTRATION D Pools with Diving Facilities in Excess of Three Meters in Height

820.ILLUSTRATION E Slide Dimensions (Repealed)

820.ILLUSTRATION F Slide Position (Repealed)

820.ILLUSTRATION G Flow Meter Installation

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820.ILLUSTRATION H	Skimmer Construction
820.ILLUSTRATION I	Installation of a Pressure Sand Filter System
820.ILLUSTRATION J	Installation of a Pressure Diatomaceous Earth Filter System
820.ILLUSTRATION K	Installation of a Vacuum Filter System
820.ILLUSTRATION L	Chlorine Injection into Return Line to Pool Using Pump Discharge Pressure
820.ILLUSTRATION M	Chlorine Injection into Return Line to Pool Using External Water Source Pressure (Repealed)
820.ILLUSTRATION N	Chlorine Injection into Return Line to Pool Using Booster Pump
820.APPENDIX B	Tables
820.TABLE A	Dimensions of Swimming Pools with Diving Facilities in Excess of Three Meters in Height
820.TABLE B	First Aid Kit Contents
820.TABLE C	Flows Carried by Inlets
820.TABLE D	Sizing Swimming Pool Chlorinators
820.TABLE E	Shower, Lavatory and Toilet Fixtures Required Per Bather Load

AUTHORITY: Implementing and authorized by the Swimming Facility Act [210 ILCS 125].

SOURCE: Adopted October 22, 1974; amended and effective February 9, 1976; amended at 4 Ill. Reg. 46, p. 1283, effective November 5, 1980; amended at 5 Ill. Reg. 9593, effective September 16, 1981; rules repealed and new rules adopted at 5 Ill. Reg. 13623, effective December 2, 1981; amended and codified at 8 Ill. Reg. 12366, effective July 5, 1984; amended at 11 Ill. Reg. 12308, effective July 15, 1987; amended at 14 Ill. Reg. 786, effective January 1, 1990; amended at 20 Ill. Reg. 6971, effective May 25, 1996; emergency amendment at 21 Ill. Reg. 7536, effective May 28, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 9357, effective May 15, 1998; amended at 23 Ill. Reg. 6079, effective May 20, 1999; emergency amendment at 23 Ill. Reg. 6551, effective May 20, 1999, for a maximum of 150 days; emergency expired October 16, 1999; amended at 24 Ill. Reg. 11271, effective July 15, 2000; amended at 25 Ill. Reg. 8291, effective July 1, 2001; emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days, emergency expired July 14, 2004; emergency amendment at 33 Ill. Reg. 7177, effective May 18, 2009, for a maximum of 150 days.

SUBPART A: GENERAL

Section 820.10 Definitions**EMERGENCY**

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NOTICE OF EMERGENCY AMENDMENTS

In addition to the definitions in the Illinois Swimming ~~Facility~~~~Pool and Bathing Beach~~ Act, the following additional definitions shall apply:

"Act" means the Swimming ~~Facility~~~~Pool and Bathing Beach~~ Act [210 ILCS 125].

"Appurtenance" means an accessory facility or feature at a swimming pool or bathing beach, such as a diving board, slide, wading pool, plunge pool, spray pool, or bathhouse. The term does not refer to a therapy pool as defined in this Section.

"Approval" means compliance with the Act and this Part.

"Approved Certification Agency" means an organization that has been accredited by [the American National Standards Institute \(ANSI\)](#) and found to meet the requirements specified in ANSI Z 34.1 (1993), Third Party Certification Program to evaluate swimming pool equipment for compliance with ~~NSF~~ Standard 50, ["Circulation system components and related materials for swimming pools, spas/hot tubs"](#), published by NSF International (NSF).

"Attendant" means a person at least 16 years of age, stationed at the top of a water slide and responsible for ensuring safe use of the slide.

"Bather Load" means the maximum number of persons that may be allowed in the pool area at one time without creating undue health or safety hazards. (See Section 820.200(b).)

"Bathing Beach" means a Public Bathing Beach as defined in the Act.

["Certified Safety Cover" means a cover for a pool suction outlet that has been certified for conformance to American Society of Mechanical Engineers \(ASME\)/ANSI Standard A112.19.8-2007.](#)

"Community Water System" means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days a year.

"Construction" means the process of building or fabricating a swimming pool, bathing beach or appurtenance.

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"Construction in a Flood Plain" means the placement or erection of structures or earthworks; land filling, excavation or non-agricultural alteration of the ground surface; installation of public utilities; channel modification; storage of materials or any other activity undertaken to modify the existing physical features of a flood plain with respect to the storage and conveyance of flood waters.

"Deep Area" means an area of a swimming pool in which the water depth exceeds five feet.

"Development" means improvement of a site for the purpose of establishing a bathing beach, the addition of an appurtenance to an existing swimming pool or bathing beach, modifying the shape, water surface area or depth of a swimming pool, or changing the design of the water recirculation or water treatment system of a swimming pool. It does not include repairs to existing facilities that do not alter the design of the facility.

"Diving Pool" means a pool designed and intended for use exclusively for diving.

"Drop Slide" means a slide with an exit angle exceeding 11 degrees measured downward from the horizontal.

"Flume" means the inclined channel of a water slide.

"Homeowner's Association" is a not-for-profit corporation comprised of members who have common ownership interest in property owned or operated by the association for the benefit of all the members.

"Inlet" means an opening or fitting through which filtered water enters the pool.

"Installation" means the emplacement of a swimming pool manufactured and transported to the intended site.

"Lazy River" means a pool intended for use with flotation devices and consisting of a closed loop with an artificially induced current.

"Major Alteration" means a substantial modification of a swimming facility. The term includes, but is not limited to, an alteration of a pool that changes the water surface area, depth or volume; addition of a permanently installed recreational

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appurtenance such as a diving board, slide or starting platform to a pool or beach; modification of the design of the recirculation system for a pool; or addition, replacement or modification of a bather preparation facility for a swimming facility. Examples of alterations that are not major include, but are not limited to, painting of a swimming pool, replacement of a pool filter or pump having identical characteristics, or replacement of plumbing fixtures in a bather preparation facility.

"Main Drain" means the outlet or outlets in the floor of the pool.

"Make-up Water" means the water added to a pool to replace that which is lost.

"Manager/Operator" means the person or entity responsible for the actual daily operation, or for the supervision of the operation, of a swimming pool or bathing beach.

"Office of Water Resources" means the Illinois Department of Natural Resources, Office of Water Resources, 3215 Executive Park Dr., Springfield IL 62703.

"Perimeter Overflow System" means a channel normally extending completely around the pool used to skim the surface layer of water. Also known as an overflow gutter.

"Permit" means a certificate issued by the Department allowing the construction, development or installation of a swimming pool or bathing beach under the provisions of the Act.

"Plunge Area" means a location in a pool or bathing beach at the exit of a slide, or the area in a pool below and in front of a diving board or platform.

"Plunge Pool" means a pool used exclusively as a plunge area for one or more slides.

"Pool" means a swimming pool ~~or a wading pool~~, plunge pool, spa, or other recreational water basin used by the public ~~utilized in conjunction with or as an appurtenance to a swimming pool~~. The term does not refer to ~~spas and therapy pools not designed or intended for swimming or to~~ basins for individual use that are drained after each use.

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"Pool Depth" means the vertical distance between the pool floor and the water level.

"Project Designer" means a licensed design professional primarily responsible for the design of the construction, development or installation of a swimming pool or bathing beach.

"Recirculation Piping" means the piping from the pool to the filters and back to the pool, through which the pool water circulates.

"Safety Vacuum Release System" means a device or combination of devices that has been designed to prevent bather entrapment on a suction fitting in a pool. Methods include, but are not limited to, immediately admitting air into the suction piping and/or de-energizing the pump upon sensing an increase in vacuum in the suction pipe or reversing the circulation flow.

"Safety Vent Pipe" means a piping arrangement designed to admit air into suction piping to break a vacuum caused by a blocked suction fitting in a pool.

"Shallow Area" means an area in a swimming pool, in which the water depth does not exceed five feet at any point.

"Skimmer" means a mechanical device connected to the recirculation piping which is used to skim the pool surface.

"Slide" means a recreational feature, including a water slide or drop slide, with a smooth, inclined flume or channel by which a rider is conveyed downward to a plunge area.

"Slip-Resistant" means not conducive to slipping under contact with bare feet when wet.

"Spa" means a basin of water designed for recreational or therapeutic use that is not drained, cleaned, or refilled for each user. It may include hydrojet circulation, hot water, cold water mineral bath, air induction bubbles, or some combination thereof. It includes "therapeutic pools", "hydrotherapy pools", "whirlpools", "hot spas", and "hot tubs". It does not include these facilities at individual residences intended for use by the occupant and his or her guests.

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(Section 3.10 of the Act) The term does not apply to a swimming pool as defined in the Act.

"Spray Pool" means an artificially constructed area over which water is sprayed but is not allowed to pool.

"Suction Outlet" means a fitting or opening in a pool basin, through which water flows out of the pool. It does not include a skimmer or a drain for a perimeter overflow system.

"Superchlorination" means the establishment of an elevated chlorine residual in pool water for the purpose of removing combined chlorine (chlorine that has reacted with nitrogenous compounds) or destroying unwanted organisms in the pool.

~~"Surge Weir" means an opening into a perimeter overflow system channel that allows skimming of the pool water surface when the surface is below the level of the overflow lip of the perimeter overflow system.~~

"Swimming Facility" means a swimming pool, spa, public bathing beach, water slide, lazy river, or other similar aquatic feature. (Section 3.12 of the Act)

"Swimming Pool" means any artificial basin of water which is modified, improved, constructed or installed for the purpose of public swimming, wading, floating, or diving, and includes: pools for community use, pools at apartments, condominiums, and other groups or associations having 5 or more living units, clubs, churches, camps, schools, institutions, Y.M.C.A.'s, Y.W.C.A.'s, parks, recreational areas, motels, hotels and other commercial establishments. It does not include pools at private residences intended only for the use of the owner and guests. (Section 3.01 of the Act) The term refers to swimming pools used for swimming, wading pools, lazy rivers, therapy pools, and plunge pools. The term does not refer to spas or to spray pools.

"Therapy Pool" means a pool ~~that is not a spa and is~~ intended only for medical treatment, physical therapy or muscle relaxation ~~and not intended for swimming or instruction in swimming, and includes spas, whirlpools and hot spas.~~

"Transition Point" means a location in a shallow area of a swimming pool where an area, having a floor slope of no more than one foot vertical in 12 feet

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horizontal, adjoins an area where the floor slope exceeds one in 12.

"Turnover Period" means the time required to recirculate a volume of water equivalent to the water volume of the pool through the filtration system.

"Wading Area" means a portion of a pool, other than an area of limited extent such as a stair, seat or ramp, where the water depth does not exceed 30 inches; or the portion of a bathing beach where the water depth is less than five feet, or that portion thereof designated by the installation of a buoyed line to separate this area from deeper water.

"Wading Pool" means a [swimming](#) pool having a maximum water depth not exceeding 30 inches.

"Water Level" means the level of the overflow lip of a perimeter overflow system or the mid-level of surge weirs, if present, or the mid-level of the skimmer operating range.

"Water Slide" means a slide with a flow of water and having a flume exceeding 30 feet in length.

"Wave Pool" means a swimming pool designed for the purpose of producing wave action in the water.

"Zero-Depth Edge" means that portion of the perimeter of a zero-depth pool where the pool floor intersects the pool water surface.

"Zero-Depth Pool" means a swimming pool where the pool floor intersects the water surface along a portion of its perimeter.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7177, effective May 18, 2008, for a maximum of 150 days)

Section 820.20 Incorporated [and Referenced](#) Materials
[EMERGENCY](#)

The following materials are incorporated or referenced in this Part and are available for inspection at the Department's Springfield office:

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- a) Statute
Swimming ~~Facility~~~~Pool and Bathing Beach~~ Act [210 ILCS 125]
- b) Regulations
- 1) Illinois Plumbing Code (77 Ill. Adm. Code 890). (See Sections 820.200(r), 820.2109(c)(1), and 820.210(f)(1)(A).)
 - 2) Regulation of Construction Within Flood Plains (92 Ill. Adm. Code 706). (See Sections 820.10 and 820.100 (b)(3)(A).)
 - 3) Drinking Water Systems Code (77 Ill. Adm. Code 900). (See Section 820.110(a).)
 - 4) Private Sewage Disposal Code (77 Ill. Adm. Code 905). (See Section 820.120.)
 - 5) Food Service Sanitation Code (77 Ill. Adm. Code 750). (See Section 820.130.)
 - 6) Public Water Supplies (35 Ill. Adm. Code: Subtitle F, Chapters I and II). (See Section 820.110(a).)
 - 7) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895). (See Section 820.110(a).)
- c) Other Materials
- 1) National Electrical Code (~~2008~~~~1999~~ Edition)
National Fire Protection Association
~~1~~ Batterymarch Park, Quincy MA ~~02169~~~~02269~~
 - 2) NSF International
NSF Standard 50, "[Circulation system components and related materials for swimming pools, spas/hot tubs](#)" (~~February 15, 2008~~~~(July 1996)~~)
3475 Plymouth Road
P.O. Box 13014
Ann Arbor, Michigan 48113-0140

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- 3) ANSI Z 34.1 (1993), Third Party Certification Program
American National Standards Institute
11 West 42nd Street
New York NY 10036
 - 4) [ASME/ANSI Standard A112.19.8-2007, "Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs, and Whirlpool Bathtub Appliances"](#)
[The American Society of Mechanical Engineers](#)
[345 East 47th Street](#)
[New York NY 10017](#)
 - 5) [ASME/ANSI A112.19.17-2002, "Manufactured Safety Vacuum Release Systems for Residential and Commercial Swimming Pool, Spas, Hot Tub and Wading Pool Suction Systems"](#)
[The American Society of Mechanical Engineers](#)
[345 East 47th Street](#)
[New York NY 10017](#)
 - 6) [ASTM F2387-04, "Standard Specification for Manufactured Safety Vacuum Release Systems \(SVRS\) for Swimming Pools, Spas and Hot Tubs"](#)
[The American Society of Mechanical Engineers](#)
[345 East 47th Street](#)
[New York NY 10017](#)
 - 7) [IAPMO SPS 4-2000, "Special Use Suction Fittings for Swimming Pools, Spas and Hot Tubs \(For Suctions Side Automatic Swimming Pool Cleaners\)"](#)
[The International Association of Plumbing and Mechanical Officials](#)
[5001 E. Philadelphia St.](#)
[Ontario CA 91761](#)
- d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

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(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7177, effective May 18, 2008, for a maximum of 150 days)

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

Section 820.120 Wastewater Disposal**EMERGENCY**

- a) Sewage generated from the operation of a swimming pool or bathing beach shall discharge to a public sanitary sewer or to a system which complies with the Department's Private Sewage Disposal Code (77 Ill. Adm. Code [905940](#)).
- b) Deck or surface area drainage water may be discharged directly to storm sewers, natural drainage areas, or the ground surface. Such drainage shall not result in nuisance conditions that create an offensive odor, produce a stagnant wet area, or create an environment for the breeding of insects.
- c) Wash or backwash water from filters shall be discharged to natural drainage areas, sanitary sewers, storm sewers, or to the ground surface in a manner that does not result in a nuisance condition.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7177, effective May 18, 2008, for a maximum of 150 days)

Section 820.140 Swimming Facilities in Existence Prior to January 1, 2009 Exemptions**EMERGENCY**

- a) Design standards contained in Sections 820.200 to 820.250 shall not apply to a licensed swimming pool existing on or before May 20, 1999, except when, in the interest of public health or safety, remedial action to correct a condition not in compliance with a design standard is ordered by the Department or authorized agent. Examples of such conditions may include, but shall not be limited to, inadequate lighting or enclosure barriers, unsafe deck conditions, lack of depth markers, disinfection systems that do not allow the minimum disinfectant levels to be maintained, and previously cited violations that were not corrected as required. However, in accordance with Section 820.100(e) of this Part, development, repairs, remodeling or alterations of existing facilities shall comply with the design standards of this Part.

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- b) Exempt facilities may be subject to operational procedures in addition to or in place of those specified in Section 820.340, as specified by the Department, in lieu of compliance with the design standards of this Part.
- c) All swimming facilities with suction outlets located in the pool shall comply with Section 820.200(e), 820.210(f)(3). Compliance with Section 820.210(f)(3)(G) is not required when suction outlets comply with one or more of the following:
- 1) The suction outlet piping system is equipped with a safety vent pipe that will introduce air into the suction pipe if the water level in the vent pipe drops to a level of no more than five feet below the water level in the pool, but shall not introduce air into the suction piping when there is no obstruction of a suction outlet or in suction piping. The diameter of the vent pipe shall be at least ½ the diameter of the suction pipe, but not less than 1½ inches. The top of the vent pipe shall be open to the atmosphere and shall not be accessible to the public. The opening shall be protected against entry of dirt, rodents, birds, leaves, and other objects, and shall be accessible for cleaning and inspection; or
 - 2) The suction outlet piping system is equipped with a safety vacuum release system which shall be installed in accordance with the manufacturer's specifications. A safety vacuum release system shall be certified in accordance with ASME/ANSI A112.19.17-2002 or ASTM F2387-04; or
 - 3) Water flows from the suction outlet to a surge tank, vacuum filter tank or balance tank by force of gravity, and the pump suction pipe draws water from the surge, vacuum filter or balance tank and is not directly connected to the suction outlet. The vacuum filter, surge or balance tank shall be vented to atmosphere. The vent shall be designed to prevent blockage.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7177, effective May 18, 2008, for a maximum of 150 days)

SUBPART C: SWIMMING ~~FACILITY~~POOL DESIGN REQUIREMENTS**Section 820.200 General Design Requirements**
EMERGENCY

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Swimming ~~facilities~~pools and appurtenances, including other pools associated with or provided as appurtenances to swimming pools, shall comply with this Subpart.

- a) Enclosures
 - 1) The swimming pool area shall be completely enclosed by a protective wall, fence or other barrier, at least four feet high, measured on the inside and outside, and not providing ready footing for climbing. The height of an opening under the bottom of the barrier shall not exceed four inches. The openings in any barrier shall not exceed four inches in width and height.
 - 2) Each entrance into the pool enclosure shall be equipped with a door or gate that is self-closing and self-latching. This requirement is not necessary when people enter the pool area through the bathhouse and lifeguards are provided in the pool area. Doors and gates at all entrances to the pool enclosure must be equipped with hardware that permits secure locking of the entrance.
 - 3) A balcony shall not overhang or extend within 10 feet horizontally of any portion of the water surface of a swimming pool.
 - 4) Sand areas shall not be allowed inside of the pool enclosure unless a barrier is provided to control access to the pool. If access is allowed to such areas, an arrangement must be provided that requires bathers passing from the sand area to the pool area to pass through a shower facility with heated or tempered water for removal of sand.
- b) Bather Load. The Department will compute a bather load for each swimming pool area. A bather load shall be specified with the issuance of a construction permit for a new swimming pool. In the case of multiple swimming pools contained within a common enclosure, the Department may compute a combined bather load for the pool enclosure. The criteria to be used for computing the bather load are as follows:
 - 1) Shallow Area. Fifteen square feet of water surface shall be required for each bather.
 - 2) Deep Area. Twenty-five square feet of water surface shall be required for

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each bather, with 300 square feet deducted for each diving board or platform.

- 3) The bather load for wading pools shall be computed at 15 square feet of pool water surface for each bather.
 - 4) A designated plunge area or landing area for a slide, as specified in Section 820.250 of this Part, shall not be considered in computing a bather load.
 - 5) One bather shall be allowed for each 50 square feet of pool deck area in excess of the minimum specified in Section 820.200(j)(1).
- c) Structure. A licensed architect or structural engineer shall certify that the pool is designed to withstand all anticipated hydraulic structural loadings for both full and empty conditions. All appurtenances to the pool, such as diving boards and slides, shall be designed to carry the anticipated load.
 - d) Material. Pools shall be constructed of materials which provide a rigid watertight shell with a smooth, impervious, light colored finish that is non-toxic and easily cleaned. The floor of shallow areas shall have a slip-resistant finish. Pool vinyl liners may only be installed over a base of concrete, steel or other such rigid material.
 - e) Obstruction. An obstruction creating a safety hazard shall not extend into or above the pool, or shall not protrude from the floor of the pool. [Certified safety covers for suction outlets shall not protrude more than 2 inches from the floor or walls of the pool.](#)
 - f) Slope of Pool Floor. The floor of a pool shall slope downward toward the main drain. The slope in shallow areas shall not exceed one foot vertical in 12 feet horizontal except for a slope directed downward from a transition point, which shall not exceed one foot vertical in three feet horizontal. In portions of the pool with a depth greater than five feet, the front slope of the deep area shall not be steeper than one foot in three feet. The slope requirements are illustrated in Appendix A: Illustration A.
 - g) Transition Point. Transition points shall be marked with a stripe on the pool floor having a width of at least four inches and a color that contrasts with that of the

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floor, and with a buoyed safety rope with colored buoys, installed at least one foot on the shallow side of the transition point. In other pools having adjoining shallow and deep areas, a safety rope with colored buoys shall be installed where the water depth reaches five feet.

h) Pool Walls

- 1) Pool walls shall meet the following requirements:
 - A) Where the pool depth is 42 inches or less, pool walls shall be vertical to the floor. The junction of the wall with the floor shall consist of a cove with a radius not exceeding six inches.
 - B) Where the pool depth exceeds 42 inches, pool walls shall meet one of the following criteria:
 - i) The wall shall be vertical for a distance of at least five feet below the water level, below which the wall may angle to the floor; or
 - ii) The wall shall be vertical for a distance of at least three feet below the water level, below which the wall shall form a curve to the floor. The curve shall be tangent to the pool wall and shall have a radius of curvature at least equal to the vertical distance between the center of curvature and the pool floor.
- 2) If pool ledges are provided, they shall have a maximum six inch width, shall be located at least three feet below the water level, shall slope away from the pool wall and shall have a slip-resistant surface with a color that contrasts with the pool walls and floor. The pool wall below the ledge shall be constructed in accordance with the requirements of this Section except that the pool wall may slope inward toward the pool at an angle not exceeding 11 degrees from vertical.
- 3) Underwater seat benches shall be located a maximum of 20 inches below the water level, be visually set apart, have a slip-resistant surface, and be recessed into the pool wall or be installed so that there are no exposed corners or vertical edges in the pool.
- 4) All junctions between pool walls, and between pool walls and the pool

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floor, shall be covered with a minimum radius of one inch.

- 5) Devices for anchoring safety ropes and racing lane divider ropes shall be recessed into the pool wall.
- 6) An effective handhold shall be provided at or near the water level where the pool depth is 30 inches or greater. The handhold may consist of the rounded lip of a perimeter overflow system or bullnose coping with round, raised handhold not exceeding two and one-half inches in thickness, or other effective handhold. The handhold shall not protrude more than two inches into or over the pool.

i) Depth Markers

- 1) The water depth shall be marked at or above the water surface on the wall of the pool and on the edge of the deck next to the pool so as to be readable by persons entering or in the pool. Where depth markers cannot be placed on the walls at or above the water level such that at least 50% of the marking is above water level, they shall be placed on the pool wall as high as practicable and also on the fencing or pool enclosure so as to be plainly visible to persons in the pool. Depth markings shall be provided at the shallow and deep ends of the pool, the transition point, and the point of maximum depth, and shall be spaced at not more than 25 foot intervals measured peripherally, except that depth markings are not required at a zero-depth edge.
- 2) Depth markers shall indicate pool depth in either feet, feet and inches, or feet and fractions of a foot, and shall be of a color that contrasts with the background. Numerals indicating depth shall be a minimum of four inches high.
- 3) In shallow areas, "no diving" markers or symbols at least four inches high must be located at not more than 25 foot intervals around the pool perimeter except at a zero-depth edge.

j) Walkways and Deck Areas

- 1) Except for plunge pools, wave pools and lazy rivers, pools shall be completely surrounded by a deck that is at least four feet in width and

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extends completely around and adjacent to the pool. Except as allowed for wave pools in subsection (u)(3), there shall be no obstructions or interruptions of the pool deck within the four feet adjacent to the pool other than necessary structural supports, or appurtenances such as diving boards, slides, perimeter overflow systems, or handrails. A clear, unobstructed walkway at least 42 inches in width shall be maintained at such obstructions or interruptions.

- 2) Structural supports located within the minimum required deck width or within four feet of the swimming pool shall be no closer than 10 feet apart measured parallel to the adjacent perimeter of the pool, with the dimension of any single support in a plane parallel to the adjacent pool perimeter no greater than three feet and the sum of all such support dimensions no greater than 10 percent of the pool perimeter.
- 3) The deck between two adjacent swimming pools shall be at least eight feet wide. All decks and walkways shall have an unobstructed overhead clearance of at least seven feet.
- 4) Deck Coverings. Synthetic material may be installed if it meets the following criteria:
 - A) It is non-fibrous and allows drainage such that it will not remain wet or retain moisture;
 - B) It is inert and will not support bacterial or fungal growth;
 - C) It is durable;
 - D) It is cleanable; and
 - E) It provides a slip-resistant finish.
- 5) The deck shall slope at least one inch per ten feet to deck drains or to the surrounding ground surface. The maximum slope of the pool deck shall not exceed one inch per foot.
- 6) Except for linear drains, deck drains shall be located so that not more than 900 square feet of deck area is tributary to each drain, and deck drains

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shall not be more than 30 feet apart. Deck drains shall be located so that water does not drain more than 15 feet in any one direction. Where deck widths are 15 feet or less, deck drains are not required provided that the deck drains to the ground surface. The deck drains shall not be connected to the pool water recirculation system. Pools designed to operate where the pool water level is at the deck level, may be allowed to drain the first four feet of deck into the pool perimeter overflow system. Up to 10 feet of the deck adjacent to a zero-depth edge may be drained into the pool.

- 7) The decks and walkways shall have a paved surface. The surface of the pool deck, and other surfaces used for foot contact, such as gratings of perimeter overflow systems, shall be slip-resistant.
 - 8) The outer perimeter of the deck for outdoor pools shall be at least four inches higher than the surrounding ground surface except where access is provided to adjacent turf areas.
 - 9) Any opening in the deck shall have a locking type cover which is flush with the deck.
 - 10) Hose bibbs shall be provided for cleaning all parts of the pool and deck (maximum separation 150 feet).
 - 11) Except for wave pools, the vertical distance between the surface of the deck, pool curb or pool rim and the water level shall not exceed 10 inches.
 - 12) A pool perimeter curb or raised rim, if provided, shall be at least four inches in height, measured above the adjacent pool deck surface. This requirement does not apply to a handhold provided in accordance with subsection (h)(6).
- k) Ladders, Step-Holes, Steps and Ramps
- 1) Swimming pools shall have at least two means of egress, located near opposite ends. Pools 30 feet or more in width shall have at least four means of egress that shall be located near each end and on opposite sides. A means of egress shall consist of a ladder, step-holes and grab rails, stair, ramp, or zero-depth edge. The distance from any point with a depth greater than 30 inches in the swimming pool to a means of egress shall not

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exceed 50 feet. At least two ladders or sets of step-holes shall be located at the deep area of the swimming pool when more than one diving board is provided.

- 2) Step-holes shall have a minimum tread depth of five inches. Where step-holes or ladders are provided, there shall be a handrail or grabrail at the top on both sides which extends to the edge of the pool.
 - 3) Steps shall be of contrasting color or marked to contrast from the pool floor and have uniform size treads of at least 12 inches and a rise of no more than 12 inches. Steps shall be located where the water depth is three and one-half feet or less and shall have no pointed or sharp edges. One sturdy handrail or grabrail per 12 feet of step width or fraction thereof, extending the length of the steps, shall be provided.
 - 4) All ladders, step-holes, and steps shall have slip-resistant surfaces.
 - 5) Ramps shall slope at no more than one in 12, shall have a slip-resistant surface, shall be no more than four feet wide, and shall have handrails on both sides.
- l) Drinking Fountains. A drinking fountain shall be provided for the use of bathers on the pool deck.
- m) Diving Area
- 1) Handrails shall be provided at all steps and ladders leading to diving boards, except for those ladders set at 15° or less from the vertical. Platforms and diving boards which are one meter or higher shall be protected with guard railings. One meter diving board guard rails shall be at least 30 inches above the diving board and extend to the pool water's edge. All platforms or diving boards higher than one meter shall have guard rails which are at least 36 inches above the diving board or platform and extend to the pool water's edge. Three meter platforms and boards shall have a side rail barrier.
 - 2) The dimensions of the diving area of a pool that has diving boards or platforms of three meters or less in height shall conform to those shown in Appendix A, Illustration C. In such pools, the distance from the plummet

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to the pool wall ahead shall be at least 34 feet.

- 3) Swimming pools constructed with diving facilities in excess of three meters in height shall comply with dimensions given in Appendix B, Table A and illustrated in Appendix A, Illustration D. If the pool is used for swimming as well as diving and if slope N transitions from the deep to the shallow end, then transition slope N shall not be steeper than one foot in three.
 - 4) There shall be no obstruction extending from the wall or the floor into the clear area of the diving portion of the pool. There shall be an unobstructed distance of 16 feet above the diving board measured from the center of the front end of the board, and this clearance shall extend at least eight feet behind, eight feet to each side, and 16 feet ahead of the measuring point.
 - 5) A plunge area shall be designated for each diving board or platform. There shall be no overlap from plunge areas of other diving facilities or slides. The plunge area for a diving board of one meter height or less shall extend four feet laterally from the center of the board on either side and for a distance of 28 feet in front of the tip of the board. For diving boards or platforms greater than one meter in height, the plunge area shall extend six feet laterally from the center of a diving board or from the side of a platform on either side and for a distance of at least 34 feet in front of the board or platform.
- n) Starting Platforms
- 1) For swimming pools issued a construction permit after May 20, 1999, or starting platforms installed after that date at existing pools, starting platforms shall only be installed where the water depth is at least 3½ feet.
 - 2) The top front edge of the platform shall be no more than 30 inches above the water level for water depths 4 feet or more. For water depths between 3½ and 4 feet, the top front edge of the platform shall not exceed 20 inches above the water level.
- o) Electrical Installation – Lighting
- 1) All aspects of the facility shall conform with the 1999 National Electrical

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Code.

- 2) Artificial lighting shall be provided at all indoor pools and at all outdoor pools that are open for use after sunset in accordance with one of the following:
 - A) Underwater lighting of at least 8.35 lumens or 0.5 watts per square foot of pool water surface area, located to provide illumination of the entire pool floor; plus area lighting of at least 10 lumens or 0.6 watts per square foot of deck area.
 - B) If underwater lights are not provided, at least 33.5 lumens or 2.0 watts per square foot of pool water surface area and deck area.
- 3) Where portable electric vacuum cleaning equipment is used, electrical receptacles with ground-fault circuit interrupter protection shall be provided. Separation between receptacles shall be a maximum of 100 feet. All receptacles installed in the swimming pool area shall have waterproof covers and ground-fault circuit interrupter protection.
- 4) Light dimmers may not be installed on underwater lighting or lights for the pool deck.
- 5) Lighting controls shall not be accessible to the public.
- p) Acoustics. Indoor pools shall receive acoustical treatment.
- q) Ventilation. Indoor pools shall be mechanically ventilated and have humidity control. The ventilation system shall be capable of admitting 0.5 cubic feet per minute of outdoor air per square feet of floor area, including water surface area, in the pool enclosure.
- r) Plumbing. All plumbing shall be in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- s) Emergency Telephone. Every swimming pool shall have a telephone which is accessible within the confines of the pool area or within 300 feet of the pool area, in case of emergencies.

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- t) Equipment Rooms
- 1) Equipment for swimming pool water treatment shall be housed in a lighted and ventilated room which affords protection from the weather and prevents unauthorized access.
 - 2) The equipment room floor shall slope toward drains and shall have a slip-resistant finish.
 - 3) A hose bibb shall be installed in the equipment room.
 - 4) Suitable space, if not provided in the equipment room, shall be provided within the premises for storage of chemicals, tools, equipment, supplies and records and shall be weatherproof and protected from unauthorized access.
 - 5) Electrical receptacles in the equipment room shall have ground-fault circuit interrupter protection.
- u) Wave Pools. Wave pools shall comply with the following, and, except as specified below, with the requirements of this Section and Sections 820.210 and 820.220 of this Part:
- 1) Overflow gutters, skimmers, and inlets are not required along the deep end wall from which waves are generated.
 - 2) Wave generating equipment must be installed and shall be provided with an emergency shut-off located at lifeguard chairs or stations on each side of the deep end of the pool.
 - 3) A deck as specified in subsection (j) of this Section is required, except at the end of the pool where wave-generating equipment is located. Railings or other barriers may be installed on the deck adjacent to the sidewalls of the pool to control entry into the pool from the sides.
 - 4) A safety rope will not be required if the pool is to be used only as a wave pool.

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(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7177, effective May 18, 2008, for a maximum of 150 days)

Section 820.210 Swimming ~~Facility~~Pool Water Treatment System
EMERGENCY

- a) General. A water treatment system, consisting of pumps, piping, filters, water conditioning, disinfection equipment and other accessory equipment shall be provided to clarify, chemically balance and disinfect the swimming pool water. The system shall be designed for a recirculation flow rate that will result in a turnover period in each pool not exceeding those specified below. Systems serving pools with skimmers shall be designed for a flow rate of at least 30 gallons per minute for each skimmer.

Type of Pool	Maximum Turnover Period
Diving Pools	8 Hours
Wading Pools, Wading Areas	2 Hours
Plunge Pools and Plunge Areas for Water Slides	2 Hours
Lazy Rivers	2 Hours
Other Pools	6 Hours

Other than equipment for circulating, heating, filtering and chemically treating water, as specified in this Section, or for automation of water quality control, no other type of device may be utilized as part of a pool water treatment system.

- b) Pumping Equipment
- 1) The recirculation pump shall deliver the flow necessary to obtain a turnover as specified in subsection (a) of this Section. A valve for regulating the rate of flow shall be provided in the recirculation pump discharge piping.
 - 2) The pump shall provide a minimum backwash rate of 15 gallons per minute per square foot of filter area in sand filter systems. The pump shall supply the required recirculation rate at a total dynamic head of at least 50 feet for all vacuum filters, 70 feet for pressure sand or cartridge filters, or

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80 feet for pressure diatomaceous earth filters, unless a lower head is shown by the designer to be hydraulically appropriate.

- 3) If the pump operates with static suction lift, it shall be self-priming.
 - 4) Where vacuum filters are used, a vacuum limit switch shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of 18 inches of mercury.
 - 5) A compound vacuum-pressure gauge shall be installed on the pump suction line as close to the pump as possible. A vacuum gauge may be used for pumps with suction lift. A pressure gauge shall be installed on the pump discharge line adjacent to the pump, with no valves between the pump and the gauge. Gauges shall be installed where they can be easily read.
 - 6) Hair and Lint Strainer. A hair and lint strainer shall be installed on the suction side of the pump except on vacuum filter systems. The strainer basket shall be easily removable. Valves shall be installed to allow the flow to be shut off during cleaning, switching baskets, or inspection.
- c) Water Heater. A water heater shall be installed at all indoor pools. Pool water heaters shall be installed in accordance with the manufacturer's recommendations.
- 1) The heater piping system shall be equipped with a valve bypass pipe around the heater, sized for the swimming pool design flow rate. The influent and effluent heater piping shall be valved, and shall conform to material specifications as approved for water distribution applications in the Illinois Plumbing Code.
 - 2) A heating coil, pipe or steam hose shall not be installed in a swimming pool.
 - 3) Thermometers shall be provided in the piping to check the temperature of the water returning from the pool and the temperature of the blended water returning to the pool.
 - 4) The design of the water heating system shall prevent the introduction of water in excess of 115° F. to the pool.

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- 5) A pressure relief valve with a maximum pressure rating of 75 pounds per square inch and having a thermal capacity at least equal to the heat input rating of the heater shall be provided, with the discharge piped to within six inches of the floor.
- 6) Venting of gas or other fuel burning water heaters to the outdoors shall be provided.
- 7) Heaters for indoor pools shall be capable of maintaining a minimum pool water temperature of 76° F.
- 8) Combustion and ventilation air shall be provided for fuel burning water heaters as required by the heater manufacturer.
- 9) Heaters for indoor swimming pools shall be sized on a basis of 150 BTU per hour input per square foot of pool water surface area.

(1 kilowatt = 3,412 BTU/hr.)

- 10) Heat exchangers used to heat pool water by use of a toxic transfer fluid, as defined in Section 890.122(a)(4) of the Illinois Plumbing Code, shall be of double-wall construction, with the space between the two walls having a drain open to the atmosphere.
 - d) Flowmeter. Flowmeters shall be located so that the rate of recirculation and the backwash rate of sand filters can be read. In a multiple pool system, flowmeters shall be provided for each pool. Separate flowmeters shall be provided to monitor the flow for each area of a pool with a turnover rate that differs from adjacent areas according to subsection (b)(1). Flowmeters shall be provided on inlet supply piping in accordance with subsection (f)(2)(F). Flowmeters shall be installed on a straight length of pipe with no valves, elbows or other sources of turbulence within 10 pipe diameters upstream or five diameters downstream from the flowmeter. (See Appendix A, Illustration G.)
 - e) Vacuum Cleaning System
 - 1) A vacuum cleaning system capable of reaching all parts of the pool floor shall be provided.

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- 2) When the vacuum cleaning system is an integral part of the pool recirculation system, the wall fitting shall connect to the the suction side of the pump ahead of the hair and lint strainer. Vacuum outlets in pools shall be equipped with covers that automatically close and latch when the vacuum hose is removed. A shut-off valve shall be installed in the piping. The suction outlet fitting shall comply with IAPMO SPS 4-2000.
- f) Piping, Skimmer and Overflow System
- 1) Piping.
 - A) The pool recirculation piping shall comply with the Illinois Plumbing Code for water service pipe or water distribution pipe as listed in 77 Ill. Adm. Code 890, Appendix A, Table A.
 - B) The piping shall be designed to carry the required flow at velocities not exceeding five feet per second in suction piping, and 10 feet per second in pressure piping, unless greater velocities can be hydraulically provided. Gravity piping shall be sized so that the head loss in piping, fittings, valves, etc., does not exceed the head available during normal operating conditions.
 - C) The following waste lines shall be provided with six inch air gaps at their points of discharge to the waste sump or sewer:
 - i) Main drain bypass or other connections to waste.
 - ii) Sub-surface drains or deck drains around a pool that discharge to a sanitary or combined sewer.
 - iii) Filter backwash or drain lines and overflow lines.
 - iv) Surge tank drain and overflow lines.
 - v) Pump discharge to waste lines.
 - vi) Gutter bypass to waste lines.

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- 2) Inlets.
- A) Inlets for filtered water shall be located and directed to produce uniform circulation of water to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool without the existence of dead spots, and to produce surface flow patterns that effectively assist skimming. In pools with skimmers, inlets installed where the water depth is 18 inches or more shall be installed in the pool wall at a depth of eight inches to 16 inches below the mid-point on the skimmer throat. Each inlet installed in a wall of a pool where skimmers are utilized shall be directional.
 - B) The velocity of flow through any inlet orifice shall be in the range of 5 to 20 feet per second, except in pools equipped with skimmers it shall be in the range of 10 to 20 feet per second. Velocities for various flows are shown in Appendix B, Table C.
 - C) Inlets installed in pool walls shall be spaced as follows:
 - i) In the shallow end wall, each inlet shall serve a linear distance of no more than eight feet. In the deep end wall, each inlet shall serve a linear distance of not more than 15 feet.
 - ii) In pools with a water surface area greater than 1,500 square feet or length in excess of 60 feet, additional inlets shall be provided along side walls at no more than 15 foot intervals.
 - iii) The location of inlets in pools with skimmers may vary from the above requirements to allow locations that will assist in skimming.
 - D) At least one inlet shall be located in each recessed stairwell or other space where water circulation might be impaired.
 - E) Where floor inlets are used, inlets shall be uniformly spaced at a distance of no greater than 20 feet apart and rows of inlets shall be within 15 feet of each side wall. Floor inlets shall be flush with the pool floor and shall include a diffuser plate to evenly distribute the

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flow in all directions.

- F) Floor inlets are required in wading areas that are more than 30 feet in width.
- G) If both wall and floor inlets are utilized in a swimming pool, the wall inlets and the floor inlets shall be supplied by separate piping, with valves and flowmeters installed in each so that the flow can be individually regulated and monitored.

3) Outlets.

Each pool shall be provided with a main drain system installed at the deepest point, which shall be connected to the pool recirculation system. For multiple-purpose pools, with a floor consisting of more than one drainage area, at least one drain shall be provided in each basin, so that each portion of the pool floor is sloped to drain.

~~A) All pools shall be provided with a main drain at the deepest point. The main drain shall be connected to the recirculation system. Openings must be covered by grating which cannot be removed by bathers without the use of tools. Openings of the grating shall be at least four times the area of the main drain pipe or have an open area so that the maximum velocity of the water passing through the grate does not exceed one and one-half feet per second, or six feet per second when drain grate is of the anti-vortex type. The maximum width of grate openings shall be one-half inch. Main drains and all other suction outlets installed in a pool shall be designed to prevent bather entrapment by one of the following methods:~~

- ~~i) Multiple drains located at least three feet apart, center to center;~~
- ~~ii) One anti-vortex drain;~~
- ~~iii) A single drain with a grate of at least 18 inches by 18 inches.~~

AB) Multiple outlets shall be provided where the width of the pool is

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~~more than 45 feet. In such cases, outlets~~ shall be spaced not less than three feet apart, nor more than 30 feet apart, nor more than 15 feet from side walls, and shall be connected in parallel.

- ~~B~~C) A hydrostatic relief valve shall be provided for in-ground pools.
- ~~C~~D) Main drain piping shall be sized for removal of the water through it at a rate of at least 100% of the design recirculation flow rate. The piping system shall be valved to permit adjustment of flow through it.
- ~~D~~E) In cases where the pool cannot be drained completely through the main drain, a portable pump which will effect complete pool drainage shall be provided.
- E) Each outlet, including main drains and suction outlets, but not including skimmers, shall be covered with a certified safety cover having openings not exceeding ½ inch, and which is not removable without the use of tools. The water flow rate through certified safety covers shall not exceed the maximum flow rate recommended by the manufacturer.
- F) Suction outlets shall be equipped with a certified safety cover with dimensions of at least 18 by 23 inches or 29 inches diagonally, or the suction system shall include a minimum of two hydraulically balanced outlets spaced at least 3 feet apart, center to center. In a spa, the two outlets may be installed closer than 3 feet apart if installed on different surfaces, e.g., one outlet in the floor and one in a wall.
- G) For systems with multiple suction outlets, the sum of the maximum flow rates for the covers shall be at least twice the system design flow rate.
- H) A suction outlet shall not be installed on a horizontal surface of a stair or seat.
- I) Suction outlets and certified safety covers shall be installed in accordance with the manufacturer's requirements. For suction

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outlets with field-fabricated sumps or other sumps not specified by the manufacturer of a certified safety cover installed on the outlet, there shall be a spacing of at least 1½ pipe diameters between the outlet pipe or fitting and the bottom of the cover.

J) Field-fabricated suction outlets that are at least 18 inches by 23 inches in size shall be certified for conformance to ASME Standard A112.19.8-2007 by a professional engineer licensed to practice in Illinois. Documentation of the testing and a certification document shall be issued by the engineer to the property owner. The engineer shall certify a maximum flow rate for each such outlet. Copies of all documentation shall be retained on the swimming facility premises for inspection by the Department.

4) Perimeter Overflow Systems.

A) Pools which have a width exceeding 30 feet shall have a continuous perimeter overflow system.

B) A perimeter overflow system shall:

- i) extend completely around the pool except that interruptions not exceeding 25% of the pool perimeter nor 30 feet each may be allowed for steps, water slide entries, and side walls adjacent to zero-depth edges;
- ii) permit inspection, cleaning, and repair;
- iii) be designed so that no ponding or retention of water occurs;
- iv) be designed to prevent the entrapment of bather's arms, legs, and feet;
- v) except at a zero-depth edge, have an overflow lip that provides a good handhold and is level to within one eighth of an inch. At a zero-depth edge, a trench drain covered with a slip-resistant grating installed flush with the pool deck and with the pool floor, and level to within one-eighth

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- inch measured along the pool perimeter, shall be provided;
- vi) provide for the removal of all surface debris skimmed from the pool;
 - vii) be designed for removal of water from the pool surface at a rate of at least 100% of the design turnover flow rate;
 - viii) discharge to the recirculation system;
 - ix) be provided with drains and piping which will not allow the overflow channel to become flooded when the pool is in use; and
 - x) have drain gratings with open area at least equal to two times the area of the outlet pipe and which can be removed for cleaning.
- C) Surge Capacity. Perimeter overflow systems shall be provided with a surge capacity of at least 0.6 gallon per square foot of pool water surface area. Surge capacity shall be provided either in a vacuum filter tank, ~~in the perimeter overflow system, in the pool in conjunction with provision of surge weirs in the perimeter overflow system,~~ in a surge tank, or combination thereof. Valving shall be provided to maintain the proper operating water level in the pool.
- ~~Surge weirs shall pass at least 50 percent of the design recirculation flow rate with the water level at the mid-level of the weir. A minimum of one weir shall be provided for each 500 square feet of pool water surface area or fraction thereof. The combined flow rate through all the surge weirs shall not exceed the design recirculation flow rate. Surge weirs shall be uniformly spaced around the pool perimeter. The mid-level of the weir opening shall be at least one inch but no more than two inches below the overflow lip of the perimeter overflow system. A flow-regulating device that will maintain a relatively constant flow rate as the water level is varied shall be included. Surge weirs shall not be utilized at a zero depth pool.~~

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- 5) Skimmers. Skimmers are permitted on pools where the width does not exceed 30 feet. Where skimmers are provided, the following shall be met:
- A) At least one skimmer shall be provided for each 500 square feet of water surface area or fraction thereof;
 - B) Skimmers shall be located to optimize skimming;
 - C) Each skimmer and piping shall be designed so that it is capable of providing a flow-through rate of not less than 30 gallons per minute;
 - D) Skimmers shall be piped to provide approximately equal flow through each skimmer;
 - E) The surface skimmer piping shall have a valve to permit adjustment of flow through it;
 - F) If an equalizer pipe is installed, the skimmer shall be equipped with a valve.~~Each skimmer shall be provided with an equalizer line at least ½ inches in diameter, located at least 1 foot below the lowest overflow level of the skimmer. (See Appendix A, Illustration H) A device~~ that will restrict flow through the equalizer pipe during normal operation of the skimmer. The equalizer pipe shall be connected to the main drain pipe; shall be installed, and a grate shall be installed at the intake to the equalizer pipe in the pool. The grate shall be a convex grate intended for this purpose or one that complies with subsection (f)(3);
 - G) The skimmer shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency;
 - H) Skimming devices shall be built into the pool wall;
 - I) A basket which can be removed without the use of tools and through which all overflow water must pass, shall be provided;
 - J) The skimmer shall be provided with a floating weir and shall

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operate at variations in water level over a range of at least 4 inches.

- g) **Make-up Water.** Make-up water shall be added through a fixed air gap of at least six inches to the pool, surge tank, vacuum filter tank, or other receptacle. When make-up water is added directly to the pool, the fill-spout shall be located under a low diving board or immediately adjacent to a ladder rail, grab rail, or fixed lifeguard chair. There shall be no connection between a therapy pool or associated water treatment system with a swimming pool or its recirculation system.
- h) **Filtration**
 - 1) Filters shall be certified to comply with NSF Standard 50 and listed as such by an approved certification agency. The design filtration rate in the particular application in which the filter is utilized shall not exceed the maximum design filtration rate for which the filter was certified. An official certification label from the certifying agency shall be permanently affixed to the filter.
 - 2) Pressure gauges that indicate the inlet and outlet pressures of pressure filters shall be installed.
 - 3) For pressure filters, an observable free fall discharge, sight glass or other means of determining the clarity of backwash water shall be provided.
 - 4) Overflow piping shall be connected to vacuum filters if the rim of the filter tank is below the pool water level. Drain piping for vacuum filter tanks shall be provided.
 - 5) The backwash rate for sand filters shall be at least 15 gallons per minute per square foot of filter area. A lesser backwash rate may be allowed when air scouring is utilized in accordance with the filter manufacturer's specifications.
 - 6) A filter backwash disposal facility, designed so that flooding, overflowing or excessive splashing does not occur when the filter is backwashed at the required flow rate, shall be provided where filters designed to be backwashed are utilized.

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- 7) A filter precoat pot or funnel shall be installed on the pump suction piping when diatomaceous earth filters are utilized, unless a precoat pot is provided as an integral part of the filter. The filter piping shall allow recycling or disposal of filter effluent during the precoating operation.
 - 8) If continuous feeding of diatomaceous earth is utilized with a vacuum diatomaceous filter in order to permit a design filtration rate higher than would otherwise be allowable, equipment capable of feeding diatomaceous earth at a rate of at least 1.5 ounces per day per square foot of filter area shall be provided.
 - 9) Filter media for sand filters shall be as specified by the filter manufacturer.
 - 10) Wash or backwash water from diatomaceous earth filters shall be passed through a separation tank designed for removal of suspended diatomaceous earth and solids, prior to disposal.
- i) Chemical Feeders
- 1) Equipment Capacity.
 - A) Chlorine. Equipment for supplying chlorine or chlorine compounds shall be of sufficient capacity to feed chlorine at a rate of eight parts per million for outdoor pools and three parts per million for indoor pools, based on the flow rate required by the table in subsection (a). Feed rates for various chlorinators and solutions are shown in Appendix B, Table D.
 - B) Bromine. Equipment for supplying bromine shall be capable of delivering at least 15 parts per million for outdoor pools and five parts per million for indoor pools based on a minimum design flow rate as required by the table in subsection (a).
 - C) Ozone.
 - i) Ozone may be used as a supplement to chlorination or bromination as required in subsection (i)(1). Ozone generating equipment and its components shall be tested in accordance with NSF Standard 50 and listed by an

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approved certification agency.

- ii) The ambient air ozone concentration shall be less than 0.10 parts per million (p.p.m.) in the vicinity of the ozonator and at the pool water surface. Ambient ozone monitors shall be installed in the equipment room, in the vicinity of the ozone generating equipment, and, when the ozonation system is utilized at an indoor swimming pool facility, in the swimming pool enclosure. Audible and visual alarms that are activated by ozone concentrations in excess of .10 parts per million shall be connected to the ozone monitor. The ozone generating equipment shall automatically shut off when the ozone concentration in the air exceeds 0.30 p.p.m. or when the pool recirculation flow is interrupted.
 - iii) All corona discharge systems shall include a method for removing ozone in the water in excess of 0.1 p.p.m. prior to return to the pool.
- 2) Positive Displacement Pumps (Hypochlorinators). Where positive displacement pumps are used to inject the disinfectant solution into the recirculation line, they shall be of variable flow type, be of sufficient capacity to feed the amount of disinfectant required by subsection (i)(1), and shall be installed such that feeding of chemicals is interrupted whenever the swimming pool recirculation flow is interrupted. Positive displacement pumps for feeding chlorine compounds or chemicals for control of pH shall be certified by a certified laboratory to conform to NSF Standard 50. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed five percent by weight. The solution container shall have a minimum capacity equal to the volume of solution required per day at the feed rate required in subsection (i)(1).
- 3) Gas Chlorinators.
- A) The chlorine supply and gas feeding equipment shall be housed in a separate, relatively air-tight room with an out-swinging door. The room shall be provided with an exhaust system which takes its suction not more than eight inches from the floor and discharges outdoors in a direction to minimize exposure to toxic fumes. The

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fan shall be capable of producing one air change per minute. Means for introducing a fresh air supply to the enclosure through appropriate openings such as filters, grill openings, etc., at a high point opposite the exhaust fan intake shall be provided. The intake to the make-up air supply shall be located where the discharge from the exhaust system will not be drawn back into the room. The room shall have a window with an area of at least 100 sq. inches and shall have artificial lighting. Electrical switches for lighting and ventilation shall be outside and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided.

- B) The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. In addition, the release of chlorine shall be terminated when the recirculation pump is shut off. Where other than swimming pool recirculated water is used, the supply line shall be equipped with an electric shutoff valve wired to the recirculation pump and shall be equipped with a suitable backflow preventer. (See Appendix A, Illustrations L and N for methods of installation.)
 - C) Chlorinator vent lines shall terminate outdoors. A screen made from a chlorine-resistant material shall be installed where the vent line terminates outdoors in order to exclude insects.
 - D) The gas chlorinator shall be the solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.
 - E) The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment.
- 4) pH Control Feeders. At pools with a volume greater than 100,000 gallons, or pools utilizing gas chlorine as a disinfectant, a chemical feed system shall be installed to maintain the pH of pool water within the range of 7.2 to 7.6. The system must be installed so that the feeding of the pH controlling chemical is automatically interrupted whenever the swimming pool recirculation flow is interrupted. A solution tank of at least 15 gallons

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capacity shall be provided and shall be marked as containing a chemical to control pH. Alternatively, a system incorporating a cylinder of carbon dioxide and injecting mechanism may be employed to lower pH.

- 5) Erosion Type Chemical Chlorine Feeders.
 - A) Erosion type chlorine and bromine feeders shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency.
 - B) Only the chemical specified by the feeder manufacturer shall be used as the disinfecting agent.
 - C) Erosion type chemical feeders shall be installed in accordance with the equipment manufacturer's instructions.
- 6) Copper/Silver and Copper Ion Generators. All copper/silver and copper ion generators shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency and may only be used as a supplement to chlorination or bromination as required in subsection (i)(1).

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7177, effective May 18, 2008, for a maximum of 150 days)

Section 820.230 Wading Pools**EMERGENCY**

- a) Floor. The floor shall be slip-resistant and sloped to the main drain. The slope shall not exceed one vertical in 12 horizontal. No obstructions such as raised drains or steps on which children may fall or become injured, shall be placed in the wading pool area. Designed play items shall be of a design and so located to provide maximum safety to the children.
- b) Material. The floor and walls shall be of light colored impervious materials. All corners shall be coved.
- c) Walk Area. There shall be a walkway at least four feet wide extending entirely around the pool sloped to drain away from the pool. The walks shall be constructed of impervious material with a slip-resistant finish. The walks shall

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slope not less than one inch in 10 feet away from the pool edge. A hose bibb shall be installed in the pool area.

- d) Barrier. A fence or other effective barrier, at least 3 1/2 feet in height, shall totally enclose the wading pool and shall separate the wading pool from other pools. Except with regard to height, the barrier shall comply with Section 820.200(a). Any entrance into the wading pool enclosure shall be equipped with a self-closing and self-latching door or gate.
- e) Inlets. Inlets shall be provided as specified for swimming pools by Section 820.210(f)(2). At least two water inlets shall be installed.
- f) Drains. A minimum of two main drains shall be provided at the low point, located at least three feet apart center to center and connected to the recirculation system. The drains shall be piped and valved so that water from the wading pool can be drained by bypassing the filter. Drains shall be provided with [certified safety covers](#) ~~grates~~ in compliance with Section 820.210(f)(3)(A) ~~and shall be flush with the pool floor.~~
- g) Overflow System. A perimeter overflow system shall be provided along at least one-sixth of the perimeter or a skimmer shall be provided for each 500 square feet of water surface area or fraction thereof. The design of the overflow system shall conform to the requirements listed in Section 820.210, except that if a skimmer equalizer line is provided, it shall be connected to the main drain line.
- h) Water Treatment. Recirculation and filtration equipment shall be installed and operated at wading pools that cannot be adequately served by an adjacent swimming pool recirculation system or when existing equipment on adjacent swimming pool recirculation systems cannot meet the requirements of Section 820.210. A separate disinfection system shall be installed and operated for the wading pool. The design of water recirculation, filtration, and disinfection systems shall be in conformance with Section 820.210.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7177, effective May 18, 2008, for a maximum of 150 days)

Section 820.250 Slides**EMERGENCY**

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- a) General Requirements
 - 1) Structure. All slides shall be designed and constructed in accordance with the manufacturer's instructions to carry the anticipated load. Plans for water slides shall be signed and sealed by a structural engineer licensed to practice in Illinois.
 - 2) Steps. Slide steps shall be slip-resistant and have a minimum tread of two inches and a minimum length of 12 inches. The riser height of the steps shall not exceed 12 inches. Specific requirements that apply to water slides are included in subsection (b)(1) of this Section.
 - 3) Plunge Pools. Plunge pools shall comply with Sections 820.200 and 820.210 except that, for a plunge pool for a water slide, a deck is not required where the slide exits into the pool.
- b) Water Slides
 - 1) Design and construction. All curves, turns, and tunnels on the path of a flume shall be designed and constructed in accordance with the manufacturer's instructions.
 - 2) Walkways. Walkways or stairs leading to the top of water slides shall be slip-resistant, rigid, and have a four foot minimum clear width.
 - 3) Slide Position.
 - A) A flume shall be perpendicular to the pool wall for a distance of at least 10 feet from the exit end of the slide. The last 10 feet of the flume shall have a slope that is not steeper than one in 10.
 - B) A flume shall terminate between a depth of six inches below to two inches above the pool water surface level.
 - C) The plunge area water depth shall be between two and one-half and four feet at the end of the flume and for at least 10 feet beyond. The pool floor slope in the plunge area shall not exceed one foot vertical in 12 feet horizontal.

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- 4) **Surge Reservoir.** A surge storage reservoir shall be provided except where the pool water elevation will not be lowered more than one inch when the water slide pumps are in operation. The surge reservoir shall not be accessible to the public.
- 5) **Plunge Area.** There shall be a slide plunge area extending at least five feet on either side of the centerline of the slide terminus and 25 feet in front of the slide. This area shall not infringe on the plunge area for any other slides or diving equipment. Steps shall not infringe on this area. A water slide plunge area in a swimming pool shall be roped off from the rest of the pool when the slide is in operation. A means of egress shall be provided near the side of the plunge area opposite the flume terminus.
- 6) **Grates.** The intake openings for water pumped from ~~at the pool or~~ beach must be covered by grating that cannot be removed without the use of tools. The grate openings shall be at least four times the area of the intake pipe or have an open area so that the maximum velocity of the water passing through the grate does not exceed one and one-half feet per second. The maximum width of the grate openings shall be one-half inch. Pump suction intakes at a beach shall be located or protected so as to be inaccessible to bathers. ~~Drains shall be designed to prevent bather entrapment as specified in Section 820.210(f)(3)(A).~~

c) Drop Slides

- 1) **Slide Position.** There shall be a slide landing area extending at least five feet on either side of the centerline of the slide terminus and 20 feet in front of the slide. This area shall not infringe on the landing area for any other slides or diving equipment. Steps shall not infringe on this area.
- 2) **Water Depth.** The water depth directly below the slide discharge point and for a distance of 12 feet beyond shall comply with the following requirements:

Slide Platform Height above Water Level in Feet	Minimum Water Depth in Feet
3.5 to 5	8
5 to 10	10

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10 to 12

12

- 3) Platform Height. The drop slide platform shall not exceed 12 feet in height, measured above the water level in the plunge area.
- d) Other Slides
- 1) There shall be a slide plunge area extending at least three feet six inches on either side of the centerline of the slide terminus and 20 feet in front of the slide. This area shall not infringe on the landing area for any other slides, water slides, drop slides, or diving equipment.
- 2) Unless the slide is designed by the manufacturer for safe exits at lesser water depths, the water depth and slide exit height above the water shall be in accordance with the following table. The exit height shall not exceed 48 inches above the water surface.

Exit Height Above Waterline, Inches	Minimum Water Depth, Feet
0 to 6	2.0
6 to 12	2.5
12 to 18	3.5
18 to 24	5.0
24 to 30	6.0
30 to 42	8.0
42 to 48	10.0

- 3) Slides shall be positioned so that any water flowing off the end of the slide terminus drops into the pool.
- 4) Handrails. Slides shall be equipped with handrails to aid the slider in safely making the transition from the ladder to the runway. Handrails shall begin at a point no more than four feet above the pool deck.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7177, effective May 18, 2008, for a maximum of 150 days)

SUBPART D: OPERATIONAL REQUIREMENTS

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Section 820.320 Water Quality**EMERGENCY**

- a) Testing Equipment
 - 1) Water testing equipment for determining pH and disinfectant level of pool water shall be provided. The equipment for determining pH shall include at least five color standards with a range of pH 6.8 to 8.0, as a minimum.
 - 2) Where chlorine is used as a disinfectant, a DPD-type test kit shall be provided that includes at least four chlorine color standards with a range of 0.5 to 3.0 p.p.m., as a minimum.
 - 3) Where bromine is used as a disinfectant, a colorimetric test kit shall be provided that will determine free bromine residual and pH. The test kit shall include at least five bromine standards covering a range of 1.0 to 5.0 p.p.m.
 - 4) Pools using chlorinated cyanurates for disinfection shall have a test kit to measure cyanuric acid concentration. The cyanuric acid test kit shall permit readings up to 100 p.p.m.
 - 5) Where silver/copper or copper ion generators are used, a test kit to determine the concentration of copper shall be provided.
- b) Disinfectant Residual.
 - 1) Where chlorine is used as a disinfectant, the chlorine residual shall be maintained between 1.0 and 4.0 p.p.m. as free chlorine residual. A free chlorine residual of at least 2.0 p.p.m. shall be maintained when the pool water temperature exceeds 85°F.
 - 2) Where bromine is used as a disinfectant, abromine residual shall be maintained between 2.0 and 8.0 p.p.m. as total bromine. A bromine residual of at least 4.0 p.p.m. shall be maintained when the pool water temperature exceeds 85°F.
 - 3) Where chlorinated cyanurates are used, the cyanuric acid concentration

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shall not exceed 100 p.p.m.

- 4) When combined chlorine in excess of 0.5 p.p.m. is detected, the pool shall be superchlorinated to attain a free chlorine concentration of at least 10 times the combined chlorine concentration, or oxidized by other means to eliminate the combined chlorine.
 - 5) Where silver/copper or copper ion generators are used, the concentration of copper shall not exceed 1.3 p.p.m. and the concentration of silver shall not exceed 0.05 p.p.m.
 - 6) Where ozone is used, the ambient air ozone concentration shall be less than 0.1 p.p.m. at all times either in the vicinity of the ozonator or at the pool water surface.
- c) pH. The pH of the pool water shall be maintained between 7.2 and 7.6.
 - d) Turbidity. The pool water shall be sufficiently clear that the [entire pool basin main drain grate](#) is clearly visible from the pool deck.
 - e) Alkalinity. The alkalinity of the pool water shall not be less than 50 nor more than 200 p.p.m. as calcium carbonate.
 - f) Temperature. The pool water temperature for indoor swimming pools shall not be less than 76°F. nor more than 92°F. Air temperature at an indoor pool shall be higher than the water temperature.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7177, effective May 18, 2008, for a maximum of 150 days)

Section 820.330 Swimming Pool Closing**EMERGENCY**

The manager/operator shall immediately close the pool whenever any of the following conditions exist:

- a) The manager/operator determines that conditions at a swimming pool or bathhouse create an immediate danger to health or safety.

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- b) Bacteriological results show any of the following:
 - 1) Coliform concentration of 10 per 100 ml in two consecutive samples;
 - 2) Presence of fecal coliform, E coli, beta hemolytic Streptococcus or Pseudomonas in any sample.
- c) Turbidity exceeds the criteria outlined in Section 820.320(d).
- d) A disinfectant residual consisting of a minimum of 0.5 p.p.m. free chlorine or 1.0 p.p.m. bromine is not present or the disinfection system is inoperable.
- e) The total chlorine concentration exceeds 5 p.p.m. or the total bromine concentration exceeds 10 p.p.m.
- f) When the recirculation pumps and/or the filters are inoperable.
- g) When the pH of the pool water is less than 6.8 or greater than 8.0.
- h) When a patron has defecated or vomited in the pool. When this occurs the manager/operator shall remove visible foreign matter and superchlorinate the affected area of the pool. The pool must remain closed for a minimum of 30 minutes following superchlorination, or longer if necessary, for the disinfectant residual to return to prescribed levels. When an incident occurs in a pool with a capacity greater than 50,000 gallons, the pool operator may elect to prohibit use of the affected area only in lieu of closing the pool.
- i) When a suction ~~outlet cover~~ ~~or main drain grate~~ is loose, improperly installed, damaged or missing.
- j) When a written notice to close is issued by the Department, in which case the notice shall be posted by the owner, operator or licensee at the entrance to the pool area. The pool shall remain closed until the Department has authorized the reopening of the pool.
- k) When lightning is sighted or thunder is heard at outdoor pool facilities (see Section 820.360).

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(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7177, effective May 18, 2008, for a maximum of 150 days)

Section 820.340 Operation and Maintenance**EMERGENCY**

- a) Pool and Pool Area
 - 1) The swimming pool shall be maintained free from sediment, lint, dirt and hair. Cracks and other defects in the pool shall be repaired. The walls, ceilings, floors, equipment and the pool proper shall be maintained so that they are protected from deterioration. All equipment shall be maintained in proper condition, with all required components in place. Equipment required to be NSF Standard 50 certified, including filters, skimmers and chemical feeding equipment, shall not be altered or modified in any way.
 - 2) Pool decks shall be rinsed daily. Indoor pool decks shall be disinfected at least weekly. The walks, overflow gutters, counters, lockers, equipment, furniture, interior partitions and walls shall be kept in good repair, clean, and sanitary. No furniture, plants or other furnishings shall be placed within four feet of the pool. This area shall be kept free of obstructions such as chairs and baby strollers. The deck shall be kept free of tripping hazards, such as deck surface irregularities, hoses, baby strollers, and maintenance equipment. The deck, walkways and floors shall be free of areas with poor drainage that retain water.
 - 3) Floats or tubes not in use must be removed from the pool.
 - 4) Starting Platforms. Starting blocks shall not be used for any other purpose than competitive swimming activities. Starting blocks shall be securely anchored when in use but removed or prohibited from use when not being used in conjunction with competitive swimming or training. The maximum height of the platform above the water shall be 30 inches where the water depth is 4 feet or greater and 20 inches when the water depth is less than 4 feet.
 - 5) Safety ropes shall be kept in place except when the swimming pool is being used exclusively for lap swimming or competition.

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- 6) Access to grass areas shall be prevented when bare areas develop, when the grass is not regularly maintained, when debris is allowed to accumulate, or an unsightly condition, offensive odor, or a muddy condition exists.
- b) Perimeter Overflow, [Suction Outlet Covers](#) and Skimmers. The perimeter overflow systems, [suction outlet covers](#) or automatic surface skimmers shall be clean and free of leaves or other debris which would restrict flow. The strainer baskets for skimmers shall be cleaned daily. Broken or missing skimmer weirs shall be replaced. [Broken or missing suction outlet covers shall be replaced immediately and installed in accordance with the manufacturer's requirements.](#) The flow through each skimmer shall be adjusted as often as necessary to maintain a vigorous skimming action which will remove all floating matter from the surface of the water. The pool water shall be maintained at an elevation such that effective surface skimming is accomplished. A higher water level may be maintained during official swimming competition. For pools with perimeter overflow systems, adequate surge storage capacity shall be maintained so that flooding of the perimeter overflow system does not occur during periods of peak usage. The flow returning from the pool shall be balanced or valved such that the majority of flow is returned through the perimeter overflow or skimmer system.
- c) Inlet Fittings. Inlets shall be checked frequently so that the rate of flow through each inlet establishes a uniform distribution pattern. Inlets in pools with surface skimmers shall be adjusted as necessary to provide vigorous skimming.
- d) Bather Preparation Facilities
- 1) Floors shall be cleaned and disinfected daily.
 - 2) Toilet rooms and fixtures shall be kept clean, free of dirt and debris and in good repair. Floors shall be maintained in a slip-resistant condition. Soap dispensers shall be filled and operable. A supply of toilet paper shall be provided at each toilet at all times.
- e) Foot Baths. Foot baths shall be free of dirt, debris and other floating matter and shall be operated by continuously introducing fresh water and discharging used water to waste.
- f) Security. Doors or gates in the swimming pool enclosure shall be kept closed and

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locked when the swimming pool is closed.

- g) **Bather Loads.** The number of persons within a swimming pool enclosure shall not exceed the permissible bather load established by the Department. Additional patrons may be allowed at other recreational features within the pool enclosure, such as sand play areas, turf sun-bathing areas and picnic areas, if additional toilet facilities are provided. However, the number of patrons in swimming pools, wading pools or on the pool deck shall not exceed the bather load. The bather load shall be posted at the pool entrance or at a location where it can be seen by all patrons and shall be enforced by the manager/operator.
- h) **Electrical Systems** shall be maintained in accordance with the National Electrical Code.
- i) **Diving Equipment.** Diving equipment shall be maintained in a safe condition, be securely anchored, and have a slip-resistant surface.
- j) **Vacuum Cleaners.** Vacuum cleaning shall not be conducted when the pool is in use.
- k) **Operation of Mechanical Equipment**
 - 1) **Manufacturers' instructions** for operation and maintenance of mechanical and electrical equipment, as well as pump performance curves, shall be kept available at the pool. All valves and piping in the equipment room must be permanently identified as to use and direction of flow. A valve operating procedure must be provided in the equipment room for each operation (e.g., recirculation, filtration, backwashing, etc.).
 - 2) **Pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components** of the pool water recirculation system shall be kept in continuous operation 24 hours a day. A recirculation and filtration flow rate that will result in a turnover period as specified in Section 820.210 shall be maintained at all times, except for wading areas in swimming pools constructed prior to May 20, 1999 where such a flow rate cannot be attained without alteration of the recirculation system, in which case a recirculation flow rate that will result in a turnover period of no more than six hours shall be maintained in the wading area.

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- 3) Recirculation Pumps. The pump shall not be throttled on the suction side during normal operation except for necessary regulation of flow through main drain piping. Recirculation pumps shall be kept in good repair and condition. The pump discharge or inlet supply line valve shall be adjusted as necessary to maintain the design flow rate.
- 4) Filtration.
 - A) The filtration flow rate shall not exceed the maximum filtration design flow rate specified by the filter manufacturer for public swimming pool usage in accordance with NSF Standard 50. Where this rate is not known or has not been determined, the flow rate shall not exceed 15 gallons per minute per square foot of filter area for high-rate sand filters, 3 gallons per minute per square foot for other sand filters, 1.5 gallons per minute per square foot for diatomaceous earth filters, or 0.375 gallons per minute per square foot for cartridge filters, except that a filtration flow rate of up to 2.0 gallons per minute per square foot may be allowed where continuous feeding of diatomaceous earth is utilized with a diatomaceous earth filter in accordance with subsection (k)(3)(C)(iii).
 - B) Sand Filters.
 - i) The filter air release valve shall be opened as necessary, to remove air which collects in the filter; and following each backwash.
 - ii) The filter shall be backwashed when the design flow rate can no longer be achieved, or when specified by the filter manufacturer, whichever occurs first.
 - C) Diatomaceous Earth Filters.
 - i) The dosage of diatomaceous earth precoat shall be at least one and one-half ounces per square foot of element surface area. Pressure diatomaceous earth filters shall be backwashed when the design flow rate can no longer be achieved or when specified by the filter manufacturer,

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whichever occurs first. Whenever the recirculation pump stops or is shut off, the filter shall be thoroughly backwashed and the elements shall be precoated before placing the pump back into operation. Vacuum diatomaceous earth filters shall be washed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Backwashing shall not be performed when the pool is in use.

- ii) During the precoating operation, the initial filter effluent shall be either recirculated through the filter until the filter effluent is clear, or the initial filter effluent shall be discharged to waste until properly clarified water is produced.
 - iii) When continuous diatomaceous earth feed is utilized so that a filter may be operated at a filtration rate higher than would otherwise be allowable, it shall be applied at a rate of one-half to one and one-half ounces per square foot of surface area per day, or as needed to extend filter cycles.
- D) Cartridge Filters. A clean extra set of filter cartridges shall be available at the pool.
- 5) Hair and Lint Strainers. Hair and lint strainers shall be cleaned to prevent clogging of the suction line and cavitation. The pump shall be stopped before the strainer is opened to avoid drawing air into the pump and losing the prime. In the case of diatomaceous earth filters, the hair strainer basket shall be cleaned immediately prior to precoating the filter.
 - 6) Flowmeters. Flowmeters shall be maintained in an accurate operating condition and readable.
 - 7) Vacuum and Pressure Gauges. The lines leading to the gauges shall be bled occasionally to prevent blockage.
 - 8) Gas Chlorinators

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- A) Gas chlorinators shall be repaired only by a person trained in servicing these units. The manager/operator shall post the telephone numbers of the appropriate emergency personnel to contact in the event of a chlorine gas emergency.
- B) Chlorine cylinders shall be stored indoors in the area designed for that purpose and away from a direct source of heat. They shall be chained or strapped to a rigid support to prevent accidental tipping. Cylinders shall not be moved unless the protection cap is secured over the valve. A National Institute of Occupational Safety and Health (NIOSH) or Mine Safety and Health Administration (MSHA) approved gas mask, approved for use in a chlorine atmosphere, shall be kept outside the chlorine room in an unlocked container at all times. The gas mask canister shall be replaced regularly as per the manufacturer's recommendations.
- C) Chlorinators, gas lines, injectors, vent lines and cylinders shall be checked daily for leaks. In case of a chlorine leak, corrective measures shall be undertaken only by trained persons wearing proper safety equipment. All other persons shall leave the dangerous area until conditions are again safe.
- 9) Positive Displacement Feeders.
- A) Positive displacement feeders shall be periodically inspected and serviced.
- B) When a chemical feeder is used with calcium hypochlorite solution, to minimize sludge accumulation in the unit, the lowest practicable concentration of solution shall be used, and in no case shall this concentration exceed five percent (about 20 pounds of 65% chlorine powder in 50 gallons of water). If liquid chlorine solution is used, the dilution with water is not critical to the operation of the unit. After first thoroughly rinsing with water, a small amount of mild acid solution may be fed through the unit periodically, to dissolve sludge accumulations.
- 10) [Safety Vacuum Release System and Safety Vent Pipe. Safety vacuum release systems shall be maintained in operable conditions and in](#)

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accordance with the manufacturer's requirements. Safety vent pipes and atmospheric vents for gravity drainage systems shall be maintained free of blockages.

- l) Chlorinated Cyanurates. The use of chlorinated cyanurates is subject to the following requirements:
 - 1) Superchlorination shall be accomplished by using a chlorine product other than a cyanurate; and
 - 2) When the cyanuric acid level exceeds the maximum permissible limit of 100 p.p.m., the pool water must be partially wasted and replenished with fresh water until the cyanuric acid concentration is less than 50 p.p.m.
- m) pH Adjustment
 - 1) Soda ash or caustic soda may be used to raise the pool water pH.
 - 2) Caustic soda shall only be used in accordance with the manufacturer's instructions. Protective equipment and clothing, including rubber gloves and goggles, must be available for the handling and use of this chemical.
 - 3) Sodium bisulfate, carbon dioxide gas or muriatic acid shall be used to lower pool water pH. Carbon dioxide cylinders shall be securely chained or otherwise restrained in a manner that will prevent tipping.
 - 4) Hydrochloric (muriatic) acid shall only be used in accordance with the manufacturer's instructions. Protective equipment and clothing, including rubber gloves and goggles, must be available for handling this chemical.
 - 5) The Department shall be consulted in the event of unusual pH problems including corrosion or scaling or wide fluctuations in pH.
- n) Algae Control
 - 1) The development of algae shall be eliminated by superchlorinating to 10 p.p.m. and maintaining this level for several hours. The pool shall not be open for use during this treatment. If this fails to eliminate the algae, the Department shall be consulted for further advice.

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- 2) Treated algae which cling to the floor and sides of the pool must be brushed loose, and removed by the suction cleaner and filtration system.
- o) Miscellaneous Chemicals
- 1) Chemicals shall be kept covered and stored in the original, labeled container, away from flammables and heat and in a clean, dry, well-ventilated place which prevents unauthorized access to the chemicals.
 - 2) The chemicals used in controlling the quality of water shall be used only in accordance with the manufacturer's instructions.
 - 3) If polyphosphates are used for sequestering iron, the concentration of polyphosphates shall not exceed 10 p.p.m.
- p) Acoustics. If noise is excessive, such that safety instructions cannot be heard, corrective action shall be taken.
- q) Slides
- 1) Water slide equipment shall be maintained in a safe condition and securely anchored.
 - 2) Only one rider at a time shall be allowed to enter a slide except when designed by the manufacturer for two or more riders.
 - 3) For water slides and drop slides, when the plunge area is not visible from the top of the slide, a means of communication shall be provided between the attendant at the top and the lifeguard at the bottom.
 - 4) At the entrance to water slides and drop slides, a sign shall be posted at the top of the slide warning all sliders not to proceed down the slide until instructed to do so by the slide attendant.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7177, effective May 18, 2008, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Licensing Standards for Day Care Centers
- 2) Code Citation: 89 Ill. Adm. Code 407
- 3) The Notice of Proposed Amendments being corrected appeared at 33 Ill. Reg. 5614, dated April 17, 2009.
- 4) The information being corrected is as follows: The Department omitted information pertaining to small businesses in its response to question #13 on the original notice. The corrected information is as follows:
 - 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking pertains to licensed day care centers.
 - B) Reporting, bookkeeping, or other procedures required for compliance: This rulemaking does not impose any additional reporting or recordkeeping requirements.
 - C) Types of professional skills necessary for compliance: No professional skills beyond those currently required to operate a day care center will be required.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF AGENCY RESPONSE TO AN OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Loan Repayment Assistance for Dentists
- 2) Code Citation: 77 Ill. Adm. Code 580
- 3) Section Numbers: 580.100 580.220
 580.110 580.230
 580.200 580.240
 580.210
- 4) Date Notice of Proposed Rules Published in the Illinois Register: September 5, 2008; 32 Ill. Reg. 14455
- 5) Date JCAR Statement of Objection Published in the Illinois Register: May 8, 2009; 33 Ill. Reg. 6546
- 6) Summary of Action Taken by the Agency: At its meeting on April 21, 2009, the Joint Committee on Administrative Rules objected to the Department of Public Health's rulemaking titled Loan Repayment Assistance for Dentists due to the Department's lack of timeliness in proposing rules to reflect statutory changes. The underlying statute was effective in 2007 and the program was funded, but the Department is just now implementing the program.

Response: The Department of Public Health experienced delays in drafting these rules. The Department recognizes the importance of the timely filing of rules in response to statutory changes and will make every effort to ensure the timeliness of future filings.

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 May 12, 2009 through May 18, 2009 and have been scheduled for review by the Committee at its June 16, 2009 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
6/25/09	<u>Department of Employment Security, Employment (56 Ill. Adm. Code 2732)</u>	7/18/08 32 Ill. Reg. 10716	6/16/09
6/25/09	<u>Department of Employment Security, General Application (56 Ill. Adm. Code 2712)</u>	7/18/08 32 Ill. Reg. 10687	6/16/09
6/25/09	<u>Department of Employment Security, Employees' General Rights and Duties (56 Ill. Adm. Code 2815)</u>	7/18/08 32 Ill. Reg. 10744	6/16/09
6/25/08	<u>Department of Employment Security, Notices, Records, Reports (56 Ill. Adm. Code 2760)</u>	7/18/08 32 Ill. Reg. 10722	6/16/09
6/25/09	<u>Department of Employment Security, Payment of Unemployment Contributions, Interest and Penalties (56 Ill. Adm. Code 2765)</u>	7/18/08 32 Ill. Reg. 10728	6/16/09
6/25/09	<u>Department of Employment Security, Administrative Hearings and Appeals (56 Ill. Adm. Code 2725)</u>	7/18/08 32 Ill. Reg. 10711	6/16/09
6/25/09	<u>Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)</u>	3/20/09 33 Ill. Reg. 4283	6/16/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/25/09	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	3/27/09 33 Ill. Reg. 4559	6/16/09
6/26/09	<u>Department of Natural Resources</u> , Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)	3/13/09 33 Ill. Reg. 4064	6/16/09
6/26/09	<u>Department of Natural Resources</u> , Muskrat, Mink, Raccoon, Opossum, Stripped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)	3/13/09 33 Ill. Reg. 4075	6/16/09
6/26/09	<u>Department of Natural Resources</u> , Dove Hunting (17 Ill. Adm. Code 730)	3/13/09 33 Ill. Reg. 4086	6/16/09
6/26/09	<u>Department of Natural Resources</u> , Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill. Adm. Code 740)	3/13/09 33 Ill. Reg. 4103	6/16/09

PROCLAMATIONS

2009-171**National Day of Prayer**

WHEREAS, in times of peril both at home and abroad, many American citizens turn to prayer for help and guidance; and

WHEREAS, millions of men and women across the nation gratefully continue the tradition of prayer in churches, synagogues, temples, mosques, and other houses of worship across our country; and

WHEREAS, established in 1952 by an act of Congress, the National Day of Prayer is now observed nationally every year on the first Thursday in May; and

WHEREAS, the National Day of Prayer is a celebration of American citizens' freedom of religion, set forth in the First Amendment. Americans treasure their religious freedom, which embraces the many diverse communities of faith that have infused our society and our cultural heritage over more than two centuries; and

WHEREAS, in past years, U.S. presidents and governors have signed proclamations designating a National Day of Prayer; and

WHEREAS, the State of Illinois is pleased to join governors across the nation and President Barack Obama by issuing a proclamation honoring the National Day of Prayer, while continuing to work with communities of faith to improve our state:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 7, 2009 as **NATIONAL DAY OF PRAYER** in Illinois.

Issued by the Governor May 4, 2009

Filed by the Secretary of State May 12, 2009

2009-172**Forgotten Children Day**

WHEREAS, the State of Illinois prides itself on giving back to the community and contributing to the quality of life among our citizens; and

WHEREAS, the Court Appointed Special Advocates (CASA) of Cook County, in association with the National Court Appointed Special Advocate Association, speak up in court for abused and neglected children who are involved in the child protection division of the Cook County juvenile courts; and

PROCLAMATIONS

WHEREAS, more than 6,500 children in the Chicago and Cook County area have suffered from some form of abuse or neglect and are placed in the foster care system; and

WHEREAS, through a local effort entitled "CASA of Cook County's Forgotten Children," Chicago community members are encouraged to join together to raise awareness for those children who have fallen victim to abuse and neglect; and

WHEREAS, this effort will give abused and neglected children in our community, and around the country, a chance for a safe, permanent home where they can thrive; and

WHEREAS, nationally, the month of May is recognized as Foster Care Awareness Month, and here in Illinois we observe Foster Parent Appreciation Month; and

WHEREAS, in conjunction with this observance, on Friday, May 8, CASA of Cook County will host a community awareness event to increase understanding of the magnitude of the issue of foster care in the community and to encourage Chicago residents to stand up for these all too often forgotten children:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 8, 2009 as **FORGOTTEN CHILDREN DAY** in Illinois, and urge all citizens to join the effort to raise awareness and help prevent child abuse and neglect.

Issued by the Governor May 7, 2009

Filed by the Secretary of State May 12, 2009

2009-173**Developmental Disability Awareness Day**

WHEREAS, a "developmental disability" is defined as a disorder caused by mental retardation, cerebral palsy, epilepsy, autism, or any other condition which results in impairment similar to that of mental retardation; and

WHEREAS, a developmental disability originates before the age of 18 and is expected to continue indefinitely; and

WHEREAS, approximately 1.8 percent of the U.S. population has some form of developmental disability; and

WHEREAS, due to the early onset and debilitating nature of these disorders, many more children are affected than adults; and

PROCLAMATIONS

WHEREAS, there are approximately 223,200 people with developmental disabilities residing in the State of Illinois; and

WHEREAS, all American citizens have a right to life, liberty and the pursuit of happiness; and

WHEREAS, these rights must not be abrogated merely because a person has a mental or physical disability; and

WHEREAS, every American, regardless of their abilities and disabilities, deserves to be treated with the same respect and dignity; and

WHEREAS, the types of support services available to people with developmental disabilities and the manner in which those services are delivered greatly affects the quality of their lives and the degree of freedom they are able to exercise; and

WHEREAS, there are many organizations in Illinois that strive to provide individuals with developmental disabilities opportunities to live in homes and communities where they can exercise their full rights and responsibilities as citizens, pursue meaningful and productive lives, contribute to their family, community, state and nation, have interdependent friendships and relationships with others, and achieve full inclusion in society; and

WHEREAS, these organizations also work to promote research, awareness and support for those living with developmental disabilities, with the common goal of improving the lives of all those affected by developmental disabilities and ensuring that individuals with developmental disabilities have the strong voice in their communities they deserve:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 21, 2009 as **DEVELOPMENTAL DISABILITY AWARENESS DAY** in Illinois.

Issued by the Governor May 7, 2009

Filed by the Secretary of State May 12, 2009

2009-174

GUBERNATORIAL PROCLAMATION

Severe storms moved through Southern Illinois on the afternoon of May 8, 2009, producing heavy rain, extremely high wind and possibly tornadoes. The storms caused widespread damage to homes, businesses and other structures in towns as well as in rural areas.

PROCLAMATIONS

Downed trees and power lines resulted in the loss of electric power and communications. State highways, county roads and city streets were blocked by debris and the general disruption of essential services resulted in an emergency throughout the area.

In the interest of aiding the citizens of Illinois and the impacted local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Randolph County, Saline County, and Gallatin County as State Disaster Areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations.

Date: May 12, 2009

Filed: May 12, 2009

2009-175**Special Election Proclamation**

WHEREAS, On the 7th day of April, 2009, a special election was held in the State of Illinois for the election of the following officer, to-wit:
One (1) Representative in Congress for an unexpired term.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 8th day of May, 2009, canvass the same, and as a result of such canvass, did declare elected the following named person to the following named office:

**REPRESENTATIVE TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS
IN THE 111th CONGRESS OF THE UNITED STATES
FIFTH CONGRESSIONAL DISTRICT
(For an unexpired term)
Mike Quigley**

NOW, THEREFORE, I, PAT QUINN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing person duly elected to the office as set out above.

Issued: May 8, 2009

Filed: May 14, 2009

ILLINOIS ADMINISTRATIVE CODE
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