

2009

ILLINOIS

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 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

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
23	May 26, 2009	June 5, 2009
24	June 1, 2009	June 12, 2009
25	June 8, 2009	June 19, 2009
26	June 15, 2009	June 26, 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
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46	November 2, 2009	November 13, 2009
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50	November 30, 2009	December 11, 2009
51	December 7, 2009	December 18, 2009
52	December 14, 2009	December 28, 2009

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
6000.10	Amend
6000.20	Amend
6000.25	New Section
6000.30	Amend
6000.40	Amend
6000.50	Amend
6000.70	Amend
6000.80	Amend
6000.85	Amend
6000.100	Amend
6000.110	Amend
6000.120	Amend
6000.130	Amend
6000.150	Amend
6000.160	Amend
6000.170	Amend
6000.190	Amend
6000.220	Amend
6000.250	Amend
6000.270	Amend
6000.280	Amend
6000.290	Amend
6000.302	Amend
6000.305	Amend
6000.308	Amend
6000.320	Amend
6000.340	Amend
- 4) Statutory Authority: The Carnival and Amusement Rides Safety Act [430 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking is being implemented in order to reflect changes to the existing law and update incorporated safety standards. The proposed rulemaking includes clarifications and additions to the current definitions, specified qualifications for the Department's

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NOTICE OF PROPOSED AMENDMENTS

inspectors, specified requirements for itinerary and/or route sheets, updated amusement ride safety standards, updated electrical standards and incorporated safety standards for inflatable amusement attractions. In addition, the proposed rulemaking also implements provisions of Public Act 95-397, which provides for new criminal history records checks and sex offender registry checks for carnival workers and substance abuse policy requirements.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: A.M. Best Company Standards; American National Standards Institute, Inc. Recommended Practices; American Society for Nondestructive Testing Recommended Practices; ASTM International Standards; the National Electric Code; and Society of Automotive Engineers Standards.
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 8) Does this proposed rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Sara Scherer
Legislative Liaison
Illinois Department of Labor
1 West Old State Capitol Plaza, 3rd Floor
Springfield, Illinois 62701

217/558-1270
Fax: 217/782-0596

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Carnival owners and operators operating within the State of Illinois will be affected by this rulemaking.
- B) Reporting, bookkeeping or other procedures required for compliance: Carnival owners and operators are required to submit an itinerary and/or route sheet of the dates and locations of expected operation in the State of Illinois. Carnival owners and operators must also provide the Department with proof that they have maintained a substance abuse policy for carnival workers and conducted the required criminal history records checks and sex offender registry checks as required in Section 2-20 of the Act. Furthermore, carnival owners have previously been required to report any serious injuries to the Department within 24 hours notice of the occurrence, but will now be required to submit these reports on a form supplied by the Department.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008 and July 2008

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER XIII: DEPARTMENT OF LABOR: CARNIVAL-AMUSEMENT SAFETY BOARD

PART 6000

CARNIVAL AND AMUSEMENT RIDE SAFETY ACT

Section

6000.10	Definitions
6000.20	Exemptions
<u>6000.25</u>	<u>Qualifications of Inspectors</u>
6000.30	Inspections
6000.40	Application for a Permit to Operate
6000.50	Permit, Inspection and Associated Fees
6000.60	Revocation of Permit to Operate (Repealed)
6000.65	Suspension of Permit to Operate
6000.70	<u>Amusement Ride and Amusement Attraction</u> Design and Construction
6000.80	Insurance
6000.85	Requirements for Liability Insurance, Bond or Deposit of Security
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6000.230	Hydraulic Systems
6000.240	Air Compressors and Equipment
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6000.280	Non-Destructive Testing

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6000.290	Ski Lifts, Aerial Tramways, and Rope Tows
6000.300	Go-Karts, Dune Buggies, and All-Terrain Vehicles (Repealed)
6000.302	Outdoor and Indoor Concession Go-Karts
6000.305	Racing Go-Karts
6000.308	Dune Buggies and All-Terrain Vehicles
6000.310	Water Slides (Repealed)
6000.320	Dry Type Slides
6000.330	Trams
6000.340	Bungee Jumping

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

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days; emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days; emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; emergency amendment at 16 Ill. Reg. 7716, effective May 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12436, effective August 1, 1992; amended at 16 Ill. Reg. 15415, effective September 28, 1992; amended at 17 Ill. Reg. 14910, effective September 1, 1993; amended at 18 Ill. Reg. 13384, effective September 1, 1994; amended at 21 Ill. Reg. 5135, effective April 15, 1997; amended at 21 Ill. Reg. 14954, effective December 1, 1997; amended at 24 Ill. Reg. 490, effective January 1, 2000; amended at 26 Ill. Reg. 871, effective January 9, 2002; amended at 27 Ill. Reg. 17992, effective November 14, 2003; amended at 28 Ill. Reg. 10569, effective July 19, 2004; amended at 30 Ill. Reg. 12093, effective June 30, 2006; amended at 33 Ill. Reg. _____, effective _____.

Section 6000.10 Definitions

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

"Act" means the Carnival and Amusement Rides Safety Act [430 ILCS 85].

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

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

"A.M. Best" or "Best" is the abbreviation for A.M. Best Company, Ambest Road, Oldwick, New Jersey 08858.

"Annual Inspection" is the official inspection of an amusement ride or amusement attraction performed ~~device made~~ by the Director or the Director's ~~his~~ designee.

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

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

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

"Board" means the Carnival-Amusement Safety Board as defined in Section 2-3 of the Act.

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

"Carnival Worker" means a person who is employed by a carnival or fair to manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public. (Section 2-2(8) of the Act)

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

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

"Director" means the Director of the Illinois Department of Labor or the Director's designee. (Section 2-2(1) of the Act)

"Dry Slides" means an inclined surface with a change in elevation of 20twenty feet or more upon which people slide or are conveyed.

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

"Employee", for purposes of this Part, means an individual who is performing services, whether paid or unpaid, as an attendant or assistant on an amusement ride or amusement attraction.

"Employed" means to perform services, whether paid or unpaid, as an attendant or assistant on an amusement ride or amusement attraction.

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

"Inflatable Amusement Attraction" means a device consisting of air-filled structures designed for use, as specified by the manufacturer, that may include but is not limited to bounce, climb, slide or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers, and rely upon air pressure to maintain their shape. This definition shall not include inflatable devices that are used for professional exhibition or stunt work, safety and rescue activities, aerial or aviation structures or devices, exhibit floats or similar inflatable devices.

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

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

"Kiddie Rides" are those amusement rides or amusement attractions thatwhich are designed for 75 pounds or less per passenger.

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

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

"Major Rides" are those [amusement rides](#) or [amusement attractions](#) that are designed for more than 75 pounds per passenger unit.

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

"Operator" means a person, or agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions. (Section 2-2(7) of the Act) For the purpose of this Part:

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

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

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

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

Assistant means a person employed by the Owner to assist the Attendant in operating an amusement ride or amusement attraction when it is open to the public.

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

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

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

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

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

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

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

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

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

"Tram" means any: ~~Any~~ tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the ~~Secretary~~ secretary of ~~State~~ state, which may, but does not necessarily follow a

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fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides. (Section 2-2(4) of the Act)

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

Section 6000.20 Exemptions

The following amusement rides or amusement attractions are exempt from the provisions of this Act:

- a) *Any amusement ride or amusement attraction which is owned or operated by a non-profit religious, educational or charitable institution or association if such amusement ride or amusement attraction is located within a building subject to inspection by the State Fire ~~Marshal~~ ~~marshall~~ or by any political subdivisions of the State under its building, fire, electrical, and related public safety ordinances. (Section 2-16 of the Act)*
- b) Unpowered, non-mechanized playground equipment including but not limited to: swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides and trampolines.
- c) Any single passenger manually, mechanically, or electrically operated, coin-actuated ride ~~that, which~~ is customarily placed singly, or in groups, in a public location and ~~that, which~~ does not normally require the supervision or services of an operator.
- d) Any amusement ride or amusement attraction that is not open to the general public and where admission is monitored and strictly controlled by invitation, company or group identification or other means of identification.

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

Section 6000.25 Qualifications of Inspectors

All amusement ride and amusement attraction inspectors shall meet the following qualifications:

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- a) have knowledge, skills and mental development equivalent to completion of two years of technical school or college with courses in mechanical engineering, physical sciences, or related fields (related work experience in safety inspections or the carnival and amusement ride industry may be substituted on a year-for-year basis);
- b) have a working knowledge of effective methods of inspection and enforcement;
- c) have the ability to prepare clear and concise inspection reports;
- d) have a working knowledge of the fundamental principles of accepted safety and health practices and methods;
- e) have the ability to interpret laws, rules, regulations and standards associated with carnival and amusement ride safety;
- f) have the ability to climb amusement rides or amusement attractions and tolerate heights and work in extreme outdoor weather conditions;
- g) receive annual training or continuing education regarding carnival and amusement ride safety and occupational safety and health issues; and
- h) possess a valid Illinois driver's license and have the ability to travel.

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

Section 6000.30 Inspections

- a) The inspector, upon presenting credentials, is authorized without prior notice to inspect and investigate during regular working hours, any establishment, assembly area, or other area where amusement rides or amusement attractions are assembled or are in use.
- b) Inspection includes a review of necessary documents required under this Part, observance and/or inspection of amusement ride or amusement attraction assembly or set-up. Inspection of the amusement ride or amusement attraction is to include: foundation, blocking, fuel containers, mechanical conditions, and safe operation of the amusement ride or amusement attraction.

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

Section 6000.40 Application for a Permit to Operate

- a) No amusement ride or amusement attraction shall be operated for public use at a carnival or fair in this State without a permit having been issued by the Director to the owner of such equipment.
- b) The permit will be valid for one calendar year. Permits are valid January 1 through December 31. A permit is not transferable and if the owner transfers ownership of the amusement ride or amusement attraction, all rights secured under the permit are terminated.
- c) On or before the first day of May each year, the owner or agent shall apply to the Director for a permit to operate in Illinois. ~~The application shall be made upon forms furnished by the Director.~~ The application shall be made on a form to be supplied by the Department number IL-452-0005 and be accompanied by a certificate of insurance in the amount as set forth in Section 2-14 of the Act, Non-Destructive Test Certificates as required by Section 6000.280, the times and places where the amusement rides or amusement attractions will be available for inspection, and a check or money order for the required fees.
- d) Inspections will be scheduled as expeditiously as practicable, considering the availability of inspectors, the location of the sites to be inspected, and the complexity of the inspection.
- e) If an amusement ride or amusement attraction undergoes a major alteration or is repaired after a major breakdown it shall be reinspected.
- f) Permit and inspection fees are non-refundable and shall be delivered to Illinois Department of Labor, Carnival and Amusement Ride Inspection Division, #1 West Old State Capitol Plaza, Room 300, Springfield IL 62701. Without exception, payment may not be made to an inspector.
- g) No permit will be issued if there are any:
 - 1) Outstanding charges or fees;
 - 2) Open Stop Operation Orders;

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- 3) Modifications, repairs or maintenance procedures that are not in accordance with manufacturer's standards;
 - 4) The owner or agent fails to comply with the procedures set forth in this Part.
- h) In order to keep the Department informed regarding the operation of relocatable or mobile amusement rides or amusement attractions, the owner or operator shall submit, with the required registration application, a tentative itinerary and/or route sheet providing dates and locations of expected operation in the State of Illinois. Throughout the operating season, this itinerary and/or route sheet shall be updated through written submission of notices as to additional operating periods or locations as soon as practicable but prior to operation. The itinerary and/or route sheet shall be submitted on a form to be supplied by the Department and shall include the following:
- 1) the name of the company;
 - 2) the name of the event and/or the event contact person and telephone number;
 - 3) the location address of the event;
 - 4) the date and time the amusement ride or amusement attraction is scheduled to arrive at the location;
 - 5) the date and time the amusement ride or amusement attraction is scheduled to begin operation; and
 - 6) the last date and time the amusement ride or amusement attraction is scheduled to be in operation at that location.
- ih) The Department shall maintain the confidentiality of all route sheets as authorized by Section 7(1)(g) of the Freedom of Information Act [5 ILCS 140/7(1)(g)].

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

Section 6000.50 Permit, Inspection and Associated Fees

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Fees assessed under the Act will be:

- a) Permit Fees
 - 1) Kiddie Rides: \$10 each
 - 2) Major Rides: \$25 each
 - 3) Amusement Attractions: \$25 each
 - 4) Ski Lifts, Aerial Tramways, and Rope Tows: \$25 each
 - 5) ~~Inflatable~~Inflated Amusement Attractions: \$10 each
 - 6) Permit issued upon resolution of a Stop Operation Order: \$10 each
- b) Inspection Fees
 - 1) Kiddie Rides: \$25 each
 - 2) Major Rides: \$60 each
 - 3) Amusement Attractions: \$60 each
 - 4) Ski Lifts, Aerial Tramways, and Rope Tows: \$60 each
 - 5) ~~Inflatable~~Inflated Amusement Attractions: \$25 each
 - 6) Reinspection to resolve a Stop Operation Order: \$250 each
 - 7) Reinspection: \$30 each
- c) Administrative Hearing Fee: \$250 per hearing.
- d) The fee increases are effective January 1, 2007.

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

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Section 6000.70 Amusement Ride and Amusement Attraction Design and Construction-

All amusement rides and amusement attractions shall meet the manufacturer's standards and specifications. No amusement ride or amusement attraction manufactured or undergoing major alterations after April 29, 1986, shall be placed in service unless:

- a) It complies with ASTM ~~Standard F698-9483~~ (~~Reapproved 2000+983~~) Standard Specification for Physical Information to be Provided for Amusement Rides and Devices. This Standard is hereby incorporated by reference and does not include any later editions, amendments or corrections;
- b) The owner is supplied with a manual containing the operation procedures established by ASTM ~~Standard F770-06a82~~ (~~1982~~) Standard Practice for Ownership and Operation of Amusement Rides and Devices. This Standard is hereby incorporated by reference and does not include any later editions, amendments or corrections;
- c) The owner receives certification that the amusement ride or amusement attraction has been tested to the standards ~~as~~ established by ASTM ~~Standard F846-9283~~ (~~Reapproved 2003+983~~) Standard Guide for Testing Performance of Amusement Rides and Devices. This Standard is hereby incorporated by reference and does not include any later editions, amendments or corrections; and
- d) The owner is supplied with a maintenance procedures manual ~~as~~ established by ASTM ~~Standard F853-0583~~ Standard Practice for Maintenance Procedures for Amusement Rides and Devices(~~1983~~). This Standard is hereby incorporated by reference and does not include any later editions, amendments or corrections.

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

Section 6000.80 Insurance

No person shall operate an amusement ride or amusement attraction unless there is in force:

- a) *A current liability insurance policy or policies, with coverage in amounts at least as great as those required by Section 2-14 of the Act;*
- b) *A bond in like amount, as set forth in Section 2-14 of the Act; or*

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- c) *A deposit with the Illinois Department of Labor~~Board~~ of cash or other security acceptable to the Director~~chairman~~. (Section 2-14 of the Act)[~~430 ILCS 85/2-14~~]*

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

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

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

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

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

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

Section 6000.100 Appeals of Permit Denials

If, after inspection, a permit is denied, the affected owner or agent may request the ~~Director~~chief inspector to review the denial. If the ~~Director~~chief inspector determines that the denial was in conformance with this Part and the Act, ~~the Director~~he shall notify the affected party of ~~the~~his determination, orally or in writing, within 5 days after the receipt of the request. The owner or agent may, within 20 business days after the original request, petition the Board in writing and request a review of the ~~Director's~~chief inspector's determination. The Board shall issue its written findings within 15 days after receipt of the written petition. The Board's findings shall constitute final administrative action.

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

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Section 6000.110 Assembly and Disassembly

- a) The attendant of an amusement ride or amusement attraction shall comply with the manufacturer's construction manual for the assembly and disassembly of the amusement ride or amusement attraction. The manufacturer's construction manual shall be available for inspection by the Department. In the absence of a manufacturer's operating manual, the attendant or manager shall have the written step by step procedure or other documents used by the attendant for the assembly and disassembly of the amusement ride or amusement attraction.
- b) Amusement rides and amusement attractions shall be kept away from overhead electrical lines, except for the electric power supply to each amusement ride or amusement attraction, by a minimum of 15 feet.
- c) Quality of Assembly. Assembly work shall be in accordance with the manufacturers requirement; or, in the absence of manufacturers requirements, in accordance with industry accepted standards.
- d) Quality and Inspection of Parts. Parts worn beyond manufacturers specifications shall not be used. Close visual inspection of parts shall be made during assembly to discover such wear or damage and immediate inspection of fastening devices shall be made after assembly to assure that they have been properly installed.
- e) Before being used by the public, amusement rides and amusement attractions shall be placed on or secured with blocking, cribbing, outriggers, guys, or other means as to be stable under all operating conditions.
 - 1) Long guy wires or braces utilized for amusement ride or amusement attraction support shall be clearly marked with streamers or other devices to attract attention when located in pedestrian or traffic patterns.
 - 2) Cement, brick, or stone type blocks shall not be used for blocking, cribbing or outriggers. Brick or similar type blocks may be permitted on buildings such as bumper cars and on platforms, cat walks, ramps, stairs and stations of amusement rides or amusement attractions that bear no weight of the amusement ride or amusement attraction.
 - 3) Cribbing or crossing of blocks shall be required when more than 2 tiers

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high. The height of the blocking shall not exceed the width of the base.

- f) All amusement rides and amusement attractions, such as but not limited to passenger tramways, where restoration of electric power could create a hazard shall be provided with a main disconnect switch capable of being locked only in the off position.
- g) The path of travel of an amusement ride or amusement attraction shall have a clearance to insure that a passenger on the amusement ride or amusement attraction cannot be injured by contacting any structural member or other fixed object when the passenger is in the recommended riding position.
- h) All amusement rides or amusement attractions shall be adequately shielded so as to provide protection to spectators and riders.
- 1) Fences shall be erected to resist moving or tipping and shall prevent ~~inadvertent~~inadvertant contact between the spectator and rider. In determining whether ~~an amusement~~ ride or amusement attraction is adequately fenced, the inspector shall consider the maximum diameter and height of the amusement ride or amusement attraction operated at the manufacturers maximum recommendation. All barriers purchased after the adoption of this part, shall be at least 36" high for major rides and 24" high for kiddie rides and shall be located at a safe distance from the amusement ride or amusement attraction.
 - 2) All power units shall be shielded by:
 - A) Fencing around unit;
 - B) Mesh guarding over unit; or
 - C) Total enclosure.
- i) Leveling and alignment shall be to manufacturers specifications.

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

Section 6000.120 Operator Requirements

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No amusement ride or amusement attraction shall be operated for public use at a carnival or fair in this State without an attendant or assistant. The attendant and/or assistant shall be an employee of the owner.

- a) All ~~ride~~-attendants or assistants shall be a least 16 years of age.
- b) The attendant shall operate no more than one amusement ride or amusement attraction at any given time, even if automatic timing devices are used to control the time cycle of the amusement ride or amusement attraction.
- c) The attendant and/or assistant shall be trained in the proper use and operation of the amusement ride or amusement/ attraction as provided for in ASTM F770-~~06a82 (1982)~~ Standard Practice for Ownership and Operation of Amusement Rides and Devices, and ASTM F853-~~0583 (1983)~~ Standard Practice for Maintenance Procedures for Amusement Rides and Devices and ASTM 2374-07a Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices.
- d) The ~~ride~~-attendant and/or assistant shall ensure that all passenger safety devices are in place around patrons before starting.
- e) The attendant and/or assistant shall be within arms length of the operators station when the amusement ride or amusement/ attraction is in use.
- f) The ~~ride~~-attendant and/or assistant shall not operate any amusement ride or amusement attraction while under the influence of alcohol or any drug or combination of drugs to a degree that renders the operator incapable of safely operating the amusement ride or amusement attraction. For the purposes of this Section, the term "drug" includes any substance defined as a drug by Section 102(t) of the Illinois Controlled Substance Act [702 ILCS 570/102].
- g) The attendant and/or assistant shall ensure that no one is permitted on an amusementa ride or amusement attraction while carrying any article, i.e., food, beverages, packages, lighted cigarettes, etc., which could endanger the rider or spectators.
- h) The record of attendant and assistant training required by subsection (c) of this Section shall be kept on file by the owner or operator~~manager~~ and be made available to the inspector during inspection and upon request by the Department.

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- 1) The owner or operator has a duty to comply with all the requirements set forth in Section 2-20 of the Act regarding the employment of carnival workers, criminal history records checks, sex offender registry checks and the maintenance of a substance abuse policy for carnival workers.
- 2) The owner or operator shall be required to acknowledge in writing that the owner or operator understands its obligations under the Act and confirm that the required criminal history records check and statewide search of sex offender registry checks have been performed. Upon annual inspection or reinspection, the owner or operator shall provide written evidence that the criminal history records check and the sex offender registry check have been completed for each carnival worker in its employ. If the documentation is not available upon inspection, the Department may grant the owner or operator five calendar days to obtain and provide documentation to the Department showing that the checks were requested and the results were received for each carnival worker. An owner or operator shall provide copies of the results of the criminal records check and the sex offender registry checks to the Department upon inspection or upon request by the Department. These records shall be maintained by the owner or operator for a period of two years unless the records relate to an ongoing investigation or enforcement action under the Act, in which case the records must be maintained until after their destruction is authorized by the Department or court order.
- 3) The owner or operator shall also be required to provide written documentation that he or she maintains a substance abuse policy that includes random drug testing of carnival workers.

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

Section 6000.130 Operator Authority Regarding Passenger Safety~~Passenger Conduct~~

- a) *The owner or operator of an amusement ride or amusement attraction may remove from or deny entry to a person to an amusement ride or amusement attraction if, in the owner's or operator's opinion, the entry or conduct may jeopardize the safety of such person or the safety of any other person. (Section 2-19 of the Act)*

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- b) Any amusement ride or amusement attraction ~~thatwhich~~ is subject to guardian, height or weight requirement established by manufacturer, manager or attendant shall have ~~thatsuch~~ restriction in plain view at the entrance to the amusement ride or amusement attraction. ~~TheSuch~~ restriction may not be waived.

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

Section 6000.150 Daily Inspection and Test

- a) The amusement rides and amusement attractions shall be inspected and tested on each day they are intended to be used. This inspection shall be made by a trained attendant as defined in Section 6000.120(c). Results of these daily inspections shall be recorded on industry approved forms ~~orsuch as Outdoor Amusement Business Association, Form No. 1AOA-2, on~~ other forms approved by the Department. Completed inspection forms shall be certified by the manager. The record of daily inspection shall be kept on file by the manager for one calendar year and be made available to the inspector during inspection.
- b) The inspection and test shall include the operation of control devices, speed limiting devices, brakes, anti-roll back dogs, and other equipment provided for safety.
- c) The amusement ride or amusement attraction shall be operated through a minimum of one ride sequence.

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

Section 6000.160 Reports

- a) Personal Injury Report. The owner or manager of an amusement ride or amusement attraction shall report a serious injury to the Department within 24 hours after occurrence of the incident by telephone or other means of immediate communication. An owner or manager shall confirm in writing to the Director all such accidents within forty-eight hours after occurrence of the incident. The report of an accident shall be on a form supplied by the Department~~may be a duplicate copy of the report submitted to the insurance companies.~~
- b) Fatal Accident Reports:

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- 1) An owner or manager shall as soon as physically possible report to the Director all fatal accidents resulting from the operation of an amusement ride or amusement attraction.
- 2) The initial report shall be made by telephone and followed within twenty-four hours in writing.
- 3) If the fatality is related to a major breakdown the Department shall initiate an investigation within 24 hours of initial notification.
- 4) The amusement ride or amusement attraction shall not be moved or repaired without written approval of the Department. This rule shall not be construed to hinder any action by emergency response personnel or to prevent the elimination of any obvious safety hazard.
- 5) The owner or manager shall afford the Department every facility for inspection. He shall provide all information or facts known as to the cause of such accidents.

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

Section 6000.170 Maintenance

- a) The attendant shall perform periodic maintenance as required or recommended by the [amusement ride](#) [or amusement attraction](#) manufacturer. Such maintenance shall be recorded on Daily Inspection Checklists as provided in Section 6000.150(a) and be available for review by the Director.
- b) Maintenance records shall be maintained for one calendar year.

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

Section 6000.190 Fire Prevention and Protection

- a) The inspector shall waive the requirement that an owner or agent be inspected under this Section prior to operation if an owner or agent gives satisfactory proof that all amusement rides, amusement attractions, and the carnival or fair site have passed an inspection conducted by the State Fire Marshall or the local fire protection agency. The inspection by the State Fire Marshall or local fire

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protection agency must have been conducted no more than 5 days prior to the department's inspection and must have been conducted in accordance with standards and requirements that are at least equal to those requirements and standards applicable to fire protection and prevention established in this Part.

- b) If the inspection requirements have not been waived under the requirements of Section 6000.190(a) then the following shall apply.
- 1) The manager shall provide a portable fire extinguisher complying with NFPA- 10 ~~(2007), 1984~~ Standard [for Portable Fire Extinguishers](#), within 125 feet of any amusement ride, amusement attraction, or electrical distribution system. The NFPA- 10 ~~(2007), 1984~~ Standard [for Portable Fire Extinguishers](#), is hereby incorporated by reference and does not include any later editions, amendments or corrections.
 - 2) Flammable waste, such as oily rags and other flammable or combustible materials, shall be placed in a covered metal container ~~that~~^{which} shall be kept in easily accessible locations. Such containers shall not be kept at or near access, egress or aisles.
 - 3) Fire and smoke detecting systems shall be installed in each building or structure used in an amusement ride or amusement attraction ~~that~~^{which} requires a darkened interior during operation.
 - 4) Gasoline, other flammable liquids and flammable gases shall be stored in reasonably cool and ventilated places in accordance with NFPA- 30 ~~(2003) Flammable and Combustible Liquids Code, 1984 Standard~~, which is hereby incorporated by reference and does not include any later editions, amendments or corrections.
 - A) Dispensing of such liquids shall be from approved safety cans painted red and marked with the word "Gasoline" in ½" high letters in a contrasting color. Damaged or leaking fuel containers are prohibited.
 - B) Smoking and/or the carrying of open flame, lighted cigars, cigarettes, or pipes is prohibited in any area where such liquids or gases are stored or transferred from one container to another.

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- C) Bulk storage (quantities over 12 gallons) is not permitted in any area accessible to the public.
- 5) Fabric constituting part of an amusement ride or amusement attraction shall meet the flamespread ratings of NFPA- 701 (1999),-1977 Standard Methods of Fire Tests for Flame Propagation of Textiles and Films, which is hereby incorporated by reference and does not include any later editions, amendments or corrections. A certificate or a test report from the fabric manufacturer or approved testing agency indicating a fire resistance rating equal to or better than the above standard shall be available upon request.
- 6) "No Smoking" signs shall be posted at the entrances/exits~~entrance~~ to all amusement rides or amusement attractions that~~which~~ require a darkened interior during operation.

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

Section 6000.220 Electrical Equipment – Amusement Rides and Amusement Attractions

- a) Effective January 1, 2010~~April 15, 1998~~, all electrical equipment related to amusement rides and amusement attractions must comply with NFPA -70-(2005), Article 525 Carnival, Circuses, Fairs, and Similar Events~~1996. Article 525~~The National Electrical Code, NFPA-70-1996 is hereby incorporated by reference and does not include any later editions, amendments or corrections.
- b) Lock Out. A means shall be provided for locking out the power source to the amusement ride, amusement attraction, and equipment for maintenance, repair or inspection. This may be a padlock latch on the main switch.
- c) High Voltage Lines. The outlets for electric power lines carrying more than 120 volts shall be clearly marked by a contrasting color marking pen or paint, a name label or a steel stencil imprint to show the voltage.
- d) Outdoor apparatus and wiring. Electrical apparatus and wiring located outdoors shall be of such quality and so constructed or protected that exposure to weather will not interfere with its normal operation.
- e) Grounding:

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- 1) Five wire electrical systems shall be grounded at the main power generator or main distribution panel. The neutral wire and equipment ground shall not be bonded together at any amusement ride or amusement attraction.
- 2) All other electrical systems shall have individual ground rods connected to the amusement ride or amusement attraction frame. The neutral wire and equipment ground shall not be bonded together at any amusement ride or amusement attraction.
- 3) Sufficient electrodes to achieve 25 ohms or less resistance to ground shall be utilized.
- 4) Any motor operating on 50 or more volts shall have its frame grounded.
- f) Overcurrent Protection. Conductors shall be provided with overcurrent protection devices according to load. No such device shall be installed in neutral or grounding conductors.
- g) Receptacles and caps. All receptacles and attachment caps shall be of the grounding type.
- h) Each amusement ride or amusement attraction not designed to be controlled directly by the passenger shall be provided with a fused power disconnect switch placed within arms length of the attendant's station.
- i) Safety stop circuits:
 - 1) The resumption of operation after a system shutdown caused by loss of power or activation of a safety circuit or stop shall require manual restarting by the attendant.
 - 2) Safety circuits shall not be bypassed during operation.
- j) Emergency lighting. ~~If Effective January 1, 1986, if~~ an amusement ride or amusement attraction requires a darkened interior during operation each building or structure shall be equipped with a battery powered emergency lighting system. In addition to a manual switch at the attendant's station, the system shall activate automatically when either a power failure occurs or the smoke and fire detection

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alarm sounds.

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

Section 6000.250 Wire Rope

- a) Wire rope used on amusement rides and amusement attractions shall be thoroughly examined periodically per amusement ride or amusement attraction manufacturer's~~manufacturers~~ specifications.
- b) Wire rope found damaged shall be replaced with new wire rope conforming to specifications set forth by the amusement ride or amusement attraction manufacturer. Any of the following conditions shall be cause for wire rope replacement:
 - 1) In running ropes, 6 randomly distributed broken wires in 1 rope lay, or three broken wires in 1 strand in 1 rope lay. A rope lay being the length along the rope required for one strand to make one revolution around the rope;
 - 2) In pendants or standing ropes; (ropes bearing the entire load or subjected to constant pressure or shock loading), evidence of more than 1 broken wire in 1 rope lay;
 - 3) Abrasion, scrubbing or peening causing loss of more than $\frac{1}{3}$ of the original diameter of the outside wires;
 - 4) Corrosion which results in surface pitting on the wires;
 - 5) Kinking, crushing, birdcaging, or other damage resulting in distortion of the rope structure causing some members of the rope structure carrying more load than others;
 - 6) Heat damage;
 - 7) Reduction from the normal diameter of the wire rope of more than $\frac{3}{64}$ inch for diameters up to and including $\frac{3}{4}$ inch; $\frac{1}{16}$ inch for diameters over $\frac{3}{4}$ inch up to and including $1\frac{1}{18}$ inches; $\frac{3}{32}$ inch for diameters over $1\frac{1}{18}$ inches up to $1\frac{1}{2}$ inches;

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- 8) Any rust that cannot be removed by wiping the wire rope with an oily rag or development of broken wires in the vicinity of attachments. If this condition is localized in an operating rope, the section in question may be eliminated by making a new attachment; and
- 9) Wire ropes used to support, suspend, bear or control forces and weights involved in the movement and utilization of tubs, cars, chairs, seats, gondolas, other carriers, the sweeps, or other supporting members of an amusement ride or amusement attraction shall not be lengthened or repaired by splicing.
- c) When using U-bolt clips, the U section of each clip must contact the dead end or short end of the wire rope.
- d) Mechanical devices, such as rollers, drums or sheaves, shall not have any chipping, unequal wear, surface roughness or deterioration in any area that contacts the wire rope.

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

Section 6000.270 Inflatable~~Inflated~~ Amusement Attractions ~~and Inflated Buildings~~

All inflatable amusement attractions shall meet the manufacturer's standards and specifications.

- a) Anchorage in accordance with the manufacturer's~~manufacturers~~ specifications shall be provided for inflatable~~inflated~~ amusement attractions ~~and inflated buildings~~ and examined daily.
- b) The fabricskin on inflatable~~inflated~~ amusement attractions ~~and inflated buildings~~ shall be examined daily for rips and tears and those found shall be repaired immediately.
- c) Ventilators and fans shall be shielded by one of the following methods:
 - 1) Fencing around unit;
 - 2) Mesh guarding over unit; or

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- 3) Total enclosure.
- d) Covered or enclosed ~~inflatable~~~~inflated~~ amusement attractions ~~and buildings~~ shall be so designed that if a power failure occurs the structure will remain substantially erect for more than the time required to evacuate the normal rated occupancy or five minutes whichever is the longer period.
- e) No inflatable amusement attraction manufactured after January 1, 2010 shall be placed in service unless the owner:
 - 1) Receives certification that the attraction has been designed, constructed and tested to the standards established by ASTM F2374-07a Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices. This standard is hereby incorporated by reference and does not include any later editions, amendments or corrections;
 - 2) Obtains and complies with the manual containing the operation procedures established by ASTM F2374-07a. This standard is hereby incorporated by reference and does not include any later editions, amendments or corrections; and
 - 3) Obtains and complies with the maintenance procedures manual established by ASTM F2374-07a. This standard is hereby incorporated by reference and does not include any later editions, amendments or corrections.

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

Section 6000.280 Non-Destructive Testing

- a) The owner or agent shall provide the Department with a certificate of non-destructive testing for each part which the manufacturer recommends testing or the Board requires to be tested.
- b) Persons performing non-destructive testing on amusement ride or amusement attraction components shall be qualified to NDT Level II or NDT Level III, in accordance with the American Society for Nondestructive Testing Recommended Practice No. SNT-TC-1A (2006). The American Society for Nondestructive

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Testing Recommended Practice No. SNT-TC-1A, ~~(2006)1984 Edition~~, is hereby incorporated by reference and does not include any later editions, amendments, or corrections. Only individuals qualified may perform non-destructive testing on amusement ride or amusement attraction components. The Department may require certifications of personnel or accept previous certifications at their option.

- c) The Board shall direct the Department to require the non-destructive testing of any part, which if failure were to occur, would result in a major breakdown. The Board shall designate the ~~part~~part(s) to be tested, the date by which the initial test certificate shall be submitted to the Department and the frequency at which the test is to be repeated.
- d) The Department shall maintain and disseminate a listing of all amusement ride or amusement attraction components requiring non-destructive testing. This list shall include the test specifications and frequency of testing.

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

Section 6000.290 Ski Lifts, Aerial Tramways, and Rope Tows

- a) The provisions of ANSI ~~Standard~~-B-77.1 (2006) Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements, 1992, is hereby incorporated by reference and does not include any later editions, amendments or corrections.
- b) New Construction and Alteration
 - 1) All new construction must be registered with the Department before installation is commenced. This registration shall provide the name and mailing address of the owner or agent, the location of the installation, the design and location information cited in the section of the ANSI ~~Standard~~ B77.1 (2006) that is applicable to the type of installation being registered.
 - 2) The movement of an existing installation to a new location shall be considered new construction.
 - 3) A newly constructed aerial tramway shall be subjected to an acceptance test and inspection as defined in the ANSI ~~Standard~~ B77.1 for the installation being inspected before the installation is used by the public.

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These tests shall be witnessed by the Department.

- 4) Engineering and architectural work shall be performed by or under the supervision of a licensed professional engineer.
- c) Inspection, Operation, Maintenance and Repair
- 1) After accidental activation of a safety stop or gate, the attendant shall make an inspection to determine the cause. No safety stop or gate may be installed which will allow automatic restart. The attendant shall physically restart the tramway.
 - 2) Debris and foreign material shall not be allowed on, in, under, or around a passenger tramway. Spillage or leakage of grease, gasoline, oil, or other petroleum products shall be immediately cleaned up and, if due to mechanical fault, the fault shall be corrected.
 - 3) Each snow-grooming and other authorized vehicles, except a snowmobile, shall conspicuously display a flashing or rotating yellow light when the vehicle is on, or in the vicinity of, a passenger tramway or tow. A snowmobile shall be permitted in the vicinity of a passenger tramway or tow only in emergency situations and must have a least one operating white light or flashing beacon on the front of the snowmobile.
 - 4) No attendant or assistant may act as ticket seller or receive money while the aerial tramway is in operation.
- d) Any aerial tramway malfunction that results in evacuation of passengers shall be considered a major breakdown. The Department shall be notified within 24 hours after the ~~occurrence~~~~occurrence~~ by telephone or other means of immediate communication. The owner or manager shall confirm in writing to the Director all such incidents within 48 hours after the ~~occurrence~~~~occurrence~~ of the incident.
- e) Any serious injury or fatality resulting from the operation of an aerial tramway or tow shall be handled as required by Section 6000.160.

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

Section 6000.302 Outdoor and Indoor Concession Go-Karts

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a) Vehicle Requirements

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

b) Track and Course Requirements

- 1) The surface of the track or course used by go-karts shall be of a solid and binding material.
- 2) Minimum width requirements for go-kart tracks shall be 20 feet throughout the entire length of the track.
- 3) A barrier system shall be installed around the inner and outer edges of the track or course used by go-karts. It shall be securely anchored and extend the entire length of the track or course. The system may be a guardrail,

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rubber tires, a runoff strip or embankment of friable earth or gravel or a combination thereof.

- A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to form a continuous train. Tires shall never be stacked over two high.
 - B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there are no loose or unsecured areas.
 - C) A barrier system shall be installed to designate and protect opposing traffic, the pit area or passenger loading area.
 - D) No one shall have access to the track and courses other than properly admitted go-kart drivers, employees of the licensee or the Board, and other persons authorized by the license for the purpose of maintenance, etc.
- 4) A fence or railing system shall be installed at maintenance buildings, driveways, pit areas, and fuel storage pumping areas to keep patrons awaiting amusement rides and spectators from entering these track areas without the permission of, or direction by, track personnel.
- 5) No intersecting course configurations, including but not limited to a Figure 8 course configuration, shall be permitted.
- c) Operation
- 1) The attendants or assistants shall be able to clearly view the entire course.
 - 2) Fire extinguishers shall be charged and readily available to the track personnel at all times in accordance with ASTM ~~Standard F-2007-07~~ Standard: Practice for the Classification, Design, Manufacture, and Operation of Concession Go Karts and Facilities ~~as published in ASTM's Standards on Amusement Rides and Devices (ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 16428-2959 (2004).~~

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- 3) The refueling of vehicles with internal combustion engines or the charging of batteries in electric powered karts shall take place in the pit areas.
- 4) All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190 – Fire Prevention and Protection.
- 5) Beginning at twilight at an outdoor operation, track lighting is required. During indoor operation, track lighting is required. Track lighting shall be in accordance with ASTM ~~Standard F-2007~~ [Practice for the Classification, Design, Manufacture, and Operation of Concession Go Karts and Facilities as published in ASTM's Standards on Amusement Rides and Devices \(ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 19428-2959 \(2004\)\)](#).
- 6) Monitoring
 - A) A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.
 - B) Effective January 1, 2006, each vehicle shall be equipped with a throttle control device that can be activated from the ride attendant's station.
- 7) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector's review. All replacement of parts should be documented in the maintenance log for that vehicle. A comment section should be provided. On a daily basis, the track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall include, but not be limited to, the following information:
 - A) Brake inspection;
 - B) Tire wear and pressure;

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- C) Steering inspection;
 - D) Body inspection;
 - E) Padding inspection;
 - F) Lubrication and engine oil check; and
 - G) Drive mechanism.
- 8) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.
- d) Special Circumstances/Waiver of this Section
- 1) The Director may approve an operating permit for an existing facility that does not meet the requirements of this Section if the following apply:
 - A) A written request for waiver is submitted to the Director; and
 - B) The facility requesting waiver was built and licensed prior to January 1, 2007.
 - 2) If, after January 1, 2007, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.
 - 3) Tracks constructed on or after January 1, 2007 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

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

Section 6000.305 Racing Go-Karts

- a) Vehicle Requirements

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- 1) All vehicles shall be equipped with driver padding and passenger padding, if applicable, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.
 - 2) All vehicles shall be guarded to prevent interlocking of wheels during operation.
 - 3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.
 - 4) Vehicles shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The exhaust system shall be located or guarded to protect the passenger when entering or exiting the vehicle.
 - 5) Vehicles with fuel tanks shall have the tanks mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to [ANSI SAE ~~Recommended Practice~~ J-1241 \(1999\) Surface Vehicle Recommended Practice](#) and be designed and maintained so as not to leak.
 - 6) Wheels shall be retained by a castellated nut and cotter pin or other positive method recommended by the manufacturer. Nuts with inserts of nylon or other material shall not be re-used.
- b) Track and Course Requirements
- 1) The surface of the track or course used by go-karts shall be of a solid and binding material.
 - 2) Minimum width requirements for tracks shall be 20 feet throughout the entire length of the track or course.
 - 3) A barrier system shall be installed around the inner and outer edges of the track or course used by go-karts and shall extend the entire length of the track or course.
 - A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to

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form a continuous train. Tires shall never be stacked over two high.

- B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there is no loose or unsecured areas.
 - C) A barrier system shall be installed to designate and protect the pit area or passenger loading area.
 - D) Access to the entire track shall be restricted.
- 4) A fence or railing system shall be installed at maintenance buildings or areas, driveways, pit areas, and fuel storage/pumping areas to keep patrons awaiting rides and spectators from entering these track areas without the permission of, or direction by, track personnel.
 - 5) No intersecting course configurations, including but not limited to a Figure 8 course or opposing traffic configuration, shall be permitted.
- c) Operation
- 1) The attendants or assistants shall be able to clearly view the entire course.
 - 2) Fire extinguishers shall be charged and readily available to the track personnel at all times.
 - 3) The refueling of the vehicles with internal combustion engines or the recharging and/or exchanging of batteries shall take place in the pit areas.
 - 4) All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190 – Fire Prevention and Protection.
 - 5) Beginning at twilight, track lighting is required and lighting is required for indoor tracks at all times during operations.
 - 6) Monitoring

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- A) A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.
 - B) Effective January 1, 2006, each vehicle shall be equipped with a throttle control device that can be activated from the ride attendant's station.
- 7) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector review. All replacing of parts should be noted. A comment section should be provided. The track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall include, but not be limited to, the following information:
- A) Brake inspection;
 - B) Tire wear and pressure;
 - C) Steering inspection;
 - D) Body inspection;
 - E) Padding inspection;
 - F) Lubrication and engine oil check; and
 - G) Drive mechanism.
- 8) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.
- 9) Personal Safety Equipment. Drivers of karts that are not equipped with seatbelts and roll bars shall wear the following personal safety equipment while on the track or course.

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- A) Drivers of karts shall wear the following personal safety equipment while on the track or course:
 - i) Head Gear – A full-face helmet with head sock complying with a Snell Foundation test specification as published in the Snell Helmet Safety Standards (The Snell Memorial Foundation, Inc., 3628 Madison Ave., Suite 11, North Highlands CA 95660) (1998) is mandatory. A full-face shield is mandatory. The helmet must be secured by a chinstrap.
 - ii) Neck Brace – The use of unaltered collar-type neck brace designed for racing is mandatory. Any driver losing his or her neck brace shall immediately precede to the pits and may, upon replacing the missing neck brace, return to the track.
 - B) Drivers of indoor karts that are not equipped with seatbelts and roll bars, and that go less than 7 mph, are not required to wear personal safety equipment as stated in this Section and are called kiddie karts.
- d) Special Circumstances/Waiver of this Section
- 1) The Director may approve an operating permit for an existing facility that does not meet the requirements of this Section if the following apply:
 - A) A written request for waiver is submitted to the Director; and
 - B) The facility requesting waiver was built and licensed prior to January 1, 2007.
 - 2) If, after January 1, 2007, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.
 - 3) Tracks constructed on or after January 1, 2007 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

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

Section 6000.308 Dune Buggies and All-Terrain Vehicles

a) Vehicle Requirements

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

b) Track and Course Requirements

- 1) A minimum width of 10 feet shall be maintained throughout the entire course or track.
- 2) The track or course shall be marked with signs to indicate designated path and to prohibit pedestrian or other traffic.

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

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- G) Drive mechanism.
- 5) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.
- 6) Personal Safety Equipment
 - A) Head Gear – A full-face helmet with head sock complying with a Snell Foundation test specification (1998) is mandatory. A full-face shield is mandatory. The helmet must be secured by a chinstrap.
 - B) Neck Brace – The use of unaltered collar-type neck brace designed for racing is mandatory. Any driver losing his or her neck brace shall immediately precede to the pits and may, upon replacing the missing neck brace, return to the track.
- d) Special Circumstances/Waiver of this Section
 - 1) The Director may approve an operating permit for an existing facility that does not meet the requirements of this Section if the following apply:
 - A) A written request for waiver is submitted to the Director; and
 - B) The facility requesting waiver was built and licensed prior to January 1, 2007.
 - 2) If, after January 1, 2007, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.
 - 3) Tracks constructed on or after January 1, 2007 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

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

Section 6000.320 Dry Type Slides

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- a) Slide Design and Construction
 - 1) Rigid supporting framework for slides shall be provided.
 - 2) The means of access to the starting platform of the slide shall be designed, constructed and maintained so as not to present a hazard, such as cutting, pinching, puncturing, tripping or falling, to anyone using the slide.
 - 3) The slide shall be banked or safety walls provided on curves to keep the slider's body on the slide.
 - 4) The construction, dimensions, and the mechanical attachment of the slide components shall be such that the surfaces of the slide (slope, curves, turns and tunnels) are smooth and continuous for its entire length. All parts that might come in contact with the slider's body shall be arranged or finished so that they will not constitute a cutting, pinching, puncturing, or abrasion hazard through either casual contact or intended use.
 - 5) A means of cushioning the rider's landing and/or stopping shall be provided.
- b) During the operating season the manager shall:
 - 1) Make a daily inspection, checking for:
 - A) Loose hand rails or steps on ladder or stairway;
 - B) Loose guard rails on slide;
 - C) Unusual movement of slide;
 - D) Sharp edges or rough surfaces on slide and safety rails;
 - E) Check all electrical circuits and lights for cracks, abrasions, exposed wiring, burned out bulbs, etc.; and
 - F) Condition of landing or stopping area.

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- 2) Not use any mat which is not pliable and in good condition.
- c) On slides requiring mats, the ~~attendants~~attendant(s) shall:
- 1) Regulate the spacing of sliders so that there are no collisions at the bottom of the slide;
 - 2) Make sure that all riders are sitting and positioned properly before sliding. All sliding should be done in an upright, sitting position. Absolutely no sliding should be done backwards or in a prone or standing position;
 - 3) Regulate the traffic up the steps;
 - 4) Instruct people to use handrails as they climb up the steps;
 - 5) Assist people to get up after completing their ride; and
 - 6) Collect the sliding mats.
- d) On slides over 25' to the platform, a minimum of two attendants must be used.
- 1) The ~~attendants~~attendant(s) at the top of the slide shall:
 - A) Regulate the spacing of sliders so that there are no collisions at the bottom of the slide; and
 - B) Make sure that all riders are sitting and positioned properly before sliding. All sliding should be done in an upright, sitting position. Absolutely no sliding should be done backwards or in a prone or standing position.
 - 2) The ~~attendants~~attendant(s) at the bottom of the slide shall:
 - A) Regulate the traffic up the steps;
 - B) Instruct people to use handrails as they climb up the steps;
 - C) Assist people to get up after completing their amusement ride; and

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- D) Collect the sliding mats if mats are used.

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

Section 6000.340 Bungee Jumping

This rule specifies the site, site approval, design, testing of equipment, management of the operation, operating procedures, emergency provisions and procedures for Bungee Jumping from any mechanical operated platforms that carry jumpers to the top of the structure.

- a) In addition to the definitions in Section 6000.10, the following shall apply:

"AIR BAG" – means an inflated device ~~that~~^{which} cradles the body, with an air release breather system that dissipates the energy due to fall, thereby allowing the person to land without an abrupt stop or bounce.

"ANKLE-BINDING" – means a harness used to wrap and hold together the jumper's ankles and attach the jumper to the bungee cord.

"BINDING OF CORD" – means a material used to hold the cord threads in place. May also protect the cord threads from damage.

"BUNGEE CORD" – means the elastic rope to which the jumper is attached. It lengthens and shortens and thus produces the bouncing action.

"BUNGEE JUMPING" – means that activity in which a person free falls from a height and the person's descent is limited by attachment of the person to the bungee cord.

"CARABINERS" – means shaped metal or alloy device used to connect sections of the jump rigging, equipment or safety gear.

"CATAPULTING" – means that the jumper is held on the ground while the bungee cord is stretched. On release, the jumper is propelled upwards.

"CORD" – See Bungee Cord.

"DOUBLE JUMPING" – See Tandem Jumping.

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"DYNAMIC LOADING" – means the load placed on the rigging and attachments by the initial free fall of the jumper and the bouncing movements of the jumper.

"EQUIPMENT" – means the equipment, power or manually operated, used to raise, lower and hold loads.

"INCIDENT" – means an event that could or does result in harm to a person or damage or loss of process (jumping interrupted or stopped).

"JUMP DIRECTION" – means the direction (forward or backward) in which a jumper is designed to jump from the jump point.

"JUMP HEIGHT" – means the distance from the jump platform to the bottom of the jump zone.

"JUMP MASTER" – means a person who has responsibility for the bungee jumping operation and who takes a jumper through the final stages to the actual jump.

"JUMP OPERATOR" – means a person who assists the jump master to prepare a jumper for jumping and operates the lowering system to lower the jumper to the landing pad.

"JUMP POINT" – means the position from which the jumper begins to fall or jump.

"JUMP SPACE" – means the jump zone plus a safety factor in all directions.

"JUMP ZONE" – means the space bounded by the maximum designed movements of the jumper or any part of the jumper.

"JUMPER" – means the person who falls or jumps from a height attached to a bungee cord.

"JUMPER SAFETY HARNESS" – means an assembly to be worn by a jumper and to be attached to a bungee cord. It is designed to prevent the patron becoming detached from the bungee cord.

"JUMPER WEIGHT" – means the weight of the jumper only.

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"LANDING AREA" – means the surface area of air bag or water directly under the jump space.

"LANDING PAD" – means a padded area on which the jumper lands by means of the lowering appliance or equipment.

"LATERAL DIRECTION" – means movement of the jumper measured at 90 degrees to the designed jump direction.

"LAUNCHING" – See Catapulting.

"LICENSED PROFESSIONAL ENGINEER" – means an individual who holds a valid license as a licensed professional engineer from by the Illinois Department of Financial and Professional Regulation or comparable authority in another state.

"LOADED LENGTH" – means the length of the bungee cord when extended to its fullest designed length.

"MOUSED" – means a binding around the point and shank of a hook to prevent it from slipping off.

"OPERATING SYSTEM" – means the system of processing a jumper through the jump methods used on a particular site. This includes registration, preparation, getting to the jump point, methods of attachment, the rigging and lowering system and the landing recovery method.

"OPERATING MANUAL" – means a document containing the procedures and forms for the operation of the bungee jumping activity and equipment on the site.

"PLATFORM" – means the area attached to a lifting appliance from which the jumper falls or jumps.

"PREPARATION AREA" – means the area where the jumper is prepared for jumping. It is a separate area on the ground.

"RECOVERY AREA" – means an area beside the landing area where the jumper may recover from the jump before returning to the public area.

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"REVERSE JUMPING" – See Catapulting.

"RIGGING SYSTEM" – means a combination of components that connects the jumper to the lifting point or hook of the appliance. The rigging system includes ropes, pulleys, carabiners, shackles and lowering equipment.

"SAFE WORKING LOAD" or "(SWL)" – means the maximum rated load which can be safely handled under specified conditions, by a machine, equipment or component of the rigging.

"SAFETY FACTOR" – means the ratio obtained by dividing the breaking load of any piece of equipment by its working load.

"SAFETY HARNESS" – means an assembly to be worn by an operator. It is designed to be attached to a safety line and to prevent the operator from falling.

"SAFETY LINE" – means a line used to connect safety harness or belt to an anchorage point or rail.

"SAFETY SPACE" – means the space extending beyond the jump zone as a safety factor. That is, a space beyond the maximum designed movements of the jumper.

"SANDBAGGING" – is the practice of a jumper holding onto any object (including another person) while jumping off of a platform and during the initial descent, for the purpose of exerting more force on the bungee cord in order to stretch it further and then releasing the object at the bottom of the jump, causing the jumper to rebound with more force than could be created by the jumper's weight alone.

"STUNT JUMPING" – is the combining of any other activity with bungee jumping; or, bungee jumping with a disregard for clearances with the ground or other structures.

"TANDEM JUMPING" – means the practice of two people harnessed together while jumping simultaneously from the same jump platform.

"THREAD" – means a single strand of material used in a bungee cord. A bungee cord is constructed of a varying number of threads.

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"UNLOADED LENGTH" – means the length of the bungee cord laid on a horizontal flat surface without load or stress applied.

b) SITE AND OPERATING APPROVAL

1) Site Plan and Equipment Design and Construction:

- A) A licensed professional engineer's report that the design and construction of the structures, equipment, and operating areas meet the engineering requirements of ANSI B30.5-~~(2006)1989~~, [ANSI B30.5 1991, Addenda to 1989](#), 29 CFR 1910.180 ~~(2006)July 1, 1991~~, and 29 CFR 1926.550(g) ~~(2006)July 1, 1991~~. These standards are hereby incorporated by reference and do not include any later editions, amendments or corrections, and are considered suitable for a bungee jumping operation. The report shall contain site plans, safety zones, drawings and specifications of equipment, platform, rigging system and safety equipment and be submitted to the Department prior to construction.
- B) An engineering evaluation shall be conducted annually and each time a major component is modified.
- C) The Department shall maintain the confidentiality of the engineer's report as authorized by Section 7(1)(g) of the Freedom of Information Act ~~(Ill. Rev. Stat. 1991, ch. 116, par. 207)~~ [5 ILCS 140/7(1)(g)].

2) Jumps shall be done only under the direct control of a jump master.

3) Owners shall maintain a bottom safety space of at least 60 inches above the air bag, safety net or water surface and a side safety space of at least 40 feet in all directions to any structure.

4) Prohibited Activities include: bungee catapulting, tandem jumping, stunt jumping, reverse jumping, launching and sandbagging.

c) PLATFORM

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- 1) The platform and its lifting appliance shall meet the requirements for working platforms. All components shall have a safety factor of not less than ~~3~~^{three (3)}. The safe working load shall be marked on the platform.
- 2) The jump rigging shall be attached directly to the lifting point or hook of the appliance.
- 3) The jump rigging shall pass through or around the platform in such a way as to prevent damage to the jump rigging.
- 4) The platform for jumping shall be a constant height above the ground or surface. That is, adjustments for the weight of each jumper shall be made by the jump master's selection of bungee cord in accordance with the manual and the manufacturer's specification for the cord.
- 5) The platform shall have a non-slip floor surface.
- 6) The platform shall have sufficient working space for the required number of persons.
- 7) There shall be a gate across the jump point until the platform reaches the jump height.
- 8) The platform shall have anchor points for safety harnesses or safety belts for all persons carried on the platform.
- 9) All persons on the platform shall wear a safety harness and safety line. The jumper shall use a safety line until ready to jump.
- 10) There shall be an alternative method of jumper recovery should the main lowering system fail to lower the jumper.
- 11) The design of the platform and support straps shall provide for maximum stability of the platform.
- 12) The position of the jump point in relation to the equipment or platform shall be controlled to enable the jump to be in the designed direction. This shall be at 90 degrees (± 10) to the equipment or platform.

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- 13) All hooks, shackles and pins shall be moused.
- 14) The maximum wind speed and direction for the operation of the bungee jump shall be stated in the operation manual. The decision to operate is the responsibility of the equipment operator and jump master.
- 15) The jump master shall check the following daily:
 - A) The equipment has a current certificate to operate;
 - B) The wire rope shall be given a visual inspection;
 - C) All hooks, shackles and pins are moused;
 - D) All outriggers are full extended;
 - E) There are established lines of communication between the jump platform and the equipment operator, and between the equipment operator and the ground;
 - F) The hand signals required for visual communication between the person directing the equipment or lifting appliance and the equipment or lifting appliance operator are known by all parties; and
 - G) That the equipment operator knows who is directing the equipment.

d) BUNGEE CORD REQUIREMENT

- 1) The cord shall be designed and tested to perform within prescribed limits of stretch and load as stated in this Section.
- 2) The cord shall be made from natural or synthetic rubber or blends thereof that may be of various dimensions.
- 3) The materials used in the construction of the cord shall be such that the stretched length is consistent each time the same loading is applied.

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- 4) Cord binding.
 - A) The binding shall hold the cord threads together in their designed positions.
 - B) The binding material shall have characteristics/specifications as approved by the manufacturer of the bungee cord.
 - C) The cord bindings shall be intact.
 - D) When bindings break during a day's operation, the cord shall be withdrawn from use until the bindings are replaced.
- 5) Shock load on the jumper. The following requirements apply:
 - A) The cord shall stretch in the jump to at least 2.5 times its unloaded length in its designed jumper weight range;
 - B) The unloaded length of the rigging system shall be less than half the designed extended length;
 - C) Maximum loaded length. The operating length of a bungee cord at its maximum designed dynamic load shall not exceed 4 times its unloaded length.
- 6) Testing of a new design of bungee cord.
 - A) Each manufacturer shall supply specifications for the cords being used.
 - B) Any change in specifications, including, but not limited to, changes that affect the performance of the bungee threads or cord, a change to the end attachments, a change in the material, source of supply or manufacturer, manufacturing methods, or equipment, shall constitute a new design and require review by a licensed professional engineer.
 - C) Bungee cord end attachment.

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- i) Each end of the cord shall have an end attachment to connect the cord to the rigging and the jumper.
 - ii) The end attachment shall be of sufficient size and shape to allow easy attachment to the jumper harness and to the rigging.
 - iii) The end attachment shall have a minimum breaking load of at least 4,400 pounds.
- 7) The maximum allowable life of the cord shall not exceed the manufacturer's specification.
- 8) A cord and its non-metallic connectors shall be withdrawn from use when the cord reaches its stated jump life.
- 9) Early withdrawal of the cord and its non-metallic connectors shall be required when:
 - A) The exposure to daylight exceeds 250 hours. This criteria does not apply when the cord cover or sleeve fully protects all of the cord from visible and ultra-violet exposure;
 - B) The time since the cord was manufactured is greater than 6 months;
 - C) There is evidence of threads exhibiting wear, such as bunched threads or uneven tension between threads or thread bands;
 - D) Broken threads exceed 5% of the total number over the length of the cord;
 - E) As the bungee cord stretches over the course of its jump life, the dynamic load required to extend the bungee to four times its unloaded length will reduce. When this dynamic load reduces to less than the maximum designed dynamic load, the cord shall be destroyed;
 - F) It has been in contact with solvents, corrosive or abrasive

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substances;

- G) An incident occurs that could result, immediately or in due course, in a substantial substandard performance of the cord or its attachments;
 - H) Any discolorations are found; or
 - I) Any other flaws are found.
- 10) A cord withdrawn from use shall be destroyed. A bungee cord is considered to be destroyed when it is cut into lengths of 5 feet or less.
- 11) Daily testing. Before starting and during the day's operations, the jump master shall:
- A) Visually inspect the entire length and circumference of the bungee cord for signs of wear. The inspection shall be repeated at least 4 times during daily operation and recorded;
 - B) Visually check the bungee cord if the extended dynamic or static length changes during jumping; and
 - C) When unexpected changes in bungee cord performance occur, remove the bungee cord from service immediately and destroy it.
- e) JUMPER SAFETY HARNESS AND ANKLE BINDINGS
- 1) Jumper safety harness shall be either a full body harness, a sit harness with shoulder straps, or ankle bindings.
 - 2) Jump safety harness shall be available to fit the range of patron sizes accepted for jumping.
 - 3) The ankle binding shall have been designed as an ankle harness and securely bind the jumpers ankles and secure the patron to the cord. The ankle binding shall not cause bruising and must provide evidence of redundancy.

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- 4) The jumper safety harness shall be designed for the type of stress expected during operation.
 - 5) The jumper safety harness shall be approved by the licensed professional engineer who conducts the annual inspection.
- f) ROPES
All ropes for holding and/or lowering the jumper shall have a breaking load of at least 4,400 pounds.
- g) HARDWARE
- 1) Carabiners shall be of the screw gate type with a minimum breaking load of 4,400 pounds.
 - 2) Pulleys and shackles shall have a minimum breaking load of 4,400 pounds.
 - 3) All pulleys shall be compatible with the rope size.
 - 4) Webbing shall be of flat tubular mountaineering webbing or equivalent with a minimum breaking load of 4,400 pounds.
- h) LIFE LINES AND HARNESSSES
- 1) A safety harness and life line shall be used by all persons on the platform.
 - 2) Life lines shall have a minimum breaking load of 4,400 pounds.
 - 3) A life line shall be worn by the jumper until ready to jump.
- i) TESTING AND INSPECTION
- 1) All jump rigging shall be inspected and tested daily. Harnesses, lowering/braking system and safety gear shall be inspected daily as set out in the manual. Inspections, findings and action shall be recorded.
 - 2) All jump rigging, harnesses, lowering/braking systems and safety gear shall be of a load rating at least equal to the standard stated in the

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regulation.

- 3) Hardware subject to abnormal loadings, being impacted against hard surfaces or having surface damage, shall be replaced.
- 4) Ropes subject to abnormal shock load shall be replaced.
- 5) All ropes, webbing and bindings shall be inspected visually and by feel for signs of wear, fraying, or damage by erosive substances. Criteria for planned inspection shall be included in the manual.
- 6) Criteria for the periodic replacement of ropes, webbing, harnesses and hardware shall be included in the manual.

j) REPLACEMENT OF RIGGING AND EQUIPMENT

- 1) At the beginning of each day's operation, replacements of at least the following equipment shall be available on site:
 - A) Bungee cord or cords;
 - B) Rigging hardware;
 - C) Ankle binding for jumpers;
 - D) Body safety harness for jumpers and staff; and
 - E) Safety lines and clips.
- 2) Any items of equipment, rigging or personal protective equipment found to be sub-standard shall be replaced immediately.
- 3) Jumping shall cease immediately when a sub-standard item cannot be replaced.

k) IDENTIFICATION OF EQUIPMENT, RIGGING, BUNGEE CORD AND SAFETY EQUIPMENT

- 1) Each item shall have its own unique permanent identification number

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and/or tag.

- 2) The identification shall not harm the material of the item.
- 3) The identification shall be clearly visible to the operators during daily operations.
- 4) The identification of each item shall be recorded in the items log sheet.
- 5) The cords shall be color coded as described in the on site operations manual.

1) LANDING/RECOVERY AREA

- 1) Over Land:
 - A) The area shall be free of spectators at all times;
 - B) The area shall be free of staff and equipment except for air bag or safety net when a jumper is being prepared on the jump platform and until the bungee cord is at its static extended state;
 - C) The air bag or safety net shall be in position before jumper preparation commences on the platform;
 - D) The air bag or safety net shall be at least 18 feet by 25 feet and rated for the maximum free fall height possible from the platform during operation;
 - E) The jumper shall be lowered onto a clean, smooth, padded surface;
 - F) The jumper shall be allowed to recover before moving off the landing spot; and
 - G) A place to sit and recover should be provided close to, but outside, the landing area.
- 2) Over Water:

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- A) Where the jump space and/or landing area is over pond, lake, river or harbor waters, the following shall apply:
- i) The jump space and/or landing area shall be free of other vessels except landing/recovery vessel, floating and submerged objects and the public, and, when in open waters shall be defined by the deployment of buoys. A sign of at least 1 foot by 3 feet in dimension which reads "BUNGEE JUMPING KEEP CLEAR" shall be fixed to the shore structure or land mass. When above moving water, a mesh or screen must be placed in an upstream position to keep floating debris from entering the landing area;
 - ii) The landing and recovery vessel shall be positioned accurately and remain in a constant position for the duration of the landing procedure;
 - iii) The landing vessel shall have a landing pad size of at least 5 feet by 5 feet;
 - iv) The landing pad shall be within and lower than the sides of the vessel;
 - v) A vessel shall be present that is able to be maneuvered in the range of water conditions expected and will enable staff to pick up a jumper or other person who has fallen into the water;
 - vi) One person may operate the landing vessel when the vessel is positioned without the use of power. A separate person shall pilot the vessel when power is required to maneuver into and/or hold the landing position;
 - vii) The vessel shall be equipped as required by the US Coast Guard.
- B) If the landing area is part of a constructed swimming pool complex, other pool, or is specially constructed for bungee jumping, the following shall apply:

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- i) The pool size shall meet the requirements for jump space shown in the engineer's report;
 - ii) Rescue equipment shall be available;
 - iii) The jump space and side safety space shall be fenced to exclude the public; and
 - iv) Only the operators of the bungee jump shall be within the jump space and landing areas.
 - C) The minimum water depth shall be 8 feet.
- m) FENCES
 - 1) Fences shall be designed and constructed to retain people, animals and objects outside the landing area.
 - 2) All areas in which the jumper may land shall be fenced.
- n) STORAGE

Adequate storage shall be provided both on site and off site to protect equipment from physical, chemical and ultra-violet ray damage. The storage shall be provided for current, replacement and emergency equipment organized for easy and orderly access. The storage shall be secure against unauthorized entry.
- o) COMMUNICATION
 - 1) The following shall apply within the site:
 - A) There shall be an electronic voice communication link between:
 - i) The equipment operator and the platform;
 - ii) The platform and the landing/recovery area or vessel;
 - B) All staff shall be easily identifiable by other operators and the public; and

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C) Instructions to jumpers and the public shall be put in positive terms to avoid misinterpretation and mistakes.

2) Emergency service:

There shall be a telephone communication link to the emergency service within 200 feet of the operation.

p) SAFETY AND LOSS CONTROL MANAGEMENT

1) A jump master shall be designated Safety, Health and Loss Control Coordinator. He/she shall hold a current Red Cross first aid rating and CPR certificate or their equivalent.

2) Training shall be provided to all staff relative to their present or future duties as part of the operating staff. A record of training shall be kept available on site for review by the Department.

3) Planned inspections shall be conducted of the site, equipment and procedures by the jump master. The information gathered and the reporting and investigation of incidents shall be analyzed and reviewed by management, on a regular basis. Procedures, equipment, rigging and structures shall be designed to reduce the likelihood of any incidents occurring, or being repeated. All findings shall be forwarded to the Department.

4) A comprehensive emergency plan shall be developed for inclusion in the operations manual. The plan shall include the following elements: the steps necessary to rescue a jumper in case of crane failure or accident, emergency first aid to be given, contacting of and directing emergency service personnel to the site, crowd control, and notification to the Department.

5) The manual shall contain the site rules concerning the health and safety of employees and the public.

q) STAFF AND DUTIES

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- 1) The minimum age for the crane operator and jump master shall be 21 years and for other staff members 18 years.
- 2) The staff of a bungee jumping operation shall include the following persons:
 - A) Site controller:
When more than one jump master is on the site, one of the jump masters shall also be designated controller. The site controller shall coordinate and be responsible and accountable for all operations;
 - B) Jump master:
 - i) Has complete control when jumping is occurring;
 - ii) Is the only person who takes the jumper through the final stages to the jump take-off;
 - iii) Is responsible for the training of the other staff;
 - iv) Shall have a thorough knowledge of the site, its equipment, procedures and staff;
 - v) Selects the bungee cord and adjusts the rigging;
 - vi) Shall be located on the platform;
 - vii) Keeps a record of the number of times each cord has been used; and
 - viii) Shall ensure that the number of jumps undertaken in a period of time allows the tasks of each job to be carried out to meet the requirements of each job, as set out in the manual.
 - C) Jump operator's duties include:
 - i) Assisting the jump master to prepare the jumper;

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- ii) Attaching the jumper to ankle bindings or harness;
 - iii) Potentially attaching the jumper to rigging at the direction of the jump master;
 - iv) Carrying out check procedures;
 - v) Operating the lowering system; and
 - vi) Assisting in controlling the public.
- D) Landing/recovery operator's duties include:
- i) Assisting the jumper to land on the landing pad;
 - ii) Assisting the jumper to the recovery area;
 - iii) Overseeing the recovering of jumpers; and
 - iv) Assisting in controlling the public.
- E) Registration clerk's duties include:
- i) Registration of the jumper;
 - ii) Obtaining/deciding on medical clearance;
 - iii) Weighing and marking of weight of the jumper. The scale shall be certified annually and checked monthly by the operator for accuracy. The certification shall be done by a person recognized under the ~~Illinois~~ Weights and Measures Act ~~[225 ILCS 470], Ill. Rev. Stat. 1991, ch. 147, par. 108.1, to conform with Section 2.20 of the National Institute of Standards and Technology Handbook 44, 1991 edition. These standards are hereby incorporated by reference and do not include any later amendments or corrections. This handbook is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9325;~~

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- iv) Controlling movement of jumpers to preparation area;
 - v) Controlling or assisting in controlling the public; and
 - vi) The payment process.
- F) Vessel operator's duties shall include operating the landing and/or emergency vessels.
- G) Crane Operator
- i) A person who is experienced in operating a crane used for hoisting material and/or personnel. Proof of experience shall be a statement on letterhead stationery from present employer or a journeyman's card in good standing from the International Union of Operating Engineers.
 - ii) Must be knowledgeable of the particular crane's controls and be physically capable of performing the duties.
 - iii) Shall respond to move signals only from the jump master, but shall obey a stop signal given by any employee at any time.
- r) MINIMUM STAFF AND TRAINING
- 1) An operating team shall consist of no fewer than 4 people.
 - 2) Training shall be conducted by, or under the direct supervision of, a jump master.
 - 3) Staff who are operating in training mode shall be directly supervised at all times.
 - 4) A training component of the operating manual covering the critical tasks in the operation shall be available on the site. The tasks shall include maintenance and testing as well as jump procedures. The training shall require achieving mastery of the specified skills and knowledge.

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- s) INJURY, DAMAGE AND INCIDENT EVENTS
- 1) Serious injury (as defined in Section 10 of this Part) shall be reported to the Department within one hour, and the operation shall be closed until the Department reopens it. All incidents shall be reported within 24 hours in accordance with Section 6000.160 to the Chief Inspector of the Carnival and Amusement Ride Inspection Division.
 - 2) Owners/operators shall record all injuries, damage or near miss events in the daily log.
- t) WORK PERIODS
- The staff shall take regular breaks to ensure that fatigue does not downgrade their ability to operate an incident free operation.
- u) MEDICAL AND AGE RESTRICTIONS FOR JUMPERS
- 1) Jumpers shall be questioned on their medical condition.
 - 2) Jumpers who declare medical conditions that may be affected by the jump shall not be allowed to jump. Medical conditions that disqualify a jumper include, at a minimum:
 - A) Pregnancy;
 - B) High blood pressure;
 - C) Heart conditions;
 - D) Neurological disorders;
 - E) Epilepsy; and
 - F) Neck, back or leg injuries or disabilities.
 - 3) A sign shall be erected listing the medical and age restrictions for jumpers. The sign shall be clearly visible to intending jumpers.

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- 4) Any jumpers who, in the opinion of the operations staff, represent a danger to themselves or others shall not be allowed into the preparation area nor allowed to jump.
 - 5) Jumpers who appear to be in an intoxicated or drugged state shall not be allowed to jump.
 - 6) The minimum age for jumping shall be 18 years and proof of age shall be provided at time of jump. Proof of age shall be a valid driver's license or other type of photo I.D. issued by an agency of government or employer.
- v) SITE OPERATING MANUAL AND DOCUMENTATION
- 1) Each site shall have an operating manual, referred to as the manual, for the safe operation of bungee jumping on that site. The manual and all amendments shall be on site and be freely available to staff and governing bodies.
 - 2) The manual shall include the ways and means of meeting the appropriate requirements of this Part.
 - 3) The manual shall include, but not be limited to, the following:
 - A) A site plan;
 - B) A description of operating systems and equipment;
 - C) Job procedures, including training, for each task in the operating system;
 - D) Job descriptions;
 - E) Sample of staff qualifications;
 - F) Staff selection procedures;
 - G) Maintenance standards and procedures;
 - H) Testing procedures and recording;

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- I) Criteria for the periodic replacement of rigging;
 - J) Criteria for the regular planned inspections of ropes, webbings and bindings;
 - K) Emergency plan and procedures;
 - L) Reporting of injuries, damage and incidents;
 - M) Requirements for maintaining logs, including:
 - i) Site;
 - ii) Equipment and rigging;
 - iii) Personnel;
 - iv) Name of jumper;
 - v) Bungee cord used;
 - N) Records to be kept;
 - O) Requirements for analysis of records;
 - P) Inspection procedures, standards and follow up actions; and
 - Q) Examples of forms to be used.
- 4) Daily Pre-opening Operating Procedures shall include:
- A) Preparation. Setting up the site equipment and public amenities. There shall be a written check list;
 - B) Inspection, testing and checking;
 - C) Personal protective equipment including gloves, life jackets, buoyancy aids, harnesses and life lines;

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- D) Items of equipment;
 - E) The communication ~~system~~system(s);
 - F) The jump equipment and rigging;
 - G) The jump procedures;
 - H) Carry out test jumps;
 - I) Checking the bungee cord performance; and
 - J) Staff briefing for the day's operations. Includes appointment of the site controller when applicable.
- 5) Jump Procedures. The procedures shall at a minimum include the following:
- A) Ensuring the exclusion of the public from the operating areas;
 - B) Registration of jumpers, including:
 - i) Name, address, city, county, state, zip code and telephone number;
 - ii) Medical factors and exclusions;
 - iii) Age;
 - iv) Weight and marking; and
 - v) Payment;
 - C) Removal of loose object;
 - D) Jumper preparation, including:
 - i) Harness or binding attachment; and

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- ii) Briefing/instructions to the jumper;
 - E) Jump preparation, including:
 - i) Prepare bungee cord and adjust connections;
 - ii) Connect the jumper and check connections to the rigging;
and
 - iii) Final inspection by jump master (a check list shall be used);
 - F) Landing/recovery procedures, including:
 - i) Lowering;
 - ii) Landing; and
 - iii) Disconnecting cord connections;
 - G) Return of jumper to the public area; and
 - H) Preparing the bungee cord for the next jumper.
- 6) Close Down Procedures. The manual shall include the following close down procedures:
- A) Equipment – cleaning, inspection, testing and checking;
 - B) Completion of records, both site and personal;
 - C) The necessary daily maintenance of equipment, structures and facilities;
 - D) The storage of equipment;
 - E) The cleaning up and disposal of rubbish;
 - F) Security check and lock up;

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- G) De-briefing of staff on:
- i) Incidents/events occurring during the day;
 - ii) Equipment, rigging and bungee cord changes required before the next day's operations start; and
 - iii) Maintenance work not completed but required before the next day's start.
- w) EMERGENCY PROVISIONS AND PROCEDURES
- 1) Each site shall have an emergency plan.
 - 2) A medium first aid kit and blankets shall be on site.
 - 3) All jump masters shall be qualified in life saving techniques, first aid and cardiopulmonary resuscitation techniques through the American Red Cross or equivalent training, including "in water rescue of spinal injuries or unconscious patients".
 - 4) Where the site includes moving water or swift water, the site operating manual shall specify the rescue training and/or qualification required for all operators and staff on the site.
 - 5) Emergency lighting shall be provided at all jump sites that operate between $\frac{1}{2}$ hour prior to sunset and $\frac{1}{2}$ hour after sunrise. The emergency lighting system shall illuminate the jump platform, the jump space and the landing area. The emergency lighting system shall have its own power source.
- x) The Department's approval shall specifically not be used in any advertisement, brochures, commercials, TV or radio show, newspaper, or in any other public manner.

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

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- 1) Heading of the Part: All Hazards Campus Emergency Plan and Campus Violence Prevention Plan
- 2) Code Citation: 29 Ill. Adm. Code 305
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
305.10	New Section
305.20	New Section
305.30	New Section
305.40	New Section
305.50	New Section
305.60	New Section
305.70	New Section
305.80	New Section
305.90	New Section
305.100	New Section
305.110	New Section
- 4) Statutory Authority: Implementing the Campus Security Enhancement Act of 2008 [110 ILCS 12]
- 5) A Complete Description of the Subjects and Issues Involved: This Part establishes the standards and guidelines for the creation and review of each higher education institution's Campus All-Hazards Emergency Response and Violence Prevention Plan pursuant to the Campus Security Enhancement Act of 2008 [P.A. 95-881]. It also provides for training and exercises to be performed in accordance with the plan and the creation of a campus violence prevention committee and campus threat assessment team.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No
- 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

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- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/524-0770 (voice)
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on small businesses or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Pursuant to Section 305.90, upon completion of the Campus Emergency Operations Plan and Campus Violence Prevention Plan or any amendments by the higher education institution, a copy of each shall be provided to the local Emergency Services Disaster Agency, Illinois Emergency Management Agency Regional Office, and either the Illinois Board of Higher Education or the Illinois Community College Board, as appropriate.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not on a regulatory agenda. The Agency was unsure when or if this rulemaking would be filed.

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

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TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE
CHAPTER I: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER c: ADMINISTRATION AND ORGANIZATION OF LOCAL POLITICAL
SUBDIVISION EMERGENCY SERVICES AND DISASTER AGENCIES

PART 305
ALL HAZARDS CAMPUS EMERGENCY PLAN
AND VIOLENCE PREVENTION PLAN

SUBPART A: GENERAL

Section	
305.10	Purpose
305.20	Definitions

SUBPART B: REQUIREMENTS OF CAMPUS EMERGENCY OPERATIONS PLAN

Section	
305.30	Initial Analysis and Assessment
305.40	Basic Plan Requirements
305.50	Campus Functional Annex Requirements

SUBPART C: REQUIREMENTS FOR CAMPUS VIOLENCE PREVENTION PLAN

Section	
305.60	Campus Violence Prevention Plan
305.70	Campus Violence Prevention Committee
305.80	Campus Threat Assessment Team

SUBPART D: COORDINATION, SUBMISSION AND REVIEW
REQUIREMENTS FOR CAMPUS EMERGENCY OPERATIONS
PLAN AND CAMPUS VIOLENCE PREVENTION PLAN

Section	
305.90	Coordination, Submission and Review

SUBPART E: TRAINING AND EXERCISE REQUIREMENTS

Section	
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- 305.100 Training
305.110 Exercise Requirements for the Campus Emergency Operations Plan and Campus Violence Prevention Plan

AUTHORITY: Implementing the Campus Security Enhancement Act of 2008 [110 ILCS 12].

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

SUBPART A: GENERAL

Section 305.10 Purpose

This Part establishes the standards and guidelines for the creation and review of each higher education institution's Campus All-Hazards Emergency Response and Violence Prevention Plan pursuant to the Campus Security Enhancement Act of 2008. It also provides for training and exercises to be performed in accordance with the plan and the creation of a campus violence prevention committee and campus threat assessment team.

Section 305.20 Definitions

"Act" means the Campus Security Enhancement Act of 2008 [110 ILCS 12].

"Campus Emergency Operations Center" or "CEOC" means a location where policy and strategic management decisions are made during a disaster or disaster exercise.

"Campus Emergency Operations Plan" or "CEOP" means the written plan of a higher education institution describing the organization, mission and functions of the higher education institution and supporting services for responding to and recovering from disasters/emergencies and for violence prevention.

"Campus Incident Command" means a system that combines facilities, equipment, personnel, procedures and communications to operate within a common organizational structure and that designates responsibility for the management of assigned resources to effectively accomplish stated campus goals and objectives.

"Campus Incident Commander" means the individual responsible for the management of all campus incident command operations as provided for by law.

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"Campus Incident Command Post" means the location at which the primary command functions for the CEOP are executed.

"Campus Violence Prevention Plan" or "CVPP" means the written plan of a higher education institution describing the creation of multi-disciplinary and multi-jurisdictional violence prevention strategies, including formation of a Campus Violence Prevention Committee and implementation of a Campus Threat Assessment Team to address aberrant, dangerous or threatening behavior on campus.

"Concept of Operations" means the overall approach of the higher education institution to the preparation and management of a disaster/emergency, including response efforts and how the higher education institution will implement the concepts and procedures of an incident command system.

"Disaster" means *an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, or acts of domestic terrorism.* [20 ILCS 3305/4]

"Emergency Management" means the efforts of the higher education institutions to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster/emergency mitigation, preparedness, response and recovery.

"Emergency Services and Disaster Agency" or "ESDA" means the *agency by this name, by the name emergency management agency or by any other name that is established by ordinance within a political subdivision to coordinate the emergency management program within that political subdivision and with private organizations, other political subdivisions, the State and federal governments.* [20 ILCS 3305/4]

"Exercise" means a planned event realistically simulating a disaster/emergency, conducted for the purpose of evaluating the higher education institution's

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coordinated emergency management capabilities, including, but not limited to, testing emergency operations plans.

"Full-Scale Exercise" means a time-pressured exercise of a minimum of six functions of the emergency operations plan, involving strategic and tactical decision making, including the direction and control function, activating the emergency operations center and incident command post and deploying responders, equipment and resources to the field.

"Functional Exercise" means a time-pressured exercise of a minimum of four functions of the emergency operations plan, involving strategic and tactical decision making, including the direction and control function, activating the emergency operations center or the incident command post, or both.

"Higher Education Institution" means *a public university, a public community college, or an independent, not-for-profit or for-profit higher education institution located in this State.* [110 ILCS 12/20(a)]

"IBHE" means the Illinois Board of Higher Education.

"ICCB" means the Illinois Community College Board.

"IEMA" means the Illinois Emergency Management Agency.

"National Incident Management System" or "NIMS" means the comprehensive, national approach to incident management that is applicable at all jurisdictional levels and across functional disciplines. It provides a consistent nationwide template to enable all government, private-sector, and nongovernmental organizations to work together during domestic incidents. (See Homeland Security Presidential Directive-5.)

"Preparedness" means actions taken and programs and systems developed prior to a disaster/emergency to support and enhance response to and recovery from a disaster.

"Recovery" means restoration actions and programs associated with recovering from a disaster/emergency, including, but not limited to, academic recovery, physical/structural recovery, business/fiscal recovery and psychological/emotional recovery for students and campus personnel.

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"Response" means the actions taken to address the immediate and short-term effects of a disaster/emergency.

"Table Top Exercise" means a low stress, non-time-pressured, discussion based exercise of a minimum of four functions of the emergency operations plan, including the direction and control function.

"Threat Assessment" means a process of evaluating the actions and conduct of individuals, and the circumstances surrounding those actions and conduct, to uncover any facts or evidence that indicate that violence is likely to be carried out. A threat assessment should occur when a person (or persons) threatens or induces others to commit a violent act or engages in behavior that appears to threaten "targeted violence".

"Targeted Violence" means an incident of physical violence in which both the perpetrator and targets are identified or identifiable prior to the incident.

SUBPART B: REQUIREMENTS OF CAMPUS EMERGENCY OPERATIONS PLAN

Section 305.30 Initial Analysis and Assessment

To begin the planning process and in conjunction with the annual review and updates, as provided in Subpart B, the higher education institution shall perform all of the following tasks:

- a) Conduct an all hazard analysis for the higher education institution.
 - 1) Identify all hazards, including natural, man-made and technological. The following shall be included:
 - A) Severe weather
 - B) Fire
 - C) Bomb threats or the discovery of suspicious items
 - D) Structural failure or loss of utility service
 - E) Mass casualty event

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- F) Release of hazardous materials (indoor/outdoor)
 - G) Use of weapons/hostage situations/active shooter
 - H) Public health emergency
 - I) Earthquakes
 - J) Nuclear power plant accidents, where applicable
 - K) Cyberthreat;
- 2) Profile hazards, considering frequency, magnitude, intensity, location, spatial extent, duration, seasonal patter, speed of onset and availability of warning, using historical data, scientific methods or other sources; and
 - 3) Compare and prioritize risks of the hazards identified.
- b) Assess vulnerabilities within the higher education institution.
 - 1) Collect demographic data (such as daily population patterns, traffic patterns, seasonal population changes, special needs populations) to determine potential consequences of identified hazards on people and community functions.
 - 2) Collect structural inventory data (including data on critical facilities, residential, commercial and industrial structures, lifelines, and transportation) to determine potential consequences of identified hazards on community functions, property and sites of potential secondary hazards.
 - c) Assess response capabilities of the higher education institution, identify shortfalls in response capabilities and develop strategies to alleviate shortfalls, such as memorandums of understanding, mutual aid agreements or Good Samaritan agreements.
 - d) In analyzing and assessing the CEOP, higher education institutions may include, but not be limited to, the designated campus public safety officer, the campus

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emergency planning team, the campus emergency management director, local mental health community providers, local first responder agencies and ESDAs, county or major municipal emergency managers, or other persons deemed appropriate.

Section 305.40 Basic Plan Requirements

- a) The CEOP shall have a foreword that includes:
 - 1) A document signed and dated by the president or most senior level administrator of the higher education institution approving the plan.
 - 2) A register for recording changes and entering change dates.
 - 3) A distribution list of the plan recipients, indicating whether complete plans or specific portions were distributed. Specifically this item should address the method of providing the CEOP to the campus community.
 - 4) A table of contents listing all Sections of the plan.
- b) The CEOP shall have a Basic Plan Overview detailing the higher education institution's approach to emergency operations, including:
 - 1) A general purpose statement of the CEOP.
 - 2) A list of assumptions used in developing the plan.
 - 3) A concept of operations Section, including, but not limited to, how the higher education institution will implement the concepts and procedures of a recognized incident command system (e.g., NIMS).
 - 4) Identification of the line of succession, by title and position (with up to two alternates), of who will implement the plan, direct emergency response and recovery, and provide leadership, authority and responsibility.
 - 5) A description of the functions and responsibilities assigned to each organization, including private and volunteer organizations or groups, in support of emergency response and recovery operations in the higher

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education institution. This information may also be exhibited in a chart or matrix designating who has primary and support responsibilities.

- 6) Maps, or references to maps pertinent to emergency operations planning for the higher education institution and including, but not limited to, locating fixed hazards.
- 7) An attachment, if applicable, containing written mutual aid agreements, memorandums of understanding (MOUs), and other written agreements affecting the emergency response and recovery functions of the higher education institution.
- 8) Procedures detailing how the higher education institution will request outside assistance in a disaster, such as assistance from the ESDA or IEMA, or both.
- 9) Citations to the legal authorities for emergency operations, including, but not limited to, ordinances.
- 10) Assignment of responsibility for plan maintenance, review, evaluation and updating.

Section 305.50 Campus Functional Annex Requirements

- a) The CEOP shall include an annex addressing how the higher education institution will perform each of the following functions:
 - 1) Direction and Control – What means the higher education institution will use to direct and control activities during and following disaster/emergency situations. These activities are outline in subsections (a)(2) through (a)(10).
 - 2) Communications – How information will be exchanged among responders, administrative officials, teachers and students and other interested persons during and after a disaster/emergency situation.
 - 3) Warning/Disaster/Emergency Information – How the public and campus community will be warned and instructed regarding actual or threatened hazards through the public media or other means.

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- 4) Public Information – The means, organization and process by which a higher education institution will provide timely, accurate and useful information and instructions to the community throughout a disaster/emergency. It includes information disseminated to the public through the media and other information sources on what is happening, what the response organization is doing, and what the public should do for its safety. The higher education institution shall address the circumstances of special needs populations, including limited English proficiency populations.
- 5) Disaster Intelligence/Damage Assessment/Recovery Planning – The means the higher education institution will use to identify, collect, analyze and disseminate information on the extent and impact of the disaster and those plans for recovery and restoration of operations.
- 6) Evacuation/Shelter-in-Place/Lockdown – The movement of people to a safe area from an area believed to be at risk, when disaster/emergency situations necessitate that action.
- 7) Mass Care – Actions taken to ensure appropriate services are provided at a mass care facility, including, but not limited to, providing temporary shelter, food, medical care, clothing and other essential life support needs to people displaced from their homes because of a disaster situation.
- 8) Health and Medical – The activities associated with providing health and medical services in emergencies and disasters, including emergency medical, hospital, public health, environmental health and mental health services.
- 9) Mortuary Services – Activities including the collection, identification and care of human remains; determining the cause of death; inventorying and protecting deceased's personal effects; and locating and notifying the next of kin.
- 10) Resource Management – The process of managing people, equipment, facilities, supplies and other resources to satisfy the needs generated by a disaster. This includes the management of volunteer response teams and spontaneously responding volunteers.

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- b) Each campus functional annex required by subsection (a) shall individually address:
- 1) The purpose of the function.
 - 2) A description of situations that trigger implementation of the function.
 - 3) A description of assumptions that apply to the function.
 - 4) The concept of operations for the function.
 - 5) Assignment of responsibility for annex maintenance, review and updating.
- c) In addition to addressing the requirements of subsection (b), the Campus Direction and Control annex shall also:
- 1) Describe the direction and control relationship of tasked organizations, including:
 - A) The command structure – specifically who will be in charge during disaster/emergency response operations.
 - B) The authorities of, and limitations on, key response personnel such as the on-scene Campus Incident Commander.
 - C) How disaster/emergency response organizations will be notified when it is necessary to respond.
 - D) The means that will be used to obtain, analyze and disseminate information (for decision making, requesting assistance, reporting, etc.).
 - E) The relationship between the CEOC and the Campus Incident Command Post.
 - 2) List the organizations that are tasked with specific direction and control responsibilities and describe those responsibilities. Include the assignment of responsibility for:

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- A) Reporting to the CEOC when activated.
 - B) Coordinating press releases among response organizations.
 - C) Managing the primary and alternate CEOCs.
 - D) Maintaining a significant events log.
 - E) Removing debris.
- d) In addition to addressing the requirements of subsection (b), the Campus Communications annex shall also:
- 1) Describe the total emergency communications system used for communication among all groups and individuals involved in the higher education institution's response to a disaster/emergency.
 - 2) Describe the primary and backup communication methods and personnel.
 - 3) Identify the organization assigned to coordinate all communication activities.
 - 4) List the organizations that are tasked with specific communications responsibilities and describe those responsibilities.
 - 5) Identify the representative from each tasked organization who will report to the CEOC when activated.
 - 6) Describe plans for notification of next-of-kin and the establishment, on or in the vicinity of campus, of a Family Assistance Center to address the needs of next-of-kin of deceased or seriously injured students, faculty or staff.
- e) In addition to addressing the requirements of subsection (b), the Campus Warning/Disaster/Emergency Information annex shall also:

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- 1) Identify the methods used to provide warning/disaster/emergency information for the public and special populations, including limited English proficiency populations.
 - 2) Identify the locations of outdoor warning/disaster/emergency information devices and define the geographical areas covered.
 - 3) Describe the specific warning/disaster/emergency information responsibilities assigned to the tasked organizations.
 - 4) Identify the department or agency responsible for activating public warning/disaster/emergency information systems.
- f) In addition to addressing the requirements of subsection (b), the Campus Public Information annex shall also:
- 1) Assign a person to be the Campus Public Information Officer (CPIO) responsible for coordinating information gathering and production, rumor control, public inquiries, and media relations.
 - 2) Designate a facility or site as the public information center.
 - 3) List the organizations that are tasked with specific public information responsibilities and describe those responsibilities.
 - 4) Assign a public information representative to report to the CEOC when activated.
 - 5) Identify a facility or site for the Joint Information Center during major incidents on campus.
- g) In addition to addressing the requirements of subsection (b), the Campus Disaster Intelligence/Damage Assessment/Recovery Planning annex shall also:
- 1) List the organizations that are tasked with specific disaster intelligence/damage assessment/recovery planning responsibilities and describe those responsibilities.

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- 2) Assign a disaster intelligence/damage assessment/recovery planning representative to report to the CEOC when activated.
- h) In addition to addressing the requirements of subsection (b), the Campus Evacuation/Shelter-in-Place/Lockdown annex shall also:
- 1) List the organizations that are tasked with specific evacuation/shelter-in-place/lockdown responsibilities and describe those responsibilities.
 - 2) Identify the department, agency or organization responsible for coordinating all transportation resources planned for use in an evacuation.
- i) In addition to addressing the requirements of subsection (b), the Campus Mass Care annex shall also:
- 1) List the organizations that are tasked with specific mass care responsibilities and describe those responsibilities, including:
 - A) Identification of the department, agency or organization responsible for determining the need to open shelter.
 - B) Identification of the department, agency or organization responsible for disaster/emergency mass feeding operations.
 - C) Identification of the department, agency or organization responsible for providing health and/or medical care, including mental health services, at shelter and/or congregate care facilities.
 - 2) Assign a mass care representative to report to the CEOC when activated.
 - 3) Identify the mass care representative who will coordinate press releases with the CPIO.
- j) In addition to addressing the requirements of subsection (b), the Campus Health and Medical Services annex shall also:
- 1) List the organizations and individuals that are tasked with responsibilities for providing disaster/emergency health and medical services and describe those responsibilities, including:

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- A) Identification of the department, agency or organization responsible for arranging crisis counseling for emergency workers.
- B) Identification of the department, agency or organization responsible for sanitation services.
- 2) Assign a health and medical services representative to report to the CEOC when activated.
- 3) Identify the department, agency or organization responsible for providing post-incident mental health care.
- k) In addition to addressing the requirements of subsection (b), the Campus Mortuary Services annex shall also:
 - 1) List the organizations and individuals that are tasked with mortuary services responsibilities and describe those responsibilities.
 - 2) Describe how mortuary services will be expanded during a mass casualty incident, if necessary.
- l) In addition to addressing the requirements of subsection (b), the Campus Resource Management annex shall also:
 - 1) List the organizations and individuals that are tasked with resource management responsibilities and describe those responsibilities. Include identification of who will organize, manage, coordinate and distribute the donations of money, goods and labor received from individual citizens and volunteer groups during a disaster/emergency.
 - 2) Inventory the resources available, such as emergency supplies and equipment maintained for the campus community to use during a disaster/emergency.
 - 3) Assign a resource management representative to report to the CEOC when activated.

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- m) The higher education institution may include additional functional annexes in the CEOP as determined by the higher education institution to be necessary for the emergency management efforts of the higher education institution in the event of a disaster, including, but not limited to, the following functions: search and rescue, law enforcement, public works, transportation, energy management, animal welfare, legislative relations, aviation operations and/or others.

SUBPART C: REQUIREMENTS FOR CAMPUS VIOLENCE PREVENTION PLAN

Section 305.60 Campus Violence Prevention Plan

- a) Pursuant to the Act, each higher education institution shall develop an interdisciplinary and multi-jurisdictional Campus Violence Prevention Plan (CVPP).
- b) The CVPP shall have a foreword that includes:
 - 1) A document signed and dated by the president or most senior level administrator of the higher education institution approving the plan.
 - 2) A register for recording changes and entering change dates.
 - 3) A distribution list of the plan recipients, indicating whether complete plans or specific portions were distributed. Specifically, this item should address the method of providing the CVPP to the campus community.
 - 4) A table of contents listing all Sections of the plan.
- c) The body of the CVPP shall include:
 - 1) Integration of existing campus programs and policies that deal with associated issues (e.g., workplace violence, suicide prevention, anti-bullying, stigma reduction, sexual assault prevention);
 - 2) Incorporation of violence prevention strategies into related policies and/or procedures;
 - 3) Encouragement of zero tolerance policy statements that reaffirm violence prevention strategies; and

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- 4) Development and implementation of a Campus Violence Prevention Committee and Campus Threat Assessment Team.

Section 305.70 Campus Violence Prevention Committee

- a) Each higher education institution shall develop and implement a Campus Violence Prevention Committee (CVPC) tasked with implementing the CVPP.
- b) The CVPC shall determine the committee structure and the individuals responsible for education and prevention of violence on campus.
- c) Participants from faculty, campus administration, student affairs, law enforcement, human resources, counseling services, residence life, county or major municipal emergency managers and others deemed appropriate are recommended for the CVPC.

Section 305.80 Campus Threat Assessment Team

- a) Each higher education institution shall develop and implement a Campus Threat Assessment Team for the purpose of creating a campus-wide threat assessment policy. The team shall conduct threat assessments, address aberrant, dangerous, or threatening behavior on campus and provide guidance and best practices for preventing violence and providing supportive services.
- b) The team shall consist of faculty, law enforcement, human resources, legal counsel, and mental health professionals. It may also include other persons and organizations deemed appropriate to a particular circumstance.
- c) The team shall create a written threat assessment policy that provides:
 - 1) Guidance to students, faculty and staff about how to recognize, address and report aberrant and threatening behavior;
 - 2) Identify individuals that will have access to information;
 - 3) Use a fact-based assessment process to investigate threats, actions or conduct that may lead to targeted violence and determine situation specific response action plans;

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- 4) Access a range of support services for students, faculty and staff that includes mental health services, crisis management and comprehensive services for victims, whether provided on campus or by accessing community resources; and
- 5) Requirements for protecting the privacy of persons providing information to and subject to scrutiny by the threat assessment team.
- d) All areas of the campus community shall be required to cooperate with requests from the threat assessment team relative to successfully monitoring any threatening behavior.
- e) The team shall meet regularly to provide post-incident assessments and evaluate the effectiveness and response to incidents on a case or aggregate basis.

SUBPART D: COORDINATION, SUBMISSION AND REVIEW
REQUIREMENTS FOR CAMPUS EMERGENCY OPERATIONS
PLAN AND CAMPUS VIOLENCE PREVENTION PLAN

Section 305.90 Coordination, Submission and Review

- a) CEOPs and CVPPs are to be completed on or before July 15, 2009.
- b) The CEOP and CVPP shall be reviewed by the local ESDA to ensure that plan requirements in Subparts B and C of this Part are addressed and included in the CEOP and CVPP and are coordinated with ESDA response capabilities. Where the CEOP and/or CVPP cannot be coordinated with ESDA capabilities, the IEMA Regional Office shall provide technical advice and guidance to help identify resources to meet requirements. Upon completion of the CEOP and CVPP by the higher education institution, a copy of each shall be provided to the local ESDA, IEMA Regional Office, and either IBHE or ICCB, as appropriate. Copies shall include a written attestation from the local ESDA that the CEOP and CVPP have been reviewed and they address the components in Subparts B and C.
- c) Each higher education institution shall conduct an annual review and update. The review and update shall include the requirements provided for in Subparts B and C.

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- d) The campus administrators responsible for the execution of the CEOP and CVPP shall participate in the review. Participation by the director of campus public safety, campus emergency planning team, local mental health provider, local first responder agency, county or major municipal emergency manager, and other persons deemed appropriate by the higher education institution is recommended.
- e) If amendments are deemed appropriate by the higher education institution, then those amendments shall be reviewed by the local ESDA to ensure that plan requirements in Subparts B and C are addressed in the CEOP and CVPP and are coordinated with ESDA response capabilities. A copy of the amendments shall be provided to the local ESDA, IEMA Regional Office, and IBHE/ICCB. Copies of the amendments shall include a written attestation from the local ESDA that the amendment and CEOP and CVPP have been reviewed and they address the components in Subparts B and C. If there are no amendments to the CEOP and/or CVPP, then the higher education institution shall so report to the local ESDA, IEMA Regional Office, and IBHE/ICCB, in writing, signed and dated by the president or most senior level administrator of the higher education institution.
- f) The IBHE and the ICCB shall compile a list of higher education institutions that have completed a CEOP and CVPP and the annual review and update.

SUBPART E: TRAINING AND EXERCISE REQUIREMENTS

Section 305.100 Training

Each higher education institution shall conduct training on its CEOP and CVPP at least once annually. Training shall ensure that all administrators, faculty, staff, students and any other members of the campus community are familiar with key components of the CEOP and CVPP.

Section 305.110 Exercise Requirements for the Campus Emergency Operations Plan and Campus Violence Prevention Plan

- a) Each higher education institution, in coordination with the local ESDA, shall conduct an annual exercise of its CEOP and CVPP. This requirement can be satisfied with a full scale, functional or tabletop exercise.
- b) CEOP and CVPP exercises shall be conducted to examine the objectives identified in this Part.

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- c) The higher education institution shall submit to the local ESDA, IEMA Regional Office, and either the IBHE or the ICCB, as appropriate, a description of:
- 1) Type of exercise and exercise date;
 - 2) Exercise scenario;
 - 3) Scope of participation;
 - 4) Exercise objectives; and
 - 5) CEOP and CVPP functional areas being tested.

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- 1) Heading of the Part: Preferred Provider Programs
- 2) Code Citation: 50 Ill. Adm. Code 2051
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2051.200	New Section
2051.210	New Section
2051.220	New Section
2051.230	New Section
2051.240	New Section
2051.250	New Section
2051.260	New Section
2051.270	New Section
2051.280	New Section
2051.290	New Section
2051.300	New Section
2051.310	New Section
2051.320	New Section
2051.330	New Section
2051.340	New Section
2051.350	New Section
2051.360	New Section
2051.370	New Section
2051.APPENDIX A	New Section
2051.APPENDIX B	New Section
2051.APPENDIX C	New Section
2051.APPENDIX D	New Section
2051.APPENDIX E	New Section
- 4) Statutory Authority: Implementing and authorized by Article XX½ and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XX½ and 401]
- 5) A Complete Description of the Subjects and Issues Involved: The Division added and revised regulatory standards previously maintained in Section 2051.10 through 2051.100, and included Exhibits A, B and C. The original rule is being repealed in this *Illinois Register* and will be replaced by the proposed provisions of Part 2051.200 through 2051.370, including Appendix A, B, C and D. Repealing the original rule and promulgating new and revised standards under the above noted numbering system enables the Division to provide necessary updates throughout the Part. In addition,

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appropriate requirements for administrators of Health Care Service Discount Plans will be established, and the Division has clarified network filing requirements for insurance companies.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising 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 will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

James Jordan, Staff Attorney
 Department of Financial and
 Professional Regulation
 Division of Insurance
 100 West Randolph Street
 Suite 9-301
 Chicago, Illinois 60601-3218

or

Craig Cellini, Rules Coordinator
 Department of Financial and
 Professional Regulation
 320 West Washington
 3rd Floor
 Springfield, Illinois 62767-0001

312/814-5410

217/785-0813

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Part 2051 will not affect small business; small municipalities or not for profit organizations.

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- B) Reporting, bookkeeping or other procedures required for compliance: Please review all provisions of this Part.
 - C) Types of professional skills necessary for compliance: Administrative
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2005 and January 2006

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

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2051

PREFERRED PROVIDER PROGRAMS

Section

2051.200	Authority
2051.210	Purpose
2051.220	Definitions
2051.230	Administrators Not to Assume Underwriting Risk
2051.240	Registration, Renewals and Appeals
2051.250	Fees
2051.260	Administrator Requirements
2051.270	Organizational Requirements
2051.280	Payor Agreements
2051.290	Provider Agreements
2051.300	Requirements for Agreements with Other Administrators
2051.310	Network Availability and Adequacy Requirements
2051.320	Health Care Services Discount Plan Requirements
2051.330	Insurer Requirements
2051.340	Fiduciary and Bond Requirements
2051.350	Maintenance of Records
2051.360	Advertising and Solicitation
2051.370	Examination
2051.APPENDIX A	Preferred Provider Administrator Registration Form
2051.APPENDIX B	Discount Plan Only Registration
2051.APPENDIX C	Insurer Filing Requirements
2051.APPENDIX D	Illinois or NAIC Biographical Affidavit
2051.APPENDIX E	Preferred Provider Program Administrator Bond/Fiduciary Account Requirement

AUTHORITY: Implementing and authorized by Article XX½ and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XX½ and 401].

SOURCE: Adopted at 20 Ill. Reg. 9960, effective July 15, 1996; expedited correction at 20 Ill. Reg. 13435, effective July 15, 1996; amended at 21 Ill. Reg. 16364, effective December 9, 1997; expedited correction at 22 Ill. Reg. 5126, effective December 9, 1997; old Part repealed at 33 Ill.

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Reg. _____, effective _____; new Part adopted at 33 Ill. Reg. _____, effective _____.

Section 2051.200 Authority

This Part implements and is authorized by Article XX½ and is authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XX½ and 401].

Section 2051.210 Purpose

The purpose of this Part is to implement Article XX½ of the Illinois Insurance Code which, in part, provides for the regulation of preferred provider programs including those programs that provide insureds or beneficiaries access to discounted health care provider fees. This Part defines the authority of an administrator to operate preferred provider programs in this State, establishes criteria for the registration of administrators with the Director of Insurance and establishes appropriate fees for the registration and regulation of such programs. This Part also establishes requirements for any entity, including administrators, health care services discount plan administrators, and insurers pursuant to Section 370i of the Illinois Insurance Code [215 ILCS 5/370i], that enters into a preferred provider arrangement or offers a preferred provider program. Such entity must comply with the provisions of this Part when offering incentives to insureds or beneficiaries to utilize the services of contracted providers. This Part does not apply to self-insured employers, employee benefit trust funds, other ERISA exempt organizations, self-funded State of Illinois health benefit plans, or to Medicare approved prescription drug plans or any State of Illinois discount drug program.

Section 2051.220 Definitions

Act means the Health Care Reimbursement Act [215 ILCS 5/Art. XX½].

Administrator means any person, partnership or corporation, other than an insurer, health service corporation, limited health service organization holding a certificate of authority under the Limited Health Service Organization Act [215 ILCS 130], health maintenance organization holding a certificate of authority under the Health Maintenance Organization Act [215 ILCS 125], that arranges, contracts with, or administers contracts with a provider whereby insureds or beneficiaries are provided an incentive to use the services of such provider. Administrator also includes any entity, other than an insurer, health service corporation, limited health service organization holding a certificate of authority under the Limited Health Service Organization Act [215 ILCS 130], health maintenance

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organization holding a certificate of authority under the Health Maintenance Organization Act [215 ILCS 125], that enters into a contract with another administrator to enroll beneficiaries or insureds in a preferred provider program marketed as an independently identifiable program based on marketing materials or member benefit identification cards.

Administrator Trust Fund, hereinafter referred to as "ATF", means a special fiduciary account established and maintained by an administrator pursuant to Section 3701 of the Illinois Insurance Code [215 ILCS 5/3701] in which contributions and premiums are deposited.

An affiliate of, or person "affiliated" with, a specific person means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the persons specified.

Beneficiary means an individual, enrollee, insured, participant, or any other person entitled to reimbursement for covered expenses of, or the discounting of provider fees for, health care services under a program where the beneficiary has an incentive to utilize the services of a provider which has entered into an agreement or arrangement with an administrator pursuant to Section 370g(f) of the Illinois Insurance Code [215 ILCS 5/370g(f)].

Code means the Illinois Insurance Code [215 ILCS 5].

Control (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, the holding of policy holders' proxies by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is solely the result of an official position with or corporate office held by the person. Control is presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds shareholders' proxies representing 10% or more of the voting securities of any other person, or holds or controls sufficient policyholders' proxies to elect the majority of the board of directors of the domestic company. This presumption may be rebutted by a showing made in the manner as the Director may provide by rule. The Director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such

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determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

Department means the Department of Financial and Professional Regulation.

Director means the Director of the Illinois Department of Financial and Professional Regulation-Division of Insurance.

Discounted Health Care Services means health care services provided by health care services providers under a discount plan where there are no other incentives, such as copayment, coinsurance or any other reimbursement differential, for beneficiaries to utilize the provider.

Division means the Department of Financial and Professional Regulation–Division of Insurance.

Emergency Medical Condition means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

serious impairment to bodily functions; or

serious dysfunction of any bodily organ or part. (Section 370g(h) of the Code)

Exclusive Provider Organization (EPO) means any arrangement, other than a health maintenance organization, limited health service organization, voluntary health service corporation, or a health care service discount plan whereby the beneficiary receives no coverage or benefits when utilizing nonpreferred providers.

Financial Institution means a Federal or State chartered bank or savings and loan institution.

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Gatekeeper Option means an option offered by or through a preferred provider program that requires the beneficiary to preselect a particular primary care physician from a list of participating primary care physicians, who shall coordinate all of the non-emergency primary, specialty, hospital and other health care services, including referrals to other providers, as a condition for receipt of a higher level of benefits or reimbursement level, or both.

Health Care Services means health care services or products rendered or sold by a provider within the scope of the provider's license or legal authorization. The term includes, but is not limited to, hospital, medical, surgical, dental, vision and pharmaceutical services or products.

Health Care Services Discount Plan means a preferred provider program whereby beneficiaries, in exchange for fees, dues, charges or other consideration, are provided an incentive, in the form of discounted health care services, to use the services of such provider.

Health Service Corporation means a voluntary health service plan and/or a dental service plan licensed under the Voluntary Health Service Plan Act [215 ILCS 165] or the Dental Service Plan Act [215 ILCS 110].

HMO Act means the Health Maintenance Organization Act [215 ILCS 125].

Non-preferred Provider means any provider that does not have a contractual relationship, directly or indirectly, with the administrator for the provision of, or discounting of, health care services.

Payor means an entity responsible for bearing the risk of health care services. An Administrator is prohibited from being a payor and may not bear or assume any underwriting risk.

Primary Care Physician means a provider who has contracted with an administrator to provide primary care services as defined by the contract and who is a physician licensed to practice medicine in all of its branches who spends a majority of clinical time engaged in general practice or in the practice of internal medicine, pediatrics, gynecology, obstetrics or family practice, or a chiropractic physician licensed to treat human ailments without the use of drugs or operative surgery. (See 77 Ill. Adm. Code 240.20.)

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Provider means an individual or entity duly licensed or legally authorized to provide health care services.

Preferred Provider means any provider who has entered, either directly or indirectly, into an agreement with an administrator or insurer relating to health care services which may be rendered to beneficiaries under a preferred provider program including providing discounts for such services.

Preferred Provider Arrangements means policies, agreements or arrangements with providers relating to the amounts to be charged to beneficiaries for health care services which shall include incentives for the beneficiary to use such services including discounted health care services.

Preferred Provider Program means a system to make preferred provider arrangements available to beneficiaries.

Woman's Principal Health Care Provider means a physician licensed to practice medicine in all its branches specializing in obstetrics or gynecology as provided by Section 356r of the Code.

Section 2051.230 Administrators Not to Assume Underwriting Risk

An administrator may negotiate and make arrangements with providers in compliance with the Act, and market and otherwise make available such arrangements to insurance companies, HMO's, limited health service organizations, health service corporations, fraternal benefit societies or self-insuring employers or health and welfare trust funds and to their subscribers; provided however, that in performing such functions the administrator shall not accept any underwriting risk in the form of a premium or capitation payment for its services.

Section 2051.240 Registration, Renewals and Appeals

- a) No person, partnership or corporation shall act as an administrator until such time that such person, partnership or corporation has registered with the Director as required by this Part. In addition, all administrators shall annually renew their registration with the Director as required by this Part.
- b) Upon the filing of an application to register as a preferred provider program administrator and the payment of the registration fee, the Director shall register the applicant if the Director finds that the applicant:

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- 1) Has provided a detailed plan of operation;
 - 2) Is competent and trustworthy and intends to act in good faith in the capacity authorized by the license applied for;
 - 3) Has a good business reputation and has had experience, training, or education so as to be qualified in the business for which the license is applied for; and
 - 4) Has incorporated under the laws of this State or, if a foreign corporation or limited liability corporation, authorized to transact business in this State.
- c) A registered administrator may continue to operate, if a completed renewal application and appropriate fee have been filed prior to the renewal date, unless the renewal is denied by the Director.
- d) If a completed renewal application and appropriate fee are not received prior to the renewal date, the registration will automatically expire. An administrator whose registration has expired may not operate in this State until such time as the administrator re-applies and pays the initial registration fee as established by Sections 2051.240 and 2051.250 of this Part, except as specifically provided by the Director.
- e) The Director may suspend, revoke, or refuse to issue or renew an administrator's registration or may levy a civil penalty, or take any combination of actions, if the administrator or applicant:
- 1) Provides unjust, unfair, inequitable, ambiguous, incorrect, misleading, incomplete, inconsistent, deceptive, or materially untrue information or if the program is administered in a way that is contrary to law or to the public policy of this State;
 - 2) Has violated any insurance laws, or any rule, subpoena, or Order of the Director or of another state's insurance commissioner;
 - 3) Is registered or attempts to register through misrepresentation or fraud;

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- 4) Improperly withholds, misappropriates or converts any moneys or properties received in the course of doing business;
 - 5) Intentionally misrepresents the terms of an actual or proposed health care services discount plan;
 - 6) Has been convicted of a felony;
 - 7) Has admitted or been found to have committed any unfair trade practice or fraud;
 - 8) Uses fraudulent, coercive, or dishonest practices, or demonstrates incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere;
 - 9) Has an administrator's registration, or its equivalent, denied, suspended, or revoked in any other state, province, district or territory;
 - 10) Knowingly contracts with an administrator who is not registered.
- f) If an application for registration or renewal is denied under this Part or if the registration is suspended or revoked, the applicant may appeal such action by requesting a hearing under the terms of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 50 Ill. Adm. Code 2402. A petition for hearing must be postmarked no later than 30 days after the date of initial denial. A hearing shall be scheduled within 45 days after the petition is filed with the Director. An Order shall be issued by the Director within 60 days after the close of the hearing.
- g) Each administrator must keep current the information required to be disclosed in its registration statements by reporting all material changes or additions to the Director within 30 days after the end of the month of each change or addition. A material change or addition includes any modification of the information required by this Part that has significant effect on the operation of the administrator or on the availability and accessibility of health care. All information filed with the Director pursuant to this Part regarding the methods and/or amounts of reimbursement between providers and the administrator under the preferred provider programs, or between administrators is deemed to be confidential.

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Section 2051.250 Fees

On or after January 1, 2007, each new administrator doing business in this State shall pay to the Director an initial registration fee of \$1000. Each administrator doing business in this State shall annually pay to the Director a renewal fee of \$500 in order to maintain such registration.

Section 2051.260 Administrator Requirements

Each applicant for registration shall file the following information and documents with the Director in the format provided in Appendix A of this Part, or for administrators who only administer health care service discount plans, in the format provided in Appendix B of this Part:

- a) Organizational requirements identified in Section 2051.270 of this Part;
- b) Sample copies of all payor and provider agreements identified in Sections 2051.280 and 2051.290 of this Part, where applicable. If the terms and conditions in such agreements include significant, substantial, or material change or additions, the filing of one complete sample of each type of agreement together with a description of all variable terms and conditions will satisfy this requirement;
- c) Each applicant for registration shall file signed copies of all current administrative agreements for any entity with which the applicant contracts to provide services for or meet the requirements of this Act. Examples of these contracts may include, but are not necessarily limited to agreements with other administrators, utilization review organizations, third party administrators, third party prescription program administrators, insurers, health maintenance organizations and health service corporations. Agreements at a minimum shall contain the following provisions:
 - 1) Network availability and adequacy requirements identified in Section 2051.310 of this Part;
 - 2) If applicable, any health care services discount plan beneficiary agreement requirements identified in Section 2051.320 of this Part;
 - 3) Copies of the preferred provider program disclosure statements required to be furnished to beneficiaries by Section 370m of the Code and illustrative advertising material to be used by the applicant. If the Director finds that

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any advertisement of a plan has materially failed to comply with the provisions of this Part, the Director may, pursuant to the authority in Section 149 of the Code, by Order, require the administrator to publish in the same or similar medium, an approved correction or retraction of any untrue, misleading, or deceptive statement contained in the advertising and may prohibit such plan from publishing or distributing, or allowing to be published or distributed on its behalf such advertisement or any new materially revised advertisement without first having filed a copy thereof with the Director 30 days prior to the publication or distribution thereof, or any shorter period specified in such Order;

- 4) A description of programs for utilization review including procedures for timely investigation, resolution of questions concerning medical necessity and appropriateness of medical services and supplies and appeals from beneficiary and providers as provided by Section 370s of the Code and Section 85 of the Managed Care Reform and Patient Rights Act [215 ILCS 134/85]. Administrators who administer only health care services discount plans need not comply with this requirement;
- 5) A description of any fiduciary account established by the administrator, including the location and identification number of the account, established and maintained pursuant to Section 370l of the Act [215 ILCS 5/370l] and Section 2051.340 of this Part; and/or a bond in compliance with Section 370l of the Act and Section 2051.340 of this Part. If a bond is submitted, the administrator shall also furnish a certification of the total estimated annual reimbursements under the preferred provider programs, supported by the methodology used to arrive at such figure;
- 6) Administrators may not establish An Exclusive Provider Organization in this State. This subsection (c)(6) does not apply to administrators offering only health care services discount plans.

Section 2051.270 Organizational Requirements

Upon application for registration, administrators must file the following information:

- a) An organizational chart describing the relationship between the administrator, its parent organization and any affiliates, including the state of domicile and the primary business of each entity;

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- b) Proof of registration with the Illinois Secretary of State and the company's FEIN;
- c) Names, addresses, official positions and biographical affidavits as prescribed in Appendix D of this Part for the people responsible for the conduct of the affairs of the administrator; and
- d) Location of all administrative offices of the administrator located in this State and regular business hours during which offices are open.

Section 2051.280 Payor Agreements

Any payor agreements between administrators and payors shall contain at a minimum:

- a) Terms requiring and specifying all incentives to be provided to the beneficiary to utilize services of a provider that has entered into an agreement with the administrator;
- b) Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider, the payor shall ensure that the beneficiary so referred shall incur no greater out of pocket liability than had the beneficiary received services from a preferred provider;
- c) Terms requiring that both the payor's and administrator's name and toll-free telephone numbers be contained on all beneficiaries' identification cards;
- d) Terms specifying that only the payor may assume any underwriting risk when such risk is part of the delivery of services.

Section 2051.290 Provider Agreements

All provider agreements between administrators and providers shall contain at a minimum:

- a) A provision identifying the specific covered health care services for which the preferred provider will be responsible including any discount services, copayments, benefit maximums, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates;

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- b) A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator including, but not limited to credentialing or recredentialing requirements; and, except for health care service discount plan administrators, utilization review requirements, and referral procedures;
- c) A provision requiring that when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make medical records available:
 - 1) To the administrator and/or insurer for the purpose of determining, on a concurrent or retrospective basis, the medical necessity and appropriateness of care provided to beneficiaries;
 - 2) To appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints; and
 - 3) To show compliance with the applicable State and federal laws related to privacy and confidentiality of medical records. This subsection (c) does not apply to administrators offering only a health care services discount plan;
- d) A provision requiring providers to be licensed by the State, and to notify the administrator immediately whenever there is a change in licensure or certification status;
- e) A provision requiring all physician providers to have admitting privileges in at least one hospital with which the administrator has a written provider contract. The administrator shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions may be made for physicians who, because of the type of clinical specialty, or location or type of practice, do not customarily have admitting privileges. This subsection (e) does not apply to administrators offering only health care services discount plans;
- f) A provision describing notification procedures for contract termination. Termination provisions shall require:

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- 1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause;
 - 2) That the administrator may immediately terminate the provider contract for cause, and, if applicable;
 - 3) That a provider, acting as primary care physician under plans requiring a gatekeeper option, must provide the administrator with a list of all patients using that provider as a gatekeeper within 5 working days after the date that the provider either gives, or receives notice of termination;
- g) A provision explaining the provider responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of benefits is required by law or regulation, or that such continuation is voluntarily provided by the administrator. This subsection (g) does not apply to administrators offering only a health care services discount plan;
- h) A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned or otherwise delegated by either party without the prior written and informed consent of the other party. Similarly, written approval by both parties must be obtained whenever an administrator is bought by another administrator;
- i) A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means satisfactory to the administrator. The administrator must be notified within no less than 10 days of the provider's receipt of notice of any reduction or cancellation of such coverage;
- j) A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability;
- k) A provision regarding the preferred provider's obligation, if any, to collect applicable copayments and/or deductibles from beneficiaries pursuant to the evidence of coverage, and to provide notice to beneficiaries of their personal financial obligations for non-covered services. This provision shall include any amount of applicable discounts or, alternatively, a fee schedule that reflects any

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discounted rates. Providers may not charge beneficiaries more than any applicable discounted rates in accordance with payment terms and provisions contained in a health care services discount plan agreement signed by a beneficiary;

- l) A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis;
- m) A provision clearly describing the administrator's and payor's payment obligations to the provider. For health care services discount plans, neither administrators nor payors may pay providers for health care services provided to beneficiaries. For health care services discount plans, neither administrators nor payors may accept money from a beneficiary for payment to a provider for specific health care services furnished or to be furnished to the beneficiary;
- n) A provision identifying the administrative services, if any, the administrator will perform and the types of information (e.g., financial, enrollment, utilization) that will be submitted to the provider as well as other information that is accessible to the provider;
- o) A provision obligating the administrator to provide a method for providers to access each payor to obtain benefit information and adequate notice of change in benefits and copayments, and a provision obligating the administrator to provide all of the administrator's operational policies. This subsection (o) does not apply to administrators offering only a health care services discount plan;
- p) A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider.

Section 2051.300 Requirements for Agreements with Other Administrators

All agreements between administrators shall provide that:

- a) Before entering into a contract with another administrator, an administrator shall perform due diligence to ensure the other administrator is duly registered as an administrator under this Act or otherwise appropriately licensed under the Code.
- b) Any provider contract or preferred provider program that is sold, leased, assigned or otherwise delegated must have the terms of that transaction, including any

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additional discount, repricing, or other consideration, clearly enumerated in the contract.

- c) An administrator shall approve in writing, prior to use, all advertisements, marketing materials, brochures and discount cards used by any other administrator to market, promote, sell or enroll members in its preferred provider program.
- d) No preferred provider program may be sold, leased, assigned or otherwise delegated to another administrator without the prior written and informed consent of the providers contracting under the program.

Section 2051.310 Network Availability and Adequacy Requirements

- a) Administrators and insurers must file a description of the services to be offered through the preferred provider program. The description shall include:
 - 1) The method of marketing the program;
 - 2) A geographic map of the area proposed to be served by the program by county and zip code, including marked locations for preferred providers;
 - 3) The names, addresses and specialties of the providers who have entered into preferred provider agreements under the program;
 - 4) The number of beneficiaries anticipated to be covered by the providers listed in subsection (b)(3) of this Section;
 - 5) An Internet website and phone number for beneficiaries and prospective beneficiaries to access regarding up-to-date lists of contracted providers as well as any other information necessary to conform to this Part. The administrator's toll-free telephone number and Internet website page where beneficiaries and prospective beneficiaries may obtain additional information about the health care services discount plan and lists of providers participating in the health care services discount plan. A plan shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of participating providers by mail. Participating provider lists requested by phone must be sent within 3 working days. Any provider listing must include all participating providers

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with whom the administrator has contracted either directly, or indirectly through another health care services discount plan administrator. The requirement for an up-to-date provider list applies to all providers that have entered arrangements to provide services under the program either directly, or indirectly through another administrator. Administrators' and insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials, brochures, benefit cards and discount cards; and

- 6) A description of how health care services to be rendered under the preferred provider program are reasonably accessible and available to beneficiaries. Standards shall address:
 - A) The type of health care services to be provided by the administrator preferred provider network;
 - B) The ratio of providers to beneficiaries, by specialty and including primary care physicians, necessary to meet the health care needs and service demands of the currently enrolled population;
 - C) The greatest distance or time that the beneficiary may travel to access:
 - i) Preferred provider hospital services;
 - ii) Primary Care and Woman's Principal Health Care physician services;
 - iii) Any applicable health care service providers;
 - D) Written policies and procedures for determining when the program is closed to new providers desiring to enter into preferred provider arrangements;
 - E) Written policies and procedures for adding providers to meet patient needs based on increases in the number of beneficiaries, changes in the patient to provider ratio, changes in medical and health care capabilities, and increased demand for services;

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- F) The provision of 24 hour, 7 day per week access to network affiliated primary care and woman's principal health care providers;
- G) The procedures for making referrals within and outside the network. This subsection (b)(6)(G) does not apply to administrators offering only a health care services discount plan;
- H) A provision ensuring that whenever a beneficiary has made a good faith effort to utilize network providers for a covered service and it is determined the administrator does not have the appropriate preferred providers due to insufficient number, type or distance, the administrator shall ensure, directly or indirectly, by terms contained in the payor contract, that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider;
- I) The procedures for paying benefits when particular physician specialties are not represented within the provider network, or the services of such providers are not available at the time care is sought. In any case where a beneficiary has made a good faith effort to utilize network providers for a covered service and the administrator does not have the appropriate preferred specialty providers (including but not limited to radiologists, anesthesiologists, pathologists and emergency room physicians) under contract due to the inability of the administrator to contract with such specialists, the administrator shall ensure that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider. This subsection (b)(6)(I) does not apply to administrators offering only a health care services discount plan;
- J) A provision that the beneficiary shall receive emergency care coverage such that payment for this coverage is not dependent upon whether such services are performed by a preferred or nonpreferred provider and such coverage shall be at the same benefit level as if the service or treatment had been rendered by a plan provider. For purposes of this subsection, "the same benefit level" means that the beneficiary will be provided the covered

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service at no greater cost to the beneficiary than if the service had been provided by a preferred provider. This subsection (b)(6)(J) does not apply to administrators offering only a health care services discount plan;

- K) If the plan provides that the beneficiary will incur a penalty for failing to pre-certify inpatient hospital treatment, the penalty may not exceed \$1,000 per occurrence;
- L) A prohibition on penalties for opting to utilize nonpreferred providers over preferred providers. Plans may only offer reasonable incentives to beneficiaries to utilize preferred providers through the use of differentials in coinsurance and reimbursement amounts applicable to providers. An incentive will not be considered reasonable, and therefore a penalty, when the beneficiary becomes financially responsible for a greater proportion of the cost of health care services that the administrator and payor. This subsection (b)(6)(L) does not apply to administrators offering only a health care services discount plans;
- M) Efforts to address the needs of beneficiaries with limited English proficiency and literacy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities;
- N) A sample beneficiary identification card as provided by, and in conformity with the Uniform Health Care Service Benefits Information Card Act [215 ILCS 139], and the Uniform Prescription Drug Information Card Act [215 ILCS 138] when pharmaceutical services are provided as part of the program's health care services;
- O) When a gatekeeper option is included as part of the program, administrators shall make a good faith effort to provide written notice of termination of a provider to all beneficiaries who are patients seen on a regular basis by a provider whose contract is terminating. Where a contract termination involves a primary care physician, in a gatekeeper option, all beneficiaries who are patients of that primary care physician shall also be notified. This

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subsection (b)(6)(O) does not apply to administrators offering only a health care services discount plan.

- b) If an administrator is leasing, buying, or otherwise using another administrator's or insurer's program, and the required information has previously been filed by the other administrator or insurer, then only the administrative agreement and verification that the providers have consented to the agreement pursuant to Section 2051.300(d) of this Part need to be filed.
- c) That enrollees are not responsible for any reasonable costs associated with medical record transmission or duplication in order to have a claim adjudicated. This subsection (c) does not apply to administrators offering only a health care services discount plan.

Section 2051.320 Health Care Services Discount Plan Requirements

- a) A health care services discount plan administrator shall have a written agreement between the administrator and its beneficiaries that specifies the benefits a beneficiary is to receive under the health care services discount plan and that complies with this Section. For insurers offering a health care services discount plan as part of a policy of insurance, the certificate or policy may act as the written agreement.
- b) All agreements between health care services discount plan administrators and beneficiaries shall contain at a minimum:
 - 1) A provision establishing the right for the beneficiary to cancel the plan, in writing at any time. If a beneficiary cancels within 30 days after the date of receipt of the discount card and other membership materials, the beneficiary will be reimbursed all money paid including, but not limited to, membership fees, enrollment fees, and any one-time processing fees;
 - 2) A provision establishing that beneficiaries will have free access to health care services discount plan providers without restrictions to waiting periods, notification periods, etc.;
 - 3) A provision allowing a beneficiary to modify the method of payment upon request, unless a specific method of payment is stipulated within the agreement. Discount plan administrators must discontinue using any

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automatic account withdrawals including, but not limited to electronic fund transfers and automatic credit card and/or debit card charges, upon receiving a beneficiary's written request to terminate or alter the method of payment;

- 4) The procedures for filing complaints with the plan and the availability and contact information for the Illinois Department of Financial and Professional Regulation-Division of Insurance.
- c) If a discount plan cancels a membership for any reason other than nonpayment of charges by the beneficiary, the health service discount plan shall make a pro rata reimbursement of all periodic changes to the member.
 - d) Discount plan administrators must provide the following disclosures in writing to any prospective beneficiary of a health care services discount plan before purchase as well as in all beneficiary agreements. The disclosures shall also be provided on the first page of any advertisements, marketing materials or brochures relating to a health care services discount plan or if that is not possible, on the first page listing plan information. The following disclosures must be prominently displayed:
 - 1) That it is not insurance;
 - 2) That the plan is not a health insurance policy;
 - 3) That the plan provides discounts at certain providers for health care services and that the range of discounts will vary depending on the type of provider and service received;
 - 4) That the plan does not make payments directly to the providers of discounted health care services;
 - 5) That the plan beneficiary is obligated to pay for all discounted health care services, but will receive a discount from those providers that have contracted with the health care services discount plan administrator;
 - 6) The administrator's toll-free telephone number and Internet website page where beneficiaries and prospective beneficiaries may obtain additional information about the health care services discount plan and lists of

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providers participating in the health care services discount plan. A plan shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of participating providers by mail. Participating provider lists requested by phone must be sent within 3 working days. Any provider listing must include all participating providers with whom the administrator has contracted either directly, or indirectly through another health care services discount plan administrator.

- e) Whenever a health care services discount plan is sold in conjunction with any other product including a policy of insurance, the administrator must provide in writing to the beneficiary the itemized charges for each individual health care services discount plan product.
- f) Any initial one-time processing, administrative or other such non-regular or periodic charge may not exceed the standard monthly charge for the plan.

Section 2051.330 Insurer Requirements

- a) As required by Section 143(1) of the Code and consistent with the requirements of 50 Ill. Adm. Code 916, insurers must file the following compliance documents in the format prescribed in Appendix C of this Part each time a policy incorporating a preferred provider arrangement is filed, or when the insurer markets, leases, sells or otherwise issues health care service discount plans to beneficiaries, either directly or indirectly, independent of insurance coverage:
 - 1) Sample copies of all payor agreements as required by Section 2051.280 of this Part, where applicable, and provider agreements as required by Section 2051.290 of this Part. If the terms and conditions in such agreements include significant, substantial, or material changes or additions, the filing of one complete sample of each type of agreement together with a description of all variable terms and conditions will satisfy this requirement;
 - 2) Valid and current signed administrator agreements pursuant to Section 2051.300 of this Part;
 - 3) Network availability and adequacy requirements pursuant to Section 2051.310 of this Part; and

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- 4) Health care services discount plans requirements pursuant to Section 2051.320 of this Part, if applicable.
- b) When incorporated in a policy filing, the filing requirements for subsection (a) may be waived if the preferred provider arrangement information had previously been filed and is identified in the subsequent filing.
- c) Any material changes or additions to the preferred provider program filed in accordance with subsection (a) must be reported to the Director within 30 days after the end of the month of each change or addition. The change or addition shall be filed informationally in accordance with Section 143(1) of the Code and consistent with the requirements of 50 Ill. Adm. Code 916. A material change or addition includes any modification of the information required by this Part that has significant effect on the operation of the administrator or on the availability and accessibility of health care.
- d) All advertising and solicitation by an insurer regarding a health care service discount plan must comply with the requirements established by Section 2051.360 of this Part.
- e) Insurers may not market EPO plans in this State.
- f) Insurers offering a health care services discount plan as part of a policy of insurance, must set off the discount plan provisions from the insurance coverage and disclose information as required by Section 2051.320(c)(3) through (6) of this Part.

Section 2051.340 Fiduciary and Bond Requirements

- a) This Section outlines requirements for administrators who must establish either a bond or a fiduciary account pursuant to Section 3701 of the Code. Administrators who administer only health care services discount plans need not comply with these requirements because, by definition, they do not handle money for purposes of payment for provider services.
- b) Administrators who establish and maintain a fiduciary account pursuant to Section 3701 of the Code are subject to the following requirements:

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- 1) Monies collected for reimbursement under preferred provider programs which the administrator holds more than 15 days shall be deposited in a special fiduciary account in a financial institution located in this State, which account shall be designated as an "Administrator Trust Fund", hereinafter referred to as "ATF". All checks drawn on the ATF shall indicate on their face that they are drawn on the ATF of the administrator.
- 2) An administrator that operates more than one preferred provider program may establish separate fiduciary accounts for each program, or may maintain a consolidated fiduciary account for such programs. If a consolidated ATF account is maintained, the administrator's records shall clearly indicate fund deposits and disbursements for each program.
- 3) No disbursement shall be made from the ATF account other than payment for provider services under the preferred provider programs operated by the administrator and administrative fees due the administrator pursuant to a written agreement.
- 4) For each preferred provider program for which an ATF is maintained, the balance in the ATF shall at all times be the amount of funds deposited plus accrued interest, if any, less authorized disbursements.
- 5) If the ATF is interest bearing or income producing, the full nature of the account must first be disclosed to the principal, whether insurer or other payor of services under the preferred provider program, on whose behalf the funds are, or will be held. At this time the administrator must procure the written consent and authorization from this principal for the investment of money and retention of interest or earnings.
- 6) An administrator may place ATF funds in interest-bearing or income-producing investments and retain the interest or income thereon, providing the administrator obtains the prior written authorization of the principals on whose behalf the funds are to be held. In addition to savings and checking accounts, an administrator may invest in the following:
 - A) Direct obligations of the United States of America or U.S. Government agency securities with maturities of not more than one year;

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- B) Certificates of deposit, with a maturity of not more than one year, issued by the Federal Deposit Insurance Corporation (FDIC) or Federal Savings and Loan Insurance Corporation (FSLIC), so long as any deposit does not exceed the maximum level of insurance protection provided to certificates of deposits held by such institutions;
 - C) Repurchase agreements with financial institutions or government securities dealers recognized as primary dealers by the Federal Reserve System, provided:
 - i) The value of the repurchase agreement is collateralized with assets which are allowable investments for ATF funds;
 - ii) The collateral has a market value at the time the repurchase agreement is entered into at least equal to the value of the repurchase agreement;
 - iii) The repurchase agreement does not exceed 30 days;
 - D) Commercial paper, provided the commercial paper is rated at least P-1 by Moody's Investors Service, Inc. or at least A-1 by Standard & Poor's Corporation;
 - E) Money-Market Funds, provided the money market fund invests exclusively in assets which are allowable investments pursuant to subsections (b)(6)(A) through (D) of this Section for ATF funds;
 - F) Each investment transaction must be made in the name of the administrator's ATF. The administrator must maintain evidence of any such investments. Each investment transaction must flow through the administrator's ATF.
- 7) Recordkeeping
- A) Administrators shall maintain detailed books and records which reflect all transactions involving the receipt and disbursement of funds from the ATF.

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- B) The detailed preparation, journalizing and posting of such books and records must be maintained on a timely basis and all journal entries for receipts and disbursements shall be supported by evidential matter, which must be referenced in the journal entry so that it may be traced for verification. Administrators shall prepare and maintain monthly financial institution account reconciliations of any ATF established by the administrator. The minimum detail required shall be as follows:
- i) The sources, amounts and dates of monies received and deposited by the administrator.
 - ii) The date and person to whom a disbursement is made. If the amount disbursed does not agree with the amount billed or authorized, the administrator shall prepare a written record as to the reason.
 - iii) A description of the disbursement in such detail to identify the source document substantiating the purpose of the disbursement.
- c) An Administrator who posts or causes to be posted a bond of indemnity pursuant to Section 370l of the Code shall do so subject to the following requirements:
- 1) An administrator who operates more than one preferred provider program subject to the Act may maintain a bond of indemnity for any such programs.
 - 2) The bond shall be held by the Director in favor of the beneficiaries and payors of services under the preferred provider programs operated by the administrator. The bond shall be executed by a surety company and payable to any party injured under the terms of the bond.
 - 3) The bond shall be in continuous form and shall be in an amount of not less than 10% of the total estimated annual reimbursements under the preferred provider programs covered by the bond. The amount of the bond shall be determined in accordance with the methodology submitted by the administrator pursuant to Section 2051.260(h) of this Part.

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- 4) The bond shall remain in force and effect until the surety is released from liability by the Director or until the bond is cancelled by the surety. The surety may cancel the bond and be released from further liability thereunder upon 30 days written notice in advance to the Director. The cancellation shall not affect any liability incurred or accrued thereunder before the termination of the 30-day period. Upon receipt of any notice of cancellation, the Director shall immediately notify the administrator.

Section 2051.350 Maintenance of Records

- a) All administrators shall maintain detailed books and records of all of their transactions as an administrator of preferred provider programs. The records required to be maintained by this Section shall include, but are not limited to:
 - 1) Books and records of ATF transactions required by Section 2051.340 of this Part;
 - 2) Books and records regarding all funds received or disbursed by the administrator;
 - 3) All contracts or agreements with providers, insurers or other payors of the services under a preferred provider program; and
 - 4) All documents relating to the administrator's preferred provider program, including but not limited to beneficiary disclosure documents required by Section 370m of the Act, beneficiary complaints and documents relating to the administrator's utilization review program.
- b) Records shall be maintained for at least 3 years after termination of the preferred provider program to which they relate.

Section 2051.360 Advertising and Solicitation

- a) No administrator or its representative shall cause, or knowingly permit the use of, advertising, solicitation, or any form of evidence of coverage that encourages misrepresentation, or is untrue, misleading or deceptive, unjust, unfair, inequitable, ambiguous, inconsistent, or contrary to law or to the public policy of this State;

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- b) No administrator may represent or describe itself in its name, contracts or literature as a "health maintenance organization" or "HMO", nor may it hold itself out or represent itself as being an insurance company, limited health service organization or a health service corporation, unless such is the case;
- c) No health care services discount plan administrator may use the following terms in its advertisements, marketing material, brochures or health care services discount plan cards: "health plan", "coverage", "copay", "copayments", "deductible", "preexisting conditions", "guaranteed issue", "premium", or other terms that could mislead an individual into believing that the product being offered is health insurance;
- d) No health care services discount plan administrator may use language in its advertisements, marketing material, brochures or health care services discount plan cards with respect to being "licensed" or "registered" by the Illinois Department of Financial and Professional Regulation-Division of Insurance in a manner that could mislead an individual into believing that the health care services discount plan is health insurance;
- e) Whether an advertisement has a capacity or tendency to mislead or deceive shall be determined by the Director from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence within the segment of the public to which it is directed.

Section 2051.370 Examination

- a) The Director or his or her designee may examine any applicant for registration or any registrant when he or she obtains information that gives him or her reason to believe that the applicant or registrant may be in violation of this Part, or any applicable provision of the Code, when he or she receives a complaint or when the applicant has a history of violations of the Code.
- b) Any administrator being examined shall provide to the Director or his or her designee convenient and free access, at all reasonable hours at their offices, to all books, records, documents and other papers relating to such administrator's business affairs. The Director or his or her designee shall not have access to beneficiary medical records protected under Article VIII, Part 21, of the Code of Civil Procedure entitled "Medical Studies" [735 ILCS 5/8-2101 through 2105].

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- c) The Director or his or her designee may administer oaths and thereafter examine any individual about the business of the administrator.
- d) The expenses of examination under this Section shall be assessed against the administrator being examined in accordance with Section 408(3) of the Code.
- e) The examiner designated by the Director shall make a written report if he or she alleges a violation of this Part, any applicable provisions of the Code or any other applicable Part of Title 50 of the Illinois Administrative Code. The report shall be verified by the examiner. The report must be made to the Director within 45 days after the conclusion of the examination. If no report is to be made, the administrator shall be so notified.
- f) If a report is made, the Director shall either deliver a duplicate of the report to the administrator being examined, or send the duplicate by certified or registered mail to the administrator's address specified in the records of the Division. The Director shall afford the administrator an opportunity to request a hearing to object to the report. The administrator may request a hearing within 30 days after receipt of the duplicate examination report by giving the Director written notice of the request together with written objections to the report. Any hearing shall be conducted in accordance with Sections 402 and 403 of the Code and 50 Ill. Adm. Code 2402. The right to hearing is waived if the delivery of the report is refused or the report is otherwise undeliverable to the address on file with the Division or the administrator does not timely request a hearing. After the hearing, or upon expiration of the time period during which an administrator may request a hearing, if the examination reveals that the administrator is operating in violation of any applicable provisions of the Code, any applicable Part of Title 50 of the Illinois Administrative Code or prior Order, the Director, in the written Order, may require the administrator to take action to correct such violation in accordance with the report or examination hearing. If the Director issues an Order, it shall be issued within 90 days after the report is filed, or, if there is a hearing, within 90 days after the conclusion of the hearing. The Order is subject to review under Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art.10].

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Section 2051.APPENDIX A Preferred Provider Administrator Registration Form

Name of Firm			Tax # (FEIN)
Business Address (Number, Street, City, State & Zip)			
Phone	Fax	Email Address	
Person Responsible for submitting application:			Phone
FEE REQUIREMENT	REFERENCE	COMMENTS	
Fee Required With Application	50 Ill. Adm. Code 2051.250	Initial registration fee of \$1,000 must be submitted with application for Preferred Program Provider Administrator.	
ORGANIZATIONAL REQUIREMENTS	REFERENCE	COMMENTS	
	50 Ill. Adm. Code 2051.270		
Organization Chart	50 Ill. Adm. Code 2051.270(a)	An organizational chart describing the relationship between the administrator, its parent organization and any affiliates, including the state of domicile and the primary business of each entity.	
Corporation Information	50 Ill. Adm. Code 2051.270(b)	Proof of registration with the Illinois Secretary of State and the company's FEIN number.	
Biographical Affidavits	50 Ill. Adm. Code 2051.270(c) Appendix D	A list of the names, addresses, official positions and biographical affidavits of the persons responsible for the conduct of the affairs of the administrator (as presented in Appendix D or the NAIC Biographical Affidavit Form).	
Office Location and Hours	50 Ill. Adm. Code 2051.270(d)	Location of the administrative offices of the administrator	

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		located in this State and regular business hours during which offices are open.	
Signed Contracts	50 Ill. Adm. Code 2051.260(c)	Each applicant for registration shall file signed copies of all current administrative agreements for any entity with which the applicant contracts to provide services for or meet the requirements of this Act. Examples of these contracts may include, but are not necessarily limited to agreements with other administrators, utilization review organizations, third part administrators, third party prescription program administrators and insurers. Agreements at a minimum shall contain the following provisions.	
PROVIDER AGREEMENTS	REFERENCE 50 Ill. Adm. Code 2051.290	COMMENTS	REFERENCE Form/Page/Para
Each applicant for registration shall file sample copies of all provider agreements, where applicable. Agreements at a minimum shall contain the following provisions.	50 Ill. Adm. Code 2051.290		Please type or print where such information is located.

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Covered Services/Beneficiary Payment Responsibility	50 Ill. Adm. Code 2051.290(a)	A provision identifying the specific covered health care services for which the preferred provider will be responsible including any discount services, copayments, benefit maximums, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates, shall be enumerated.	
Provider Administrative Responsibilities	50 Ill. Adm. Code 2051.290(b)	A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator including, but not limited to credentialing and recredentialing requirements.	
Availability of Medical Records	50 Ill. Adm. Code 2051.290(d)	A provision requiring that when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make medical records available to the insurer for the purpose of determining, on a concurrent or retrospective basis, the medical necessity and appropriateness of care provided to beneficiaries. Such medical records must also be made available to appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints and to comply with the applicable State and federal laws related to privacy and confidentiality of	

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		medical records.	
Provider Licensure Requirements	50 Ill. Adm. Code 2051.290(d)	A provision requiring providers to be licensed by the State, and to notify the administrator immediately whenever there is a change in licensure or certification status.	
Provider Contract Termination	50 Ill. Adm. Code 2051.290(f)	Termination provisions shall require: (1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause; (2) That the administrator may terminate the provider contract for cause immediately; and (3) That the provider contract for a gatekeeper option shall contain provisions whereby within five working days after the date that the provider either gives or receives notice of termination, the provider shall supply the administrator with a list of those patients of the provider who are covered by a plan using the administrator's network.	
Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.290(h)	A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned or otherwise delegated by either party without the prior written and informed consent of the other party. Similarly, written approval by both parties must be obtained whenever an	

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		administrator is bought by another administrator.	
Liability and Malpractice Coverage	50 Ill. Adm. Code 2051.290(i)	A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means satisfactory to the administrator. The administrator must be notified within no less than ten days of the provider's receipt of notice of any reduction or cancellation of such coverage.	
Non-Discrimination	50 Ill. Adm. Code 2051.290(j)	A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability.	
Requirement for Provider Collection of Out-of-Pocket Amounts from Beneficiary	50 Ill. Adm. Code 2051.290(k)	A provision regarding the preferred provider's obligation, if any, to collect applicable copayments and/or deductibles from beneficiaries pursuant to the evidence of coverage, and to provide notice to beneficiaries of their personal financial obligations for non-covered services. This provision shall	

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		include any amount of applicable discounts or, alternatively, a fee schedule that reflects any discounted rates. Providers may not charge beneficiaries more than any applicable discounted rates in accordance with payment terms and provisions contained in a health care services discount plan agreement signed by a beneficiary.	
24/7 Accessibility	50 Ill. Adm. Code 2051.290(l)	A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis.	
Payment Obligations	50 Ill. Adm. Code 2051.290(m)	A provision clearly describing the administrator's and payor's payment obligations to the provider. For health care services discount plans, neither administrators nor payors may pay providers for health care services provided to beneficiaries. For health care services discount plans, neither administrators nor payors may accept money from a beneficiary for payment to a provider for specific health care services furnished or to be furnished to the beneficiary.	
Administrative Services	50 Ill. Adm. Code 2051.290(n)	A provision identifying the administrative services, if any, the administrator will perform and the types of information (financial, enrollment, utilization, improvement, etc.) that will be submitted to the	

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		provider as well as other information that is accessible to the provider.	
Arbitration Procedures	50 Ill. Adm. Code 2051.290(p)	A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider.	
ADMINISTRATOR AGREEMENTS	REFERENCE 50 Ill. Adm. Code 2051.300	COMMENTS	REFERENCE Please type or print where such information is located.
Each applicant for registration shall file signed copies of all current administrative agreements including, but not limited to agreements with other administrators, utilization review organizations, third part administrators, third party prescription program administrators and insurers. Agreements at a minimum shall contain the following provisions.	50 Ill. Adm. Code 2051.70(c)		
Due Diligence	50 Ill. Adm. Code 2051.300(a)	Before entering into a contract with another administrator, an administrator shall perform due diligence to ensure the other administrator is duly registered	

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		as an administrator under this Act or otherwise appropriately licensed under the Insurance Code.	
Terms for the Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.300(b)	Any provider contract or preferred provider program that is sold, leased, assigned or otherwise delegated must have the terms of that transaction, including any additional discount, repricing, or other consideration, clearly enumerated in the contract.	
Administrator Marketing Responsibility	50 Ill. Adm. Code 2051.300(c)	An administrator shall approve in writing prior to use all advertisements, marketing materials, brochures and discount cards used by any other administrator to market, promote, sell or enroll members in its preferred provider program.	
Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.300(d)	No preferred provider program may be sold, leased, assigned or otherwise delegated to another administrator without the prior written and informed consent of the providers contracting under the program.	
NETWORK AVAILABILITY AND ACCESS	REFERENCE 150 Il. Adm. Code 2051.310	COMMENTS	REFERENCE Form/Page/Para
Each applicant for registration shall file the following information and documents with the Director			Please type or print where such information is located.

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Method of Marketing	50 Ill. Adm. Code 2051.310(a)(1)		
Geographic Map with Providers Marked	50 Ill. Adm. Code 2051.310(a)(2)	A geographic map of the area proposed to be served by the program by county and zip code, including marked locations of preferred providers.	
List of Providers Names, Addresses and Specialties	50 Ill. Adm. Code 2051.310(a)(3)		
Number of Anticipated Beneficiaries	50 Ill. Adm. Code 2051.310(a)(4)		
Website and Phone Number Requirements	50 Ill. Adm. Code 2051.310(a)(5)	An Internet website and phone number for beneficiaries and prospective beneficiaries to access regarding up-to-date lists of contracted providers as well as any other information necessary to conform to this part. The requirement for an up-to-date provider list applies to all providers that have entered arrangements to provide services under the program either directly, or indirectly through another administrator. Administrators' and insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials, brochures, benefit cards and discount cards.	
Description of Accessibility and Availability of Network	50 Ill. Adm. Code 2051.310(a)(6)		
Type of Services to be Provided	50 Ill. Adm. Code 2051.310(a)(6)(A)	The type of health care services to be provided by the administrator network.	

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Ratio of Providers to Beneficiaries	50 Ill. Adm. Code 2051.310(a)(6)(B)	The ratio of providers to beneficiaries by specialty, including primary care physicians, necessary to meet the health care needs and service demands of the currently enrolled population.	
Greatest Travel Distance	50 Ill. Adm. Code 2051.310(a)(6)(C)	The greatest distance or time that the beneficiary must travel to access: (A) Preferred provider hospital services; (B) Primary Care and Woman's Principal Health Care physician services; (C) Any applicable health care service providers.	
Policies for Closing a Network to New Providers	50 Ill. Adm. Code 2051.310(a)(6)(D)		
Policies for Adding New Providers	50 Ill. Adm. Code 2051.310(a)(6)(E)		
24/7 Network Access	50 Ill. Adm. Code 2051.310(a)(6)(F)	The provision of 24 hour, seven day per week access to network affiliated primary care and woman's principal health care providers.	
Referral Procedures	50 Ill. Adm. Code 2051.310(a)(6)(G)	The procedures for making referrals within and outside the network.	
Inadequate Networks	50 Ill. Adm. Code 2051.310(a)(6)(H)	In any case whereby a beneficiary has made a good faith effort to utilize network providers for a covered service and it is determined the insurer does not have the appropriate preferred providers due to insufficient number, type or distance, the insurer shall ensure, by terms contained in the payor contract, that the	

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		beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider.	
Special Communication Needs	50 Ill. Adm. Code 2051.310(a)(6)(M)	Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities.	
ID Card	50 Ill. Adm. Code 2051.310(a)(6)(N)	A sample beneficiary identification card as provided by, and in conformity with the Uniform Health Care Service Benefits Information Card Act [215 ILCS 139], and the Uniform Prescription Drug Information Card Act [215 ILCS 138] when pharmaceutical services are provided as part of the program's health care services.	
HEALTH CARE SERVICE DISCOUNT PLAN AGREEMENTS	REFERENCE 50 Ill. Adm. Code 2051.320(a)	COMMENTS	REFERENCE Form/Page/Para
Each applicant for registration shall file sample copies of all beneficiary agreements. Agreements at a minimum shall contain the following provisions.		Only those administrators that also provide discount plan benefits must comply with the requirements of 2051.320.	Please type or print where such information is located.
Written Agreement Required	50 Ill. Adm. Code 2051.320(a) and (b)	All agreements between health care services discount plan administrators and beneficiaries shall contain at a minimum the following provisions.	

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Cancellation Rights	50 Ill. Adm. Code 2051.320(b)(1)	A provision establishing the right for the beneficiary to cancel at any time. If a beneficiary cancels within 30 days after the date of receipt of the discount card and other membership materials, the beneficiary will be reimbursed all money paid including, but not limited to, membership fees, enrollment fees, and any one-time processing fees.	
No Restrictions on Access to Providers	50 Ill. Adm. Code 2051.320(b)(2)	A provision establishing that beneficiaries will have free access to health care services discount plan providers without restrictions to waiting periods, notification periods, etc.	
Method of Payment	50 Ill. Adm. Code 2051.320(b)(3)	A provision allowing a beneficiary to modify the method of payment upon request, unless a specific method of payment is stipulated within the agreement.	
Electronic Fund Transfer Limitation	50 Ill. Adm. Code 2051.320(b)(3)	Discount plan administrators may not continue using electronic fund transfers after 10 business days after receiving a beneficiary's written request to terminate electronic fund transfers as a method of payment.	
DOI Complaint Filing	50 Ill. Adm. Code 2051.320(b)(4)	The procedures for filing complaints with the plan and the availability and contact information for the Illinois Department of Financial and Professional Regulation, Division of Insurance.	

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Required Disclosures	50 Ill. Adm. Code 2051.320(d)	Discount plan administrators must provide the following disclosures in writing to any prospective beneficiary of a health care services discount plan before purchase as well as in all beneficiary agreements. The disclosures must be printed in red and prominently displayed in a type size larger than the rest of the text. The disclosures shall also be provided on the first page of any advertisements, marketing materials or brochures relating to a health care services discount plan or if that is not possible, on the first page listing plan information. For insurers offering a health care services discount plan as part of a policy of insurance, these disclosures must be included in the policy and certificate of coverage and must be specifically identified with and applicable to the health care services discount plan portion of the policy.	
Not a Health Insurance Policy	50 Ill. Adm. Code 2051.320(d)(2)		
Providers and Services	50 Ill. Adm. Code 2051.320(d)(3)		
The Plan Does Not Make Payments to Providers	50 Ill. Adm. Code 2051.320(d)(4)		
Beneficiary Must Pay for All Discounted Services	50 Ill. Adm. Code 2051.320(d)(5)	The plan beneficiary is obligated to pay for all discounted health care services, but will receive a discount from	

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		those providers that have contracted with the health care services discount plan administrator.	
Toll-Free Number and Website Access	50 Ill. Adm. Code 2051.320(d)(6)	The administrator's toll-free telephone number and Internet website page where beneficiaries and prospective beneficiaries may obtain additional information about the health care services discount plan and lists of providers participating in the health care services discount plan. Any provider listing must include all participating providers with whom the administrator has contracted either directly, or indirectly through another health care services discount plan administrator.	
Itemized Discount Plan Costs	50 Ill. Adm. Code 2051.320(e)	Whenever a health care services discount plan is sold in conjunction with any other product including a policy of insurance, the administrator must provide in writing to the beneficiary the itemized fees for each individual health care services discount plan product.	
Limitation on Fees	50 Ill. Adm. Code 2051.320(f)	Any initial one-time processing, administrative or other such non-regular fee may not exceed the standard monthly charge for the plan.	
Fiduciary and Bonding Requirements	50 Ill. Adm. Code 2051.340 215 ILCS 5/3701	If a bond of indemnity is posted, it shall be held by the Director of Insurance for the benefit and indemnification of	

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		the beneficiaries and payors of services under the programs subject to this Article.	
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Declaration:

The undersigned declares that the statements made in this application are true, correct and complete to the best of his/her knowledge and belief.

Signature

Date

Print Name and Title

Phone

<p>Please sign and date this form and return it to the Division with your registration fee of \$1,000 for new registrations and any accompanying documents. The check or money order should be payable to the Director of Insurance.</p>
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Section 2051.APPENDIX B Discount Plan Only Registration

Name of Firm			Tax # (FEIN)
Business Address (Number, Street, City, State & Zip)			
Phone	Fax	Email Address	
Person Responsible for submitting application:			Phone
FEE REQUIREMENT	REFERENCE	COMMENTS	
Fee Required With Application	50 Ill. Adm. Code 2051.60	Initial registration fee of \$1,000 must be submitted with application for Preferred Program Provider Administrator.	
ORGANIZATIONAL REQUIREMENTS	REFERENCE	COMMENTS	
	50 Ill. Adm. Code 2051.270		
Organization Chart	50 Ill. Adm. Code 2051.270(a)	An organizational chart describing the relationship between the administrator, its parent organization and any affiliates, including the state of domicile and the primary business of each entity.	
Corporation Information	50 Ill. Adm. Code 2051.270(b)	Proof of registration with the Illinois Secretary of State and the company's FEIN number.	
Biographical Affidavits	50 Ill. Adm. Code 2051.270(c) Appendix D	A list of the names, addresses, official positions and biographical affidavits of the persons responsible for the conduct of the affairs of the administrator (as presented in Appendix D or the NAIC Biographical Affidavit Form).	
Office Location and Hours	50 Ill. Adm. Code 2051.270(d)	Location of the administrative offices of the administrator located in this State and regular business hours during which offices are	

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		open.	
Signed Contracts	50 Ill. Adm.Code 2051.260(c)	Each applicant for registration shall file signed copies of all current administrative agreements for any entity with which the applicant contracts to provide services for or meet the requirements of this Act. Examples of these contracts may include, but not necessarily limited to agreements with other administrators, utilization review organizations, third part administrators, third party prescription program administrators and insurers. Agreements at a minimum shall contain the following provisions.	
PROVIDER AGREEMENTS	REFERENCE 50 Ill. Adm. Code 2051.290	COMMENTS	REFERENCE Form/Page/Para
Each applicant for registration shall file sample copies of all provider agreements, where applicable. Agreements at a minimum shall contain the following provisions.	50 Ill. Adm. Code 2051.70(b)		Please type or print where such information is located.

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Covered Services/Beneficiary Payment Responsibility	50 Ill. Adm. Code 2051.290(a)	A provision identifying the specific covered health care services for which the preferred provider will be responsible including any discount services, copayments, benefit maximums, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates, shall be enumerated.	
Provider Administrative Responsibilities	50 Ill. Adm. Code 2051.290(b)	A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator including, but not limited to credentialing and recredentialing requirements.	
Provider Licensure Requirements	50 Ill. Adm. Code 2051.290(d)	A provision requiring providers to be licensed by the State, and to notify the administrator immediately whenever there is a change in licensure or certification status.	
Provider Contract Termination	50 Ill. Adm. Code 2051.290(f)	Termination provisions shall require: (1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause; (2) That the administrator may terminate the provider contract for cause immediately; and (3) That the provider contract for a gatekeeper option shall contain provisions whereby within five working days after the date that the provider either gives or receives notice of termination, the provider shall supply the administrator with a list of those patients of the provider	

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		who are covered by a plan using the administrator's network.	
Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.290(h)	A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned or otherwise delegated by either party without the prior written and informed consent of the other party. Similarly, written approval by both parties must be obtained whenever an administrator is bought by another administrator.	
Liability and Malpractice Coverage	50 Ill. Adm. Code 2051.290(i)	A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means satisfactory to the administrator. The administrator must be notified within no less than ten days of the provider's receipt of notice of any reduction or cancellation of such coverage.	
Non-Discrimination	50 Ill. Adm. Code 2051.290(j)	A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity,	

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		religion, sexual preference, health status or disability.	
Requirement for Provider Collection of Out-of-Pocket Amounts from Beneficiary	50 Ill. Adm. Code 2051.290(k)	A provision regarding the preferred provider's obligation, if any, to collect applicable copayments and/or deductibles from beneficiaries pursuant to the evidence of coverage, and to provide notice to beneficiaries of their personal financial obligations for non-covered services. This provision shall include any amount of applicable discounts or, alternatively, a fee schedule that reflects any discounted rates. Providers may not charge beneficiaries more than any applicable discounted rates in accordance with payment terms and provisions contained in a health care services discount plan agreement signed by a beneficiary.	
24/7 Accessibility	50 Ill. Adm. Code 2051.290(l)	A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis.	
Administrative Services	50 Ill. Adm. Code 2051.290(n)	A provision identifying the administrative services, if any, the administrator will perform and the types of information (financial, enrollment, utilization, improvement, etc.) that will be submitted to the provider as well as other information that is accessible to the provider.	

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Arbitration Procedures	50 Ill. Adm. Code 2051.290(p)	A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider.	
ADMINISTRATOR AGREEMENTS	REFERENCE 50 Ill. Adm. Code 2051.300	COMMENTS	REFERENCE Please type or print where such information is located.
Each applicant for registration shall file signed copies of all current administrative agreements including, but not limited to agreements with other administrators, utilization review organizations, third part administrators, third party prescription program administrators and insurers. Agreements at a minimum shall contain the following provisions.	50 Ill. Adm. Code 2051.70(c)		
Due Diligence	50 Ill. Adm. Code 2051.300(a)	Before entering into a contract with another administrator, an administrator shall perform due diligence to ensure the other administrator is duly registered as an administrator under this Act or otherwise appropriately licensed under the Insurance Code.	

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Terms for the Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.300(b)	Any provider contract or preferred provider program that is sold, leased, assigned or otherwise delegated must have the terms of that transaction, including any additional discount, repricing, or other consideration, clearly enumerated in the contract.	
Administrator Marketing Responsibility	50 Ill. Adm. Code 2051.300(c)	An administrator shall approve in writing prior to use all advertisements, marketing materials, brochures and discount cards used by any other administrator to market, promote, sell or enroll members in its preferred provider program.	
Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.300(d)	No preferred provider program may be sold, leased, assigned or otherwise delegated to another administrator without the prior written and informed consent of the providers contracting under the program.	
NETWORK AVAILABILITY AND ACCESS	REFERENCE 50 Ill. Adm. Code 2051.310	COMMENTS	REFERENCE Form/Page/Para
Each applicant for registration shall file the following information and documents with the Director.			Please type or print where such information is located.
Method of Marketing	50 Ill. Adm. Code 2051.310(a)(1)		
Geographic Map with Providers Marked	50 Ill Adm. Code 2051.310(a)(2)	A geographic map of the area proposed to be served by the program by county and zip code, including marked locations of preferred providers.	

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List of Providers Names, Addresses and Specialties	50 Ill. Adm. Code 2051.310(a)(3)		
Number of Anticipated Beneficiaries	50 Ill. Adm. Code 2051.310(a)(4)		
Website and Phone Number Requirements	50 Ill. Adm. Code 2051.310(a)(5)	An Internet website and phone number for beneficiaries and prospective beneficiaries to access regarding up-to-date lists of contracted providers as well as any other information necessary to conform to this part. The requirement for an up-to-date provider list applies to all providers that have entered arrangements to provide services under the program either directly, or indirectly through another administrator. Administrators' and insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials, brochures, benefit cards and discount cards.	
Description of Accessibility and Availability of Network	50 Ill. Adm. Code 2051.310(a)(6)		
Type of Services to be Provided	50 Ill. Adm. Code 2051.310(a)(6)(A)	The type of health care services to be provided by the administrator network.	
Ratio of Providers to Beneficiaries	50 Ill. Adm. Code 2051.310(a)(6)(B)	The ratio of providers to beneficiaries by specialty, including primary care physicians, necessary to meet the health care needs and service demands of the currently enrolled population.	

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Greatest Travel Distance	50 Ill. Adm. Code 2051.310(a)(6)(C)	The greatest distance or time that the beneficiary must travel to access: (A) Preferred provider hospital services; (B) Primary Care and Woman's Principal Health Care physician services; (C) Any applicable health care service providers.	
Policies for Closing a Network to New Providers	50 Ill. Adm. Code 2051.310(a)(6)(D)		
Policies for Adding New Providers	50 Ill. Adm. Code 2051.310(a)(6)(E)		
24/7 Network Access	50 Ill. Adm. Code 2051.310(a)(6)(F)	The provision of 24 hour, seven day per week access to network affiliated primary care and woman's principal health care providers.	
Payment Obligations	50 Ill. Adm. Code 2051.290(m)	A provision clearly describing the administrator's and payor's payment obligations to the provider. For health care services discount plans, neither administrators nor payors may pay providers for health care services provided to beneficiaries. For health care services discount plans, neither administrators nor payors may accept money from a beneficiary for payment to a provider for specific health care services furnished or to be furnished to the beneficiary.	
Special Communication/Needs	50 Ill. Adm. Code 2051.310(a)(6)(M)	Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities.	

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ID Card	50 Ill. Adm. Code 2051.310(a)(6)(N)	A sample beneficiary identification card as provided by, and in conformity with the Uniform Health Care Service Benefits Information Card Act [215 ILCS 139], and the Uniform Prescription Drug Information Card Act [215 ILCS 138] when pharmaceutical services are provided as part of the program's health care services.	
HEALTH CARE SERVICE DISCOUNT PLAN AGREEMENTS	REFERENCE 50 Ill. Adm. Code 2051.320	COMMENTS	REFERENCE Form/Page/Para
Each applicant for registration shall file sample copies of all beneficiary agreements. Agreements at a minimum shall contain the following provisions.	50 Ill. Adm. Code 2051.320(a)		Please type or print where such information is located.
Written Agreement Required	50 Ill. Adm. Code 2051.320(a) and (b)	All agreements between health care services discount plan administrators and beneficiaries shall contain at a minimum the following provisions.	
Cancellation Rights	50 Ill. Adm. Code 2051.320(b)(1)	A provision establishing the right for the beneficiary to cancel at any time. If a beneficiary cancels within 30 days after the date of receipt of the discount card and other membership materials, the beneficiary will be reimbursed all money paid including, but not limited to, membership fees, enrollment fees, and any one-time processing fees.	

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No Restrictions on Access to Providers	50 Ill. Adm. Code 2051.320(b)(2)	A provision establishing that beneficiaries will have free access to health care services discount plan providers without restrictions to waiting periods, notification periods, etc.	
Method of Payment	50 Ill. Adm. Code 2051.320(b)(3)	A provision allowing a beneficiary to modify the method of payment upon request, unless a specific method of payment is stipulated within the agreement.	
Electronic Fund Transfer Limitation	50 Ill. Adm. Code 2051.320(b)(3)	Discount plan administrators may not continue using electronic fund transfers after 10 business days after receiving a beneficiary's written request to terminate electronic fund transfers as a method of payment.	
DOI Complaint Filing	50 Ill. Adm. Code 2051.320(b)(4)	The procedures for filing complaints with the plan and the availability and contact information for the Illinois Department of Financial and Professional Regulation-Division of Insurance.	
Required Disclosures	50 Ill. Adm. Code 2051.320(d)	Discount plan administrators must provide the following disclosures in writing to any prospective beneficiary of a health care services discount plan before purchase as well as in all beneficiary agreements. The disclosures must be printed in red and prominently displayed in a type size larger than the rest of the text. The disclosures shall also be provided on the first page of any advertisements, marketing materials or brochures relating to a health care services discount plan or if that is not	

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		possible, on the first page listing plan information. For insurers offering a health care services discount plan as part of a policy of insurance, these disclosures must be included in the policy and certificate of coverage and must be specifically identified with and applicable to the health care services discount plan portion of the policy.	
Not a health Insurance Policy	50 Ill. Adm. Code 2051.320(d)(2)		
Providers and Services	50 Ill. Adm. Code 2051.320(d)(3)		
The Plan Does Not Make Payments to Providers	50 Ill. Adm. Code 2051.320(d)(4)		
Beneficiary must pay For All Discounted Services	50 Ill. Adm. Code 2051.320(d)(5)	The plan beneficiary is obligated to pay for all discounted health care services, but will receive a discount from those providers that have contracted with the health care services discount plan administrator.	
Toll-Free Number and Website Access	50 Ill. Adm. Code 2051.320(d)(6)	The administrator's toll-free telephone number and Internet website page where beneficiaries and prospective beneficiaries may obtain additional information about the health care services discount plan and lists of providers participating in the health care services discount plan. Any provider listing must include all participating providers with whom the administrator has contracted either directly, or indirectly through another health care services	

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		discount plan administrator.	
Itemized Discount Plan Costs	50 Ill. Adm. Code 2051.320(e)	Whenever a health care services discount plan is sold in conjunction with any other product including a policy of insurance, the administrator must provide in writing to the beneficiary the itemized fees for each individual health care services discount plan product.	
Limitation on Fees	50 Ill. Adm. Code 2051.320(f)	Any initial one-time processing, administrative or other such non-regular fee may not exceed the standard monthly charge for the plan.	

Declaration:

The undersigned declares that the statements made in this application are true, correct and complete to the best of his/her knowledge and belief.

 Signature

 Date

 Print Name and Title

 Phone

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Please sign and date this form and return it to the Division with your registration fee of \$1,000 for new registrations and any accompanying documents. The check or money order should be payable to the Director of Insurance.

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Section 2051.APPENDIX C Insurer Filing Requirements

Name of Firm			Tax # (FEIN)
Business Address (Number, Street, City, State & Zip)			
Phone	Fax	Email Address	
Person Responsible for submitting application:			Phone
PAYOR AGREEMENTS	REFERENCE 50 Ill. Adm. Code 2051.280	COMMENTS	REFERENCE Form/Page/Para
Each insurer must file sample copies of all payor agreements when the insurer enters into an agreement with another payor to allow that payor to use the insurer's network. Agreements at a minimum shall contain the following provisions.	50 Ill. Adm. Code 2051.330(a)		Please type or print where such information is located.
Incentives	50 Ill. Adm. Code 2051.280(a)	Terms requiring and specifying all incentives to be provided to the beneficiary to utilize services of a preferred provider.	

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Out-of-Network Referrals	50 Ill. Adm. Code 2051.280(b)	Terms stating that, whenever a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider, the payor shall ensure that the beneficiary so referred shall incur no greater out of pocket liability than had the beneficiary received services from a preferred provider. A beneficiary who willfully chooses to access a non-preferred provider for health care services available from participating providers will be subject to financial penalties as prescribed by the payor.	
ID Card References	50 Ill. Adm. Code 2051.280(c)	Terms requiring that both the payor's and, if applicable, the administrator's name and toll-free telephone numbers be contained on the beneficiaries' identification card.	
Prohibition on Administrator Assuming Risk	50 Ill. Adm. Code 2051.280(d)	Terms specifying that only the payor may assume any underwriting risk when such risk is part of the delivery of services.	
When incorporated in a policy filing, the filing requirements for 2051.330(a) may be waived if the preferred provider arrangement information had previously been filed and is identified in the subsequent filing.	50 Ill. Adm. Code 2051.330(b)	Identify the previous filing information in this space below.	
PROVIDER AGREEMENTS	REFERENCE 50 Ill. Adm. Code 2051.290	COMMENTS	REFERENCE Form/Page/Para

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Each Insurer shall file sample copies of all provider agreements. Agreements at a minimum shall contain the following provisions.	50 Ill. Adm. Code 2051.70(b)		Please type or print where such information is located.
Covered Services/Beneficiary Payment Responsibility	50 Ill. Adm. Code 2051.290(a)	A provision identifying the specific covered health care services for which the preferred provider will be responsible including any discount services, copayments, benefit maximums, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates, shall be enumerated.	
Provider Administrative Responsibilities	50 Ill. Adm. Code 2051.290(b)	A provision requiring the provider to comply with applicable administrative policies and procedures of the insurer including, but not limited to credentialing or recredentialing requirements, utilization review requirements, and referral procedures.	
Availability of Medical Records	50 Ill. Adm. Code 2051.290(c)	A provision requiring that when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make medical records available to the insurer for the purpose of determining, on a concurrent or retrospective basis, the medical necessity and appropriateness of care provided to beneficiaries. Such medical records must also be made available to appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating	

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		member grievances or complaints and to comply with the applicable State and federal laws related to privacy and confidentiality of medical records.	
Provider Licensure Requirements	50 Ill. Adm. Code 2051.290(d)	A provision requiring providers to be licensed by the State, and to notify the insurer immediately whenever there is a change in licensure or certification status.	
Hospital Admitting Privileges	50 Ill. Adm. Code 2051.290(e)	A provision requiring all physician providers to have admitting privileges in at least one hospital with which the insurer has a written provider contract. The insurer shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions may be made for physicians who, because of the type of clinical specialty, or location or type of practice, do not customarily have admitting privileges.	
Provider Contract Termination	50 Ill. Adm. Code 2051.290(f)	Termination provisions shall require: (1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause; (2) That the insurer may terminate the provider contract for cause immediately; and (3) That the provider contract for a gatekeeper option shall contain provisions whereby within five working days after the date that the provider either gives or receives notice of termination, the provider shall supply the insurer with a list of those patients of the provider who are covered by a plan using the insurer's network.	

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Continuation of Services	50 Ill. Adm. Code 2051.290(g)	A provision explaining the provider responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of benefits is required by law or regulation, or that such continuation is voluntarily provided by the insurer.	
Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.290(h)	A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned or otherwise delegated by either party without the prior written and informed consent of the other party.	
Liability and Malpractice Coverage	50 Ill. Adm. Code 2051.290(i)	A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means satisfactory to the insurer. The insurer must be notified within no less than ten days of the provider's receipt of notice of any reduction or cancellation of such coverage.	
Non-Discrimination	50 Ill. Adm. Code 2051.290(j)	A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability.	

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Requirement for Provider Collection of Out-of-Pocket Amounts from Beneficiary	50 Ill. Adm. Code 2051.290(k)	A provision regarding the preferred provider's obligation, if any, to collect applicable copayments and/or deductibles from beneficiaries pursuant to the evidence of coverage, and to provide notice to beneficiaries of their personal financial obligations for non-covered services. This provision shall include any amount of applicable discounts or, alternatively, a fee schedule that reflects any discounted rates. Providers may not charge beneficiaries more than any applicable discounted rates in accordance with payment terms and provisions contained in a health care services discount plan agreement signed by a beneficiary.	
24/7 Accessibility	50 Ill. Adm. Code 2051.290(l)	A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis.	
Payment Obligations	50 Ill. Adm. Code 2051.290(m)	A provision clearly describing the insurer's payment obligations to the provider. For health care services discount plans, neither administrators nor payors may pay providers for health care services provided to beneficiaries. Neither administrators nor payors may accept money from a beneficiary for payment to a provider for specific health care services furnished or to be furnished to the beneficiary.	
Administrative Services	50 Ill. Adm. Code 2051.290(n)	A provision identifying the administrative services, if any, the insurer will perform and the types of information (financial, enrollment, utilization, improvement, etc.) that will be submitted to the provider as well as other information that is accessible to the provider.	

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Payor Access	50 Ill. Adm. Code 2051.290(o)	A provision obligating the insurer to provide a method for providers to obtain initial information and adequate notice of change in benefits and copayments, and a provision obligating the insurer to provide all of the insurer's operational policies.	
Arbitration Procedures	50 Ill. Adm. Code 2051.290(p)	A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the insurer and preferred provider.	
ADMINISTRATOR AGREEMENTS	REFERENCE 50 Ill. Adm. Code 2051.300	COMMENTS	REFERENCE Please type or print where such information is located.
Each insurer shall file signed copies of all current administrative agreements including, but not limited to agreements with administrators, utilization review organizations, third part administrators, and third party prescription program administrators. Agreements at a minimum shall contain the following provisions.	50 Ill. Adm. Code 2051.70(c)		

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Due Diligence	50 Ill. Adm. Code 2051.300(a)	Before entering into a contract with an administrator, an insurer shall perform due diligence to ensure the administrator is duly registered as an administrator under this Act or otherwise appropriately licensed under the Insurance Code.	
Terms for the Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.300(b)	Any provider contract or preferred provider program that is sold, leased, assigned or otherwise delegated must have the terms of that transaction, including any additional discount, repricing, or other consideration, clearly enumerated in the contract.	
Administrator Marketing Responsibility	50 Ill. Adm. Code 2051.300(c)	An insurer shall approve in writing prior to use all advertisements, marketing materials, brochures and discount cards used by any administrator or other insurer to market, promote, sell or enroll members in its preferred provider program.	
Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.300(d)	No preferred provider program may be sold, leased, assigned or otherwise delegated to an administrator or other insurer without the prior written and informed consent of the providers contracting under the program.	
NETWORK AVAILABILITY AND ACCESS	REFERENCE 50 Ill. Adm. Code 2051.310	COMMENTS	REFERENCE Form/Page/Para
Each insurer shall file the following information and documents with the Director.			Please type or print where such information is located.
Method of Marketing	50 Ill. Adm. Code 2051.310(a)(1)		

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Geographic Map with Providers Marked	50 Ill. Adm. Code 2051.310(a)(2)	A geographic map of the area proposed to be served by the program by county and zip code, including marked locations of preferred providers.	
List of Providers Names, Addresses and Specialties	50 Ill. Adm. Code 2051.310(a)(3)		
Number of Anticipated Beneficiaries	50 Ill. Adm. Code 2051.310(a)(4)		
Website and Phone Number Requirements	50 Ill. Adm. Code 2051.310(a)(5)	An Internet website and phone number for beneficiaries and prospective beneficiaries to access regarding up-to-date lists of contracted providers as well as any other information necessary to conform to this part. The requirement for an up-to-date provider list applies to all providers that have entered arrangements to provide services under the program either directly, or indirectly through an administrator. Administrators' and insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials, brochures, benefit cards and discount cards.	
Description of Accessibility and Availability of Network	50 Ill. Adm. Code 2051.310(a)(6)		
Type of Services to be Provided	50 Ill. Adm. Code 2051.310(a)(6)(A)	The type of health care services to be provided by the administrator network.	
Ratio of Providers to Beneficiaries	50 Ill. Adm. Code 2051.310(a)(6)(B)	The ratio of providers to beneficiaries by specialty, including primary care physicians, necessary to meet the health care needs and service demands of the currently enrolled population.	

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Greatest Travel Distance	50 Ill. Adm. Code 2051.310(a)(6)(C)	The greatest distance or time that the beneficiary must travel to access: (A) Preferred provider hospital services; (B) Primary Care and Woman's Principal Health Care physician services; (C) Any applicable health care service providers.	
Policies for Closing a Network to New Providers	50 Ill. Adm. Code 2051.310(a)(6)(D)		
Policies for Adding New Providers	50 Ill. Adm. Code 2051.310(a)(6)(E)		
24/7 Network Access	50 Ill. Adm. Code 2051.310(a)(6)(F)	The provision of 24 hour, seven day per week access to network affiliated primary care and woman's principal health care providers.	
Referral Procedures	50 Ill. Adm. Code 2051.310(a)(6)(G)	The procedures for making referrals within and outside the network.	
Inadequate Networks	50 Ill. Adm. Code 2051.310(a)(6)(H)	In any case whereby a beneficiary has made a good faith effort to utilize network providers for a covered service and it is determined the insurer does not have the appropriate preferred providers due to insufficient number, type or distance, the insurer shall ensure, by terms contained in the payor contract, that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider.	
Lack of Speciality Providers	50 Ill. Adm. Code 2051.310(a)(6)(I)	The procedures for paying benefits when particular physician specialties are not represented within the provider network. In any case where a beneficiary has made a good faith effort to utilize network providers for a covered service and the administrator does not have the appropriate preferred specialty providers (including but not	

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		limited to radiologists, anesthesiologists, pathologists and emergency room physician) under contract due to the inability of the administrator to contract with such specialists, the administrator shall ensure that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider.	
Special Communication Needs	50 Ill. Adm. Code 2051.310(a)(6)(M)	Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities.	
ID Card	50 Ill. Adm. Code 2051.310(a)(6)(N)	A sample beneficiary identification card as provided by, and in conformity with the Uniform Health Care Service Benefits Information Card Act [215 ILCS 139], and the Uniform Prescription Drug Information Card Act [215 ILCS 138] when pharmaceutical services are provided as part of the program's health care services.	
Gatekeeper	50 Ill. Adm. Code 2051.310(f)(10)	When a gatekeeper option is included as part of the program, insurers shall make a good faith effort to provide written notice of termination of a provider to all beneficiaries who are patients seen on a regular basis by a provider whose contract is terminating. Where a contract termination involves a primary care physician, in a gatekeeper option, all beneficiaries who are patients of that primary care physician shall also be notified.	

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Medical Record Costs	50 Ill. Adm. Code 2051.310(d)	Enrollees are not responsible for any reasonable costs associated with medical record transmission of duplication in order to have a claim adjudicated.	
HEALTH CARE SERVICE DISCOUNT PLAN AGREEMENTS (IF APPLICABLE)	REFERENCE 50 Ill. Adm. Code 2051.320	COMMENTS	
Each insurer that offers a health service discount plan either independently or in conjunction with a policy of insurance shall file sample copies of the following information and documents with the Director.		Only insurers that also provide discount plan benefits must comply with the requirements of Section 2051.320.	Please type or print where such information is located.
Written Agreement Required	50 Ill. Adm. Code 2051.320(a) and (b)	All agreements between insurers offering health care services discount plans and beneficiaries shall contain at a minimum the following provisions.	
Cancellation Rights	50 Ill. Adm. Code 2051.320(b)(1)	A provision establishing the right for the beneficiary to cancel the discount benefits at any time. If a beneficiary cancels within 30 days after the date of receipt of the discount card and other membership materials, the beneficiary will be reimbursed all money paid including, but not limited to, membership fees, enrollment fees, and any one-time processing fees associated with the discount plan.	

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No Restrictions on Access to Providers	50 Ill. Adm. Code 2051.320(b)(2)	A provision establishing that beneficiaries will have free access to health care services discount plan providers without restrictions to waiting periods, notification periods, etc.	
Method of Payment	50 Ill. Adm. Code 2051.320(b)(3)	A provision allowing a beneficiary to modify the method of payment upon request, unless a specific method of payment is stipulated within the agreement.	
Electronic Fund Transfer Limitation	50 Ill. Adm. Code 2051.320(b)(3)	Insurers offering a discount plan may not continue using electronic fund transfers after 10 business days after receiving a beneficiary's written request to terminate electronic fund transfers as a method of payment.	
DOI Complaint Filing	50 Ill. Adm. Code 2051.320(b)(4)	The procedures for filing complaints with the plan and the availability and contact information for the Illinois Department of Financial and Professional Regulation-Division of Insurance.	
Required Disclosures	50 Ill. Adm. Code 2051.320(d)	Insurers must provide the following disclosures as part of a policy of insurance, these disclosures must be included in the policy and certificate of coverage and must be specifically identified with and applicable to the health care services discount plan portion of the policy.	
Not a health Insurance Policy	50 Ill. Adm. Code 2051.320(d)(2)		
Limitation on Providers and Services	50 Ill. Adm. Code 2051.320(d)(3)		
The Plan Does Not Make Payments to Providers	50 Ill. Adm. Code 2051.320(d)(4)		

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Beneficiary must pay For All Discounted Services	50 Ill. Adm. Code 2051.320(d)(5)	The plan beneficiary is obligated to pay for all discounted health care services, but will receive a discount from those providers that have contracted with the insurer to provide health care service discounts.	
Toll-Free Number and Website Access	50 Ill. Adm. Code 2051.320(d)(6)	The insurer's toll-free telephone number and Internet website page where beneficiaries and prospective beneficiaries may obtain additional information about the health care services discount plan and lists of providers participating in the health care services discount plan. Any provider listing must include all participating providers with whom the insurer has contracted either directly, or indirectly through another health care services discount plan administrator or insurer.	
Itemized Discount Plan Costs	50 Ill. Adm. Code 2051.320(e)	Whenever a health care services discount plan is sold in conjunction with any other product including a policy of insurance, the insurer must provide in writing to the beneficiary the itemized fees for each individual health care services discount plan product.	
Limitation on Fees	50 Ill. Adm. Code 2051.320(f)	Any initial one-time processing, administrative or other such non-regular fee may not exceed the standard monthly charge for the plan.	

Declaration:

The undersigned declares that the statements made in this application are true, correct and complete to the best of his/her knowledge and belief.

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Signature

Date

Print Name and Title

Phone

Please sign and date this form and return it to the Division with your registration fee of \$1,000 for new registrations and any accompanying documents. The check or money order should be payable to the Director of Insurance.

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Section 2051.APPENDIX D Illinois or NAIC Biographical Affidavit

Full name and address of company (do not use group name)	
<hr/> <hr/>	
In connection with the above-named company, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any question fully.) If answer is "No" or "None", so state.	
1. Affiant's full name (initials not acceptable)	
2a. Have you ever had your name changed? ____ If yes, give the reason for the change	
<hr/>	
2b. Give other names used at any time	
3. Affiant's Social Security	4. Date and place of birth
5. Affiant's business address	Business Telephone #
6. List your residences for the last 10 years starting with your current address, giving:	
Date	Address
	City and State
<hr/> <hr/> <hr/> <hr/>	
7. Education: List dates, names, locations and degrees	
College: _____	
Graduate Studies: _____	
Others: _____	
8. List memberships in Professional Societies and Associations	
9. Present or proposed positions with the applicant company	

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10. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past 20 years, giving:

Dates

Employer and Address

Title

Please circle one

11. May present employer be contacted? Yes No May former employers be contacted? Yes No

- 12a. Have you ever been in a position which required a fidelity bond? _____ If any claims were made on the bond, give details.

Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? _____ If yes, give details.

13. List any professional, occupational, and vocational licenses issued by any public or governmental licensing agency or regulatory authority which you presently hold or have held in the past (state date, license issued, issuer of license, date terminated, reasons for termination.)

14. During the last 10 years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has any such license held by you ever been suspended or revoked? _____ If yes, give details.

15. List any administrators, insurers or HMOs in which you control directly or indirectly or own legally or beneficially 10% or more of the outstanding stock (in voting power).

If any of the stock is pledged or hypothecated in any way, give details.

16. Will you or members of your immediate family subscribe to or own, beneficially or of record, shares of stock of the applicant administrator or its affiliates? _____ If any of the shares of stock are pledged or hypothecated in any way, give details.

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17. Have you ever been adjudged bankrupt? _____

18. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or an indictment charging any felony or charging a misdemeanor involving embezzlement, theft, larceny, or mail fraud, or charging a violation of any corporate securities statute or any insurance law, or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? _____

If yes, give details _____

19. Has any company been so charged, allegedly as a result of any action or conduct on your part? _____ If yes, give details.

20. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any insurer, HMO or administrator which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship? _____

21. Has the certificate of authority or license to do business of any insurance company or registration of any administrator of which you were an officer or director or key management person ever been suspended, revoked or denied while you occupied such position? _____

If yes, give details. _____

Declaration

Dated and signed this _____ day of _____ at _____

I hereby certify under penalty of perjury that I am acting on my own behalf and that the foregoing statements are true and correct to the best of my knowledge and belief.

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State of _____

County of _____

Personally appeared before me the above named _____ personally known to me who being duly sworn deposes and says that he executed the above instrument and that the statements and answers contained therein are true and correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 20 ____

(Notary Public)

(SEAL)

My commission expires

Important Notice: Disclosure of this information is required under Illinois Division of Insurance Rules.

NAIC BIOGRAPHICAL AFFIDAVIT

Applicant Name: _____

NAIC No: _____

FEIN: _____

To the extent permitted by law, this affidavit will be kept confidential by the state insurance regulatory authority.

(Print or Type)

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Full Name, Address and telephone number of the present or proposed entity under which this biographical statement is being required (Do Not Use Group Names).

In connection with the above-named entity, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any question fully.) IF ANSWER IS "NO" OR "NONE", SO STATE.

1. a. Affiant's Full Name (Initials Not Acceptable). _____

b. Maiden Name (if applicable). _____

2. a. Have you ever had your name changed? If yes, give the reason for the change and provide the full names.

b. Other names used at any time (including aliases).

3. a. Are you a citizen of the United States?

b. Are you a citizen of any other country, if so, what country? _____

4. Affiant's Occupation or Profession. _____

5. Affiant's business address. _____

Business telephone. _____

6. Education and Training:

College/ University

City/ State

Dates Attended (MM/YY)

Degree Obtained

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Graduate Studies: College/ University City/ State Dates Attended (MM/YY) Degree Obtained

Other Training: Name City/ State Dates Attended (MM/YY) Degree/Certification Obtained

(Note: If affiant attended a foreign school, please provide full address and telephone number of the college/university. If applicable, provide the foreign student Identification Number in the space provided in the Biographical Affidavit Supplemental Information.)

7. List of memberships in professional societies and associations.

<u>Name of Society/Association</u>	<u>Contact Name</u>	<u>Address of Society/Association</u>	<u>Telephone Number of Society/Association</u>
------------------------------------	---------------------	---------------------------------------	--

8. Present or proposed position with the applicant entity. _____

9. List complete employment record for the past 20 years, whether compensated or otherwise (up to and including present jobs, positions, partnerships, owner of an entity, administrator, manager, operator, directorates or officerships). Please list the most recent first. Attach additional pages if the space provided is insufficient. It is only necessary to provide telephone numbers and supervisory information for the past 10 years.

Beginning/Ending

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Dates (MM/YY) _____ - _____ Employer's Name _____
Address _____ City _____ State/Province _____
Country _____ Postal Code _____ Phone _____
Offices/Positions Held _____
Supervisor/Contact _____

Beginning/Ending
Dates (MM/YY) _____ - _____ Employer's Name _____
Address _____ City _____ State/Province _____
Country _____ Postal Code _____ Phone _____
Offices/Positions Held _____
Supervisor/Contact _____

Beginning/Ending
Dates (MM/YY) _____ - _____ Employer's Name _____
Address _____ City _____ State/Province _____
Country _____ Postal Code _____ Phone _____
Offices/Positions Held _____
Supervisor/Contact _____

Beginning/Ending
Dates (MM/YY) _____ - _____ Employer's Name _____
Address _____ City _____ State/Province _____

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Country _____ Postal Code _____ Phone _____

Offices/Positions Held _____

Supervisor/Contact _____

10. a. Have you ever been in a position which required a fidelity bond? _____

b. Have you ever been denied an individual or position schedule fidelity bond, or had a bond canceled or revoked? If yes, give details.

11. List any professional, occupational and vocational licenses (including licenses to sell securities) issued by any public or governmental licensing agency or regulatory authority or licensing authority that you presently hold or have held in the past. For any non-insurance regulatory issuer, identify and provide the name, address and telephone number of the licensing authority or regulatory body having jurisdiction over the licenses issued. Attach additional pages if the space provided is insufficient.

Organization/Issuer of License _____

Address _____ City _____

State/Province _____ Country _____

Postal Code _____

License Type _____ License # _____ Date Issued (MM/YY)

Date Expired (MM/YY) _____ Reason for Termination _____

Non-insurance Regulatory Phone Number (if known) _____

Organization/Issuer of License _____

Address _____ City _____

State/Province _____ Country _____

Postal Code _____

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NOTICE OF PROPOSED RULES

License Type _____ License # _____ Date Issued (MM/YY) _____
Date Expired (MM/YY) _____ Reason for Termination _____
Non-insurance Regulatory Phone Number (if known) _____

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12. In responding to the following, if the record has been sealed or expunged, and the affiant has personally verified that the record was sealed or expunged, an affiant may respond "no" to the question. Have you ever:
- a. Been refused an occupational, professional, or vocational license or permit by any regulatory authority, or any public administrative, or governmental licensing agency?
 - b. Had any occupational, professional, or vocational license or permit you hold or have held, been subject to any judicial, administrative, regulatory, or disciplinary action?
 - c. Been placed on probation or had a fine levied against you or your occupational, professional, or vocational license or permit in any judicial, administrative, regulatory, or disciplinary action?
 - d. Been charged with, or indicted for, any criminal offenses other than civil traffic offenses?
 - e. Pled guilty, or nolo contendere, or been convicted of, any criminal offenses other than civil traffic offenses?
 - f. Had adjudication of guilt withheld, had a sentence imposed or suspended, had pronouncement of a sentence suspended, or been pardoned, fined, or placed on probation, for any criminal offenses other than civil traffic offenses?
 - g. Been subject to a cease and desist letter or order, or enjoined, either temporarily or permanently, in any judicial, administrative, regulatory, or disciplinary action, from violating any federal, state law or law of another country regulating the business of insurance, securities or banking, or from carrying out any particular practice or practices in the course of the business of insurance, securities or banking?
 - h. Been, within the last 10 years, a party to any civil action involving dishonesty, breach of trust, or a financial dispute?
 - i. Had a finding made by the Comptroller of any state or the Federal Government that you have violated any provisions of small loan laws, banking or trust company laws, or credit union laws, or that you have violated any rule or

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regulation lawfully made by the Comptroller of any state or the Federal Government?

- j. Had a lien; or foreclosure action filed against you or any entity while you were associated with that entity?

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If the response to any question above is answered "Yes", please provide details including dates, locations, disposition, etc. Attach a copy of the complaint and filed adjudication or settlement as appropriate.

- 13. List any entity subject to regulation by an insurance regulatory authority that you control directly or indirectly. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10% or more of the voting securities of any other person.

If any of the stock is pledged or hypothecated in any way, give details.

- 14. Do [Will] you or members of your immediate family individually or cumulatively subscribe to or own, beneficially or of record, 10% or more of the outstanding shares of stock of any entity subject to regulation by an insurance regulatory authority, or its affiliates? An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified. If the answer is "Yes", please identify the company or companies in which the cumulative stock holdings represent 10% or more of the outstanding voting securities.

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If any of the shares of stock are pledged or hypothecated in any way, give details.

15. Have you ever been adjudged a bankrupt? ____ If yes, provide details

16. To your knowledge has any company or entity for which you were an officer or director, trustee, investment committee member, key management employee or controlling stockholder, had any of the following events occur while you served in such capacity? If yes, please indicate and give details. When responding to questions (b) and (c) affiant should also include any events within 12 months after his or her departure from the entity.

- a. Been refused a permit, license, or certificate of authority by any regulatory authority, or Governmental-licensing agency?
- b. Had its permit, license, or certificate of authority suspended, revoked, canceled, non-renewed, or subjected to any judicial, administrative, regulatory, or disciplinary action (including rehabilitation, liquidation, receivership, conservatorship, federal bankruptcy proceeding, state insolvency, supervision or any other similar proceeding)?
- c. Been placed on probation or had a fine levied against it or against its permit, license, or certificate of authority in any civil, criminal, administrative, regulatory, or disciplinary action?

Note: If an affiant has any doubt about the accuracy of an answer, the question should be answered in the positive and an explanation provided.

Dated and signed this day of _____ 20 ____ at _____

I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

(Signature of Affiant)

Date

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State of _____ County of _____

The foregoing instrument was acknowledged before me this _____ day of _____ ,
20 ____ By _____ ,

who is personally known to me, or

who produced the following identification:

[SEAL]

Notary Public

Printed Notary Name

My Commission Expires

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Section 2051.APPENDIX E Preferred Provider Program Administrator Bond/Fiduciary Account Requirement**Preferred Provider Program Administrator Bond**

Illinois Division of Insurance
320 W. Washington Street
Springfield, IL 62767-0001

Instructions:

Bond/Fiduciary Account Requirement: Registrations of Preferred Provider Program Administrators who will handle money for purposes of payment for providers services must be accompanied by:

1. A surety bond in an amount equal to not less than 10% of the total estimated annual reimbursements under the program. **If more than one program is administered, separate bonds may be posed for each program or one bond of indemnity may be posted for all. Administrators posting a bond or bonds must also submit certification of the total estimated annual reimbursements under the Preferred Provider Program (or programs if separate bonds are posted), supported by methodology used to arrive at such figures.**

The surety bonds must contain:

- The name of the principal as it appears on the registration form;
 - The principal's address as it appears on the registration from;
 - The surety company's name and company number;
 - The bond number;
 - Original signatures of the Illinois resident agent, principal, the surety company's officer or attorney-in-fact.
2. Or, **in lieu of bond**, the Preferred Provider Program Administrator may establish one or more fiduciary accounts, separate and apart from any and all other accounts, for the receipt and disbursement of funds for reimbursement of providers of services under the program.

Location of Account:

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Account Identification No. _____

(In the event that both bonds and fiduciary accounts are established, disclose information about both as requested above.)

Bonds	Methodology	Fiduciary Accounts	Loc/ID#

(Do not write in these spaces.)

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Preferred Provider Program Administrator Bond

**Illinois Division of Insurance
320 W. Washington Street
Springfield, IL 62767-0001**

Co. Code No. _____

Bond No. _____

KNOW ALL MEN BY THESE PRESENTS, THAT I/WE _____

of _____, a Preferred Provider

Program Administrator, as principal and _____

a company duly authorized to transact surety business in the State of Illinois, as Surety, are held and firmly bound unto the People of the State of Illinois and Payable to any party injured under the terms and conditions of this bond, in the full and penal sum of _____ (\$ _____) dollars lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that the above bounded Principal is now or is about to register in order to engage or continue in the business of a Preferred Provider Program Administrator, as provided by the Illinois Insurance Code, as amended.

NOW, THEREFORE, if the said Principal shall, while this bond is in force and effect make a full accounting and due payment to the person or company entitled thereto of funds coming into his possession as an incident to Preferred Provider Program Administrator transactions, and shall comply with all the provisions of Article XX½ of the Illinois Insurance Code, as amended; then this obligation shall be null and void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that this bond shall be continuous in form and may be terminated by the Surety, upon its giving 30 days notice of its intention of termination, such notice to be filed with the Director, Division of Insurance, Springfield, Illinois.

IN WITNESS WHEREOF, the said principal has hereunto set his hand and seal, and the said surety has caused these presents to be signed by its duly authorized officers and its corporate

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seal to be hereto affixed this _____ day of _____, 20__.

Countersigned by:

(Signature of Appointed Illinois Producer)

(Bonding Company)

At _____, Illinois

(Signature of Company Officer)

(Signature of Attorney-in-Fact)

*(Signature of Principal)-Social
Security #

*If a Corporation, signature and social
security number of an officer

Important Notice Under the Illinois Compiled Statutes insurance laws, disclosure of this information is voluntary; however, failure to comply may result in this form not being processed. This form has been approved by the Forms Management Center.

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- 1) Heading of the Part: Preferred Provider Program Administrators
- 2) Code Citation: 50 Ill. Adm. Code 2051
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2051.10	Repealed
2051.20	Repealed
2051.30	Repealed
2051.40	Repealed
2051.50	Repealed
2051.55	Repealed
2051.60	Repealed
2051.65	Repealed
2051.70	Repealed
2051.80	Repealed
2051.85	Repealed
2051.90	Repealed
2051.100	Repealed
2051.EXHIBIT A	Repealed
2051.EXHIBIT B	Repealed
2051.EXHIBIT C	Repealed
- 4) Statutory Authority: Implementing and authorized by Article XX½ and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XX½ and 401]
- 5) A Complete Description of the Subjects and Issues Involved: The Division spent a great deal of time revamping the regulatory framework for Part 2051. The Division decided to repeal the existing provisions from the original rule while simultaneously promulgating the revised and new regulatory standards (also published in this *Illinois Register*).
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
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

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- | | | |
|--|----|--|
| James Jordan, Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
100 West Randolph Street, Suite 9-301
Chicago, Illinois 60601-3218

312/814-5410 | or | Craig Cellini, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington, 3 rd Floor
Springfield, Illinois 62767-0001

217/785-0813 |
|--|----|--|
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This repealer will not affect small businesses; small municipalities or not for profit organizations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Division did not anticipate the need to repeal this Part.

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

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TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCE

PART 2051

PREFERRED PROVIDER PROGRAM ADMINISTRATORS (REPEALED)

Section

2051.10	Authority
2051.20	Purpose
2051.30	Definitions
2051.40	Administrators Not to Assume Underwriting Risk
2051.50	Registration
2051.55	Administrator Application Filing Procedures
2051.60	Fees
2051.65	Gatekeeper Option
2051.70	Fiduciary and Bonding Requirements
2051.80	Maintenance of Records
2051.85	Advertising and Solicitation
2051.90	Examination
2051.100	Severability
2051.EXHIBIT A	Preferred Provider Program Administrator Registration Form – PPA 1
2051.EXHIBIT B	Biographical Affidavit
2051.EXHIBIT C	Preferred Provider Program Administrator Bond/Fiduciary Account Requirement

AUTHORITY: Implementing and authorized by Article XX½ and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XX½ and 401].

SOURCE: Adopted at 20 Ill. Reg. 9960, effective July 15, 1996; expedited correction at 20 Ill. Reg. 13435, effective July 15, 1996; amended at 21 Ill. Reg. 16364, effective December 9, 1997; expedited correction at 22 Ill. Reg. 5126, effective December 9, 1997; old Part repealed at 33 Ill. Reg. _____, effective _____.

Section 2051.10 Authority

This Part implements and is authorized by Article XX½ and is authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/370f et seq. and 401].

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Section 2051.20 Purpose

The purpose of this Part is to implement Article XX½ of the Illinois Insurance Code which, in part, provides for the regulation of administrators of preferred provider programs. This Part defines the authority of an administrator to operate preferred provider programs in this State, establishes criteria for the registration of administrators with the Director of Insurance and establishes appropriate fees for the registration and regulation of such programs. This Part applies only to administrators of preferred provider programs subject to Article XX½ of the Illinois Insurance Code.

Section 2051.30 Definitions

Administrator means any person, partnership or corporation, other than an insurer or health service corporation or health maintenance organization holding a certificate of authority under the Health Maintenance Organization Act [215 ILCS 125] or self-insured employer, employee benefit trust fund or other ERISA exempt organization, that arranges, contracts with, or administers contracts with a provider whereby beneficiaries are provided an incentive to use the services of such provider.

An affiliate of, or person "affiliated" with, a specific person means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the persons specified.

Beneficiary means an individual entitled to reimbursement for covered expenses of, or the discounting of provider fees for, health care services under a program where the beneficiary has an incentive to utilize the services of a provider which has entered into an agreement or arrangement with an administrator pursuant to Section 370g(f) of the Illinois Insurance Code [215 ILCS 5/370g(f)].

Control (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, the holding of policy holders' proxies by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is solely the result of an official position with or corporate office held by the person. Control is presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds shareholders' proxies representing 10% or more of the voting securities of any

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other person, or holds or controls sufficient policyholders' proxies to elect the majority of the board of directors of the domestic company. This presumption may be rebutted by a showing made in the manner as the Director may provide by rule. The Director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

Director means the Director of the Illinois Department of Insurance.

Emergency means an accidental bodily injury or emergency medical condition that reasonably requires the beneficiary or insured to seek immediate medical care under circumstances, or at locations which reasonably preclude the beneficiary or insured from obtaining needed medical care from a preferred provider pursuant to Section 370g(h) of the Illinois Insurance Code [215 ILCS 5/370g(h)].

Financial Institution means a Federal or State chartered bank(s) or savings and loan institution.

Gatekeeper Option means an option offered by or through a preferred provider program that requires the beneficiary to preselect a particular primary care physician from a list of participating primary care physicians, who shall coordinate all of the non-emergency primary, specialty, hospital and other health care services, including referrals to other providers, as a condition for receipt of a higher level of benefits or reimbursement level, or both.

Health Care Services means health care services or products rendered or sold by a provider within the scope of the provider's license or legal authorization. The term includes, but is not limited to, hospital, medical, surgical, dental, vision and pharmaceutical services or products.

Health Service Corporation means a voluntary health service plan and/or a dental service plan licensed under the applicable Sections of Chapter 215 of the Illinois Compiled Statutes.

Non-preferred Provider means any provider that does not have a contractual relationship with the administrator.

Payor means an entity responsible for bearing the risk of health care services. An

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Administrator is prohibited from being a payor.

Primary Care Physician means a provider who has contracted with an administrator to provide primary care services as defined by the contract and who is a physician licensed to practice medicine in all of its branches who spends a majority of clinical time engaged in general practice or in the practice of internal medicine, pediatrics, gynecology, obstetrics or family practice, or a chiropractic physician licensed to treat human ailments without the use of drugs or operative surgery (77 Ill. Adm. Code 240.2).

Provider means an individual or entity duly licensed or legally authorized to provide health care services.

Preferred Provider means any provider who has entered into an agreement with an administrator relating to health care services which may be rendered to beneficiaries under a preferred provider program.

Preferred Provider Arrangements means policies, agreements or arrangements with providers relating to the amounts to be charged to beneficiaries for health care services which can include incentives for the beneficiary to use such services.

Preferred Provider Program means a system to make preferred provider arrangements available to beneficiaries.

Woman's Principal Health Care Provider means a physician licensed to practice medicine in all its branches specializing in obstetrics or gynecology.

Section 2051.40 Administrators Not to Assume Underwriting Risk

An administrator may negotiate and make arrangements with providers in compliance with Article XX½ of the Illinois Insurance Code, and market and otherwise make available such arrangements to insurance companies, health service corporations, fraternal benefit societies or self-insuring employers or health and welfare trust funds and to their subscribers; provided however, that in performing such functions the administrator shall not accept any underwriting risk in the form of a premium or capitation payment for its services.

Section 2051.50 Registration

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- a) No person, partnership or corporation shall act as an administrator of a preferred provider program until such time that such person, partnership or corporation has registered with the Director as required by this Part. In addition, all administrators shall annually register with the Director as required by this Part. Annual registration statements must be filed with the Director no later than January 1st of each year.
- b) Each administrator must keep current the information required to be disclosed in its registration statements by reporting all material changes or additions to the Director within 30 days after the end of the month of each change or addition. A material change or addition includes any modification of the information required by Section 2051.55 of this Part that has significant effect on the operation of the administrator or on the availability and accessibility of health care.
- c) No Administrator shall offer any preferred provider program to residents of this State until the Director has determined that the requirements of Article XX½ of the Illinois Insurance Code [215 ILCS 5/370f] and this Part have been met, and has placed such registration material on file. The Director shall make such determination within 60 days after receipt of the registration information required by this Section and the registration fee required by Section 2051.60 of this Part.
- d) All information filed with the Director pursuant to this Part regarding the methods and/or amounts of reimbursement of providers and the administrator under the preferred provider program(s) is deemed to be confidential and will not be released without subpoena or written consent of the affected administrator.

Section 2051.55 Procedure for Filing of Preferred Provider Arrangements

Each applicant for registration shall file with the Director the following information and documents in the format specified by Exhibits A, B, and C of this Part:

- a) An organizational chart describing the relationship between the administrator, its parent organization and any affiliates, including the state of domicile and the primary business of each entity; and
- b) A list of the names, addresses, official positions and biographical affidavits of the persons responsible for the conduct of the affairs of the administrator; and
- c) Sample copies of administrative agreements, payor agreements and provider

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agreements utilized by the administrator. If the terms and conditions in such agreements include significant substantial or material variations, the filing of one complete sample agreement together with a description of all variable terms and conditions will satisfy this requirement.

- 1) The payor agreements shall contain:
 - A) Terms requiring that incentives be provided to the insured or beneficiary to utilize services of a provider that has entered into an agreement with the administrator.
 - B) Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider the payor shall ensure that the beneficiary so referred shall incur no greater out of pocket liability than had the beneficiary received services from a preferred provider. A beneficiary who willfully chooses to access a non-preferred provider for health care services available through the administrator panel of participating providers will be subject to financial penalties as prescribed by the payor.
 - C) Terms requiring the administrator's name and toll-free "800" telephone number to be contained on the beneficiary identification card issued by the payor.
- 2) The provider agreements shall contain, at a minimum, the following:
 - A) A provision identifying the specific covered health care services for which the preferred provider will be responsible, or a provision describing the method by which the preferred provider will be notified of the particulars of the coverage. Copayments, benefit maximums, limitations and exclusions shall be enumerated or appropriately referenced.
 - B) A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator.
 - C) A provision requiring the provider to cooperate with and participate in the administrator credentialing and recredentialing

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processes if any.

- D) A provision requiring the provider to participate in and cooperate with the decisions, policies, processes and rules established by the administrator utilization review (utilization management) program including, but not limited to, certification procedures, concurrent and retrospective evaluations, referral procedures, and reporting of clinical encounter data.
- E) A provision requiring the provider to maintain and make medical records available to the administrator for the purpose of determining, on a concurrent or retrospective basis, the medical necessity and appropriateness of care provided to administrator beneficiaries, and to make such medical records available to appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints and to comply with the applicable State and federal laws related to privacy and confidentiality of medical records.
- F) A provision requiring providers to be licensed by the State, and to notify the administrator immediately whenever there is a change in licensure or certification status.
- G) A provision requiring all physician providers to have admitting privileges in at least one hospital with which the administrator has a written provider contract. The administrator shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions may be made for physicians who, because of the type of clinical specialty, or location or type of practice, do not customarily have admitting privileges.
- H) A provision describing notification procedures for contract termination. Provider contracts shall require no less than 30 days prior written notice by either party who wishes to terminate the contract without cause provided, however, that the administrator may terminate the provider contract for cause immediately. The administrator of a gatekeeper option shall make a good faith effort

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to provide written notice of termination to all beneficiaries who are patients seen on a regular basis by a provider whose contract is terminating. Where a contract termination involves a primary care physician, in a gatekeeper option, all beneficiaries who are patients of that primary care physician shall also be notified. The provider contract for a gatekeeper option shall contain provisions whereby within five working days after the date that the provider either gives or receives notice of termination, the provider shall supply the administrator with a list of those patients of the provider who are covered by a plan using the administrator's network.

- I) A provision explaining the provider responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of benefits is required by law or regulation, or that such continuation is voluntarily provided by the administrator.
- J) A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned or otherwise delegated by either party and without the prior written and informed consent of the other party.
- K) A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self funding, or other means satisfactory to the administrator. The administrator must be notified within no less than ten days of the provider's receipt of notice of any reduction or cancellation of such coverage.
- L) A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability.
- M) A provision regarding the preferred provider's obligation, if any, to collect applicable copayments and/or deductibles from beneficiaries pursuant to the evidence of coverage, and to provide notice to beneficiaries of their personal financial obligations for

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non-covered services.

- N) A provision regarding any obligation to provide covered health services on a 24-hour per day, 7 day per week basis.
 - O) A provision identifying the mechanism for provider access to each payor's current eligibility data system.
 - P) A provision clearly describing payment obligations to the provider.
 - Q) A provision identifying the administrative services, if any, the administrator will perform and the types of information (financial, enrollment, utilization, improvement) that will be submitted to the provider as well as other information that is accessible to the provider.
 - R) A provision obligating the administrator to provide a method for providers to access each payor to obtain initial information and adequate notice of change in benefits and copayments, and a provision obligating the administrator to provide all of the administrator's operational policies.
 - S) A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider; and
- d) A general statement of the services to be offered through the administrator's proposed plan of operations, including:
- 1) The method of marketing the program;
 - 2) A geographic map of the area proposed to be served by the program by both county and zip code, including marked locations of preferred providers;
 - 3) The names and addresses of the providers with whom the administrator has entered into agreements;
 - 4) The number of beneficiaries covered by the agreements listed in

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subsection 2051.55(d)(3) of this Section;

- 5) A source for the beneficiary to contact regarding changes in such providers; and
- e) A description of the standards by which the administrator assures that the health care services to be rendered under the preferred provider program are reasonably accessible and available to beneficiaries. Standards shall address such issues as:
- 1) The scope of health care services to be provided by the administrator network.
 - 2) The number and type of providers necessary to:
 - A) Meet the health care needs and service demands of the currently enrolled population, including:
 - i) Provider-beneficiaries ratio by specialty.
 - ii) Primary care provider-beneficiaries ratio.
 - iii) Waiting times for appointments with preferred providers.
 - iv) Hours of operation.
 - v) Volume of technological and specialty services available to serve the needs of beneficiaries requiring technologically advanced or specialty care.
 - B) Meet the health care needs and service demands of the population expected to be enrolled over the next 12 months, including:
 - i) Provider-beneficiaries ratio by specialty.
 - ii) Primary care provider-beneficiaries ratio.
 - iii) Waiting times for appointments with preferred providers.
 - iv) Hours of operation.

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- v) Volume of technological and specialty services available to serve the needs of beneficiaries requiring technologically advanced or specialty care.
- 3) The location of providers within the service area necessary to accommodate the enrolled population.
 - 4) The distance or time that the beneficiary must travel to access:
 - A) Hospital services including 24 hour emergency department services;
 - B) Primary Care and Woman's Principal Health Care physician services;
 - C) Specialty care physician services.
 - 5) The addition of providers to meet patient needs based on increases in the number of beneficiaries, changes in the patient to provider ratio, changes in medical and health care capabilities, and increased demand for services.
 - 6) The provision of 24 hour, seven day per week access to network affiliated primary care and woman's principal health care provider.
 - 7) The procedures for making referrals within and outside the network.
 - 8) The process for enabling beneficiaries to select and change primary care physicians and to select and change woman's principal health care providers (Gatekeeper Option).
 - 9) Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities.
 - 10) Policies and procedures to assure access to covered services when:
 - A) The covered service is not available from a network provider; in any case whereby a beneficiary has made a good faith effort to

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utilize network providers for a covered service and it is determined the administrator does not have the appropriate preferred providers due to insufficient number, type or distance, the administrator shall ensure, by terms contained in the payor contract, that the beneficiary will be provided the covered service at no greater cost than if the service had been provided by a preferred provider;

- B) The beneficiary has a medical emergency within the network service area;
 - C) The beneficiary has a medical emergency outside the network's service area.
- f) Copies of the preferred provider program disclosure statements required to be furnished to beneficiaries by Section 370m of the Illinois Insurance Code [215 ILCS 5/370m] and corollary advertising material.
 - g) A description of programs for utilization review including procedures for timely investigation, resolution of questions, and appeals from beneficiary and providers.
 - h) A description of any fiduciary account established by the administrator, including the location and identification number of the account, established and maintained pursuant to Section 370e of the Illinois Insurance Code [215 ILCS 5/370e] and Section 2051.70(a) of this Part; and/or a bond in compliance with Section 370e of the Illinois Insurance Code [215 ILCS 5/370e] and Section 2051.70(b) of this Part. If a bond is submitted the administrator shall also furnish a certification of the total estimated annual reimbursements under the preferred provider program(s), supported by the methodology used to arrive at such figure.
 - i) Location of the administrative offices of the administrator located in this State and regular business hours during which offices are open.
 - j) Credentialing materials including, but not limited to:
 - 1) Written policies and procedures for credentialing verification of all health care professionals with whom the administrator contracts;
 - 2) Written policies and procedures for determining when the network is closed to new providers desiring to enter the network;

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- 3) Written policies and procedures for adding providers to closed network when openings become available due to attrition or expansion.
- k) Such other information as the Director may reasonably request.

Section 2051.60 Fees

On or after January 1, 1998, each new administrator doing business in this State shall pay to the Director of Insurance an initial registration fee of \$250. Annually on or before January 1 of each succeeding year and each administrator doing business in this State shall pay to the Director a renewal fee of \$150 in order to maintain such registration.

Section 2051.65 Gatekeeper Option

An insurer or administrator, otherwise meeting the standards of this Part, may make available a gatekeeper option as an incentive to utilize the services of a preferred provider. Such products must meet applicable accessibility and availability of care standards as set forth in Section 2051.55(e) of this Part and comply with requirements of Section 356r of the Illinois Insurance Code [215 ILCS 356r].

Section 2051.70 Fiduciary and Bonding Requirements

- a) This Section outlines requirements for administrators who must establish either a bond or a fiduciary account pursuant to Section 370(1) of the Illinois Insurance Code.
- b) Administrators who establish and maintain a fiduciary account pursuant to Section 370(1) of the Illinois Insurance Code are subject to the following requirements:
 - 1) Monies collected for reimbursement under preferred provider programs which the administrator holds more than 15 days shall be deposited in a special fiduciary account in a financial institution located in this State, which account shall be designated as an "Administrator Trust Fund", hereinafter referred to as "ATF". All checks drawn on the ATF shall indicate on their face that they are drawn on the ATF of the administrator.
 - 2) An administrator that operates more than one preferred provider program

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may establish separate fiduciary accounts for each program, or may maintain a consolidated fiduciary account for such programs. If a consolidated Administrator Trust Fund account is maintained the administrator's records shall clearly indicate for each program fund deposits and disbursements.

- 3) No disbursement shall be made from the Administrator Trust Fund account other than payment for provider services under the preferred provider programs(s) operated by the administrator and administrative fees due the administrator pursuant to a written agreement.
- 4) For each preferred provider program for which an ATF is maintained, the balance in the ATF shall at all times be the amount of funds deposited plus accrued interest, if any, less authorized disbursements.
- 5) If the ATF is interest bearing or income producing, the full nature of the account must first be disclosed to the principal, whether insurer or other payor of services under the preferred provider program, on whose behalf the funds are or will be held. At this time the administrator must procure the written consent and authorization from this principal for the investment of money and retention of interest or earnings.
- 6) An administrator may place ATF funds in interest bearing or income producing investments and retain the interest or income thereon, providing the administrator obtains the prior written authorization of the principals on whose behalf the funds are to be held. In addition to savings and checking accounts, an administrator may invest in the following:
 - A) Direct obligations of the United States of America or U.S. Government agency securities with maturities of not more than one year;
 - B) Certificates of deposit, with a maturity of not more than one year, issued by the Federal Deposit Insurance Corporation (FDIC) or Federal Savings and Loan Insurance Corporation (FSLIC), so long as any deposit does not exceed the maximum level of insurance protection provided to certificates of deposits held by such institutions;

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- C) Repurchase agreements with financial institutions or government securities dealers recognized as primary dealers by the Federal Reserve System provided:
 - i) The value of the repurchase agreement is collateralized with assets which are allowable investments for ATF funds; and
 - ii) The collateral has a market value at the time the repurchase agreement is entered into at least equal to the value of the repurchase agreement;
 - iii) The repurchase agreement does not exceed 30 days;
 - D) Commercial paper, provided the commercial paper is rated at least P-1 by Moody's Investors Service, Inc. or at least A-1 by Standard & Poor's Corporation;
 - E) Money Market Funds, provided the money market fund invests exclusively in assets which are allowable investments pursuant to subsections (b)(6)(A) through (D) of this Section for ATF funds;
 - F) Each investment transaction must be made in the name of the administrator's ATF. The administrator must maintain evidence of any such investments. Each investment transaction must flow through the administrator's ATF.
- 7) Recordkeeping
- A) Administrators shall maintain detailed books and records which reflect all transactions involving the receipt and disbursement of funds in the ATF.
 - B) The detailed preparation, journalizing and posting of such books and records must be maintained on a timely basis and all journal entries for receipts and disbursements shall be supported by evidential matter, which must be referenced in the journal entry so that it may be traced for verification. Administrators shall prepare and maintain monthly financial institution account reconciliations

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of any ATF established by the administrator. The minimum detail required shall be as follows:

- i) The sources, amounts and dates of monies received and deposited by the administrator.
 - ii) The date and person to whom a disbursement is made. If the amount disbursed does not agree with the amount billed or authorized, the administrator shall prepare a written record as to the reason.
 - iii) A description of the disbursement in such detail to identify the source document substantiating the purpose of the disbursement.
- c) An Administrator who posts or causes to be posted a bond of indemnity pursuant to Section 370(1) of the Illinois Insurance Code shall do so subject to the following requirements:
- 1) An administrator who operates more than one preferred provider program subject to Article XX $\frac{1}{2}$ of the Illinois Insurance Code may maintain a bond of indemnity for any such programs.
 - 2) The bond shall be held by the Director of Insurance in favor of the beneficiaries and payors of services under the preferred provider program(s) operated by the administrator. The bond shall be executed by a surety company and payable to any party injured under the terms of the bond.
 - 3) The bond shall be in continuous form and shall be in the amount of not less than 10% of the total estimated annual reimbursements under the preferred provider program(s) covered by the bond. The amount of the bond shall be determined in accordance with the methodology submitted by the administrator pursuant to Section 2051.50(c)(8) of this Part.
 - 4) Such bond shall remain in force and effect until the surety is released from liability by the Director or until the bond is cancelled by the surety. The surety may cancel the bond and be released from further liability thereunder upon 30 days written notice in advance to the Director. Such

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cancellation shall not affect any liability incurred or accrued thereunder before the termination of the 30-day period. Upon receipt of any notice of cancellation, the Director shall immediately notify the administrator.

Section 2051.80 Maintenance of Records

- a) All administrators shall maintain detailed books and records of all of their transactions as an administrator of preferred provider programs. The records required to be maintained by this Section shall include:
 - 1) the books and records of ATF transactions required by Section 2051.70 of this Part;
 - 2) books and records regarding all funds received or disbursed by the administrator;
 - 3) all contracts or agreements with providers, insurers or other payors of the services under a preferred provider program; and
 - 4) all documents relating to the administrator's preferred provider program, including but not limited to beneficiary disclosure documents required by Section 370m of the Illinois Insurance Code, beneficiary complaints and documents relating to the administrator's utilization review program.
- b) Records shall be maintained for at least three years after the termination of the preferred provider program to which they relate.

Section 2051.85 Advertising and Solicitation

- a) No preferred provider administrator or its representative shall cause, or knowingly permit the use of, advertising that is untrue or misleading, or any solicitation that is untrue or misleading.
- b) No preferred provider administrator may represent or describe itself in its name, contracts or literature as a "health maintenance organization" or "HMO", nor may it hold itself out or represent itself as being an insurance company or a Limited Health Service Corporation.

Section 2051.90 Examination

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- a) The Director or his designee may examine any applicant for registration or any registrant when he obtains information which gives him reason to believe that the applicant or registrant may be in violation of this Part or any applicable provision of the Illinois Insurance Code, when he receives a complaint or when the applicant has a history of violations of the Illinois Insurance Code.
- b) Any administrator being examined shall provide to the Director or his designee convenient and free access, at all reasonable hours at their offices, to all books, records, documents and other papers relating to such administrator's business affairs. The Director or his designee shall not have access to beneficiary medical records which are protected by the Medical Studies Act [735 ILCS 5/8-2101 et seq.].
- c) The Director or his designee may administer oaths and thereafter examine any individual about the business of the administrator.
- d) The expenses of examination under this Section shall be assessed against the administrator being examined in accordance with Section 408(3) of the Illinois Insurance Code [215 ILCS 5/408(3)].
- e) The examiner designated by the Director shall make a written report if he alleges that there is a violation of this Part, any applicable provisions of the Illinois Insurance Code or any other applicable Part of Title 50 of the Illinois Administrative Code. The report shall be verified by the examiner. The report must be made to the Director within 45 days after the conclusion of the examination. If no report is to be made, the administrator shall be so notified.
- f) If a report is made, the Director shall either deliver a duplicate thereof to the administrator being examined or send such duplicate by certified or registered mail to the administrator's address specified in the records of the Department. The Director shall afford the administrator an opportunity to request a hearing to object to the report. The administrator may request a hearing within 30 days after receipt of the duplicate of the examination report by giving the Director written notice of such request together with written objections to the report. Any hearing shall be conducted in accordance with Sections 402 and 403 of the Illinois Insurance Code [215 ILCS 5/402 and 403] and 50 Ill. Adm. Code 2402. The right to hearing is waived if the delivery of the report is refused or the report is otherwise undeliverable to the address on file with the Department or the

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administrator does not timely request a hearing. After the hearing or upon expiration of the time period during which an administrator may request a hearing, if the examination reveals that the administrator is operating in violation of any applicable provisions of the Illinois Insurance Code, any applicable Part of Title 50 of the Illinois Administrative Code or prior order, the Director, in the written order, may require the administrator to take action to correct such violation in accordance with the report or examination hearing. If the Director issues an order, it shall be issued within 90 days after the report is filed, or if there is a hearing, within 90 days after the conclusion of the hearing. The order is subject to review under the Administrative Review Law.

Section 2051.100 Severability

If any Section, term or provision of this Part shall be adjudged invalid by a court of competent jurisdiction for any reason, such judgment shall not affect, impair or invalidate any other Section, term or provision of this Part, and the remaining Sections, terms and provisions shall be and remain in full force and effect.

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Section 2051.EXHIBIT A Preferred Provider Program Administrator Registration Form – PPA 1

Illinois Department of Insurance
320 W. Washington Street
Springfield, IL 62767-0001

Instructions:

Fee Requirement: Attach a check or money order payable to the Director of Insurance for \$250.

Name of Firm		Tax #
Business Address (Number, Street)	Phone No.	Fax No.
City	State	Zip Code
Person responsible for submitting application		Phone No.
<p>The following items must be filed with this registration and are, by reference, made a part of this registration form.</p> <ol style="list-style-type: none"> <p>A general statement of the services to be offered in Illinois through the administrator's proposed plan of operations, including:</p> <ol style="list-style-type: none"> the method of marketing the program; a geographic map of the area proposed to be served by the program with marked locations of medical providers; a table showing breakdown of providers by type (i.e., hospital, primary care physician, specialist) by county; a table showing breakdown of providers by type (i.e., hospital, primary care physician, specialist) by zip code; an estimation of the number of beneficiaries projected to be served by the Administrator; the names and addresses of the providers with whom the administrator has entered into agreements (provider directory); a source for the beneficiary to contact regarding changes in the provider directory; an organizational chart describing the relationship between the administrator, its parent organization and any affiliates, including the state of domicile and the primary business of each entity. A list of the names, addresses, official positions and biographical affidavits (form attached) of the persons responsible for the conduct of the affairs of the administrator. Sample copies of administrative agreements, payor agreements and provider agreements utilized by the administrator. If the terms and conditions in such agreements may vary, the filing of one complete sample agreement together with a description of all variable terms and conditions will satisfy this requirement. A description of the standards by which the administrator assures that the health care services to be rendered under the preferred provider program are reasonably accessible and available to beneficiaries. 		

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5. Copies of the preferred provider program disclosure statements required to be furnished to beneficiaries by 215 ILCS 5/370m, and corollary advertising material.
6. A description of programs for utilization review and timely resolution of questions, complaints and grievances.
7. Location of the administrative offices of the administrator located in this State and regular business hours during which offices are open.

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- 8. A description of provider credentialing standards utilized by the administrator and a statement describing how the administrator intends to comply with 215 ILCS 5/370h;
- 9. A completed Bond/Fiduciary Account Requirement Form (**Form attached**) or a written statement of exemption to this requirement;
- 10. The name, address and telephone number of the person within the administrator to whom all notices and renewal applications should be directed.

Declaration:

The undersigned declares that the statements made in this application are true, correct and complete to the best of his/her knowledge and belief.

Signature

Date

Print Name and Title

Phone

Important Notice: Under the Illinois Revised Statutes' Insurance Laws, disclosure of this information is **voluntary**; however, failure to comply may result in this form not being processed. This form has been approved by the Forms Management Center.

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Section 2051.EXHIBIT B Biographical Affidavit

**Illinois Department of Insurance
320 W. Washington Street
Springfield, IL 62767-0001**

Full name and address of company (do not use group names)		
In connection with the above-named company, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any question fully.) If answer is "No" or "None," so state.		
1. Affiant's full name (initials not acceptable)		
2a. Have you ever had your name changed? _____ If yes, give the reason for the change. _____		
2b. Give other names used at any time		
3. Affiant's Social Security #	4. Date and place of birth	
5. Affiant's business address	Business Telephone #	
6. List your residences for the last ten (10) years starting with your current address, giving:		
Date	Address	City and State
7. Education: List dates, names, locations and degrees		
College:		
Graduate Studies:		
Others:		
8. List memberships in Professional Societies and Associations		
9. Present or proposed position with the applicant company		
10. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past twenty (20) years, giving:		
Dates	Employer and Address	Title
Please circle one:		

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11.	May present employer be contacted? Yes No	May former employers be contacted? Yes No
12a.	Have you ever been in a position which required a fidelity bond? _____	If any claims were made on the bond, give details. _____
12b.	Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? _____ If yes, give details. _____	

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(OVER)

13.	List any professional, occupational, and vocational licenses issued by any public or governmental licensing agency or regulatory authority which you presently hold or have held in the past (state date, license issued, issuer of license, date terminated, reasons for termination) _____
14.	During the last ten (10) years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has any such license held by you ever been suspended or revoked? _____ If yes, give details. _____
15.	List any administrators, insurers or HMOs in which you control directly or indirectly or own legally or beneficially 10% or more of the outstanding stock standing stock (in voting power). _____ If any of the stock is pledged or hypothecated in any way, give details. _____
16.	Will you or members of your immediate family subscribe to or own, beneficially or of record, shares of stock of the applicant administrator or its affiliates? _____ If any of the shares of stock are pledged or hypothecated in any way, give details. _____
17.	Have you every been adjudged bankrupt? _____
18.	Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or an indictment charging any felony, or charging a misdemeanor involving embezzlement, theft, larceny, or mail fraud, or charging a violation of any corporate securities statute or any insurance law, or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? _____ If yes, give details. _____
19.	Has any company been so charged, allegedly as a result of any action or conduct on your part? _____ If yes, give details _____
20.	Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any insurer, HMO or administrator which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship? _____
21.	Has the certificate of authority or license to do business of any insurance company or registration of any administrator of which you were an officer or director or key management person ever been suspended, revoked or denied while you occupied such position? _____ If yes, give details. _____

Declaration

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Dated and signed this _____ day of _____ at _____.

I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

State of _____

County of _____

Personally appeared before me the above named _____ personally known to me, who, being duly sworn, deposes and says that he executed the above instrument and that the statements and answers contained therein are true and correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, 19____.

(Notary Public)

(SEAL)

My commission expires _____.

Important Notice: Disclosure of this information is **required** under Illinois Departmental Rules. This form has been approved by the Forms Management Center.

Printed on recycled paper.

Section 2051.EXHIBIT C Preferred Provider Program Administrator Bond/Fiduciary Account Requirement

**Illinois Department of Insurance
320 W. Washington Street
Springfield, IL 62767-0001**

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Instructions:

Bond/Fiduciary Account Requirement: Registrations of Preferred Provider Program Administrators who will handle money for purposes of payment for providers services must be accompanied by:

1. A surety bond in an amount equal to not less than 10% of the total estimated annual reimbursements under the program. **If more than one program is administered, separate bonds may be posed for each program or one bond of indemnity may be posted for all. Administrators posting a bond or bonds must also submit certification of the total estimated annual reimbursements under the Preferred Provider Program (or programs if separate bonds are posted), supported by methodology used to arrive at such figures.**

The surety bond(s) must contain:

- The name of the principal as it appears on the registration form;
- The principal's address as it appears on the registration from;
- The surety company's name and company number;
- The bond number;
- Original signatures of the Illinois resident agent, principal, the surety company's officer or attorney-in-fact.

2. Or, **in lieu of bond**, the Preferred Provider Program Administrator may establish one or more fiduciary accounts, separate and apart from any and all other accounts, for the receipt and disbursement of funds for reimbursement of providers of services under the program.

Location of Account: _____

Account Identification No. _____

(In the event that **both** bonds and fiduciary accounts are established, disclose information about both as requested above.)

Bond(s)	Methodology	Fiduciary Account(s)	Loc/ID #

(Do not write in these spaces.)

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Preferred Provider Program Administrator Bond

**Illinois Department of Insurance
320 W. Washington Street
Springfield, IL 62767-0001**



DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Co. Code No. _____

Bond No. _____

KNOW ALL MEN BY THESE PRESENTS, THAT I/we _____ of _____, a Preferred Provider Program Administrator, as principal and _____ a company duly authorized to transact surety business in the State of Illinois, as Surety, are held and firmly bound unto the People of the State of Illinois and Payable to any party injured under the terms and conditions of this bond, in the full and penal sum of _____ (\$ _____) dollars lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that the above bounded Principal is now or is about to register in order to engage or continue in the business of a Preferred Provider Program Administrator, as provided by the Illinois Insurance Code, as amended.

NOW, THEREFORE, if the said Principal shall, while this bond is in force and effect make a full accounting and due payment to the person or company entitled thereto of funds coming into his possession as an incident to Preferred Provider Program Administrator transactions, and shall comply with all the provisions of Article XX1/2 of the Illinois Insurance Code, as amended; then this obligation shall be null and void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that this bond shall be continuous in form and may be terminated by the Surety, upon its giving thirty (30) days notice of its intention of termination, such notice to be filed with the Director, Department of Insurance, Springfield, Illinois.

IN WITNESS WHEREOF, the said principal has hereunto set his hand and seal, and the said surety has caused these presents to be signed by its duly authorized officers and its corporate seal to be hereto affixed this _____ day of _____, 19____.

Countersigned by:

(Signature of Appointed Illinois Producer)

(Bonding Company)

At _____, Illinois

(Signature of Company Officer)

(Signature of Attorney-in-Fact)

*(Signature of Principal)-Social Security #

*If a Corporation, signature and social security number of an officer

Important Notice Under the Illinois Revised Statutes insurance laws, disclosure of this information is

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voluntary; however, failure to comply may result in this form not being processed. This form has been approved by the Forms Management Center.

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.402 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking adds co-payment language for advanced practice nurses and encounter clinic services to equate them with other similar non-institutional providers.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Sections:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.454	Amendment	32 Ill. Reg. 10782; July 18, 2008
140.455	Amendment	32 Ill. Reg. 10782; July 18, 2008
140.413	Amendment	32 Ill. Reg. 13761; August 22, 2008
140.435	Amendment	32 Ill. Reg. 13761; August 22, 2008
140.436	Amendment	32 Ill. Reg. 13761; August 22, 2008
140.14	Amendment	32 Ill. Reg. 14003; August 29, 2008
140.16	Amendment	32 Ill. Reg. 14003; August 29, 2008
140.44	Amendment	32 Ill. Reg. 14003; August 29, 2008
140.414	Amendment	32 Ill. Reg. 18121; December 1, 2008
140.422	Repeal	32 Ill. Reg. 18121; December 1, 2008
140.427	Repeal	32 Ill. Reg. 18121; December 1, 2008
140.443	Amendment	32 Ill. Reg. 18121; December 1, 2008

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

Tamara Tanzillo Hoffman, Chief of Staff
Illinois Department of Healthcare and Family Services 217/557-7157
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

The Department requests the submission of written comments within 30 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination or Revocation on Persons Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination,

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	Suspension or Barring
140.20	Submittal of Claims
140.21	Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22	Magnetic Tape Billings (Repealed)
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Sanctioned Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)

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- 140.99 Hospital Services Not Covered (Recodified)
- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)

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140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

140.400	Payment to Practitioners
140.402	Copayments for Noninstitutional Medical Services
140.405	SeniorCare Pharmaceutical Benefit (Repealed)
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Nurse Services
140.436	Limitations on Advanced Practice Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)

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- 140.446 Over-the-Counter Items
- 140.447 Reimbursement
- 140.448 Returned Pharmacy Items
- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
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- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Providers
- 140.471 Description of Home Health Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services

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140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Illinois Healthy Women
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
140.498	Fingerprint-Based Criminal Background Checks

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140.500	Long Term Care Services
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140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered By Department Payment
140.512	Utilization Control
140.513	Notification of Change in Resident Status
140.514	Certifications and Recertifications of Care (Repealed)
140.515	Management of Recipient Funds – Personal Allowance Funds
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140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
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140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	County Contribution to Medicaid Reimbursement
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
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140.537	Payments to Related Organizations
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140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports – Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
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140.553	General Administrative Costs Updates
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140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)

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140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
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140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
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140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND
LOCAL GOVERNMENTAL ENTITIES

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Section

140.850	Reimbursement of Administrative Expenditures
140.855	Administrative Claim Review and Reconsideration Procedure
140.860	County Owned or Operated Nursing Facilities (Repealed)
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section

140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND
REIMBURSEMENT EQUITY (ICARE) PROGRAM

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140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

Section	
140.990	Primary Care Case Management Program
140.991	Primary Care Provider Participation Requirements
140.992	Populations Eligible to Participate in the Primary Care Case Management Program
140.993	Care Management Fees

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140.994	Panel Size and Affiliated Providers
140.995	Mandatory Enrollment
140.996	Access to Health Care Services
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SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section

140.1001	Registration Conditions for Alternate Payees
140.1002	Participation Requirements for Alternate Payees
140.1003	Recovery of Money for Alternate Payees
140.1004	Conditional Registration for Alternate Payees
140.1005	Revocation of an Alternate Payee
140.TABLE A	Medicheck Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983;

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amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg.

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18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989;

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amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill.

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Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective

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September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514,

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effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill.

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Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.402 Copayments for Noninstitutional Medical Services

- a) ~~Each~~Effective July 1, 2003, ~~each~~ recipient, with the exception of those classes of recipients identified in subsection (d) of this Section, may be required to pay the following specified copayment for noninstitutional medical services:
- 1) Each office visit to a chiropractor, podiatrist, optometrist, ~~or a~~ physician licensed to practice medicine in all its branches, or Advanced Practice Nurse billed to the Department, ~~with the exception of those office visits for services identified in subsection (e) of this Section~~, may require a copayment of \$2.00.

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- 2) Each brand name legend drug billed to the Department, ~~with the exception of drugs identified in subsection (e) of this Section,~~ may require a copayment of \$3.00.
 - 3) Each medical encounter billed to the Department by an Encounter Rate Clinic, Federally Qualified Health Center or Rural Health Clinic may require a copayment of \$2.00.
 - 4) The medical services identified in subsection (e) of this Section are not subject to the copayments listed in this subsection (a).
- b) In each instance where a copayment is payable, the Department will reduce the amount payable to the affected provider by the respective amount of the required copayment.
 - c) No provider of services listed in subsection (a) of this Section may deny service to an individual who is eligible for service on account of the individual's inability to pay the cost of a copayment.
 - d) The following individuals receiving medical assistance are exempt from the copayment requirement set forth in subsection (a) of this Section:
 - 1) Pregnant women, including a postpartum period of 60 days.
 - 2) Children under 19 years of age.
 - 3) All noninstitutionalized individuals whose care is subsidized by the Department of Children and Family Services or the Department of Corrections.
 - 4) Hospice patients.
 - 5) Individuals residing in hospitals, nursing facilities, and intermediate care facilities for the mentally retarded.
 - 6) Residents of a State-certified, State-licensed, or State-contracted residential care program where residents, as a condition of receiving care in that program, are required to pay all of their income, except an authorized protected amount for personal use, for the cost of their

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residential care program. For the purpose of this subsection (d)(6), the protected amount shall be no greater than the protected amount authorized for personal use under 89 Ill. Adm. Code 146.225(c).

- e) The following medical services are exempt from any copayments:
- 1) Renal dialysis treatment.
 - 2) Radiation therapy.
 - 3) Cancer chemotherapy.
 - 4) Use of insulin.
 - 5) Services for which Medicare is the primary payer.
 - 6) Over-the-counter drugs.
 - 7) Emergency services as defined at 42 CFR 447.53(b)(4).
 - 8) Any pharmacy compounded drugs.
 - 9) Any prescription (legend drug) dispensed or administered by a hospital, clinic or physician.
 - 10) Family planning services.
 - 11) Other therapeutic drug classes as specified by the Department.
 - 12) Psychiatric (CPT codes 90801 through 90899) services.
 - 13) Behavioral health or dental services provided at an ERC, FQHC or RHC.
 - 14) Preventive services.

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2700.20	Amendment
2700.70	Amendment
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. In addition, ISAC proposes the following substantive amendments:

In Section 2700.20, the definition of Golden Apple Scholars of Illinois has been added as a result of Public Act 95-939, which stipulates that, in each year, a minimum of 200 Illinois Future Teacher Corps (IFTC) Program awards shall be allocated to participants in the Golden Apple Scholars of Illinois program. In Section 2700.70, a correction was made to a subsection referenced in (c).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 2216
email: lhynes@isac.org

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700

GENERAL PROVISIONS

Section

2700.10	Summary and Purpose
2700.15	Incorporations by Reference
2700.20	Definitions
2700.30	General Institutional Eligibility Requirements
2700.40	General Applicant Eligibility Requirements
2700.50	Determining Applicant Eligibility
2700.55	Use, Security and Confidentiality of Data
2700.60	Audits and Investigations
2700.70	Appeal Procedures
2700.80	Contractual Agreement Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003; amended at 29 Ill. Reg. 9884, effective July 1, 2005; amended at 30 Ill. Reg. 11600, effective July 1, 2006; amended at 31 Ill. Reg. 9478, effective July 1, 2007; amended at 32 Ill. Reg. 10269, effective July 1, 2008; amended at 33 Ill. Reg. _____, effective _____.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Section 2700.20 Definitions

"Academic Level" – The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" – In relation to scholarship and grant programs, a twelve month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at Section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.3.

"Alternative Loan" – Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" – Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" – *Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State.* (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" – The United States Army, Air Force, Navy, Marines and Coast Guard.

"Blanket Certificate of Loan Guaranty" – A process that permits an eligible lender to make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions, as authorized by Section 428(n) of the HEA.

"Chargeback" – Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

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"Citizen" – One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" – A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" – One of the two individuals who are joint borrowers either on a Federal PLUS Loan that was certified prior to January 1, 1995 or on any Federal Consolidation loan and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" – The ten member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"Compound Accreted Value" – An amount equal to the original amount plus an investment return accrued to the date of determination at a semiannual compounding rate that is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accreted Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

"Concurrent Registration" – The simultaneous enrollment at two or more institutions.

"Consolidation" – A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions, as authorized by Section 428C of the HEA.

"Contractual Agreement" – The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among two or more eligible institutions only.

"Correctional Officer" – An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of

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the Department.

"Correspondence Course" – A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" – A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" – For the purposes of ISAC's rules, this term is defined at Section 472 of the Higher Education Act of 1965, as amended (20 USC 108711).

"Cumulative Grade Point Average" – The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" – The failure of a borrower to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" – For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" – A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" – In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" – A learning and teaching mode characterized by the separation of place or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" – The acronym for the United States Department of Education.

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"Educational Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Educational Lender" – An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFT" – The acronym for electronic funds transfer.

"Eligible Noncitizen" – A noncitizen who is eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USC 1091.)

"Endorser" – A person who is secondarily liable for the repayment of a Federal PLUS Loan obligation.

"Enrolled" – The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" – The chief executive officer of ISAC.

"Expected Family Contribution" – The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at Section 474 of the Higher Education Act (HEA) of 1965, as amended. (See 20 USC 1087mn.)

"FAFSA" – The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" – The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" – Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" – The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans,

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Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" – For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" – An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" – In relation to scholarship and grant programs, an individual enrolled for twelve or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 668.2.

"Gift Assistance" – Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Golden Apple Scholars of Illinois" – A private, not-for-profit program under the auspices of the Golden Apple Foundation that recruits, prepares and provides financial assistance to high school graduates to pursue postsecondary education for careers as teachers for particular Illinois schools.

"Good Moral Character" – An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" – The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan" – Loan assistance through the Federal Family Education Loan Program (FFELP) that includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

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"HEA" – The acronym for the Higher Education Act of 1965, as amended, and codified at 20 USC 1070 et seq.

"Half-time Student" – In relation to scholarship and grant programs, an individual enrolled for six or more credit hours (but fewer than twelve credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 668.2.

"Holder" – An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" – The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" – The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" – For the purposes of ISAC's rules, an independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 110-84. (See 20 USC 1087vv.)

"Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Institution of Higher Learning" – An educational organization whose main campus is physically located in Illinois that:

provides at least a two-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is operated:

by the State, or

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publicly or privately, not for profit, or

for profit, provided it:

offers degree programs that have been approved by the IBHE for a minimum of three years under the Academic Degree Act, and

enrolls a majority of its students in these degree programs, and

maintains accredited status with the Higher Learning Commission of the North Central Association of Colleges and Schools.

For otherwise eligible educational organizations that provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act). For eligible institutions with campuses in multiple states, the term "institution of higher learning" shall include only those campuses located in Illinois.

"Institution of Record" – The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" – The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15] to administer student assistance programs.

"ISBE" – The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" – An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" – The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage,

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add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" – The acronym for the Monetary Award Program administered by ISAC, as authorized by 110 ILCS 947/35 and codified at 23 Ill. Adm. Code 2735.

"Master Check" – A single check representing the loan proceeds for more than one borrower.

"Minority Student" – *A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).*

"Parent" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2.

"Pell Grant" – A federal gift assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See 20 USC 1070a et seq.)

"PLUS" – The federal program that provides loans to graduate students or parents of certain undergraduate students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 USC 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175].

"Police Officer" – For the purposes of ISAC's rules, this term means a law enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" – An individual who meets the eligibility requirements of the gift assistance program for which she/he is applying.

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"Regular School Year" – An eight to nine month period of time that includes two semester terms or three quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" – The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" –

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois and Illinois is his or her true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding two paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following four paragraphs.

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within six months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to

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return) to Illinois within six months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parents' temporary physical absence from Illinois provided the parents would be a resident of Illinois under the preceding two paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

"Rules" – The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" – An institutional policy that establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USC 1091.)

"Service Academy" – *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" – The acronym for the federal Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act, as amended (20 USC 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" – A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill.

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Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" – The federal subsidized and unsubsidized loan programs as authorized by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 USC 1078).

"Student Beneficiary" – An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" – An undergraduate postsecondary course of study that, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study that leads to a teacher education program.

"Teacher Shortage Discipline" – An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

"Telecommunications Course" – A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

"Term" – A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" – The charge for instruction assessed by an institution.

"Verification" – Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. and by ISAC's rules.

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

Section 2700.70 Appeal Procedures

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- a) Complainants (including applicants, institutions and lenders) may appeal an ISAC administrative decision in accordance with this Section. Complainants must submit their appeal within 60 days after and including the date of an administrative decision by ISAC. If a complainant fails to pursue an appeal within 60 days after and including the date of an administrative decision, including administrative decisions rendered under subsections (d) and (e) of this Section, the complainant forfeits all appeal rights.
- b) All appeals shall be submitted in writing, must specifically invoke the use of ISAC's appeal process and must indicate the specific issues to be reviewed. Each complainant shall be sent a written response within 15 working days after and including the date of receipt of their appeal.
 - 1) A complainant may submit any evidence which the complainant believes relevant to the issue appealed. If ISAC is not able to make a determination based on the information provided, the complainant may be requested to supply additional written materials related to the issue (e.g., income tax returns, ISAC correspondence).
 - 2) The standard of review is whether, based on the manifest weight of the evidence, the administrative decision being appealed is consistent with statutes, rules and regulations relevant to the issue appealed.
- c) At the complainant's discretion, a complainant may be represented by legal counsel. Except for appeals pursuant to Section 2700.50(g)(4) (Illinois residence) and 23 Ill. Adm. Code ~~2760.302760.40(a)~~ (State Scholar designations), applicant appeals shall not be written or submitted by a lender or an institution. A lender or an institution may advise an applicant on appeal issues and opportunities.
- d) The complainant shall submit an appeal directly to the appropriate ISAC manager. An appeal may be pursued through the appropriate sequence of ISAC's administrative levels culminating with an appeal to the Executive Director. (See 2 Ill. Adm. Code 5375.Appendix A, Organization Chart.)
- e) Adjudicatory hearings are available for complainants who have first used the procedures of subsection (d) of this Section. A hearing shall be requested, in writing, within 60 days after the date of the Executive Director's appeal decision.
 - 1) Within 30 days after the receipt of a hearing request, the Executive Director shall schedule a hearing. The hearing shall be conducted in

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accordance with 23 Ill. Adm. Code 2790.140, Hearings.

- 2) The independent hearing officer shall issue a decision based upon what transpired at the hearing, in accordance with and subject to 23 Ill. Adm. Code 2790.70, Decisions.

- f) The hearing officer's disposition, as provided for by 23 Ill. Adm. Code 2790.70(c), is considered the final administrative decision as defined by the Administrative Review Law [735 ILCS 5/Art. III]. The complainant shall be sent written notice of the final administrative decision within ten working days after the disposition of the appeal.

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

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- 1) Heading of the Part: Federal Family Education Loan Program (FFELP)
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2720.20	Amendment
2720.40	Amendment
2720.50	Amendment
- 4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement federal statutory amendments, and to clarify issues that have arisen during the previous year. In addition to making minor technical changes throughout this Part, ISAC proposes the following substantive amendment:

Section 2720.40(c) has been amended to reflect changes in the requirements for participation in the Lender of Last Resort Program. In Section 2720.50(g), the number of days a lender or holder can send a repayment schedule to a FFELP borrower has been changed to no more than 150 days to reflect a change arising from the Higher Education Opportunity Act.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)]

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and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 2216
email: lhynes@isac.org

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2720
FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS: THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM, AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section	
2720.5	Summary and Purpose
2720.6	Definitions (Repealed)
2720.10	Eligibility for ISAC Loan Guarantees
2720.20	Lender Eligibility
2720.25	Educational Lender Eligibility
2720.30	Institutional Eligibility
2720.35	Holder Eligibility
2720.40	Procedures for Obtaining a Guaranteed Loan
2720.41	One-Lender Requirement
2720.42	One-Holder Requirement
2720.50	Procedures for Disbursement, Delivery and Repayment
2720.55	Federal Consolidation Loan Program
2720.60	Default Aversion Assistance
2720.70	Reimbursement Procedures
2720.80	Federal Default Fee
2720.90	Guarantee Transfers

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section	
2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

Section

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- 2720.200 ISAC Originated Consolidation Loans
2720.210 Illinois Opportunity Loan Program (IOP)
2720.220 Federal Family Education Loan Program (FFELP) Loans

2720.APPENDIX A Required Activities of Educational Lenders (Repealed)

AUTHORITY: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July

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1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11051, effective July 1, 1998; amended at 23 Ill. Reg. 7537, effective July 1, 1999; amended at 24 Ill. Reg. 9101, effective July 1, 2000; amended at 25 Ill. Reg. 8369, effective July 1, 2001; amended at 26 Ill. Reg. 9998, effective July 1, 2002; amended at 27 Ill. Reg. 10326, effective July 1, 2003; amended at 28 Ill. Reg. 9135, effective July 1, 2004; amended at 29 Ill. Reg. 9897, effective July 1, 2005; amended at 31 Ill. Reg. 9496, effective July 1, 2007; amended at 32 Ill. Reg. 10290, effective July 1, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART A: FEDERAL LOAN PROGRAMS:
THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section 2720.20 Lender Eligibility

- a) Lender Agreement
 - 1) All approved lenders must execute an ISAC Lender Agreement prior to participating in the Federal Family Education Loan Program through ISAC. Lenders wishing to serve as lenders-of-last-resort are required to sign an Addendum that additional Agreement which includes the provisions of sectionSection 428(j) of the federal Higher Education Act, ~~as amended~~.
 - 2) Lenders must have received ED approval prior to executing a Lender Agreement.
 - 3) The Lender Agreement shall include provisions requiring lenders to:
 - A) comply with statutes, federal regulations and State rules; and
 - B) provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with federal regulations. (See Sections 2720.60(a) and 2720.70(c).)
 - 4) Lenders and ISAC shall electronically transmit and receive loan guarantee data. ISAC shall provide the lender with program documentation and reasonable technical assistance related to electronic data exchanges. ISAC

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and the lender shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than that which is directly related to the administration of ISAC's guaranteed loan programs.

- 5) Termination of the Lender Agreement may be made by either the lender or ISAC with 30 days' written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.
- b) Eligible lenders shall employ an adequate number of qualified persons to administer their responsibilities under ISAC's rules. In determining whether a lender employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.
- c) In addition to the provision of subsection (a), the Lender Agreement for insurance companies approved as lenders shall require:
 - 1) advertising and promotional materials consistent with Section 149 of the Illinois Insurance Code [215 ILCS 5/149] and 50 Ill. Adm. Code 909; and
 - 2) compliance with Sections 421 through 434 of the Illinois Insurance Code [215 ILCS 5/421 through 434], which prohibit unfair methods of competition and unfair and deceptive acts and practices.
- d) A loan guarantee shall be cancelled if the lender fails to comply with federal regulations, statutes, ISAC rules or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the lender for the defaulted loan.
- e) ISAC conducts compliance reviews to determine if approved lenders are complying with federal regulations, statutes and rules.
- f) Lenders wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and the Department of Education; documentation relating to the percentage of student loans as compared to other installment loan portfolios; and other information relating to student loans requested by ISAC to show the lender's

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qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and State rules and statutes.

- g) Lenders wishing to participate in a blanket guaranty program for ISAC-guaranteed loans must execute a Blanket Certificate of Loan Guaranty agreement.

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

Section 2720.40 Procedures for Obtaining a Guaranteed Loan

- a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee/disclosure statement. All promissory notes must be in a form approved by ED. No alteration or substitution may be used.
- b) All loans are made at the lender's discretion. When a lender rejects a borrower's request for a FFELP loan, the lender shall issue a notice of non-acceptance to the borrower.
- c) Lender-of-last-resort requirements:
- 1) An applicant who is eligible for a ~~federal~~Federal subsidized or unsubsidized Stafford Loan or Federal PLUS ~~Loan~~loan-guarantee pursuant to Section 2720.10 of this Part and who has been unable to obtain loans from another ISAC-approved lender for the same period of enrollment can request participation in ISAC's Lender-of-Last-Resort Program.~~received two denials from~~ can request that ISAC make a referral to a lender of last resort provided the applicant:
 - A) ~~submits a written request for a lender-of last resort loan referral to ISAC, which is accompanied by two denials from ISAC approved lenders;~~
 - B) ~~receives loan counseling information specifically designed to benefit an applicant seeking a lender-of last resort loan; and~~
 - C) ~~attends an ISAC-approved institution or, for a PLUS loan, is the parent of a student attending an ISAC-approved institution.~~

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- 2) ~~The applicant must be a resident of Illinois or must attend an eligible institution in Illinois or, for a Parent PLUS Loan, be the parent of a student attending an eligible institution and a resident of Illinois. ISAC, within 60 days, will refer applicants to lenders of last resort or will advise them that they do not meet the eligibility requirements of Section 2720.10 of this Part.~~
- 3) ~~ISAC, within 60 days, will issue a guarantee for a loan under the Lender-of-Last-Resort Program or will advise applicants that they do not meet the eligibility requirements of Section 2720.10.~~
- 4) ~~ISAC will act as the lender-of-last-resort if it cannot arrange a loan for the applicant with a lender participating in ISAC's Lender-of-Last-Resort Program. ISAC will act as a lender of last resort or will refer the applicant to the Student Loan Marketing Association if it cannot refer the applicant to a lender of last resort willing to make a subsidized or unsubsidized Stafford Loan within 60 days.~~
- d) The availability of an ISAC-guaranteed loan shall not be conditioned upon the purchase of credit life, life, accident, health or other forms of insurance.
- e) The promissory note must be signed in ink, or must bear a valid electronic signature, in accordance with federal law (see 15 USC 7001 et seq.). Signature stamps shall not be used by the borrower.
- f) At the lender's discretion and in accordance with federal regulations, endorsers may be used for Federal PLUS Loans.
- g) Lenders shall obtain the names and addresses of at least two references from each loan applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.
- h) When certifying a borrower eligible for a loan guarantee, the institution shall provide a loan disbursement schedule consistent with ~~section~~Section 428G of the federal Higher Education Act of 1965, ~~as amended~~ (20 USC 1078-7). Should the institution or its agent fail to provide a disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with ~~section~~Section 428G of the Higher Education Act of 1965;

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~~as amended.~~

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

Section 2720.50 Procedures for Disbursement, Delivery and Repayment

- a) Disbursement, delivery and repayment procedures are specified in federal regulations. (See 34 CFR 682.206, 34 CFR 682.207, 34 CFR 682.209, and 34 CFR 682.604.)
- b) Prior to disbursement, the borrower shall execute a common ED-approved promissory note for the principal and interest on the loan. The lender shall retain an original or true and exact copy of the promissory note. (See 34 CFR 682.414.)
- c) The lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower's behalf. The lender shall not collect or attempt to collect from the borrower or ISAC any portion of the interest on the loan that is payable by ED.
- d) Except for loans pursuant to Section 2720.55, or loans made under a Blanket Certificate of Loan Guaranty agreement, the lender shall not disburse the proceeds of any loan on the borrower's behalf unless and until the lender shall have received from ISAC evidence of a guarantee. The lender shall inform ISAC of all disbursement dates.
- e) Federal Stafford and Federal PLUS Loan proceeds shall be transmitted directly to the institution.
 - 1) Federal Stafford Loan checks shall be payable to the student borrower unless the institution requires all Stafford loan checks to be co-payable to the borrower and the institution. Federal PLUS Loan checks shall be co-payable to the institution and the borrower. Federal Stafford or Federal PLUS Loan funds disbursed either via EFT or by Master Check to the institution shall include information identifying the names, Social Security Numbers and the loan amounts of the borrowers who are receiving a portion of the disbursement, and, in the case of a Parent PLUS Loan, the names and the Social Security Numbers of the students on whose behalf the parents are borrowing.

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- 2) Loan proceeds must be disbursed to the institution and delivered to the borrower no later than 180 days after the end of the loan period or 180 days after the date on which the student ceased to be enrolled at least half-time, whichever is earlier. If the loan proceeds are not delivered pursuant to this subsection [\(e\)\(2\)](#), the school must request that the loan be canceled and must return any loan proceeds. (See 34 CFR 668.164(g).)
- 3) If the student has withdrawn from enrollment and federal regulations require the institution to submit a refund to the lender, either electronically or in the form of a check payable to the lender on behalf of the borrower, the institution shall provide simultaneous written notice to the borrower of the refund.
 - A) If the institution fails to issue a timely refund, as defined by federal regulations (see 34 CFR 682.607(c) and 668.22(j)), the institution shall pay penalty interest.
 - B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.
 - C) The penalty interest shall be paid to the lender or subsequent holder.
- f) The borrower shall have the right to prepay without penalty the whole or any part of a loan guaranteed ~~under this Part~~[under this Part](#).
- g) The lender or holder shall notify the borrower of the repayment options available, as specified in 34 CFR 682.209. The lender or holder shall send a repayment schedule to a FFELP borrower no less than 30 days nor more than ~~150~~[240](#) days before the first payment on the loan is due from the borrower.
- h) The lender or holder shall notify ISAC of payment in full or prepayment in full by the borrower.
- i) In accordance with federal regulations, the lender or holder may extend the maturity date of any note.

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- j) Lenders or holders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by ~~section~~Section 428(c)(3)(C) of the Higher Education Act of 1965, ~~as amended~~, and by federal regulations. (See 34 CFR 682.211.)
- k) Borrowers are entitled to deferments, which extend the maturity date of any note, under conditions established by federal regulations. (See 34 CFR 682.210.)
- l) ISAC provides lenders or holders with the ED-approved common forms necessary for servicing their guaranteed loan portfolio (e.g., deferment forms, mandatory forbearance forms).
- m) No note shall be sold or transferred by the lender except to an ISAC-approved lender, an ISAC-approved holder, or ISAC.

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

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- 1) Heading of the Part: Nurse Educator Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2759
- 3) Section Number: 2759.30 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5 and 15 of the Nurse Educator Assistance Act [110 ILCS 967/5 and 15]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended in order to correct a subsection number referenced in the text.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 2216

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email: lhynes@isac.org

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

The full text of this Proposed Amendment begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2759

NURSE EDUCATOR SCHOLARSHIP PROGRAM

Section

2759.10	Summary and Purpose
2759.20	Applicant Eligibility
2759.30	Program Procedures
2759.40	Institutional Procedures

AUTHORITY: Implementing and authorized by Sections 5 and 15 of the Nurse Educator Assistance Act [110 ILCS 967/5 and 15].

SOURCE: Adopted at 30 Ill. Reg. 18771, effective December 1, 2006; amended at 33 Ill. Reg. _____, effective _____.

Section 2759.30 Program Procedures

- a) All applicants must complete and file the form the U.S. Department of Education (ED) designates as an application/promissory note for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC), which is used as a selection criterion for this award. (See ~~section~~[Section](#) 483 of the Higher Education Act of 1965, ~~as amended~~ (20 USC 1070a).)
- b) A completed ISAC application for the Nurse Educator Scholarship Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.
 - 1) Applications are available at qualified institutions of higher learning, ISAC's web site, and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) ISAC will make renewal applications available to all qualified students who were awarded assistance under this Part during the preceding year.
 - 3) If the application is incomplete, ISAC will notify the appropriate party. The applicant will then have an opportunity to furnish the missing

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information. However, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.

- c) No recipient may receive scholarship assistance under this program for more than the equivalent of 8 semesters/16 quarters of full-time enrollment.
- d) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria:
 - 1) Cumulative grade point averages will be prioritized from highest to lowest. All grade point averages will be converted to a four-point scale; and
 - 2) Expected Family Contribution (EFC), from the lowest to the highest.
- e) Recipients of assistance under this Part during the previous academic year shall receive first priority consideration provided the student:
 - 1) Maintains his or her status as a qualified applicant, as outlined in Section 2759.20(a).2766.20(a) of this Part, Applicant Eligibility.
 - 2) Maintains satisfactory academic progress as determined by the institution.
 - 3) Has submitted an application on a timely basis.
- f) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.
- g) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to work as an educator in an approved program of professional nursing education in Illinois or an approved program of practical nursing education in Illinois, as certified by an authorized individual at the approved Illinois institution, for a period of not less than five years;

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- 2) the recipient shall begin teaching as a nurse educator within one year following the termination of the program for which the recipient received assistance under this Part, and shall teach on a continuous basis for the required five year period of time;
 - 3) the teaching requirement will be fulfilled in an approved program of professional nursing education in Illinois or an approved program of practical nursing education at an approved institution in Illinois that prepares students for careers as practical or professional nurses;
 - 4) if the teaching requirement is not fulfilled, the proceeds received convert to a loan and the recipient must repay the entire amount prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to five percent and, if applicable, reasonable collection fees;
 - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use all proceeds received for educational expenses.
- h) A recipient of funds awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection (g) during periods in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is actively seeking but unable to find employment as a nurse educator at an approved Illinois institution for one continuous period not to exceed two years and is able to provide evidence of that fact; or
 - 4) is taking additional courses, on at least a half-time basis, needed to obtain certification in a nursing educator program in Illinois.

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- i) If a recipient is required to repay any portion of the proceeds received, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact;
 - 4) withdraws from a course of study leading to certification as a nursing educator, but is enrolled full-time in another academic discipline not to exceed three years; or
 - 5) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years.
- j) During the time a recipient qualifies for any of the extensions listed in subsection (i), he or she shall not be required to make payments and interest shall not accrue.
- k) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a nursing educator, but not before six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the nurse educator program for which the funds were awarded.
- l) A recipient shall not be required to repay the amount of the proceeds received if he or she becomes permanently totally disabled as established by the sworn

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affidavit of a qualified physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a certified death certificate.

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

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- 1) The Heading of the Part: State Scholar Program
- 2) Code Citation: 23 Ill. Adm. Code 2760
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2760.10	Amendment
2760.30	Amendment
2760.40	New Section
- 4) Statutory Authority: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format, and terminology throughout our programmatic rules in order to make them easier for our clients to use. In addition, ISAC proposes the following substantive amendment:

This Part is being amended to accommodate Public Act 95-715, which provides, subject to appropriation, that each Illinois State Scholar who enrolls or is enrolled in an Illinois institution of higher learning shall receive a one-time grant of \$1,000 to be applied to tuition and mandatory fees and paid directly to the institution of higher learning. Section 2760.40, Institutional Procedures, has been added to this Part for fund disbursement. In addition, the reference to the Illinois Standard Test Score Table in Section 2760.30 has been changed to the official table on the ACT Web site.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No

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- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 2216
email: lhynes@isac.org
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

The full text of these Proposed Amendments begins on the following page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2760
STATE SCHOLAR PROGRAM

Section

2760.10	Summary and Purpose
2760.20	State Scholar Eligibility
2760.30	Program Procedures
<u>2760.40</u>	<u>Institutional Procedures</u>

AUTHORITY: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 11321, effective July 1, 1992; amended at 17 Ill. Reg. 10624, effective July 1, 1993; amended at 18 Ill. Reg. 10346, effective July 1, 1994; amended at 19 Ill. Reg. 8395, effective July 1, 1995; amended at 20 Ill. Reg. 9251, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11222, effective July 18, 1997; amended at 22 Ill. Reg. 11170, effective July 1, 1998; amended at 24 Ill. Reg. 9201, effective July 1, 2000; amended at 29 Ill. Reg. 9928, effective July 1, 2005; amended at 31 Ill. Reg. 9516, effective July 1, 2007; amended at 32 Ill. Reg. 10325, effective July 1, 2008; amended at 33 Ill. Reg. _____, effective _____.

Section 2760.10 Summary and Purpose

- a) The State Scholar Program publicly and personally identifies graduating high school seniors who possess superior academic potential. Each student designated as a State Scholar receives a Certificate of Achievement and statewide recognition in the news media. The Illinois Student Assistance Commission (ISAC) provides

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the names of State Scholars to Illinois colleges and universities which actively seek State Scholars for admission. ~~No financial assistance is awarded by ISAC through this program.~~

- b) This Part establishes rules which govern the State Scholar Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

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

Section 2760.30 Program Procedures

- a) In order for its students to be considered for the State Scholar Program, a high school is to submit, in a format approved by ISAC, class ranks as of the third semester prior to graduation for students who desire to be considered for the Program. For high schools that cannot provide class ranks, non-weighted grade point averages as of the third semester prior to graduation must be provided.

- 1) Class ranks are calculated so that the class rank for the lowest grade point average (GPA) equals the total number of students being ranked.

Example: Class Rank	GPA
1	99.3
2	98.9
2	98.9
4	98.1
5	97.9
5	97.9
7	97.4

- 2) The equivalent term rank shall be provided for students planning to graduate in other than the traditional four years (see Section 2760.20(b)).
- b) Test scores submitted in accordance with this Part shall be converted to an Illinois Standard Test Score as follows:
- 1) The ACT or the PSAE composite score shall be the Illinois Standard Test Score.
- 2) SAT critical reading and math scores shall be added, and then converted to

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the Illinois Standard Test Score using the [official ACT-SAT Concordance \(SAT Critical Reading + Math \(Score Range\)\)](http://www.act.org/aap/concordancetable) table available at www.act.org/aap/concordancetable below.

~~Illinois Standard Test Score Table~~

Illinois Standard Test Score	SAT Critical Reading + Math	
36	1590 to 1600	36
35	1570 to 1580	35
34	1540 to 1560	34
33	1510 to 1530	33
32	1480 to 1500	32
31	1450 to 1470	31
30	1420 to 1440	30
29	1380 to 1410	29
28	1340 to 1370	28
27	1310 to 1330	27
26	1270 to 1300	26
25	1240 to 1260	25
24	1200 to 1230	24
23	1160 to 1190	23
22	1120 to 1150	22
21	1090 to 1110	21
20	1060 to 1080	20
19	1020 to 1050	19
18	980 to 1010	18
17	940 to 970	17
16	900 to 930	16
15	850 to 890	15
14	800 to 840	14
13	750 to 790	13
12	660 to 740	12
11	580 to 650	11
10	520 to 570	10
9	460 to 510	9
8	400 to 450	8

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- c) High school class ranks submitted in accordance with this Part shall be converted to an Illinois Standard Rank Score as follows:

- 1) First, determine the percentile of the class rank for each student in accordance with the following formula:

$$\text{Percentile} = [\text{Size of Class MINUS (Rank in Class minus .5)}] \text{ divided by Size of Class}$$

- 2) Then, use the table below to convert a percentile class rank to the Illinois Standard Rank Score.

Percentile	Illinois Standard Rank Score
99.75 - 99.99	30
99.54 - 99.74	29
99.19 - 99.53	28
98.62 - 99.18	27
97.73 - 98.61	26
96.42 - 97.72	25
94.53 - 96.41	24
91.93 - 94.52	23
88.50 - 91.92	22
84.14 - 88.49	21
78.82 - 84.13	20
72.58 - 78.81	19
65.55 - 72.57	18
57.94 - 65.54	17
50.00 - 57.93	16

- d) An Illinois Weighted Selection Score for each student shall be computed by adding the Illinois Standard Test Score to the Illinois Standard Rank Score.
- e) In any academic year, the number of State Scholars is approximately equal to ten percent of the estimated total number of Illinois high school graduates. ISAC annually establishes a minimum Weighted Selection Score to yield this result.
- f) Notwithstanding the previous provisions in this Section, any student nominated by his or her school shall be designated a State Scholar if that student achieves a

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score at or above the 95th percentile on the ACT, or the equivalent on a comparable examination, regardless of that student's class rank.

- g) A Certificate of Achievement and congratulatory letter are issued for each State Scholar. Subject to appropriation, each State Scholar who enrolls or is enrolled at least half-time in his or her first year at an Illinois institution of higher learning shall also receive a one-time grant of \$1,000 to be applied to tuition and mandatory fees. A student who has been awarded a Merit Recognition Scholarship may not be awarded a grant under this Part.
- h) A listing of State Scholars shall be available upon request to colleges, members of the General Assembly and to the media.
- i) Mailing labels of State Scholars' names shall be available, at cost, to Illinois colleges, universities and associations of Illinois colleges. Payment must be received by ISAC at the time the mailing labels are ordered. Requestors of labels shall provide written assurance to ISAC that the labels will not be resold or released to others in any manner.
- j) High school officials or student candidates shall have a period of 60 days following the announcement of the State Scholars to appeal a student's status. (See 23 Ill. Adm. Code 2700.70, Appeal Procedures.)
- k) If an appeal concerning an applicant's eligibility is received, ISAC shall request the high school verify the reported data. If the conflict remains, ISAC shall conduct an audit of the high school's records in accordance with 23 Ill. Adm. Code 2700.60.

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

Section 2760.40 Institutional Procedures

- a) Funds shall be remitted to institutions on behalf of recipients. If funds are insufficient to provide grants to all qualified students, ISAC shall allocate the appropriation according to proration.
- b) Scholarship funds may be used to finance tuition and mandatory fee expenses for any term, including a summer term.

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- c) The institution submits a request for payment to ISAC. The request must be received within one year after and including the date of the student's high school graduation.
- d) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status. If the recipient is enrolled at least half time in his or her first year of college, the institution may credit the funds to the recipient's account.
- e) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests, except for summer term, must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.

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

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- 1) Heading of the Part: Illinois Future Teacher Corps (IFTC) Program
- 2) Code Citation: 23 Ill. Adm. Code 2764
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2764.20	Amendment
2764.30	Amendment
- 4) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to accommodate Public Act 95-939, which requires the allocation of 200 awards annually to participants in the Golden Apple Scholars of Illinois program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission

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1755 Lake Cook Road
Deerfield, Illinois 60015

847/948-8500, ext. 2216
email: lhynes@isac.org

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2764
ILLINOIS FUTURE TEACHER CORPS (IFTC) PROGRAM

Section

2764.10	Summary and Purpose
2764.20	Applicant Eligibility
2764.30	Program Procedures
2764.40	Institutional Procedures

AUTHORITY: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; emergency expired on June 30, 1995; adopted at 19 Ill. Reg. 11367, effective August 1, 1995; amended at 20 Ill. Reg. 9141, effective July 1, 1996; old Part repealed at 21 Ill. Reg. 11027 and new Part adopted at 21 Ill. Reg. 11029, effective July 18, 1997; amended at 22 Ill. Reg. 11043, effective July 1, 1998; amended at 24 Ill. Reg. 9095, effective July 1, 2000; amended at 27 Ill. Reg. 10395, effective July 1, 2003; emergency amendment at 27 Ill. Reg. 14860, effective September 10, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1749, effective January 25, 2004; amended at 28 Ill. Reg. 9162, effective July 1, 2004; amended at 30 Ill. Reg. 11687, effective July 1, 2006; amended at 32 Ill. Reg. 10333, effective July 1, 2008; amended at 33 Ill. Reg. _____, effective _____.

Section 2764.20 Applicant Eligibility

- a) *A qualified applicant* ~~shall be~~:
- 1) *shall be*:
- A) *a United States citizen or eligible noncitizen;*
- B2) *a resident of Illinois;*
- C3) *a high school graduate or a person who has received a General*

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Educational Development (GED) Certificate;

D4) *enrolled, or accepted for enrollment, at or above the junior level, on at least a half-time basis at an Illinois institution of higher learning; and*

E5) *pursuing a postsecondary course of study leading to initial teacher certification or taking additional courses needed to gain Illinois State Board of Education (ISBE) approval to teach, including alternative teacher certification [110 ILCS 947/52]; or-*

2) shall be a Golden Apple Scholar enrolled, or accepted for enrollment, at or above the junior level, on at least a half-time basis at an Illinois institution of higher learning.

- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship Program (23 Ill. Adm. Code 2763), the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), ~~or~~ the Teach Illinois Scholarship (23 Ill. Adm. Code 2768), or the Golden Apple Foundation, the qualified applicant shall not be eligible for scholarship assistance under this Part.

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

Section 2764.30 Program Procedures

- a) Golden Apple Scholars shall be designated by the Golden Apple Foundation. All other applicants must complete and file the form ~~which~~ the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) ~~that~~which is used as a selection criterion for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USC 1070a).)
- b) A completed ISAC application for the IFTC Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.

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- 1) Applications are available at qualified institutions of higher learning, ISAC's Web site, and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) ISAC will make renewal applications available to all qualified students who were awarded assistance under this Part during the preceding academic year.
 - 3) If the student section of an ISAC application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- c) Selection of Recipients
- 1) *In each year, a minimum of 200 awards shall be allocated to participants in the Golden Apple Scholars of Illinois program [110 ILCS 947/52].*
 - 2+) After satisfying the minimum number of awards to participants in the Golden Apple Scholars of Illinois program, ISAC shall give first preference in the selection process to the previous academic year's recipients of assistance under this Part who are not Golden Apple Scholars, provided he or she meets the following qualifications:
 - A) continues to maintain a cumulative grade point average (GPA) of no less than 2.5 on a 4.0 scale;
 - B) maintains his or her status as a qualified applicant, as outlined in Section 2764.20(a);
 - C) maintains satisfactory academic progress as determined by the institution; and
 - D) has submitted an application on a timely basis.
 - 32) For all other qualified applicants who are not Golden Apple Scholars, priority, in combination with the following criteria, is given to those who filed timely applications and are enrolled in a teacher shortage discipline (including early childhood education), pledged on the Teaching

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Agreement/Promissory Note to teach in a hard-to-staff school, or enrolled in a teacher shortage discipline and pledged to teach in a hard-to-staff school. Point values are assigned to the criteria and awards are made according to the highest point totals.

- A) Cumulative grade point averages: 0-40 points, reflecting the GPA from highest to the lowest. All grade point averages will be converted to a four-point scale;
 - B) Expected Family Contribution (EFC): 0-30 points, from the lowest to the highest;
 - C) Minority students: 15 points.
- 43) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.
- d) A recipient may receive up to 4 semesters/6 quarters of scholarship assistance under this program.
 - e) Scholarship funds are applicable toward two semesters/three quarters of half-time and full-time study within an academic year.
 - f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
 - g) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors and scholarship amounts established by this Section.
 - h) ISAC shall publish guidelines for the awarding of IFTC scholarships.
 - i) Notice of eligibility shall be sent ~~by ISAC~~ to each qualified applicant who is selected to receive an IFTC scholarship. A notice will be sent ~~by ISAC~~ to each qualified applicant who is not selected to receive an IFTC scholarship.
 - j) [Scholarship Stipulations](#)

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- 1) For Golden Apple Scholars to receive scholarship assistance for any academic year, the qualified applicant must have signed the Golden Apple Scholars of Illinois Agreement and Statement of Eligibility and Compliance that are on file at the Golden Apple Foundation.
- 2) For all others, prior~~Prior~~ to receiving scholarship assistance for any academic year, the qualified applicant must sign an IFTC~~a~~ Teaching Agreement/Promissory Note that is submitted to ISAC. The IFTC Teaching Agreement/Promissory Note shall include the following stipulations:
 - A~~1~~) the recipient pledges to teach, on a full-time basis, for a period of not less than five years and in accordance with any additional commitment to teach in a teacher shortage discipline (which shall include early childhood education) or at a hard-to-staff school, or both;
 - B~~2~~) the recipient shall begin teaching within one year following completion of the postsecondary education degree or certificate program for which the scholarship was awarded, and shall teach on a continuous basis for the required period of time;
 - C~~3~~) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, or an Illinois public elementary or secondary school and if the award made under this Part was for teaching at a hard-to-staff school, the school must qualify for teacher loan cancellation under section~~Section~~ 465(a)(2)(A) of the HEA (see 20 USC 1087ee);
 - D~~4~~) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to five percent and, if applicable, reasonable collection fees;
 - E~~5~~) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and

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- ~~F6~~) the recipient promises to use the proceeds of the scholarship for educational expenses.
- k) Except for Golden Apple Scholars, a recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection (j)(2) during the period in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
 - 2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning; or
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician; or
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (j)(2)(C)(~~j~~)(3) for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or
 - 6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching commitment.
- l) Except for Golden Apple Scholars, if a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician; or

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- 3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or
 - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or
 - 5) withdraws from a course of study leading to certification/approval in a teacher shortage discipline, but is enrolled at least half-time as an undergraduate for one continuous period of time not to exceed three years.
- m) During the time a recipient qualifies for any of the extensions listed in subsection (l), he or she shall not be required to make payments and interest shall not accrue.
- n) Except for Golden Apple Scholars, aA recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.
- o) Except for Golden Apple Scholars, aA recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- p) Renewal recipients may receive a subsequent award even if their discipline is no longer on the approved list of teacher shortage disciplines.
- q) Golden Apple Scholars must comply with the stipulations as stated in the Golden

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[Apple Scholars of Illinois Agreement and Statement of Eligibility and Compliance.](#)

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

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- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1600.600	Amendment
1600.605	Amendment
1600.610	Amendment
1600.615	Amendment
1600.620	Amendment
1600.625	Amendment
1600.630	Amendment
1600.635	Amendment
1600.640	Amendment
1600.645	Amendment
1600.650	Amendment
1600.655	Amendment
1600.660	Amendment
1600.665	Amendment
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved: Amendment to the set of QILDRO rules incorporating recent changes to the Pension Code through Public Act 94-657.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Kelly A. Jenkins, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820

217-378-8825

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600
UNIVERSITIES RETIREMENT

SUBPART A: GENERAL

Section

- 1600.100 Definitions
- 1600.110 Freedom of Information Act
- 1600.120 Open Meetings Act
- 1600.130 Procurement

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section

- 1600.202 Return to Employment
- 1600.203 Independent Contractors
- 1600.205 Compensation Subject to Withholding
- 1600.210 Crediting Interest on Participant Contributions and Other Reserves
- 1600.220 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
- 1600.230 Election to Pay Contributions Based upon Employment that Preceded Certification as a Participant
- 1600.240 Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
- 1600.250 Sick Leave Accrual Schedule
- 1600.260 Part-time/Concurrent Service Adjustment
- 1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

SUBPART C: CLAIMS PROCEDURE AND EVIDENTIARY REQUIREMENTS

Section

- 1600.300 Effective Beneficiary Designations
- 1600.305 Full-Time Student Survivors Insurance Beneficiaries
- 1600.310 Dependency of Beneficiaries
- 1600.320 Procedures to be Followed in Medical Evaluation of Disability Claims

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SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section

- 1600.400 Determination of Final Rate of Earnings Period
- 1600.410 Twenty Percent Limitation on Final Rate of Earnings Increases
- 1600.420 Making Preliminary Estimated Payments
- 1600.430 Excess Benefit Arrangement
- 1600.431 Indirect Payments to Minors and Legally Disabled Persons
- 1600.432 Indirect Payments to Child Survivors Through the Surviving Spouse
- 1600.440 Voluntary Deductions from Annuity Payments
- 1600.450 Overpayment Recovery

SUBPART E: ADMINISTRATIVE REVIEW

Section

- 1600.500 Rules of Practice – Nature and Requirements of Formal Hearings

SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1600.600 Definitions
- 1600.605 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1600.610 [Invalid Orders Curing Minor Deficiencies](#)
- 1600.615 Filing a QILDRO with the System
- 1600.620 Modified QILDROs
- 1600.625 Benefits Affected by a QILDRO
- 1600.630 Effect of a Valid QILDRO
- 1600.635 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1600.640 Alternate Payee's Address
- 1600.645 Electing Form of Payment
- 1600.650 Automatic Annual Increases
- 1600.655 Expiration of a QILDRO
- 1600.660 Reciprocal Systems QILDRO Policy Statement
- 1600.665 Providing Benefit Information for Divorce Purposes

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

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SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007; recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section 1600.600 Definitions

- a) The definitions in Section 1-119(a) of the ~~Illinois~~ Pension Code ~~(the Act)~~ [40 ILCS 5/1-119(a)] shall apply to the rules contained in this Subpart.
- b) The phrase "alternate payee" in Section 1-119(a)(1) of the ~~Pension Code Act~~ means a current spouse, former spouse, child, or other dependent of a SURS member, as designated in a QILDRO.
- c) The phrase "death benefit" in Section 1-119(a)(2) of the ~~Pension Code Act~~ means a benefit paid pursuant to Section 15-141 or 15-142 of the ~~Pension Code, or any lump-sum payment under Section 15-145(e) of the Pension Code Act~~ [40 ILCS 5/15-141, 15-142].
- d) The phrase "member's refund" in Section 1-119(a)(5) of the ~~Pension Code Act~~ does not include an "error refund" as defined in subsection (e) of this Section.
- e) The phrase "error refund", as used in this Subpart, means a refund paid to a

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member as the result of an error in a payment to the System, a refund paid to a member when the required employee or employer contributions necessary to purchase or reinstate service credit have not been fully paid, or a refund of contributions made under Section 1600.240(e).

- f) The phrase "disability benefit" in Section 1-119(a)(3) of the Pension Code Act includes:
- 1) A disability benefit under Section 15-150 of the Pension Code Act ~~[40 ILCS 5/15-150]~~; or
 - 2) A disability retirement annuity under Section 15-153.2 of the Pension Code Act ~~[40 ILCS 5/15-153.2]~~.
- g) The phrase "member's retirement benefit", as used in this Subpart, means the total amount of the retirement benefit as defined in Section 1-119(a)(8) of the Pension Code Act ~~[40 ILCS 5/1-119(a)(8)]~~ that would be payable to the member in the absence of a QILDRO.
- h) The phrase "partial member's refund", as used in this Subpart, includes:
- 1) A refund of survivor benefit contributions;
 - 2) A refund of excess contributions or interest; or
 - 3) A refund of waived service credit.
- i) The phrase "permissive service", as used in this Subpart, means service credit purchased by payment of voluntary contributions by the member under Sections 15-113.1(c), 15-113.2, 15-113.3, 15-113.5, 15-113.6, 15-113.7, 15-113.8 and 15-113.9 of the Pension Code and service credited under Section 15-113.4 of the Pension Code. Permissive service restored upon the repayment of a refund under Section 15-154(b) of the Pension Code is restored as permissive service.
- j) The phrase "regular service", as used in this Subpart, means service credited under Sections 15-113.1(b) and 15-113.3 of the Pension Code without the payment of voluntary contributions. Regular service restored upon the repayment of a refund under Section 15-154(b) of the Pension Code is restored as regular service.

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- k) The phrase "effective date of retirement", as used in Section 1-119 of the Pension Code and this Subpart, means the beginning of the "annuity payment period" as defined in Section 1600.100.

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

Section 1600.605 Requirements for a Valid Qualified Illinois Domestic Relations Order

~~The State Universities Retirement System (SURS) will accept a court order as a valid Qualified Illinois Domestic Relations Order, or QILDRO or QILDRO Calculation Court Order if it, that~~ meets all of the following requirements:

- a) The following requirements apply to the QILDRO and the QILDRO Calculation Court Order:
- 1)a) The order must be accompanied by a \$50 non-refundable processing fee, by check or money order payable to the State Universities Retirement System.
- b) ~~If the order applies to a person who became a SURS member before July 1, 1999, it must be accompanied by the original Consent to Issuance of QILDRO form signed by the member, or a certified copy of the original. The consent cannot be signed by a judge, sheriff, or any person other than the member.~~
- 2)e) The order must be a certified copy of the original.
- 3)d) The order must have been issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for the distribution of property, or any proceeding to amend or enforce ~~thesuch~~ property distribution. A judgment, order or notice of income withholding for support under a support enforcement mechanism under Title IV-D of the Social Security Act (42 USC 666) or any other state law that purports to divide or garnish the member's retirement benefit under any proceeding for the declaration of invalidity of marriage, legal separation or dissolution of marriage will not be honored by SURS unless the judgment, order or notice is accompanied by a QILDRO (and if applicable, a QILDRO Calculation Court Order) issued by an Illinois court.

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- ~~4)e)~~ The order must contain the name, residence address, and Social Security number of the member.
- ~~5)f)~~ The order must contain the name, residence address, and Social Security number of the alternate payee.
- ~~6)g)~~ The order must identify the State Universities Retirement System as the retirement system to which it is directed.
- ~~7)h)~~ The order must identify the court that issued it.
- ~~i)~~ ~~The order must specify the dollar amount of the benefit and/or refund payable to the alternate payee. Percentages or formulas are not permissible. The order may specify a termination date or total amount that, when paid out, terminates the QILDRO.~~
- ~~8)j)~~ The order must apply only to benefits that are statutorily subject to QILDROs, as provided in Section 1-119(b)(1) of the Pension Code Act ~~[40 ILCS 5/1-119(b)(1)]~~.
- ~~9)k)~~ The ~~orders~~ order and, if applicable, the Consent to Issuance of QILDRO, must be in the form adopted by SURS as of the date the order is received. Any alterations will invalidate the order.
- ~~10)l)~~ The effective date of the order must be after July 1, 1999.
- ~~b)m)~~ The following additional requirements apply only to the QILDRO: ~~The order must designate whether the alternate payee will receive automatic annual increases.~~
- 1) If the QILDRO applies to a person who became a SURS member before July 1, 1999, it must be accompanied by the original Consent to Issuance of QILDRO form signed by the member, or a certified copy of the original. The consent cannot be signed by a judge, sheriff or any person other than the member. A QILDRO issued on or after July 1, 2006 that modifies a QILDRO issued prior to July 1, 2006 must be accompanied by an original Consent to Issuance of QILDRO signed by the member on or after July 1, 2006.

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- 2) The QILDRO must specify each benefit to which it applies, and it must specify only one method by which the benefit shall be paid to the alternate payee.
 - 3) If any benefit is to be paid using the Marital Portion Benefit Calculation, the QILDRO must comply with Section 1-119(n)IX of the Pension Code and the QILDRO must contain language in conformance with Section 1-119(n)IX(1) and (2) properly completed. The "other" option must only be checked for the purpose of using a combination of permissive service and regular service. If the "other" option is checked, a supplemental order stating the details of the combination must accompany the QILDRO. The supplemental order must not purport to establish a formula differing from the ones appearing under Section 1-119(n) of the Pension Code or purport to create new classes of service credit.
 - 4) If the member is a participant of the Traditional or Portable Benefit Package, the order must designate whether the alternate payee will receive automatic annual increases as provided under Section 1-119(n)IV of the Pension Code.
 - 5) If the member is a participant of the Self-Managed Plan who has an account balance, then the QILDRO may only provide for the division of the account balance as of a certain date. If the Self-Managed Plan member is receiving benefits under an annuity contract, then the QILDRO may only divide the member's retirement benefit or death benefit, if any, or both.
- c) The following additional requirements apply only to the QILDRO Calculation Court Order:
- 1) The QILDRO Calculation Court Order must allocate benefits consistent with the underlying QILDRO. Benefits that will never become payable on or after the date the QILDRO Calculation Court Order is filed need not be allocated under the QILDRO Calculation Court Order
 - 2) Benefits allocated using a calculation method on the QILDRO Calculation Court Order must contain a clear result of the equation. SURS is not obligated to review or verify the equations or assist in the calculations to determine the benefits.

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

Section 1600.610 Invalid Orders~~Curing Minor Deficiencies~~

An order failing to satisfy all the applicable requirements under Section 1600.605 shall be invalid and shall not cause the member's benefits to be divided or reduced absent the submission of a new order satisfying those requirements. The new order shall not be treated as a modified order under Section 1600.620 and shall not be implemented retroactively.

- a) ~~An order containing one or more deficiencies listed in subsection (b) of this Section may be corrected and resubmitted within 60 days after the date SURS sends notice of the deficiency or deficiencies. Such 60-day period is referred to in this Section as the cure period.~~
- b) ~~Only the following deficiencies may be corrected during the cure period:~~
 - 1) ~~The order is not accompanied by a \$50 non-refundable processing fee, by check or money order made payable to the State Universities Retirement System, or else the check does not clear.~~
 - 2) ~~The order is not a certified copy of the original.~~
 - 3) ~~The order omits the residence address or Social Security number of the member or the alternate payee.~~
 - 4) ~~The order contains an inaccurate residence address or Social Security number of the member or the alternate payee.~~
 - 5) ~~The order contains a misspelled name of the member or the alternate payee.~~
 - 6) ~~The order applies to a person who became a SURS member before July 1, 1999, and is not accompanied by the original, or certified copy of a, valid Consent to Issuance of QILDRO signed by the member, or the consent form is not in the form adopted by SURS.~~
 - 7) ~~The order does not designate whether the alternate payee will receive automatic annual increases or similar periodic adjustments.~~

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- 8) ~~Any other deficiency deemed by SURS, in its sole discretion, to be of a minor nature.~~
- e) ~~If SURS receives an order containing one or more deficiencies identified in subsection (b) of this Section, and the order applies to a member who is currently receiving a monthly benefit payment, SURS will hold the portion of the benefit payable to the alternate payee during the cure period until either:~~
- 1) ~~SURS determines that all deficiencies have been corrected during the cure period; or~~
 - 2) ~~The cure period expires and one or more deficiencies have not been corrected.~~
- d) ~~If SURS determines that all deficiencies have been corrected during the cure period, the QILDRO will be deemed received as of the date the original order was received.~~
- e) ~~If the cure period expires and SURS determines that one or more deficiencies have not been corrected, the order will be deemed invalid, and any amounts held during the cure period will be paid to the member.~~

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

Section 1600.615 Filing a QILDRO with the System

- a) A QILDRO or QILDRO Calculation Order should be sent to the SURS Legal Department~~Member Services Division~~, accompanied by the consent form, if applicable, and the \$50 non-refundable processing fee.
- b) A QILDRO or QILDRO Calculation Order will be deemed received by SURS on the date it is file-stamped as received at the SURS office.
- c) Within ~~4530~~ calendar days after receiving a QILDRO or QILDRO Calculation Order, SURS will review the order~~#~~ and notify the member and each alternate payee by first-class mail that it has received the QILDRO or QILDRO Calculation Order, and whether it is a valid order. If SURS determines that the order is not a valid QILDRO or QILDRO Calculation Order, the notice will specify the ~~reason~~

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~~or~~ reasons.

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

Section 1600.620 Modified QILDROs

- a) A QILDRO or QILDRO Calculation Order that has been modified by the issuing court must be submitted in the same manner as the original orderQILDRO. A separate \$50 non-refundable processing fee is required for each modified orderQILDRO.
- b) A modified QILDRO will hold the same priority of payment that the original QILDRO held, as long as it does not increase the dollar amount or percentage~~(other than cost-of-living adjustment)~~ of any benefit payable to the alternate payee or affect a different benefit that was not previously affected (other than automatic annual increases). A modified QILDRO Calculation Court Order will not affect the priority of payment of the underlying QILDRO.
- c) If a modified QILDRO does increase the amount or affect benefits not previously affected~~different benefits~~ (other than automatic annual increases~~cost-of-living adjustment~~), it will lose the priority held by the original QILDRO and priority of payment will be based on the date SURS received the modified QILDRO.

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

Section 1600.625 Benefits Affected by a QILDRO

- a) A QILDRO may apply only to the following benefits administered by SURS:
 - 1) A monthly retirement benefit;
 - 2) A single-sum retirement benefit;
 - 3) A termination refund; ~~and~~
 - 4) A partial member's refund; ~~and-~~
 - 5) A death benefit.

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- b) If a QILDRO specifies a dollar amount payable to an alternate payee from any partial member's refund that becomes payable, the aggregate amount paid to the alternate payee from all partial member's refunds shall not exceed the dollar amount specified in the QILDRO.
- c) A QILDRO shall not apply to any of the following:
- 1) ~~A death benefit;~~
 - 1)2) A monthly survivor benefit;
 - 2)3) A disability benefit;
 - 3)4) A disability retirement annuity; and
 - 4)5) An error refund.
- d) Any option under a paragraph pertaining to a benefit that is left blank shall be interpreted to not apply to the order. If all options under a particular benefit are blank, then the alternate payee shall not receive any portion of the benefit.

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

Section 1600.630 Effect of a Valid QILDRO

- a) Timing of Effect. In no event shall a QILDRO apply to any benefit paid by SURS before or within 30 days after the order is received. [40 ILCS 5/15-119(c)(3)] SURS shall not delay the payment of any benefit to a member due to the receipt of a QILDRO. In addition to the foregoing, the following shall apply:
- 1) Retirement Benefits. A provision under a QILDRO dividing a retirement benefit under Section 1-119(n)III of the Pension Code shall take effect as ordered under either Section 1-119(n)III(B) or (C) of the Pension Code.
 - 2) Member's Refunds and Death Benefits. A provision under a QILDRO dividing a member's refund or death benefit shall take effect when the member's refund is paid or as soon as administratively possible after the member's death.

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- 3) Self-Managed Plan Accounts. A QILDRO pertaining to a member of the Self-Managed Plan having an account balance shall only divide the vested account balance between the member and the alternate payee as of a certain date (or the closest valuation date if the plan provider cannot provide a valuation on the date specified). The division shall be made in relation to a dollar amount, a percentage of the gross balance, or a percentage of a balance derived from the marital period. The System shall process the division as soon as administratively possible after receipt of the QILDRO or, if required, the QILDRO Calculation Court Order. If the QILDRO divides the member's account balance in accordance with this subsection (a)(3), the System shall ignore purported divisions of other benefit types.
- b) Timing of Payments. Benefits subject to a QILDRO shall be paid in the following manner:
 - 1) Dollar Divisions. If a retirement benefit, member's refund or death benefit is divided by a dollar amount, then the payments shall be made when the QILDRO takes effect under subsection (a).
 - 2) Percentage Divisions. If a retirement benefit, member's refund or death benefit is divided as a percentage of the gross benefit or as a percentage of the marital portion of the benefit, payment shall be made as soon as administratively possible upon the receipt of a valid QILDRO Calculation Court Order.
 - A) Withholding of Anticipated Payments. If the member participates in the Traditional or Portable Benefit Packages prior to the receipt of a QILDRO Calculation Court Order, SURS shall withhold an amount from a member's retirement benefit for which a QILDRO is effective under subsection (a). The member and any other alternate payees shall be paid the remaining portion of the benefit in their order of priority.
 - i) If the division is by a percentage of the gross benefit, then the amount withheld shall be calculated by applying the applicable percentage to the benefit.
 - ii) If the division is by a percentage of the marital period, then

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the amount withheld shall be calculated by applying the applicable percentage and by assuming that all service, contributions, interest or earnings attributable to periods between the marriage date and the date of dissolution are attributed to the marital period. Any academic year containing a portion of the marital period shall, in its entirety, be considered part of the marital period for this purpose.

- iii) If SURS cannot reasonably determine from the QILDRO alone the amount to be withheld, neither the member nor the alternate payee shall be paid until the QILDRO is modified to allow for a reasonable determination of the anticipated payment or until a QILDRO Calculation Court Order is received.
- iv) If SURS discovers that it has over-withheld due to the receipt of a QILDRO Calculation Court Order, the excess shall be distributed to the member and any other alternate payees in their order of priority. SURS shall not pay any interest to the member or any other alternate payees for any amounts over-withheld.
- v) If SURS discovers that it has under-withheld due to the receipt of a QILDRO Calculation Court Order, SURS shall make a deduction from the remaining portion of the next monthly retirement benefit payable and pay the deducted amounts to the alternate payee as soon as administratively possible. The deduction rate shall be no more than 50% of the remaining monthly retirement benefit payment net of tax or insurance withholdings. The deduction shall recur for each monthly retirement benefit payment thereafter until the alternate payee is paid the under-withheld amount in full. SURS shall not pay any interest to the alternate payee for any amounts under-withheld.
- vi) In the event that a QILDRO terminates upon the death of the alternate payee before a valid QILDRO Calculation Order is received, all withholdings shall revert to the

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member and to other alternate payees in their order of priority. SURS shall not pay any interest to the member or any other alternate payees for any amounts so withheld.

B) Preliminary Estimated Payments. If a member is receiving preliminary estimated payments under Section 1600.420 and a QILDRO Calculation Court Order is required for payment under this subsection (b)(2), the retirement benefit shall not be finalized until a QILDRO Calculation Court Order is received by the System.

3) Self-Managed Plan Accounts. If the division is a percentage of the gross account balance or of the balance derived from the marital period, a QILDRO Calculation Order must be received before the account is divided. Upon a division of the account, the alternate payee shall have the option of receiving his or her portion of the account balance in the form of a lump-sum payment or maintaining a separate account with the service provider. The maintenance of an account balance shall not create rights under the Self-Managed Plan for the alternate payee other than the investment and distribution of his or her account.

c) Priority of Payments

1) Recouping Overpayments. If a member, survivor or other beneficiary was overpaid benefits, any benefits payable shall be applied to the overpayment before any QILDRO is applied.

2) If a benefit is subject to multiple QILDROs, each QILDRO shall be satisfied in the order in which it was received until the benefit is exhausted.

3) The alternate payee shall be paid a portion of the death benefit to which the QILDRO applies before any death beneficiary or estate.

a) After SURS has determined that a QILDRO is valid, one of the following will occur:

1) If the member has not yet begun receiving benefits, the QILDRO will be placed in the member's file and will be implemented when the first

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~~affected benefit payment begins; or~~

- 2) ~~If the member is already receiving benefits subject to the QILDRO, payment to the alternate payee will begin with the first payment occurring at least 30 days after the QILDRO was received by SURS.~~
- b) ~~If a member has applied for a refund that has not yet been vouchered when SURS receives a QILDRO that purports to apply to the refund, SURS will hold the refund until the court clarifies whether the QILDRO applies to the pending refund payment. It is the member's or alternate payee's responsibility to obtain clarification from the court and to notify SURS of the court's clarification.~~
- e) ~~If a refund payment has already been vouchered when SURS receives a QILDRO that applies to the refund, the QILDRO shall not be effective against that refund.~~
- d) ~~"Vouchered" as used in this Section means the check has been processed and printed.~~
- e) ~~If a benefit is subject to multiple QILDROs, the QILDROs will be satisfied, to the extent that the benefit is not exhausted, in the order in which the QILDROs were received by the System.~~

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

Section 1600.635 QILDROs Against Persons Who Became Members Prior to July 1, 1999

- a) In accordance with Section 1-119(m)(1) of the Pension Code Act [40 ILCS 5/1-119(m)(1)], a QILDRO that applies to a person who became a SURS member prior to July 1, 1999, must be accompanied by the original Consent to Issuance of QILDRO signed by the member. A consent form signed by a judge, sheriff or any other person in lieu of other than the member is invalid. A QILDRO issued on or after July 1, 2006 that modifies a QILDRO issued prior to July 1, 2006 must be accompanied by an original Consent to Issuance of QILDRO signed by the member on or after July 1, 2006.
- b) If the original is unavailable, a certified copy of the consent form filed with the court that issued the QILDRO is acceptable in lieu of the original.
- c) The Consent to Issuance of QILDRO must be in the form adopted by SURS

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(including judicial district and county, case number and caption, member's name and SSN, alternate payee's name and SSN, member's signature and date) as of the date the QILDRO is received; otherwise it will be deemed invalid. The required consent form is available from SURS upon request.

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

Section 1600.640 Alternate Payee's Address

- a) An alternate payee is responsible to report to SURS, in writing, each change in his or her name and residence address.
- b) When a member's retirement benefit or refund subject to a QILDRO becomes payable, SURS will send notice to the alternate payee's last known address that the retirement benefit, ~~or~~ refund or death benefit is payable. Beyond that, SURS shall have no duty to take any other action to locate an alternate payee.
- c) If the notice is returned undelivered, SURS will hold the amount payable to the alternate payee, as provided in Section 1-119(e)(2) of the Pension Code Act ~~[40 ILCS 5/1-119(e)(2)]~~ for 180 days from the date SURS sent the notice or 180 days from the date the benefit becomes payable, whichever is later. The amount held will not bear interest.
- d) If SURS is notified of the alternate payee's current address within 180 days, SURS will release the amount held to the alternate payee. If SURS does not learn of the alternate payee's current address within 180 days, SURS will release the amount held to the member.
- e) If SURS later learns of the alternate payee's current address, SURS will implement the QILDRO, but the alternate payee will have no right to any amounts already paid to the member.

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

Section 1600.645 Electing Form of Payment

- a) A member whose benefit is subject to a QILDRO may not elect a form of payment that would diminish the amount payable to the alternate payee, unless the alternate payee has consented to such election in a notarized written statement

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~~submitted to SURS writing~~, as provided in Section 1-119(j)(1) of the Pension Code Act [40 ILCS 5/1-119(j)(1)].

- b) A member's election either to receive or forego a proportional annuity under the Retirement Systems Reciprocal Act [40 ILCS 5/Art. 20] is not a prohibited election under Section 1-119(j)(1) of the Pension Code Act.
- c) A member's election to take a refund is not a prohibited election under Section 1-119(j)(1) of the Pension Code Act.
- d) A member's election of a form of payment of annuity that reduces the member's total benefit, while still allowing full payment to the alternate payee under a QILDRO at the date of the election, is not a prohibited election under Section 1-119(j)(1) of the Pension Code Act.
- e) If there is some question as to whether an election would diminish the amount payable to an alternate payee, SURS may hold the election until clarification is obtained from a court of competent jurisdiction. It shall be the duty of the member or alternate payee to obtain clarification.

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

Section 1600.650 Automatic Annual Increases

- a) The alternate payee will or will not receive a proportionate share of any automatic annual increase in the member's retirement benefit under Section 15-136 of the Pension Code Act [~~40 ILCS 5/15-136~~], according to the designation in the QILDRO.
- b) Except as provided in subsection (c) of this Section, the initial increase in the amount due the alternate payee under the QILDRO is payable with the next succeeding increase ~~in~~ due the member's retirement benefit ~~member~~ after the date the QILDRO first took effect.
- c) If the QILDRO first takes effect in the same month the member's retirement benefit is increased, the alternate payee's initial increase is not payable until the next increase in the member's retirement benefit.
- d) SURS will calculate the amount of any increase payable to the alternate payee

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under the QILDRO.

- e) The amount of any increase payable to the alternate payee (~~other than any increase resulting from the member's initial automatic annual increase~~) is the percentage of increase ~~applied to~~ due the member's retirement benefit ~~member~~ under Section 15-136 of the ~~Pension Code Act [40 ILCS 5/15-136]~~, multiplied by the alternate payee's monthly benefit as of the date of the increase.
- f) ~~The amount of any increase payable to the alternate payee resulting from the member's initial automatic increase is the percentage of increase due the member under Section 15-136 of the Act [40 ILCS 5/15-136], multiplied by the alternate payee's monthly benefit as of the date of the increase, multiplied by a fraction, the numerator of which is the number of months elapsed between the effective date of the QILDRO and the date the initial increase becomes payable, and the denominator of which is the number of months elapsed between the date of retirement and the date the initial increase becomes payable.~~

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

Section 1600.655 Expiration of a QILDRO

- a) A QILDRO expires upon the death of the alternate payee. The right to receive the affected benefit will then revert to the member.
- b) A QILDRO expires upon the death of the member, except to the extent that the order pertains to a death benefit.
- c) A QILDRO expires when the member takes a refund that terminates his or her participation in SURS. This is true even if the member's refund is paid to an alternate payee. A QILDRO that expires because the member took a refund is not renewed by his or her subsequent return to SURS membership.
- d) If a retired member returns to work, the QILDRO payments may be suspended. If so, the payments will resume when the member retires again.
- e) A QILDRO expires by its terms or upon receipt of a certified copy of a court order terminating the QILDRO.

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- f) A QILDRO expires after the specified number of payments have been made to the alternate payee under Section 1-119(n)III(D)(2) of the Pension Code, unless the alternate payee is to receive all or a portion of the death benefit.
- g) The QILDRO expires upon payment of a death benefit or portion of the benefit to the alternate payee under Section 1-119(n)VII of the Pension Code.

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

Section 1600.660 Reciprocal Systems QILDRO Policy Statement

It is the policy of SURS to administer QILDROs in a manner consistent with the Policy Statement of the Association of Retirement Systems on Qualified Illinois Domestic Relations Orders (the Reciprocal Systems QILDRO Policy Statement). To the extent that there is any conflict between this SubpartPart and the Reciprocal Systems QILDRO Policy Statement, this SubpartPart shall control.

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

Section 1600.665 Providing Benefit Information for Divorce Purposes

- a) Information by Subpoena or Member Request. SURS shall provide the information listed under Section 1-119(h)(1) of the Pension Code within 45 days after receipt of a subpoena from any party to a proceeding for declaration of invalidity of marriage, legal separation or dissolution of marriage in which a QILDRO may be issued, or after receiving a request from the member. If so requested in the subpoena, SURS shall also provide in response general retirement plan information available to a member and any relevant procedures, rules or modifications to the model QILDRO. Within 45 days after receiving a subpoena or request from a member, SURS will provide a statement for divorce purposes regarding the value of a member's retirement benefit through the last completed academic year for which data are on file with SURS.
- b) QILDRO Division by Percentages. If a QILDRO provides for the alternate payee to receive a percentage of the gross or marital portion of a benefit, SURS shall provide the applicable information to the member and the alternate payee, or to one designated representative of each, as indicated below: Information provided by SURS for divorce purposes does not include the value of a member's retirement benefit accrued during an academic year for which data are not yet on

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~~file with SURS.~~

- 1) Self-Managed Plan Account Divisions under Section 1-119(h)(1.5)(A) of the Pension Code. If a member is a participant in the Self-Managed Plan and the QILDRO provides that the only benefit the alternate payee is to receive is a percentage of the member's vested account balance on a specific date that has already passed, within 45 days after SURS receives the QILDRO SURS shall provide the account balance to which the QILDRO percentage is to be applied.
 - 2) Preliminary Information under Section 1-119(h)(1.5)(B) of the Pension Code. SURS shall provide the information listed under Section 1-119(h)(1.5)(B) of the Pension Code within 45 days after receipt of the QILDRO.
 - 3) Finalized Information under Section 1-119(h)(1.5)(C) of the Pension Code. SURS shall provide the information under Section 1-119(h)(1.5)(C) of the Pension Code within 45 days after receipt of the QILDRO if received after the effective date of retirement. If the QILDRO is received before the effective date of retirement, SURS shall provide the information within 45 days after all information necessary for the finalization of the member's benefits has been received.
 - 4) Death Benefit Information under Section 1-119(h)(1.5)(D) of the Pension Code. If the QILDRO divides a death benefit, SURS shall provide the information required under Section 1-119(h)(1.5)(C) of the Pension Code within 45 days after receipt of notice of the member's death or when administratively practicable, whichever is later.
- c) Information provided by SURS for divorce purposes does not include the value of a member's retirement benefit accrued during an academic year for which data are not yet on file with SURS, reflect an actuarial opinion as to the present values of a member's retirement benefit, refund, or other interests.
- d) Information provided by SURS for divorce purposes does not reflect an actuarial opinion as to the present value of a member's retirement benefit, refund or other interests.
- e) Information provided by SURS for divorce purposes reflects the member's total

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service career for which service credit in SURS has accrued, and is not isolated as to the marital period only.

- e) ~~SURS does not calculate the amount of a member's retirement benefit or refund that would be payable to a former spouse pursuant to a divorce decree or dissolution judgment.~~
- f) While SURS makes every effort to provide accurate information for divorce purposes, benefit estimates are by their nature approximate and subject to revision due to errors, omissions, erroneous assumptions, or future changes in the rules and laws governing SURS.
- g) SURS does not disclose information for divorce purposes to spouses, former spouses, relatives, or other third parties, including the member's attorney, except in response to the member's written authorization to release ~~the~~such information, ~~or~~ in response to a subpoena, or in accordance with subsections (a) and (b) of this Section.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
310.47	Amendment
310.50	Amendment
310.80	Amendment
310.220	Amendment
310.260	Amendment
310.280	Amendment
310.410	Amendment
310.415	Amendment
310.APPENDIX A TABLE V	Amendment
310.APPENDIX A TABLE X	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 5) Effective Date of Amendments: January 26, 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. Copies of all Pay Plan amendments and collective bargaining contracts are available upon request from the Division of Technical Services and Agency Training and Development.
- 9) Notice of Proposed Published in the Illinois Register: September 26, 2008; 32 Ill. Reg. 15147
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between Proposal and Final Version: Most of the changes are based on the intervening rulemaking, preemptory amendments at 32 Ill. Reg. 16591, 32 Ill. Reg. 16872, 32 Ill. Reg. 18324 and 33 Ill. Reg. 98, or recommendations of JCAR staff. Otherwise, one typographical error is corrected in Section 310.Appendix A Table V.

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- 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 Amendments: In Section 310.47, the new in-hiring rates for the Juvenile Justice Specialist and Juvenile Justice Specialist Intern titles are added.

In Section 310.50, the explanation of the Public Service Administrator title's Option 8T is updated to match the explanation for Option 8T found in Section 310.500.

In Section 310.80, the pay provisions for an employee's promotion from Step 8 are extended to all employees assigned pay grades that have a Step 8.

In Section 310.220, the pay provisions for an employee's promotion from Step 8 are extended to all employees assigned pay grades that have a Step 8.

In Section 310.260, the trainee titles assigned MS-salary ranges have the assignments added.

In Section 310.280, the designated rate of \$130,000 annually effective August 1, 2008 for the Department of Public Health Senior Public Service Administrator position, position number 40070-20-20-000-00-81, is added.

In Section 310.410, MS-salary ranges are assigned to titles for use with positions excluded from bargaining unit representation or with emergency, provisional or temporary employee appointments. The Executive Secretary III and Telecommunications Supervisor titles are removed from the title table assigning MC-salary ranges.

In Section 310.415, MS-salary ranges are assigned to the titles for use with positions excluded from bargaining unit representation so that is added.

In Section 310.Appendix A Table V, the Public Service Administrator title option 7 positions with the agency's Corrections Parole Supervisor working title is added to the

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rate tables with its title code 37015 and pay grade CU-500-24 effective May 10, 2007. This is based on the Memorandum of Understanding signed August 1, 2008.

In Section 310.Appendix A Table X, the Occupational Therapist Supervisor title replaces that of Public Service Administrator Option 8O only for the positions in the RC-063 bargaining unit. The Occupational Therapist Supervisor title was approved to be established by the Civil Service Commission effective May 1, 2008. The positions represented by the RC-063 bargaining unit and allocated to the Public Service Administrator title option 8O are reclassified into the Occupational Therapist Supervisor title. The Note after the title table is made current.

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

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

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

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

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

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

SUBPART C: MERIT COMPENSATION SYSTEM

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

310.APPENDIX A Negotiated Rates of Pay

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

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

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	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20

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ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November

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19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective

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February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended

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at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27,

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2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a

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maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill.

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Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009.

Section 310.47 In-Hiring Rate

- a) Request – An agency head may request in writing that the Director of Central Management Services approve an in-hiring rate. The rate is a Step or dollar amount depending on whether the classification title is assigned to a negotiated pay grade, salary grade pay grade, merit compensation pay range or broad-band pay range. The rate may be for the classification title or limited within the classification title to the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hiring rate and the limitations are included in the agency request. An effective date may be included in the request.
- b) Review – The Director of Central Management Services shall review the supporting justifications, the turnover rate, length of vacancies, and the currently filled positions for the classification title, and the market starting rates for similar classes, and consult with other agencies using the classification title.

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- c) Approval – The Director of Central Management Services indicates in writing the approved in-hiring rate and effective date, which is either the date requested by the agency or the beginning of the next pay period after the approval.
- d) Implementation – In the classification title or within the limitations of the classification title, an employee paid below the in-hiring rate receives the in-hiring rate on the approved effective date. The in-hiring rate remains in effect for any employee entering the title or the limits within the title until the title is abolished or an agency request to rescind the in-hiring rate is approved by the Director of Central Management Services.
- e) Approved In-Hiring Rates –

Effective January 1, 2008

Title	Pay Grade or Range	In-Hiring Rate
Accounting & Fiscal Administration Career Trainee	RC-062-12	Step 3
Actuarial Examiner Trainee	RC-062-13	Step 4
Children & Family Services Intern, Option 2	RC-062-15	Step 1b
Civil Engineer I	RC-063-15	Step 2
Civil Engineer II	RC-063-17	Step 1
Civil Engineer Trainee	NR-916	To minimum monthly rate for appointee with bachelor's degree in accredited civil engineering program, add \$40/quarter work experience up to 8, add \$60 if passed Engineering Intern exam, and add \$40/quarter master's program up to 8
Commerce Commission Police Officer Trainee	MS-10	\$2,943
Correctional Officer	RC-006-09	Step 2
Correctional Officer Trainee	RC-006-05	Step 4

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Engineering Technician I	NR-916	See Note
Engineering Technician II	NR-916	See Note
Engineering Technician III	NR-916	See Note
Engineering Technician IV	NR-916	See Note
Environmental Engineer I	RC-063-15	Step 2
Environmental Engineer II	RC-063-17	Step 1
Environmental Protection Engineer I	RC-063-15	Step 5
Environmental Protection Engineer II	RC-063-17	Step 4
Financial Institutions Examiner Trainee	RC-062-13	Step 2
Forensic Scientist Trainee	RC-062-15	Step 2, and Step 3 if completed Forensic Science Residency Program at the U of I-Chicago
Information Services Intern	RC-063-15	See Note
Information Services Specialist I	RC-063-17	Step 1a for Outside Cook County and Step 2 for Cook County
Information Services Specialist II	RC-063-19	Step 1a for Cook County
Insurance Company Financial Examiner Trainee	RC-062-13	Step 4
Internal Auditor Trainee	MS-09	\$2,854
<u>Juvenile Justice Specialist</u>	<u>RC-006-14</u>	<u>Step 1 for a bachelor's degree and Step 2 for a master's degree</u>
<u>Juvenile Justice Specialist Intern</u>	<u>RC-006-11</u>	<u>Step 1 for a bachelor's degree and Step 2 for a master's degree</u>
Meat & Poultry Inspector Trainee	RC-033	Step 3 for Regions 1 and 6
Physician Specialist, Option C	RC-063-MD-C	Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities
Physician Specialist, Option D	RC-063-MD-D	Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities

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Police Lieutenant	MC-09	\$3,450
Products & Standards Inspector Trainee	MS-09	\$3,057 for Cook, Dupage, Lake, Kane, and Will counties; and \$2,854 for all other counties
Revenue Auditor Trainee	RC-062-12 (IL); RC-062- 15 (CA or NJ); and RC-062-13 (states other than IL, CA, or NJ)	Step 5
Revenue Special Agent Trainee	RC-062-14	Step 2
Security Therapy Aide Trainee	RC-009-13	Step 5 for the Joliet Treatment and Detention Facility
State Mine Inspector	RC-062-19	Step 1
Telecommunicator	RC-014-12	Step 2 for District 2
Telecommunicator Trainee	RC-014-10	Step 3 for Kane County and Step 7 for Cook County
Terrorism Research Specialist Trainee	RC-062-14	Step 2

Note: The Engineering Technician series has the following in-hiring rates –

Education Level

Completion of 2 years of college in civil engineering or job related technical/science curriculum (60 semester/90 quarter hours credit)	\$2,435
Completion of 3 years of college in areas other than civil engineering or job related technical/scientific curriculum (90 semester/135 quarter hours credit)	\$2,340
An Associate Degree from an accredited 2 year civil engineering technology program	\$2,545
Completion of 3 years of college courses in civil engineering or job related technical/scientific curriculum (90 semester/135 quarter hours credit)	\$2,545

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Completion of 4 years of college courses in areas other than civil engineering or job related technical/scientific curriculum (120 semester/180 quarter hours credit)	\$2,435
Completion of 4 years of college in civil engineering or job related technical/scientific curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering programs and those who have not yet obtained a degree)	\$2,650
Bachelor of Science Degree from an accredited 4 year program in civil engineering technology, industrial technology, and construction technology	\$3,005

The Information Services Intern title has the following in-hiring rates –

Education	Outside Cook County	Cook County
Computer Science degree at 4-year college	Step 4	Step 6
Computer Science degree at 2-year technical school	Step 2	Step 4
Non-Computer Science degree at 4-year college	Step 1	Step 3

(Source: Amended at 33 Ill. Reg. 2148, effective January 26, 2009)

Section 310.50 Definitions

The following definitions of terms are for purposes of clarification only. They affect the Schedule of Rates (Subpart B), Negotiated Rates of Pay (Appendix A), and the Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Appendix B). Section 310.500 contains definitions of terms applying specifically to the Merit Compensation System.

"Adjustment in Salary" – A change in salary rate occasioned by a previously committed error or oversight, or required in the best interest of the State as defined in Sections 310.80 and 310.90.

"Base Salary" – A dollar amount of pay specifically designated in the Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Appendix B) or Schedule of Rates (Subpart B). Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

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"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Comparable Classes" – Two or more classes that are in the same pay grade.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase that was at least equivalent to a full step. A new creditable service date will follow an increase of a step or more, except for the following actions:

Revaluation as provided for in Section 310.80(d)(2) for non-bargaining-unit employees.

Reallocation as provided for in Section 310.80(d)(1) for non-bargaining-unit employees.

Adjustments as provided for in Section 310.80(e) for non-bargaining-unit employees.

Interim assignment as provided for in Section 310.100(e).

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower pay grade than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on him/her during normal schedule of work.

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"Hourly Pay Grade" – The designation for hourly negotiated pay rates is "H".

"In Between Pay Grade" – The designation for negotiated pay rates in between pay grades is ".5".

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"In-hiring Rate" – An in-hiring rate is a minimum rate/step for a class that is above the normal minimum of the range, as approved by the Director of Central Management Services after a review of competitive market starting rates for similar classes.

"Option" – The denotation of directly-related education and/or experience required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

- 1 = General Administration/Business Marketing/Labor/Personnel
- 2 = Fiscal Management/Accounting/Budget/Internal Audit/Insurance/Financial
- 2B = Financial Regulatory
- 2C = Economist
- 3 = Management Information System/Data Processing/Telecommunications
- 4 = Physical Sciences/Environment
- 6 = Health and Human Services
- 6B = Day Care Quality Assurance
- 6C = Health Statistics
- 6D = Health Promotion/Disease Prevention
- 6E = Laboratory Specialist
- 6F = Infectious Disease
- 6G = Disaster/Emergency Medical Services
- 7 = Law Enforcement/Correctional
- 8A = Special License – Architect License
- 8B = Special License – Boiler Inspector License
- 8C = Special License – Certified Public Accountant/Certified Internal Auditor
- 8D = Special License – Federal Communications Commission License/National Association of Business and Educational Radio
- 8E = Special License – Engineer (Professional)
- 8F = Special License – Federal Aviation Administration Medical Certificate/First Class
- 8G = Special License – Clinical Professional Counselor

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- 8H = Special License – Environmental Health Practitioner
 8I = Special License – Professional Land Surveyor License
 8J = Special License – Registered American Dietetic Association/Public Health Food Service Sanitation Certificate/Licensed Dietitian
 8K = Special License – Licensed Psychologist
 8L = Special License – Law License
 8N = Special License – Registered Nurse License
 8O = Special License – Occupational Therapist License
 8P = Special License – Pharmacist License
 8Q = Special License – Religious Ordination by Recognized Commission
 8R = Special License – Dental Hygienist
 8S = Special License – Social Worker/Clinical Social Worker
 8T = Special License – [Type 75 Administrative Certificate – General Administrative Endorsement or Superintendent Endorsement Teaching Certificate Type 75 General Administrative Type 61](#)
 8U = Special License – Physical Therapist License
 8V = Special License – Audiologist License
 8W = Special License – Speech-Language Pathologist License
 8X = Special License – Blaster Certificate
 8Y = Special License – Plumbing License
 8Z = Special License – Special Metrologist Training
 9G = Special License – Registered Professional Geologist License

"Pay Grade" – The numeric designation used for an established set of steps or salary range.

"Pay Plan Code" – The designation used in assigning a specific salary rate based on a variety of factors associated with the position. Pay Plan Codes used in the Pay Plan are:

- 7 = Salary Grade regular pension formula rate
 8 = Salary Grade alternative pension formula rate
 9 = Salary Grade maximum-security institution rate
 B = Negotiated regular pension formula rate for the State of Illinois
 E = Educator title AFSCME negotiated 12-month regular pension formula rate for the State of Illinois

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- J = Negotiated regular pension formula rate for states other than Illinois, California or New Jersey
- L = Educator title AFSCME negotiated 12-month alternative pension formula rate for the State of Illinois
- M = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois School for the Visually Impaired
- N = Educator title Illinois Federation of Teachers negotiated 9-month regular pension formula rate for the Illinois School for the Deaf
- O = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois Center for Rehabilitation and Education-Roosevelt
- P = Educator title AFSCME negotiated 12-month maximum-security institution rate for the State of Illinois
- Q = Negotiated alternative pension formula rate for the State of Illinois
- S = Negotiated maximum-security institution rate for the State of Illinois
- U = Negotiated regular pension formula rate for the state of California or New Jersey

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher pay grade than the former class.

"Reallocation" – The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" – The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" – The assignment of a different pay grade to a class based upon change in relation to other classes or to the labor market.

"Salary Grade" – The system of pay practices applied to specific positions or employees not represented by a bargaining unit, and not in the Merit

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Compensation System, which includes Broad-Band and Medical Administrator positions.

"Salary Range" – The dollar value represented by Steps 1c through 8 of a pay grade assigned to a class title.

"Satisfactory Performance Increase" – An upward revision in the base salary from one designated step to the next higher step in the pay grade for that class as a result of having served the required amount of time at the former rate with not less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which, in the opinion of the agency head, is above that typified by the marginal employee.)

"Transfer" – The assignment of an employee to a vacant position having the same pay grade.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended at 33 Ill. Reg. 2148, effective January 26, 2009)

Section 310.80 Increases in Pay

Except as otherwise provided for in this Section, for employees occupying positions in classes that are paid in conformance with the Schedule of Negotiated Rates (Appendix A) and the Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Appendix B), increases shall be granted as follows and will become effective the first day of the pay period following the date of approval:

- a) Satisfactory Performance Increase –
 - 1) Each employee who has not attained Step 8 of the relevant pay grade, and whose level of performance has been at a satisfactory level of competence, shall be successively advanced in pay to the next higher step in the pay grade after one year of creditable service in the same class. Step increases are suspended for non-union positions and employees.
 - 2) A satisfactory performance increase shall become effective on the first day

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of the month within which the required period of creditable service is reached.

- 3) No satisfactory performance increase may be given after the effective date of separation.
- b) Withholding Satisfactory Performance Increase – As an inducement toward attainment of satisfactory level of competence, satisfactory performance increases may be withheld from the employee who has not achieved a satisfactory level of performance. Such action must be supported by:
- 1) A performance record showing less than satisfactory performance. This must be prepared by the appropriate supervisor, discussed with the employee and approved by the agency head prior to the date the increase would otherwise become effective. The performance record will not be invalidated by refusal of an employee to sign. In such cases, an explanatory comment shall be made on the record by the supervisor. This record will be preserved by the agency.
 - 2) Notice of withholding of satisfactory performance increases to the Department of Central Management Services – It shall be reported upon completion of action required by subsection (b)(1), but not later than the submission of the payroll reflecting the denial of the increase.
- c) Redetermination – A satisfactory performance increase previously withheld shall be granted when the cause for withholding has been eliminated. Redetermination must be made at least annually. In such cases the increases will be effective the first day of the month following date of approval and will be preceded by the preparation and filing of a Performance Record within the agency indicating the attainment of satisfactory level of competence.
- d) Other Pay Increases –
- 1) Promotion –
 - A) Standard Procedures –
 - i) From Other Than Step 8 – Normally, upon promotion, an employee shall be advanced to the lowest step in the

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targeted pay grade that represents at least a full step increase in the former pay grade.

- ii) From Step 8 – Effective March 27, 2008, when an employee represented by the American Federation of State, County, and Municipal Employees (AFSCME) and effective September 1, 2008 for any employee who is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least the dollar difference between Step 7 and Step 8 in the former pay grade. To compute this, add the dollar difference between Step 7 and Step 8 in the former pay grade to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. Otherwise, when an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount.
 - B) Exception – Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services shall consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.
- 2) Reallocation –
- A) Standard Procedures –

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- i) From Other Than Step 8 – Normally, upon reallocation, an employee shall be advanced to the lowest step in the targeted pay grade that represents at least a full step increase in the former pay grade.
 - ii) From Step 8 – When an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.
- B) Exception – Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services will consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.
- 3) Reevaluation – If a higher pay grade is assigned to a class, the employee occupying the position in the class shall be advanced to the lowest step in the new grade that represents an increase in pay. If an employee becomes eligible for a satisfactory performance increase as a result of the reevaluation, a one-step increase will be granted immediately. The reevaluation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.

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- 4) Separation and Subsequent Appointment – Upon separation from a position of a given class and appointment within four calendar days to a position in a higher pay grade, an increase shall be given under the conditions and requirements applicable to promotions.
 - 5) Reclassification – If the class to which the position is being moved has a higher pay grade, the employee's base salary is advanced to the salary in the new pay grade that represents the least increase in pay. If this new salary is less than the difference between Step 7 and Step 8 in the new pay grade and the employee has been paid the base salary in Step 8 of the previous pay grade for longer than one year, the new salary is advanced one step from the salary in the new pay grade representing the least increase.
- e) Adjustment – An employee may receive an upward adjustment in the employee's base salary for the purpose of correcting a previous error, oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The adjustment shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees. The effective dates for the 4% and 3% adjustment increases effective December 2, 2005 and January 1, 2007, respectively, are as stated.

(Source: Amended at 33 Ill. Reg. 2148, effective January 26, 2009)

SUBPART B: SCHEDULE OF RATES

Section 310.220 Negotiated Rate

- a) Rates by Geographic Area, Agency or Agency Area – The rate of pay for a class in any specific area or agency, or in a specific area for an agency, as established and approved by the Director of Central Management Services after having conducted negotiations for this purpose, or as certified as being correct and reported to the Director of Central Management Services by the Director of the

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Illinois Department of Labor for designated classifications.

- b) Rates for Positions Excluded from Bargaining Unit Representation – An employee occupying a position in a class normally subject to contract, but whose position is excluded from the bargaining unit, shall be assigned to the Merit Compensation System (Subpart C) and receive the rates within the Merit Compensation System Salary Schedule (Appendix D) based on the salary range assigned to the classification title in Section 310.410.
- c) Rates for Higher Duties – As provided in certain collective bargaining agreements, an employee may be paid at an appropriate higher rate when assigned to perform the duties of a higher level position. Eligibility for and the amount of this pay will be as provided in the contract.
- d) Promotion from Step 8 – Effective March 27, 2008, when an employee represented by the American Federation of State, County, and Municipal Employees (AFSCME) and effective September 1, 2008 for any employee who is promoted from Step 8, the employee shall be paid as provided in Section 310.80(d)(1)(A)(ii).
- e) Signing Pay – Effective July 10, 2008, if the employee is represented by the VR-704 bargaining unit and would have been eligible for an annual merit compensation evaluation between June 8, 2007 and December 31, 2007, potentially receiving a one-time merit compensation bonus at that time, the employee is eligible for the signing pay. The signing pay is calculated by taking the employee's VR-704 monthly salary effective June 8, 2007 times 12 months and multiplying the result by 3%. The VR-704 monthly salaries are located in Section 310.Appendix A Table S.
- f) To Locate Rates – The negotiated rates of pay for classifications in specified operating agencies, in specified agency facilities or with specified duties shall be as indicated in Appendix A, unless the rates are red-circled.
- g) Red-Circled Rates – Red-circled rates are the negotiated or arbitrator assigned base salaries not otherwise on a step in the pay grade assigned to a classification or in the Pay Plan. The base salaries may be above the pay grade's maximum base salary or between two base salaries on consecutive steps. An employee who takes a position in a Trainee Program (80 Ill. Adm. Code 302.170) classification that represents a reduction when comparing classifications (Section 310.45) shall

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~~shall~~ receive the higher amount of either the in-hire rate or the base salary red-circled at the amount of the former classification. Upon completion of a trainee period, the employee who is promoted to a targeted title shall receive the rate on a step that results in a minimum of one dollar increase based on the difference between the two steps, which the red-circled rate is between, added to the red-circle rate. If through negotiation of a classification assignment to a pay grade where the base salary exceeds Step 8, the base salary shall be red-circled at its current rate and may receive contractual adjustments.

(Source: Amended at 33 Ill. Reg. 2148, effective January 26, 2009)

Section 310.260 Trainee Rate

Rates of pay for employees working in classes pursuant to a Trainee Program (80 Ill. Adm. Code 302.170) shall conform to those set forth in negotiated pay grades within Negotiated Rates of Pay (Appendix A) unless the rate is red-circled (Section 310.220(e)) or salary ranges within the Merit Compensation System Salary Schedule (Appendix D). The process of assigning merit compensation salary ranges to Trainee Program classifications is in Section 310.415. The Trainee Program classifications are:

Title	Title Code	Negotiated Pay Grade	Merit Compensation Salary Range
Account Technician Trainee	00118	None	MS-04
Accounting and Fiscal Administration Career Trainee	00140	RC-062-12	None
Actuarial Examiner Trainee	00196	RC-062-13	None
Administrative Services Worker Trainee	00600	RC-014-02	None
Animal and Animal Products Investigator Trainee	01075	None	MS-09
Appraisal Specialist Trainee	01255	None	MS-09
Arson Investigations Trainee	01485	None	MS-12
Behavioral Analyst Associate	04355	RC-062-15	None
Children and Family Service Intern, Option 1	07241	RC-062-12	MS-09 None
Children and Family Service Intern, Option 2	07242	RC-062-15	MS-12 None

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Civil Engineer Trainee	07607	NR-916	None
Clerical Trainee	08050	RC-014-TR	MS-01
Clinical Laboratory Technologist Trainee	08229	RC-062-14	None
Clinical Psychology Associate	08255	RC-063-18	None
Commerce Commission Police Officer Trainee	08455	None	MS-10
Conservation Police Officer Trainee	09345	RC-110	None
Correctional Officer Trainee	09676	RC-006-05	None
Criminal Justice Specialist Trainee	10236	RC-062-13	MS-10 None
Data Processing Operator Trainee	11428	RC-014-02	MS-02 None
Data Processing Technician Trainee	11443	RC-028-06	MS-04 None
Disability Claims Adjudicator Trainee	12539	RC-062-13	None
Economic Development Representative Trainee	12939	None	MS-10
Energy and Natural Resources Specialist Trainee	13715	RC-062-12	None
Financial Institutions Examiner Trainee	14978	RC-062-13	None
Fingerprint Technician Trainee	15209	None	MS-05
Fire Prevention Inspector Trainee	15320	RC-029-12	None
Forensic Scientist Trainee	15897	RC-062-15	None
Geographic Information Trainee	17276	RC-063-15	None
Governmental Career Trainee	17325	None	MS-09
Graduate Pharmacist	17345	RC-063-20	None
Hearing and Speech Associate	18231	RC-063-18	None
Human Resources Trainee	19694	None	MS-04
Human Services Grants Coordinator Trainee	19796	RC-062-12	None
Industrial Services Consultant Trainee	21125	RC-062-11	None
Industrial Services Hygienist Trainee	21133	RC-062-12	None

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Information Services Intern	21160	RC-063-15	MS-12
Insurance Analyst Trainee	21566	RC-014-07	None
Insurance Company Financial Examiner Trainee	21610	RC-062-13	None
Internal Auditor Trainee	21726	None	MS-09
Juvenile Justice Specialist Intern	21976	RC-006-11	None
Liability Claims Adjuster Trainee	23375	None	MS-09
Life Sciences Career Trainee	23600	RC-062-12	None
Management Operations Analyst Trainee	25545	None	MS-12
Manpower Planner Trainee	25597	RC-062-12	None
Meat and Poultry Inspector Trainee	26075	RC-033	None
Mental Health Administrator Trainee	26817	None	MS-12
Mental Health Specialist Trainee	26928	RC-062-11	None
Mental Health Technician Trainee I	27021	RC-009-01	None
Methods and Procedures Career Associate Trainee	27137	RC-062-09	None
Office Occupations Trainee	30075	None	MS-01
Police Officer Trainee	32985	None	MS-06
Polygraph Examiner Trainee	33005	None	MS-12
Products and Standards Inspector Trainee	34605	None	MS-09
Program Integrity Auditor Trainee	34635	RC-062-12	None
Psychologist Associate	35626	RC-063-15	None
Psychologist Intern	35660	None	MS-15
Public Administration Intern	35700	None	MS-11
Public Aid Investigator Trainee	35874	RC-062-14	MS-11 None
Public Health Program Specialist Trainee	36615	RC-062-12	MS-09 None
Public Safety Inspector Trainee	37010	RC-062-10	None

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Public Service Trainee	37025	None	MS-01
Rehabilitation Counselor Trainee	38159	RC-062-15	None
Rehabilitation/Mobility Instructor Trainee	38167	RC-063-15	None
Research Fellow, Option B	38211	None	MS-19
Resident Physician	38270	None	MS-15
Residential Care Worker Trainee	38279	RC-009-11	None
Revenue Auditor Trainee	38375	RC-062-12	None
Revenue Collection Officer Trainee	38405	RC-062-12	None
Revenue Special Agent Trainee	38565	RC-062-14	None
Revenue Tax Specialist Trainee	38575	RC-062-10	MS-07 None
Security Therapy Aide Trainee	39905	RC-009-13	None
Seed Analyst Trainee	39953	None	MS-07
Social Service Aide Trainee	41285	RC-006-01 RC-009-02	MS-03 None
Social Services Career Trainee	41320	RC-062-12	MS-09 None
Social Worker Intern	41430	None	MS-15
Student Intern	43190	None	MS-01
Student Worker	43200	None	MS-01
Telecommunications Systems Technician Trainee	45314	None	MS-05
Telecommunicator Trainee	45325	RC-014-10	None
Terrorism Research Specialist Trainee	45375	RC-062-14	None
Weatherization Specialist Trainee	49105	RC-062-12	None

(Source: Amended at 33 Ill. Reg. 2148, effective January 26, 2009)

Section 310.280 Designated Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) Requirements – The rate of pay for a specific position or class of positions excluded from the other requirements of this Pay Plan shall be only as designated by the Governor. A designated rate is the fixed rate of pay assigned usually to one position within a position classification. The fixed rate is above the maximum of the pay grade or salary range assigned to the position classification. The fixed rate is the value the employing agency determines for the uniquely combined position and employee or the candidate recruited to be the employee. A designated rate may be assigned to a position classification and, therefore, all positions within the position classification. The establishment of or change to a designated rate requires a request from the head of the employing agency to the Director of Central Management Services.
- b) Request from the Head of the Employing Agency – The request from the employing agency head shall explain the unique nature of the employee's education and experience combined with the position's scope, responsibility, and reporting that warrant the requested designated rate, how the requested designated rate was determined, and the requested effective date. The employing agency shall attach to the request the current position description (CMS-104) and the candidate's or employee's current State employment or promotional employment application (CMS-100 or CMS-100B).
- c) Review and Approval – The Director of Central Management Services shall review the requested designated rate by comparing the value given to other positions and employees in the employing agency, the State, and other states when available. Following the review, the Director of Central Management Services shall seek the Governor's approval for the designated rate and its effective date.
- d) Employee Payment – When the rate is approved, this Section shall be amended to include the approved designated rate. Once amended, the employing agency shall pay the employee the designated rate retroactively to the effective date approved by the Governor.
- e) Annual Designated Rates by Employing Agency –

Department of Human Services

Senior Public Service Administrator
(Pos. No. 40070-10-66-200-00-01)

Annual Salary
132,000

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Department of Public Health

Senior Public Service Administrator
(Pos. No. 40070-20-80-000-00-81)

Annual Salary
139,364

Senior Public Service Administrator
(Pos. No. 40070-20-20-000-00-81)

Annual Salary
130,000

Department of Revenue

Senior Public Service Administrator
(Pos. No. 40070-25-60-000-00-01)

Annual Salary
136,608

(Source: Amended at 33 Ill. Reg. 2148, effective January 26, 2009)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to all classes of positions designated below, Medical Administrator classes in Appendix C, and Broad-Band classes in Appendix G. In addition, the classes are listed in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

Effective January 1, 2008

Title	Title Code	Salary Plan
Data Processing Supervisor II	11436	MC-04
Data Processing Supervisor III	11437	MC-07
Dietary Manager I	12501	MC-03
Dietary Manager II	12502	MC-05
<u>Executive Secretary III</u>	<u>14033</u>	<u>MC-02</u>
Human Services Casework Manager	19788	MC-07
Internal Security Investigator I	21731	MC-04
Internal Security Investigator II	21732	MC-07
Mental Health Administrator I	26811	MC-05

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Mental Health Administrator II	26812	MC-07
Police Lieutenant	32977	MC-09
Security Officer Chief	39875	MC-04
Security Officer Lieutenant	39876	MC-02
Statistical Research Supervisor	42745	MC-07
Telecommunications Supervisor	45305	MC-07

Title	Title Code	Salary Range
Account Technician I	00115	MS-07
Account Technician II	00116	MS-09
Account Technician Trainee	00118	MS-04
Accountant	00130	MS-12
Accountant Advanced	00133	MS-14
Accountant Supervisor	00135	MS-20
Activity Therapist	00157	MS-12
Activity Therapist Supervisor	00163	MS-24
Actuary III	00203	MS-36
Administrative Assistant I	00501	MS-18
Administrative Assistant II	00502	MS-22
Agricultural Marketing Representative	00810	MS-20
<u>Aircraft Pilot I</u>	<u>00955</u>	<u>MS-22</u>
<u>Aircraft Pilot II</u>	<u>00956</u>	<u>MS-28</u>
<u>Aircraft Pilot II – Dual Rating</u>	<u>00957</u>	<u>MS-30</u>
Animal and Animal Products Investigator Trainee	01075	MS-09
Appraisal Specialist Trainee	01255	MS-09
Arson Investigations Trainee	01485	MS-12
Arts Council Program Coordinator	01526	MS-19
Arts Council Program Representative	01527	MS-12
Assistant Automotive Shop Supervisor	01565	MS-17
Automotive Mechanic	03700	MS-12
Automotive Shop Supervisor	03749	MS-24
Boat Safety Inspection Supervisor	04850	MS-22
Bridge Tender	05320	MS-15
Building Construction Inspector I	05541	MS-18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Building Construction Inspector II	05542	MS-20
Building/Grounds Laborer	05598	MS-08
Building Services Worker	05616	MS-03
Business Manager	05815	MS-20
<u>Child Development Aide</u>	<u>07184</u>	<u>MS-07</u>
Child Protection Advanced Specialist	07161	MS-21
<u>Child Protection Associate Specialist</u>	<u>07162</u>	<u>MS-14</u>
Child Protection Specialist	07163	MS-19
Child Welfare Administrator Case Reviewer	07190	MS-27
<u>Child Welfare Advanced Specialist</u>	<u>07215</u>	<u>MS-21</u>
<u>Child Welfare Associate Specialist</u>	<u>07216</u>	<u>MS-14</u>
<u>Child Welfare Court Facilitator</u>	<u>07196</u>	<u>MS-27</u>
<u>Child Welfare Nurse Specialist</u>	<u>07197</u>	<u>MS-22</u>
<u>Child Welfare Senior Specialist</u>	<u>07217</u>	<u>MS-27</u>
<u>Child Welfare Specialist</u>	<u>07218</u>	<u>MS-19</u>
<u>Child Welfare Staff Development Coordinator I</u>	<u>07201</u>	<u>MS-16</u>
<u>Child Welfare Staff Development Coordinator II</u>	<u>07202</u>	<u>MS-21</u>
<u>Child Welfare Staff Development Coordinator III</u>	<u>07203</u>	<u>MS-23</u>
<u>Child Welfare Staff Development Coordinator IV</u>	<u>07204</u>	<u>MS-27</u>
<u>Children & Family Service Intern, Option 1</u>	<u>07241</u>	<u>MS-09</u>
<u>Children & Family Service Intern, Option 2</u>	<u>07242</u>	<u>MS-12</u>
Clerical Trainee	08050	MS-01
Commerce Commission Police Officer Trainee	08455	MS-10
Commerce Commission Police Sergeant	08457	MS-24
Conservation Education Representative	09300	MS-09
Conservation/Historic Preservation Worker	09317	MS-01
Corrections Leisure Activities Specialist III	09813	MS-22
Corrections Vocational School Supervisor	09880	MS-20
Court Reporter Supervisor	09903	MS-26
<u>Criminal Justice Specialist I</u>	<u>10231</u>	<u>MS-14</u>
<u>Criminal Justice Specialist II</u>	<u>10232</u>	<u>MS-23</u>
<u>Criminal Justice Specialist Trainee</u>	<u>10236</u>	<u>MS-10</u>
<u>Data Processing Administrative Specialist</u>	<u>11415</u>	<u>MS-11</u>
Data Processing Assistant	11420	MS-04
<u>Data Processing Operator</u>	<u>11425</u>	<u>MS-03</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Data Processing Operator Trainee	11428	MS-02
Data Processing Specialist	11430	MS-09
Data Processing Technician	11440	MS-06
Data Processing Technician Trainee	11443	MS-04
Day Care Licensing Representative I	11471	MS-14
Day Care Licensing Representative II	11472	MS-19
Deck Hand	11500	MS-14
Disability Claims Analyst	12540	MS-22
Economic Development Representative I	12931	MS-16
Economic Development Representative II	12932	MS-21
Economic Development Representative Trainee	12939	MS-10
Educational Media Program Specialist	12980	MS-16
Educator	13100	MS-25
Electrical Engineer	13180	MS-30
Employment Security Field Office Supervisor	13600	MS-22
Engineering Technician IV	13734	MS-24
Equine Investigator	13840	MS-09
Executive I	13851	MS-20
Executive II	13852	MS-24
Executive Secretary I	14031	MS-08
Executive Secretary II	14032	MS-11
Executive Secretary III	14033	MS-14
Facility Fire Chief	14433	MS-13
Fingerprint Technician Trainee	15209	MS-05
Fire Certification Specialist	15285	MS-16
Fire Protection Specialist I	15351	MS-14
Foreign Service Economic Development Executive I	15871	MS-32
Foreign Service Economic Development Executive II	15872	MS-34
Foreign Service Economic Development Representative	15875	MS-30
Governmental Career Trainee	17325	MS-09
Guard I	17681	MS-04
Guard II	17682	MS-08
Guard Supervisor	17685	MS-11
Guardianship Supervisor	17720	MS-24
Health Facilities Surveillance Nurse	18150	MS-22

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Highway Construction Supervisor I	18525	MS-24
Highway Construction Supervisor II	18526	MS-28
Highway Maintainer	18639	MS-10
Historical Library Chief of Acquisitions	18987	MS-22
Historical Research Specialist	19008	MS-23
Human Resources Assistant	19690	MS-05
Human Resources Associate	19691	MS-08
Human Resources Trainee	19694	MS-04
Human Rights Mediator	19771	MS-20
Human Services Caseworker	19785	MS-14
Industrial & Community Development Representative I	21051	MS-16
Industrial & Community Development Representative II	21052	MS-21
Information Services Intern	21160	MS-12
Information Services Specialist II	21162	MS-21
Information Systems Analyst I	21165	MS-25
Information Systems Analyst II	21166	MS-29
Inhalation Therapy Supervisor	21260	MS-07
Insurance Analyst I	21561	MS-06
Insurance Company Claims Examiner I	21601	MS-16
Internal Auditor I	21721	MS-20
Internal Auditor Trainee	21726	MS-09
International Marketing Representative I	21761	MS-20
Janitor I	21951	MS-12
KidCare Supervisor	22003	MS-24
Laborer (Maintenance)	23080	MS-14
Laundry Manager I	23191	MS-11
Liability Claims Adjuster Trainee	23375	MS-09
Librarian II	23402	MS-20
Licensed Practical Nurse II	23552	MS-08
Lottery Regional Coordinator	24504	MS-24
Maintenance Equipment Operator	25020	MS-15
Maintenance Worker	25500	MS-15
Management Operations Analyst I	25541	MS-22
Management Operations Analyst II	25542	MS-23
Management Operations Analyst Trainee	25545	MS-12

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Manpower Planner III	25593	MS-23
Manuscripts Manager	25610	MS-22
Meat and Poultry Inspector	26070	MS-10
Medical Administrator I, Option C	26400	MS-60
Medical Administrator I, Option D	26401	MS-62
Medical Administrator II, Option C	26402	MS-61
Medical Administrator II, Option D	26403	MS-64
Medical Administrator III	26404	MS-65
Medical Administrator IV	26405	MS-66
Medical Administrator V	26406	MS-67
Medical Assistance Consultant I	26501	MS-10
Medical Assistance Consultant II	26502	MS-14
Medical Assistance Consultant III	26503	MS-21
Mental Health Administrator Trainee	26817	MS-12
Mental Health Program Administrator	26908	MS-63
Methods and Procedures Advisor III	27133	MS-24
Mine Rescue Station Assistant	28150	MS-07
Natural Resource Technician I	28851	MS-07
Natural Resource Technician II	28852	MS-10
Occupational Therapist Supervisor	29910	MS-23
Office Administrator III	29993	MS-08
Office Administrator IV	29994	MS-13
Office Administrator V	29995	MS-17
Office Aide	30005	MS-02
Office Assistant	30010	MS-04
Office Associate	30015	MS-05
Office Clerk	30020	MS-03
Office Coordinator	30025	MS-06
Office Occupations Trainee	30075	MS-01
Office Specialist	30080	MS-08
Paralegal Assistant	30860	MS-11
Pension and Death Benefits Technician I	30961	MS-10
Pharmacist Technician	32008	MS-04
Physician	32200	MS-36
Physician Assistant	32210	MS-27

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Physician Specialist – Option A	32221	MS-37
Physician Specialist – Option B	32222	MS-38
Physician Specialist – Option C	32223	MS-61
Physician Specialist – Option D	32224	MS-63
Physician Specialist – Option E	32225	MS-64
Plumbing Consultant	32910	MS-28
Police Lieutenant	32977	MS-31
Police Officer Trainee	32985	MS-06
Polygraph Examiner Trainee	33005	MS-12
Private Secretary I	34201	MS-13
Private Secretary II	34202	MS-18
Products and Standards Inspector Trainee	34605	MS-09
Psychology Intern	35660	MS-15
Public Administration Intern	35700	MS-11
Public Aid Appeals Advisor	35750	MS-19
Public Aid Eligibility Assistant	35825	MS-05
Public Aid Family Support Specialist I	35841	MS-16
Public Aid Family Support Specialist II	35842	MS-20
Public Aid Investigator	35870	MS-21
Public Aid Investigator Trainee	35874	MS-11
Public Aid Lead Casework Specialist	35880	MS-16
Public Aid Program Quality Analyst	35890	MS-21
Public Aid Quality Control Reviewer	35892	MS-16
Public Aid Quality Control Supervisor	35900	MS-21
Public Aid Staff Development Specialist I	36071	MS-12
Public Aid Staff Development Specialist II	36072	MS-16
Public Aid Staff Development Specialist III	36073	MS-22
Public Health Educator	36430	MS-21
Public Health Educator Associate	36434	MS-11
Public Health Program Specialist I	36611	MS-11
Public Health Program Specialist II	36612	MS-14
Public Health Program Specialist III	36613	MS-24
Public Health Program Specialist Trainee	36615	MS-09
Public Information Coordinator	36750	MS-19
Public Information Officer I	37001	MS-09

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NOTICE OF ADOPTED AMENDMENTS

Public Information Officer II	37002	MS-11
Public Information Officer III	37003	MS-21
Public Information Officer IV	37004	MS-25
Public Service Trainee	37025	MS-01
Radiologic Technologist Chief	37505	MS-17
Real Estate Professions Examiner	37760	MS-27
Registered Nurse I	38131	MS-18
Registered Nurse II	38132	MS-22
Registered Nurse – Advanced Practice	38135	MS-27
Rehabilitation Workshop Supervisor III	38196	MS-20
Reimbursement Officer II	38200	MS-20
Reproduction Service Supervisor I	38201	MS-13
Reproduction Service Supervisor II	38202	MS-18
Reproduction Service Technician III	38205	MS-08
Research Fellow, Option B	38211	MS-19
Resident Physician	38270	MS-15
Residential Care Program Supervisor I	38271	MS-22
Revenue Audit Supervisor	38369	MS-32
Revenue Auditor I	38371	MS-14
Revenue Auditor II	38372	MS-21
Revenue Auditor III	38373	MS-27
Revenue Senior Special Agent	38557	MS-29
Revenue Special Agent	38558	MS-21
Revenue Tax Specialist I	38571	MS-09
Revenue Tax Specialist II	38572	MS-12
Revenue Tax Specialist III	38573	MS-16
Revenue Tax Specialist Trainee	38575	MS-07
Security Officer Sergeant	39877	MS-11
Seed Analyst Trainee	39953	MS-07
Sign Shop Foreman	41000	MS-22
Site Technician I	41131	MS-07
Site Technician II	41132	MS-09
Social Service Aide I	41281	MS-05
Social Service Aide II	41282	MS-07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Social Service Aide Trainee	41285	MS-03
Social Service Career Trainee	41320	MS-09
Social Service Community Planner	41295	MS-08
Social Service Program Planner I	41311	MS-12
Social Service Program Planner II	41312	MS-16
Social Service Program Planner III	41313	MS-23
Social Service Program Planner IV	41314	MS-27
Social Worker Intern	41430	MS-15
Staff Development Specialist I	41771	MS-20
Staff Development Technician II	41782	MS-17
State Mine Inspector-At-Large	42240	MS-31
Statistical Research Specialist III	42743	MS-22
Storekeeper I	43051	MS-09
Storekeeper II	43052	MS-10
Storekeeper III	43053	MS-11
Stores Clerk	43060	MS-04
Student Intern	43190	MS-01
Student Worker	43200	MS-01
Supervising Vehicle Testing Compliance Officer	43680	MS-22
Support Service Worker	44238	MS-03
Switchboard Chief Operator	44410	MS-11
Switchboard Operator I	44411	MS-03
Technical Advisor I	45251	MS-20
Technical Advisor II	45252	MS-24
Technical Advisor III	45253	MS-29
Telecommunications Supervisor	45305	MS-23
Telecommunications Systems Technician Trainee	45314	MS-05
Utility Engineer I	47451	MS-20
Utility Engineer II	47452	MS-24
Vehicle Emissions Compliance Supervisor	47583	MS-20
Veterans Nursing Assistant – Certified	47750	MS-05
Waterways Construction Supervisor I	49061	MS-14
Waterways Construction Supervisor II	49062	MS-24
Well Inspector I	49421	MS-11
Well Inspector II	49422	MS-18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOTE: Effective January 1, 2008, the merit compensation grade 12 in the Personnel Code [20 ILCS 415/8b.18(a) and (b) and 8b.19(a) and (b)] that formerly was indicated by MC-12 is MS-32.

(Source: Amended at 33 Ill. Reg. 2148, effective January 26, 2009)

Section 310.415 Merit Compensation Salary Range Assignments

- a) Emergency, Temporary or Provisional Positions – When a position is allocated to a title only assigned to a bargaining unit pay grade and the agency is to appoint an employee to the position on an Emergency (80 Ill. Adm. Code 302.150(b)), Temporary (80 Ill. Adm. Code 302.150(c)) or Provisional (80 Ill. Adm. Code 302.150(d)) basis, a merit compensation salary range to be used for the position shall be assigned to the title as approved by the Director of Central Management Services. The approval of the merit compensation salary range assignment shall be after comparing the highest maximum base salary within the bargaining unit pay grade assigned the title with the maximum base salary in the merit compensation salary range that is not more than the highest maximum base salary within the bargaining unit pay grade and after considering the merit compensation salary ranges assigned to other titles in the same classification series and the merit compensation salary ranges assigned to other titles assigned the same bargaining unit pay grade. The titles and their merit compensation salary range assignments from the previous and anticipated fiscal years shall be listed in the Section 310.410 proposed amendments to the Pay Plan for adoption at the beginning of each fiscal year.
- b) Trainee Program Titles – When a classification is established as a Trainee Program (80 Ill. Adm. Code 302.170), the merit compensation salary range assigned to the Trainee Program title shall be approved by the Director of Central Management Services. The approval shall be based on the recommendation of the agency head where the Trainee Program is established, comparison of the salary ranges assigned to other Trainee Program titles, and the maximum base salary in the recommended merit compensation salary range normally being less than the in-hiring rate or the minimum base salary of the targeted classification title for which training is being conducted.
- c) Positions excluded from bargaining unit representation by the Illinois Labor Relations Board – When a position is allocated to a title only assigned to a

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

bargaining unit pay grade and the agency or the position is excluded from bargaining unit representation by the Illinois Labor Relations Board, a merit compensation salary range to be used for the position shall be assigned to the title as approved by the Director of Central Management Services. The approval of the merit compensation salary range assignment shall be made using the provisions in subsection (a) if the title is not a Trainee Program title or subsection (b) if the title is a Trainee Program title.

(Source: Amended at 33 Ill. Reg. 2148, effective January 26, 2009)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE V CU-500 (Corrections Meet and Confer Employees)****Effective May 10, 2007**
Bargaining Unit: CU-500

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
			<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>Public Service Administrator option 7 (Corrections Parole Supervisor)</u>	<u>37015</u>	<u>Q</u>	<u>5096</u>	<u>5246</u>	<u>5403</u>	<u>5564</u>	<u>5856</u>	<u>6157</u>	<u>6450</u>	<u>6743</u>	<u>7045</u>	<u>7484</u>	<u>7707</u>
<u>Public Service Administrator option 7 (Corrections Parole Supervisor)</u>	<u>37015</u>	<u>S</u>	<u>5164</u>	<u>5314</u>	<u>5470</u>	<u>5631</u>	<u>5921</u>	<u>6223</u>	<u>6517</u>	<u>6812</u>	<u>7114</u>	<u>7551</u>	<u>7774</u>

Effective July 1, 2007
Bargaining Unit: CU-500

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
			<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Correctional Casework Supervisor	09655	Q	4182	4305	4433	4563	4786	5008	5243	5466	5689	6030	6271
Correctional Casework Supervisor	09655	S	4251	4371	4501	4633	4859	5081	5314	5537	5758	6102	6346
Correctional Lieutenant	09673	Q	3962	4078	4199	4322	4539	4747	4967	5172	5387	5706	5934
Correctional Lieutenant	09673	S	4031	4146	4267	4391	4605	4816	5036	5241	5455	5777	6008
Corrections Clerk III	09773	Q	3426	3522	3620	3723	3887	4061	4230	4398	4576	4836	5029
Corrections Clerk	09773	S	3491	3586	3686	3789	3956	4129	4297	4467	4645	4908	5104

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

III													
Corrections Food Service Supervisor III	09795	Q	3763	3870	3985	4101	4298	4495	4695	4885	5080	5377	5592
Corrections Food Service Supervisor III	09795	S	3831	3941	4056	4173	4367	4565	4765	4955	5147	5448	5666
Corrections Identification Supervisor	09800	Q	3581	3682	3787	3896	4080	4265	4441	4621	4805	5087	5290
Corrections Identification Supervisor	09800	S	3648	3751	3854	3968	4150	4333	4510	4690	4872	5156	5362
Corrections Industry Supervisor	09807	Q	3763	3870	3985	4101	4298	4495	4695	4885	5080	5377	5592
Corrections Industry Supervisor	09807	S	3831	3941	4056	4173	4367	4565	4765	4955	5147	5448	5666
Corrections Laundry Manager II	09809	Q	3581	3682	3787	3896	4080	4265	4441	4621	4805	5087	5290
Corrections Laundry Manager II	09809	S	3648	3751	3854	3968	4150	4333	4510	4690	4872	5156	5362
Corrections Leisure Activity Specialist IV	09814	Q	4182	4305	4433	4563	4786	5008	5243	5466	5689	6030	6271
Corrections Leisure Activity Specialist IV	09814	S	4251	4371	4501	4633	4859	5081	5314	5537	5758	6102	6346
Corrections Maintenance Supervisor	09822	Q	3426	3522	3620	3723	3887	4061	4230	4398	4576	4836	5029
Corrections Maintenance Supervisor	09822	S	3491	3586	3686	3789	3956	4129	4297	4467	4645	4908	5104
Corrections Residence Counselor II	09838	Q	3581	3682	3787	3896	4080	4265	4441	4621	4805	5087	5290
Corrections Supply Supervisor III	09863	Q	3763	3870	3985	4101	4298	4495	4695	4885	5080	5377	5592
Corrections Supply Supervisor III	09863	S	3831	3941	4056	4173	4367	4565	4765	4955	5147	5448	5666
Property and Supply Clerk III	34793	Q	2564	2623	2687	2751	2837	2921	3012	3094	3184	3330	3463
<u>Public Service</u>	<u>37015</u>	<u>Q</u>	<u>5249</u>	<u>5403</u>	<u>5565</u>	<u>5731</u>	<u>6032</u>	<u>6342</u>	<u>6643</u>	<u>6945</u>	<u>7256</u>	<u>7708</u>	<u>8013</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Administrator
option 7
(Corrections
Parole
Supervisor)
Public Service
Administrator
option 7
(Corrections
Parole
Supervisor)

	<u>37015</u>	<u>S</u>	<u>5319</u>	<u>5473</u>	<u>5634</u>	<u>5800</u>	<u>6099</u>	<u>6410</u>	<u>6712</u>	<u>7016</u>	<u>7327</u>	<u>7777</u>	<u>8085</u>
Storekeeper III	43053	Q	3031	3111	3191	3274	3396	3528	3665	3793	3935	4154	4320
Youth Supervisor IV	49914	Q	3962	4078	4199	4322	4539	4747	4967	5172	5387	5706	5934
Youth Supervisor IV	49914	S	4031	4146	4267	4391	4605	4816	5036	5241	5455	5777	6008

**Effective January 1, 2008
Bargaining Unit: CU-500**

Title	Title Code	Pay Plan Code	S T E P S										
			1c	1b	1a	1	2	3	4	5	6	7	8
Correctional Casework Supervisor	09655	Q	4307	4434	4566	4700	4930	5158	5400	5630	5860	6211	6459
Correctional Casework Supervisor	09655	S	4379	4502	4636	4772	5005	5233	5473	5703	5931	6285	6536
Correctional Lieutenant	09673	Q	4081	4200	4325	4452	4675	4889	5116	5327	5549	5877	6112
Correctional Lieutenant	09673	S	4152	4270	4395	4523	4743	4960	5187	5398	5619	5950	6188
Corrections Clerk III	09773	Q	3529	3628	3729	3835	4004	4183	4357	4530	4713	4981	5180
Corrections Clerk III	09773	S	3596	3694	3797	3903	4075	4253	4426	4601	4784	5055	5257
Corrections Food Service Supervisor III	09795	Q	3876	3986	4105	4224	4427	4630	4836	5032	5232	5538	5760
Corrections Food Service Supervisor III	09795	S	3946	4059	4178	4298	4498	4702	4908	5104	5301	5611	5836
Corrections Identification	09800	Q	3688	3792	3901	4013	4202	4393	4574	4760	4949	5240	5449

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Supervisor Corrections Identification Supervisor	09800	S	3757	3864	3970	4087	4275	4463	4645	4831	5018	5311	5523
Corrections Industry Supervisor	09807	Q	3876	3986	4105	4224	4427	4630	4836	5032	5232	5538	5760
Corrections Industry Supervisor	09807	S	3946	4059	4178	4298	4498	4702	4908	5104	5301	5611	5836
Corrections Laundry Manager II	09809	Q	3688	3792	3901	4013	4202	4393	4574	4760	4949	5240	5449
Corrections Laundry Manager II	09809	S	3757	3864	3970	4087	4275	4463	4645	4831	5018	5311	5523
Corrections Leisure Activity Specialist IV	09814	Q	4307	4434	4566	4700	4930	5158	5400	5630	5860	6211	6459
Corrections Leisure Activity Specialist IV	09814	S	4379	4502	4636	4772	5005	5233	5473	5703	5931	6285	6536
Corrections Maintenance Supervisor	09822	Q	3529	3628	3729	3835	4004	4183	4357	4530	4713	4981	5180
Corrections Maintenance Supervisor	09822	S	3596	3694	3797	3903	4075	4253	4426	4601	4784	5055	5257
Corrections Residence Counselor II	09838	Q	3688	3792	3901	4013	4202	4393	4574	4760	4949	5240	5449
Corrections Supply Supervisor III	09863	Q	3876	3986	4105	4224	4427	4630	4836	5032	5232	5538	5760
Corrections Supply Supervisor III	09863	S	3946	4059	4178	4298	4498	4702	4908	5104	5301	5611	5836
Property and Supply Clerk III	34793	Q	2641	2702	2768	2834	2922	3009	3102	3187	3280	3430	3567
Public Service Administrator option 7 (Corrections Parole Supervisor)	37015	Q	5406	5565	5732	5903	6213	6532	6842	7153	7474	7939	8253
Public Service Administrator option 7 (Corrections	37015	S	5478	5637	5803	5974	6282	6602	6913	7226	7547	8010	8327

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

ParoleSupervisor)

Storekeeper III	43053	Q	3122	3204	3287	3372	3498	3634	3775	3907	4053	4279	4450
Youth Supervisor IV	49914	Q	4081	4200	4325	4452	4675	4889	5116	5327	5549	5877	6112
Youth Supervisor IV	49914	S	4152	4270	4395	4523	4743	4960	5187	5398	5619	5950	6188

Effective May 1, 2008
Bargaining Unit: CU-500

Title	Title Code	Pay Plan Code	S T E P S										
			1c	1b	1a	1	2	3	4	5	6	7	8
Juvenile Justice Supervisor	21980	Q	4543	4678	4813	4956	5209	5453	5707	5964	6210	6591	6852
Juvenile Justice Supervisor	21980	S	4614	4749	4885	5029	5278	5526	5779	6036	6280	6663	6927

(Source: Amended at 33 Ill. Reg. 2148, effective January 26, 2009)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	14
Environmental Protection Geologist II	13802	RC-063	16
Environmental Protection Geologist III	13803	RC-063	18
Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Management Systems Specialist	25583	RC-063	21
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
<u>Occupational Therapist Supervisor</u>	<u>29910</u>	<u>RC-063</u>	<u>21</u>
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19
Public Service Administrator, Options 3, 4, 6E and 8E	37015	RC-063	24
Public Service Administrator, Option 8D	37015	RC-063	23
Public Service Administrator, Options 8H and 9G	37015	RC-063	22
Public Service Administrator, Option 8O	37015	RC-063	21

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	18
Social Worker II	41412	RC-063	18
Social Worker III	41413	RC-063	19
Social Worker IV	41414	RC-063	21
Staff Pharmacist	41787	RC-063	24
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated pay grade have the following options: 3; 4; 6E; 8D; 8E; ~~8H, 8Q~~; and 9G. See the definition of option in Section 310.50.

Effective January 1, 2008
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778
21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854
22	B	4520	4657	4798	4940	5197	5451	5708	5973	6221	6608	6873
22	Q	4725	4867	5013	5161	5432	5699	5966	6241	6503	6905	7181
22	S	4797	4938	5085	5235	5501	5770	6035	6314	6577	6979	7258
23	B	4798	4940	5087	5239	5517	5800	6076	6356	6632	7048	7331
23	Q	5013	5161	5317	5479	5768	6064	6349	6642	6931	7365	7659
23	S	5085	5235	5390	5550	5838	6134	6421	6714	7001	7436	7733
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254
25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777
25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852
26	B	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
26	Q	6021	6203	6390	6648	7009	7380	7754	8116	8479	9028	9389

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

26 S 6080 6261 6450 6711 7076 7452 7828 8193 8561 9117 9481

Effective January 1, 2009

Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	3108	3187	3274	3361	3489	3625	3783	3922	4070	4308	4480
14	Q	3236	3322	3410	3503	3637	3785	3949	4099	4255	4502	4681
14	S	3299	3385	3475	3569	3709	3854	4021	4170	4328	4573	4755
15	B	3228	3312	3402	3494	3649	3799	3947	4109	4261	4518	4698
15	Q	3362	3451	3546	3646	3806	3965	4124	4296	4454	4719	4909
15	S	3427	3515	3614	3714	3877	4034	4198	4368	4525	4794	4985
16	B	3371	3461	3556	3658	3821	3991	4156	4331	4503	4769	4959
16	Q	3511	3609	3712	3818	3991	4171	4345	4524	4706	4986	5186
16	S	3581	3680	3782	3890	4063	4245	4420	4597	4780	5055	5257
17	B	3520	3619	3724	3833	4009	4194	4372	4549	4734	5015	5216
17	Q	3672	3778	3888	3999	4191	4383	4566	4752	4946	5240	5451
17	S	3740	3848	3959	4071	4264	4458	4642	4825	5018	5317	5529
18	B	3700	3806	3916	4033	4227	4425	4626	4814	5008	5306	5519
18	Q	3863	3974	4091	4214	4422	4625	4836	5033	5233	5547	5769
18	S	3932	4043	4166	4284	4492	4698	4908	5106	5308	5618	5843
19	B	3894	4007	4125	4251	4467	4678	4895	5101	5314	5637	5863
19	Q	4066	4188	4314	4442	4669	4886	5119	5332	5555	5890	6126
19	S	4139	4262	4388	4517	4743	4961	5191	5406	5630	5963	6202
20	B	4113	4237	4362	4491	4718	4938	5172	5398	5621	5962	6201
20	Q	4300	4427	4558	4694	4930	5162	5407	5639	5875	6233	6482
20	S	4370	4499	4631	4768	5003	5233	5479	5712	5947	6303	6555
21	B	4341	4472	4605	4742	4987	5227	5471	5721	5959	6331	6583

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

21	Q	4537	4674	4811	4956	5213	5461	5719	5979	6229	6616	6880
21	S	4609	4746	4884	5030	5283	5535	5792	6052	6300	6689	6957
22	B	4588	4727	4870	5014	5275	5533	5794	6063	6314	6707	6976
22	Q	4796	4940	5088	5238	5513	5784	6055	6335	6601	7009	7289
22	S	4869	5012	5161	5314	5584	5857	6126	6409	6676	7084	7367
23	B	4870	5014	5163	5318	5600	5887	6167	6451	6731	7154	7441
23	Q	5088	5238	5397	5561	5855	6155	6444	6742	7035	7475	7774
23	S	5161	5314	5471	5633	5926	6226	6517	6815	7106	7548	7849
24	B	5181	5336	5495	5660	5961	6274	6574	6878	7188	7639	7944
24	Q	5413	5574	5744	5917	6232	6556	6871	7186	7512	7984	8303
24	S	5486	5647	5816	5990	6302	6627	6943	7260	7586	8056	8378
25	B	5522	5686	5858	6033	6363	6699	7033	7367	7702	8196	8525
25	Q	5770	5944	6119	6303	6650	6998	7351	7701	8050	8566	8909
25	S	5846	6015	6197	6378	6723	7070	7422	7772	8120	8639	8985
26	B	5835	6009	6193	6438	6790	7150	7513	7863	8217	8747	9097
26	Q	6111	6296	6486	6748	7114	7491	7870	8238	8606	9163	9530
26	S	6171	6355	6547	6812	7182	7564	7945	8316	8689	9254	9623

(Source: Amended at 33 Ill. Reg. 2148, effective January 26, 2009)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Foster Parent Code
- 2) Code of Citation: 89 Ill. Adm. Code 340
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
340.40	Amended
340.50	Amended
340.APPENDIX A	Amended
340 APPENDIX B	Amended
- 4) Statutory Authority: 20 ILCS 505
- 5) Effective Date of Rulemaking: January 31, 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) Notice of Proposal Published in Illinois Register: May 30, 2008; 32 Ill Reg. 8063
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Legislation amending the Children and Family Services Act, effective on October 1st, 2006, amends Section 340.40, Foster Parents Rights, which adds right #7.5, requiring the Department to give foster parents relevant information concerning a child from the Department whenever possible prior to the child

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

being placed in a licensed foster home, group home, child care institution, or in a relative home.

Appendix B is amended to include foster right #7.5 in the Foster Parent Law annual implementation plans.

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

Mr. Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 340
FOSTER PARENT CODE

SUBPART A: PURPOSE, DEFINITIONS AND INTRODUCTION

Section

- 340.10 Purpose
- 340.20 Definitions
- 340.30 Introduction

SUBPART B: FOSTER PARENT RIGHTS AND RESPONSIBILITIES

- 340.40 Foster Parent Rights
- 340.50 Foster Parent Responsibilities

SUBPART C: REQUIREMENTS FOR FOSTER PARENT ANNUAL PLAN

- 340.60 Content
- 340.70 Resolution of Foster Parent Grievances
- 340.80 Public Review
- 340.90 Annual Plan Submission

SUBPART D: REVIEW, APPROVAL, MONITORING AND REPORTING

- 340.100 Review and Approval Process
- 340.110 Monitoring
- 340.120 Reporting

SUBPART E: SEVERABILITY OF THIS PART

- 340.130 Severability of this Part

340.APPENDIX A Outline and Minimum Requirements for Foster Parent Law Annual [Implementation](#) Plan

340.APPENDIX B Rating Components for Foster Parent Law [Annual](#) Implementation

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

PlanPlans

AUTHORITY: Implementing and authorized by the Foster Parent Law [20 ILCS 520].

SOURCE: Adopted at 24 Ill. Reg. 8515, effective July 1, 2000; amended at 27 Ill. Reg. 1124, effective January 15, 2003; amended at 33 Ill. Reg. 2202, effective January 31, 2009.

SUBPART B: FOSTER PARENT RIGHTS AND RESPONSIBILITIES

Section 340.40 Foster Parent Rights

- a) *A foster parent's rights include, but are not limited to, the following:*
- 1)a) *The right to be treated with dignity, respect, and consideration as a professional member of the child welfare team.*
 - 2)b) *The right to be given standardized pre-service training and appropriate ongoing training to meet mutually assessed needs and improve the foster parent's skills.*
 - 3)c) *The right to be informed as to how to contact the appropriate child placement agency in order to receive information and assistance to access supportive services for children in the foster parent's care.*
 - 4)d) *The right to receive timely financial reimbursement commensurate with the care needs of the child as specified in the service plan.*
 - 5)e) *The right to be provided a clear, written understanding of a placement agency's plan concerning the placement of a child in the foster parent's home. Inherent in this right is the foster parent's responsibility to support activities that will promote the child's right to relationships with his or her own family and cultural heritage.*
 - 6)f) *The right to be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation; the right to be provided the opportunity to request and receive mediation or an administrative review of decisions that affect*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

licensing parameters, or both mediation and an administrative review; and the right to have decisions concerning a licensing corrective action plan specifically explained and tied to the licensing standards violated.

- ~~7)g)~~ *The right, at any time during which a child is placed with the foster parent, to receive additional or necessary information that is relative to the care of the child.*
- 8) *The right to be given information concerning a child from the Department, as required under Section 5(u) of the Children and Family Services Act, and from a child welfare agency, as required under Section 7.4 (c-5) of the Child Care Act of 1969. [20 ILCS 520/1-15]*
- A) *At the time the caseworker places a child with a foster parent or prospective adoptive parent, or prior to placement of the child, whenever possible, the worker shall provide available information in writing (except as provided in subsection (a)(8)(B)) about the child necessary for the proper care of the child to the foster parent or prospective adoptive parent. The information to be provided to the caregiver shall include:*
- i) *The medical history of the child, including known medical problems or communicable diseases, information concerning the immunization status of the child, and insurance and medical card information;*
 - ii) *The educational history of the child, including any special educational needs and details of the child's Individualized Education Plan (IEP), Individual Family Service Plan (IFSP) when the child is receiving special education services, or 504 Educational Special Needs Plan, if applicable;*
 - iii) *A copy of the child's portion of the client service plan, including any visitation arrangements and all amendments or revisions; case history of the child, including how the child came into care; the child's legal status; the permanency goal for the child; a history of the child's previous placements; and reasons for placement changes,*

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excluding information that identifies or reveals the location of any previous foster or relative home caregiver; and

iv) Other relevant background information of the child, including any prior criminal history; information about any behavior problems, including fire setting, perpetration of sexual abuse, destructive behavior and substance abuse habits; likes and dislikes; etc.

B) In the case of an emergency placement, when all of the information referenced in subsection (a)(8)(A) is not available, the worker shall provide known information verbally as it becomes available and subsequently provide this information in writing.

C) In advance of placement, the caseworker may provide the foster parent or adoptive parent with a written summary of the information listed in subsection (a)(8)(A).

D) Within 10 working days after the placement, the worker shall obtain from the prospective adoptive parent, foster parent or other caregiver signed verification of receipt of the information described in subsection (a)(8)(A) and forward a copy of the information to the child's guardian ad litem.

E) Supervisory review and approval is required prior to providing any information to the foster parent or prospective adoptive parent.

9)h) *The right to be notified of scheduled meetings and staffings concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings, and individual educational planning meetings; the right to be informed of decisions made by the courts or the child welfare agency concerning the child; the right to provide input concerning the plan of services for the child and to have that input given full consideration in the same manner as information presented by any other professional on the team; and the right to communicate with other professionals who work with the foster child within the context of the team, including therapists, physicians, and teachers.*

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- 10)~~i)~~ *The right to be given, in a timely and consistent manner, any information a case worker has regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information concerning the child's family shall be limited to that information that is essential for understanding the needs of and providing care to the child in order to protect the rights of the child's family. When a positive relationship exists between the foster parent and the child's family, the child's family may consent to disclosure of additional information.*
- 11)~~j)~~ *The right to be given reasonable written notice of any change in a child's case plan, plans to terminate the placement of the child with the foster parent, and the reasons for the change or termination in placement. The notice shall be waived only in cases of a court order or when a child is determined to be at imminent risk of harm.*
- 12)~~k)~~ *The right to be notified in a timely and complete manner of all court hearings, including notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case; and the right to intervene in court proceedings or to seek mandamus under the Juvenile Court Act of 1987.*
- 13)~~l)~~ *The right to be considered as a placement option when a foster child who was formerly placed with the foster parent is to be re-entered into foster care, if that placement is consistent with the best interest of the child and other children in the foster parent's home.*
- 14)~~m)~~ *The right to have timely access to the child placement agency's existing appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.*
- 15)~~n)~~ *The right to be informed of the Foster Parent Hotline established under Section 35.6 of the Children and Family Services Act and all of the rights accorded to foster parents concerning reports of misconduct by Department employees, service providers, or contractors, confidential handling of those reports, and investigation by the Inspector General appointed under Section 35.5 of the Children and Family Services Act.*

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[20 ILCS 520/1-15]

- b) Implementation of these rights shall be explained in narrative form in the annual implementation plans described in Appendix A.

(Source: Amended at 33 Ill. Reg. 2202, effective January 31, 2009)

Section 340.50 Foster Parent Responsibilities

- a) *A foster parent's responsibilities include, but are not limited to, the following:*
- ~~1)a)~~ *The responsibility to openly communicate and share information about the child with other members of the child welfare team.*
 - ~~2)b)~~ *The responsibility to respect the confidentiality of information concerning foster children and their families and act appropriately within applicable confidentiality laws and regulations.*
 - ~~3)c)~~ *The responsibility to advocate for children in the foster parent's care.*
 - ~~4)d)~~ *The responsibility to treat children in the foster parent's care and the children's family with dignity, respect, and consideration.*
 - ~~5)e)~~ *The responsibility to recognize the foster parent's own individual and familial strengths and limitations when deciding whether to accept a child into care; and the responsibility to recognize the foster parent's own support needs and utilize appropriate supports in providing care for foster children.*
 - ~~6)f)~~ *The responsibility to be aware of the benefits of relying on and affiliating with other foster parents and foster parent associations in improving the quality of care and service to children and families.*
 - ~~7)g)~~ *The responsibility to assess the foster parent's ongoing individual training needs and take action to meet those needs.*
 - ~~8)h)~~ *The responsibility to develop and assist in implementing strategies to prevent placement disruptions, recognizing the traumatic impact of placement disruptions on a foster child and all members of the foster*

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family; and the responsibility to provide emotional support for the foster children and members of the foster family if preventive strategies fail and placement disruptions occur.

9)j) *The responsibility to know the impact foster parenting has on individuals and family relationships; and the responsibility to endeavor to minimize, as much as possible, any stress that results from foster parenting.*

10)j) *The responsibility to know the rewards and benefits to children, parents, families, and society that come from foster parenting and to promote the foster parenting experience in a positive way.*

11)k) *The responsibility to know the roles, rights, and responsibilities of foster parents, other professionals in the child welfare system, the foster child, and the foster child's own family.*

12)h) *The responsibility to know and, as necessary, fulfill the foster parent's responsibility to serve as a mandated reporter of suspected child abuse or neglect under the Abused and Neglected Child Reporting Act; and the responsibility to know the child welfare agency's policy regarding allegations that foster parents have committed child abuse or neglect and applicable administrative rules and procedures governing investigations of those allegations.*

13) *The responsibility to know and receive training regarding the purpose of administrative case reviews, client service plans, and court processes, as well as any filing or time requirements associated with those proceedings; and the responsibility to actively participate in the foster parent's designated role in these proceedings.*

14)m) *The responsibility to know the child welfare agency's appeal procedure for foster parents and the rights of foster parents under the procedure.*

15)n) *The responsibility to know and understand the importance of maintaining accurate and relevant records regarding the child's history and progress; and the responsibility to be aware of and follow the procedures and regulations of the child welfare agency with which the foster parent is licensed or affiliated.*

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- 16)⊕ *The responsibility to share information, through the child welfare team, with the subsequent caregiver (whether the child's parent or another substitute caregiver) regarding the child's adjustments in the foster parent's home.*
- 17)Ⓟ *The responsibility to provide care and services that are respectful of and responsive to the child's cultural needs and are supportive of the relationship between the child and his or her own family; the responsibility to recognize the increased importance of maintaining a child's cultural identity when the race or culture of the foster family differs from that of the foster child; and the responsibility to take action to address these issues. [20 ILCS 520/1-20]*
- b) Implementation strategies for these responsibilities shall be explained in narrative form in the annual implementation plans described in Appendix A.

(Source: Amended at 33 Ill. Reg. 2202, effective January 31, 2009)

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Section 340.APPENDIX A Outline and Minimum Requirements for Foster Parent Law Annual Implementation Plan

This Appendix lists the minimum requirements for the contents of the Foster Parent Law Annual Implementation Plan. These are presented in an outline that may be followed by Department regions and purchase of service agencies in development of the plan. Other formats are acceptable if the plan addresses each of the minimum requirements.

- I. How the agency is addressing each foster parent right in the Foster Parent Law
- II. How the agency is addressing each foster parent responsibility in the Foster Parent Law
- III. Documentation of foster parent input into the development of the annual plan
- IV. Foster parent notification
 - A. Documentation of notification to foster parents of availability of plan
 - B. Summary of foster parent comments
 - C. Summary of agency response to foster parent comments
- V. Summary of agency response to public comments
- VI. Explanation of how foster parents and other stakeholders are involved in developing and monitoring the implementation of the annual plan
- VII. Summary of what worked well and response to deficiencies from prior year's plan, if applicable
- VIII. Agency procedures for addressing foster parent grievances regarding violations of the Foster Parent Law and process for notifying foster parents of the availability of the grievance procedures

(Source: Amended at 33 Ill. Reg. 2202, effective January 31, 2009)

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**Section 340.APPENDIX B Rating Components for Foster Parent Law Annual
Implementation PlanPlans**

The following identifies the rating components that will be used in evaluating the Foster Parent Law Implementation Plans. Rating components are indicated under each foster parent right and responsibility. Unless otherwise noted, each component is worth one point. The narrative must describe how the agency or region does what each component requires in order to receive the point.

Foster Parent Rights (Explanation of how agency insures foster parent rights)

1. The right to be treated with dignity, respect, and consideration as a professional member of the child welfare team.

The agency or region has and implements strategies to ensure that its foster parents are treated with dignity and respect

Total – 5 points

2. The right to be given standardized pre-service training and appropriate ongoing training to meet mutually assessed needs and improve the foster parent's skills.

Minimum standardized pre-service training per 89 Ill. Adm. Code 402
(Licensing Standards for Foster Family Homes)
PRIDE or other DCFS approved training
Co-training approach (foster parent/staff)
Regular utilization of mutual assessment tool for training needs
Training commensurate with levels of care provided
Evidence of ongoing training schedule or calendar

Total – 6 points

3. The right to be informed as to how to contact the appropriate child placement agency in order to receive information and assistance to access supportive services for children in the foster parent's care.

24 hour/7 day availability of emergency support
Established method for accessing support services (e.g., SASS, placement stabilization and staff phone numbers and on-call schedules)

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Total – 2 points

4. The right to receive timely financial reimbursement commensurate with the care needs of the child as specified in the service plan.

Regular board payment (attached rate schedule)

Payment for additional services, such as respite care and camp

Timely assessment and payment commensurate with levels of care provided

Method of resolving payment problems

Total – 4 points

5. The right to be provided a clear, written understanding of a placement agency's plan concerning the placement of a child in the foster parent's home. Inherent in this right is the foster parent's responsibility to support activities that will promote the child's right to relationships with his or her own family and cultural heritage.

Foster parent participation in development of the case plan

Timely notification of changes in case plan/permanency goal, including method of notification

Foster parent participation/input into visitation/ communication plan

Total – 3 points

6. The right to be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation; the right to be provided the opportunity to request and receive mediation or an administrative review of decisions that affect licensing parameters, or both mediation and an administrative review; and the right to have decisions concerning a licensing corrective action plan specifically explained and tied to the licensing standards violated.

Policy describing the agency's investigation of alleged violations and demonstration of how the agency disseminates that information to foster parents

Person of foster parent's choosing present during the investigation

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Specified time frames for investigation as required by 89 Ill. Adm. Code 383

Procedure for appealing negative results/corrective action plans (NOTE: Merely stating that DCFS procedure is followed is not sufficient.)

Total – 4 points

7. The right, at any time during which a child is placed with the foster parent, to receive additional or necessary information that is relative to the care of the child.

Caseworker training in all information to be disclosed
Description of how caseworkers are held accountable for sharing the information

Total – 2 points

8. The right to be given information concerning a child from the Department as required under Section 5 of the Children and Family Services Act and from a child welfare agency as required under Section 7.4 (c-5) of the Child Care Act of 1969.

The agency has clear rules and procedures as to what information to share and how to share it with foster parents (see Section 340.40)
Staff training in all pertinent policies and procedures
Description of how caseworkers are held accountable for sharing the information

Total – 4 points

98. The right to be notified of scheduled meetings and staffings concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings, and individual educational planning meetings; the right to be informed of decisions made by the courts or the child welfare agency concerning the child; the right to provide input concerning the plan of services for the child and to have that input given full consideration in the same manner as information presented by any other professional on the team; and the right to communicate with other professionals who work with the foster child within the context of the team, including therapists, physicians, and

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teachers.

Foster parents notified and encouraged to participate in all meetings and staffings about foster children in their care

Foster parents informed of decisions made by agencies and courts

Foster parents encouraged to give input into case planning and input is given full consideration

Foster parents encouraged to communicate with all child team members

Total – 4 points

109. The right to be given, in a timely and consistent manner, any information a case worker has regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information concerning the child's family shall be limited to that information that is essential for understanding the needs of and providing care to the child in order to protect the rights of the child's family. When a positive relationship exists between the foster parent and the child's family, the child's family may consent to disclosure of additional information.

A description is given to foster parents at intake, and a prescribed method of disclosing information is utilized

Ongoing sharing of information that is pertinent to the well-being and health of the child

Total – 2 points

1140. The right to be given reasonable written notice of any change in a child's case plan, plans to terminate the placement of the child with the foster parent, and the reasons for the change or termination in placement. The notice shall be waived only in cases of a court order or when a child is determined to be at imminent risk of harm.

14 day notice (not applicable for movements involving imminent risk)

Notice in writing

Appeal, including emergency review process, is given to foster parent

Total – 3 points

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1211. The right to be notified in a timely and complete manner of all court hearings, including notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case; and the right to intervene in court proceedings or to seek mandamus under the Juvenile Court Act of 1987.

Method for notifying foster parents of hearings and their right to be heard
Description of how caseworkers are held accountable for notifying foster parents

Total – 2 points

1312. The right to be considered as a placement option when a foster child who was formerly placed with the foster parent is to be re-entered into foster care, if that placement is consistent with the best interest of the child and other children in the foster parent's home.

Method for checking past placement records, when possible
Process for determining best interest regarding placement decision

Total – 2 points

1413. The right to have timely access to the child placement agency's existing appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.

Documentation that an internal appeals system has been established and description of how it prohibits retaliation
Process for accessing the external DCFS appeals system, when necessary

Total – 2 points

1514. The right to be informed of the Foster Parent Hotline established under Section 35.6 of the Children and Family Services Act and all of the rights accorded to foster parents concerning reports of misconduct by Department employees, service providers, or contractors, confidential handling of those reports, and investigation by the Inspector General appointed under Section 35.5 of the Children and Family Services Act.

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Training/brochures available on the Foster Parent Hotline and the Office of the Inspector General

Total – 1 point

Foster Parent Responsibilities (Explanation of how agency makes foster parents aware of and helps to achieve or meet their responsibilities)

1. The responsibility to openly communicate and share information about the child with other members of the child welfare team.

Training on type and importance

Total – 1 point

2. The responsibility to respect the confidentiality of information concerning foster children and their families and act appropriately within applicable confidentiality laws and regulations.

Initial and ongoing training on importance of confidentiality
Laws and regulations available to foster parents

Total – 2 points

3. The responsibility to advocate for children in the foster parent's care.

Educational advocacy training available
Court training available
Service appeal brochures and training available
Encouragement to participate in staffings, Administrative Case Reviews,
Placement Review Teams, case conferences and court hearings

Total – 4 points

4. The responsibility to treat children in the foster parent's care and the children's family with dignity, respect, and consideration.

Initial and ongoing training on this topic
Monitoring by staff charged with case management

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Total – 4 points

5. The responsibility to recognize the foster parent's own individual and familial strengths and limitations when deciding whether to accept a child into care; and the responsibility to recognize the foster parent's own support needs and utilize appropriate supports in providing care for foster children.

Ongoing mutual assessment method
Training based on assessments
Placements based on strengths
Support needs addressed

Total – 4 points

6. The responsibility to be aware of the benefits of relying on and affiliating with other foster parents and foster parent associations in improving the quality of care and service to children and families.

Affiliations with foster parent associations are encouraged and facilitated
Internal support groups encouraged, and information provided to foster parents

Total – 2 points

7. The responsibility to assess the foster parent's ongoing individual training needs and take action to meet those needs.

Method and tool for assessing general training needs of foster parents
Process for providing for identified needs

Total – 2 points

8. The responsibility to develop and assist in implementing strategies to prevent placement disruptions, recognizing the traumatic impact of placement disruptions on a foster child and all members of the foster family; and the responsibility to provide emotional support for the foster children and members of the foster family if preventive strategies fail and placement disruptions occur.

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Method of early identification of children at risk of disrupting or creating disruption in the family

Support for foster children and family members if preventive strategies fail

Training in purpose and availability of stabilization services

Total – 3 points

9. The responsibility to know the impact foster parenting has on individuals and family relationships; and the responsibility to endeavor to minimize, as much as possible, any stress that results from foster parenting.

Training/methods to recognize and minimize stress factors Respite available

"Voluntary hold" methods explained and understood

Counseling and other supports available

Total – 4 points

10. The responsibility to know the rewards and benefits to children, parents, families, and society that come from foster parenting and to promote the foster parenting experience in a positive way.

Foster parents informed of events/activities that acknowledge and support foster parents and participation is encouraged

Training in the public relations aspect of foster parenting is made available

Total – 2 points

11. The responsibility to know the roles, rights, and responsibilities of foster parents, other professionals in the child welfare system, the foster child, and the foster child's own family.

Training and co-training with staff is required

Regular meetings with other team members are held and encouraged

Foster parents have a recognized voice within the agency's management organization (3 points)

Total – 5 points

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12. The responsibility to know and, as necessary, fulfill the foster parent's responsibility to serve as a mandated reporter of suspected child abuse or neglect under the Abused and Neglected Child Reporting Act; and the responsibility to know the child welfare agency's policy regarding allegations that foster parents have committed child abuse or neglect and applicable administrative rules and procedures governing investigations of those allegations.

Training, initial and ongoing, including Sexually Abusive Children and Youth reporting responsibility
Written foster parent acknowledgment/contract
Training involving allegations against foster parents and the applicable rules and regulations that govern the investigation of the allegations

Total – 3 points

13. The responsibility to know and receive training regarding the purpose of administrative case reviews, client service plans, and court processes, as well as any filing or time requirements associated with those proceedings; and the responsibility to actively participate in the foster parent's designated role in these proceedings.

Training on the importance of participating
Emphasis on foster parents taking an active role in planning for permanency goal through court hearings, Administrative Case Reviews, etc.

Total – 2 points

14. The responsibility to know the child welfare agency's appeal procedure for foster parents and the rights of foster parents under the procedure.

Awareness of agency's internal appeal systems and utilization
Rights of foster parents spelled out

Total – 2 points

15. The responsibility to know and understand the importance of maintaining accurate and relevant records regarding the child's history and progress; and the

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responsibility to be aware of and follow the procedures and regulations of the child welfare agency with which the foster parent is licensed or affiliated.

Training provided on importance of complete records
Regulations/expectations are available in writing
Agency provides folder, notebook, or case record for the storage and/or transportation of foster parent records

Total – 3 points

16. The responsibility to share information, through the child welfare team, with the subsequent caregiver (whether the child's parent or another substitute caregiver) regarding the child's adjustments in the foster parent's home.

Training on this expectation is offered

Total – 1 point

17. The responsibility to provide care and services that are respectful of and responsive to the child's cultural needs and are supportive of the relationship between the child and his or her own family; the responsibility to recognize the increased importance of maintaining a child's cultural identity when the race or culture of the foster family differs from that of the foster child; and the responsibility to take action to address these issues.

Training encouraged and made available, both initial and ongoing
Internal and external resources made accessible or available

Total – 2 points

Other Scoring Components

1. The plan contains a description of an inclusive and representative process for involving foster parents in developing the plan – 2 points
2. The plan describes how agency case managers were involved – 2 points
3. The plan contains names of foster parents who had input into the plan – 2 points

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4. The plan contains sign-off approval from foster parents – 2 points
5. The public notification requirement was met – 2 points
6. Previously identified deficiencies were addressed – 2 points
7. The plan related grievance procedure has been established with input from agency foster parents, and the plan is operational – 2 points
8. Foster parents are notified of the availability of the grievance process – 2 points

(Source: Amended at 33 Ill. Reg. 2202, effective January 31, 2009)

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- 1) Heading of the Part: Quality Standards and Certification Requirements for Facilities Performing Mammography
- 2) Code Citation: 32 Ill. Adm. Code 370
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
370.60	Amendment
370.110	Amendment
370. TABLE A	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40/7a]
- 5) Effective Date of Amendments: January 23, 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 13657; August 22, 2008
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 370.110(e)(5), changed "American College of Radiology; Mammography Quality Control for Medical Physicists, Revised Edition" to "Mammography Quality Control Manual: Medical Physicist's Section, Revised Edition"
- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: The Agency is proposing this Amendment to change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003); to update the version of the Mammography Quality Control for Medical Physicists and to update the Mammography Dose Evaluation Table.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 370

QUALITY STANDARDS AND CERTIFICATION REQUIREMENTS
FOR FACILITIES PERFORMING MAMMOGRAPHY

Section	
370.10	Scope
370.20	Definitions
370.30	Incorporations by Reference
370.40	Exemptions
370.50	Requirements for Certification
370.60	Fees
370.70	Personnel Requirements
370.80	Equipment Requirements
370.90	Medical Records and Mammography Reports
370.100	Quality Assurance Requirements
370.110	Equipment Quality Assurance Tests
370.120	Additional Administrative Requirements
370.130	Mammography Medical Outcomes Audit
370.140	Additional Mammography Review and Patient Notification
370.145	Notification Requirements for Mobile Mammography Facilities Certified by Another Certifying Entity
370.150	Revocation of Accreditation and Revocation of Accreditation Body Approval
370.160	Suspension, Revocation or Denial of Certificates
370.165	Failure of Mobile Mammography Facilities Certified by Another Certifying Entity to Meet Requirements
370.170	Mammography Units Used for Localization or Biopsy Procedures
370.APPENDIX A	Mammography Dose Measurement Protocol
370.APPENDIX B	Mammography Phantom Image Evaluation
370.TABLE A	Mammography Dose Evaluation Table

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Old Part repealed at 15 Ill. Reg. 10846, effective July 15, 1991; new Part adopted by emergency rule at 22 Ill. Reg. 14972, effective August 3, 1998, for a maximum of 150 days;

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adopted at 22 Ill. Reg. 21915, effective December 3, 1998; amended at 24 Ill. Reg. 18258, effective December 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20963, effective December 16, 2005; amended at 33 Ill. Reg. 2224, effective January 23, 2009.

Section 370.60 Fees

- a) Except as provided in subsection (b) of this Section, the ~~Agency~~~~Department~~ shall assess each certified mammography installation an annual certification fee of \$750 in each State fiscal year (July 1-June 30). The ~~Agency~~~~Department~~ shall bill the mammography installation for the annual fee after July 1. The annual fee shall be due and payable within 60 days after the date of billing. Failure to pay the required fee may result in revocation of the certificate.

AGENCY NOTE: The annual fee described in subsection (a) of this Section applies to both fully and provisionally certified mammography installations.

- b) A new mammography installation issued an initial provisional certificate after December 31 of any State fiscal year shall not be required to pay a certification fee for that State fiscal year.

(Source: Amended at 33 Ill. Reg. 2224, effective January 23, 2009)

Section 370.110 Equipment Quality Assurance Tests

- a) Daily quality control tests. Film processors used to develop mammograms shall be adjusted and maintained to meet the technical development specifications for the mammography film in use. A processor performance test shall be performed on each day that examinations are performed before any clinical films are processed that day. The test shall include an assessment of base plus fog density, mid-density and density difference, using the mammography film used clinically at the facility.
- 1) The base plus fog density shall be within plus 0.03 of the established operating level.
 - 2) The mid-density shall be within plus or minus 0.15 of the established operating level.

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- 3) The density difference shall be within plus or minus 0.15 of the established operating level.
- b) Weekly quality control tests. Facilities with screen-film systems shall perform a phantom image quality evaluation test at least weekly, using the Mammography Image Evaluation Protocol found in Appendix B of this Part.
- 1) The optical density of the film at the center of an image of the phantom shall be at least 1.20 when exposed under a typical clinical condition.
 - 2) The optical density of the film at the center of the phantom image shall not change by more than plus or minus 0.20 from the established operating level.
 - 3) The mammography system shall be capable of producing images of the mammography phantom in which the following objects are visualized:
 - A) The three largest masses with thicknesses of 2.0, 1.0 and 0.75 millimeter.
 - B) The three largest speck groups with diameters of 0.54, 0.40 and 0.32 millimeter.
 - C) The four largest fibers with thicknesses of 1.56, 1.12, 0.89 and 0.75 millimeter.
 - 4) The density difference between the background of the phantom and an added test object, used to assess image contrast, shall be measured and shall not vary by more than plus or minus 0.05 from the established operating level.
- c) Quarterly quality control tests. Facilities with screen-film systems shall perform the following quality control tests at least quarterly:
- 1) Fixer retention in film. The residual fixer shall be no more than 5 micrograms per square cm.
 - 2) Repeat analysis. If the total repeat or reject rate changes from the previously determined rate by more than 2.0 percent of the total films

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included in the analysis, the reasons for the change shall be determined. Any corrective actions shall be recorded and the results of these corrective actions shall be assessed.

- d) Semiannual quality control tests. Facilities with screen-film systems shall perform the following quality control tests at least semiannually:
- 1) Darkroom fog. The optical density attributable to darkroom fog shall not exceed 0.05 when a mammography film of the type used in the facility, which has a mid-density of no less than 1.20, is exposed to typical darkroom conditions for 2 minutes while such film is placed on the counter top emulsion side up. If the darkroom has a safelight used for mammography film, it shall be on during this test.
 - 2) Screen-film contact. Testing for screen-film contact shall be conducted using 40 mesh copper screen. All cassettes used in the facility for mammography shall be tested.
 - 3) Compression device performance. The compression device performance shall:
 - A) Be capable of maintaining a compression force of at least 111 newtons (25 pounds) for at least 15 seconds;
 - B) Not be capable of exceeding a compression force of more than 209 newtons (47 pounds) when used in an automatic or power drive mode.
- e) Annual quality control tests. Facilities with screen-film systems shall perform the following quality control tests at least annually:
- 1) Automatic exposure control performance.
 - A) The AEC shall be capable of maintaining film optical density within plus or minus 0.30 of the mean optical density when thickness of a homogeneous material is varied over a range of 2 to 6 cm and the kVp is varied appropriately for such thicknesses over the kVp range used clinically in the facility. If this requirement cannot be met, a technique chart shall be developed showing

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appropriate techniques (kVp and density control settings) for different breast thicknesses and compositions that shall be used so that optical densities within plus or minus 0.30 of the average under phototimed conditions can be produced.

- B) The AEC shall be capable of maintaining film optical density within plus or minus 0.15 of the mean optical density when thickness of a homogeneous material is varied over a range of 2 to 6 cm and the kVp is varied appropriately for such thicknesses over the kVp range used clinically in the facility.
- C) The optical density of the film in the center of the phantom image shall not be less than 1.20.
- 2) Kilovoltage peak accuracy and reproducibility. The kVp shall be accurate within plus or minus 5 percent of the indicated or selected kVp at:
- A) The lowest clinical kVp that can be measured by a kVp test device;
- B) The most commonly used clinical kVp;
- C) The highest available clinical kVp; and
- D) At the most commonly used clinical settings of kVp, the coefficient of variation of reproducibility of the kVp shall be equal to or less than 0.02.
- 3) Focal spot dimensions. Facilities shall evaluate focal spot condition by determining the system resolution. For focal spot dimensions, the measured values of the focal spot length (dimension parallel to the anode cathode axis) and width (dimension perpendicular to the anode-cathode axis) shall be within the tolerance limits specified in this subsection (e)(3).

Focal Spot Tolerance Limit

Nominal Focal Spot Size (mm)	Maximum Measured Dimensions	
	Width (mm)	Length (mm)
0.10	0.15	0.15

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0.15	0.23	0.23
0.20	0.30	0.30
0.30	0.45	0.65
0.40	0.60	0.85
0.60	0.90	1.30

- 4) System resolution. Facilities shall evaluate focal spot condition by determining the system resolution as follows:
- A) Each x-ray system used for mammography, in combination with the mammography screen-film combination used in the facility, shall provide a minimum resolution of 11 cycles/millimeter (mm) (line-pairs/mm) when a high contrast resolution bar test pattern is oriented with the bars perpendicular to the anode-cathode axis, and a minimum resolution of 13 line-pairs/mm when the bars are parallel to that axis.
 - B) The bar pattern shall be placed 4.5 cm above the breast support surface, centered with respect to the chest wall edge of the image receptor, and with the edge of the pattern within 1 cm of the chest wall edge of the image receptor.
 - C) When more than one target material is provided, the measurement shall be made using the appropriate focal spot for each target material.
 - D) When more than one source-image receptor distance is provided, the test shall be performed at SID most commonly used clinically.
 - E) Test kVp shall be set at the value used clinically by the facility for a standard breast and shall be performed in the AEC mode, if available. If necessary, a suitable absorber may be placed in the beam to increase exposure times. The screen-film cassette combination used by the facility shall be used to test for this requirement and shall be placed in the normal location used for clinical procedures.
- 5) Beam quality and half-value layer (HVL). For mammography systems operating at x-ray tube potentials of less than 50 kVp, the HVL in

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millimeters of aluminum of the useful beam shall be equal to or greater than the product of the measured tube potential in kilovolts multiplied by 0.01. The half-value layer shall be measured with the compression device in the beam and shall be measured at the same tube potential used in Appendix A of this Part, Mammography Dose Measurement Protocol, and Appendix B of this Part, Mammography Phantom Image Evaluation.

AGENCY NOTE: If the measured half-value layer is significantly greater than the specified minimum, image contrast will be reduced and overall image quality will be degraded. For screen-film mammography systems, it is recommended that the HVL not exceed the minimum acceptable HVL by more than 0.1 millimeter of aluminum, as specified in the [American College of Radiology, Mammography Quality Control Manual for Medical Physicists Section](#), Revised Edition, ~~1999~~1994.

- 6) Breast entrance air kerma and AEC reproducibility. The coefficient of variation for both air kerma and mAs shall not exceed 0.05.
- 7) Dosimetry. The average glandular dose delivered during a single craniocaudal view of a phantom simulating a standard breast shall not exceed 3.0 milligray (mGy) (0.3 rad) per exposure. The dose shall be determined with technique factors and conditions used clinically for a standard breast (see Appendix A of this Part).
- 8) X-ray field/light field/image receptor/compression paddle alignment.
 - A) All systems shall have beam-limiting devices that allow the entire chest wall edge of the x-ray field to extend to the chest wall edge of the image receptor and provide means to assure that the x-ray field does not extend beyond any edge of the image receptor by more than 2 percent of the SID.
 - B) If a light field that passes through the x-ray beam limitation device is provided, it shall be aligned with the x-ray field so that the total of any misalignment of the edges of the light field and the x-ray field along either the length or the width of the visually defined field at the plane of the breast support surface shall not exceed 2 percent of the SID.

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- C) The chest wall edge of the compression paddle shall not extend beyond the chest wall edge of the image receptor by more than one percent of the SID when tested with the compression paddle placed above the breast support surface at a distance equivalent to standard breast thickness. The shadow of the vertical edge of the compression paddle shall not be visible on the image.
- 9) Uniformity of screen speed. Uniformity of screen speed of all the cassettes in the facility shall be tested and the difference between the maximum and minimum optical densities shall not exceed 0.30. Screen artifacts shall also be evaluated during this test.
- 10) System artifacts. System artifacts shall be evaluated with a high-grade, defect-free sheet of homogeneous material large enough to cover the mammography cassette and shall be performed for all cassette sizes used in the facility using a grid appropriate for the cassette size being tested. System artifacts shall also be evaluated for all available focal spot sizes and target filter combinations used clinically.
- 11) Radiation output.
- A) The system shall be capable of producing a minimum output of 4.5 mGy air kerma per second (513 mR per second) when operating at 28 kVp in the standard mammography (moly/moly) mode at any SID where the system is designed to operate and when measured by a detector with its center located 4.5 cm above the breast support surface with the compression paddle in place between the source and the detector. The system, under the same measuring conditions, shall be capable of producing a minimum output of 7.0 mGy air kerma per second (800 mR per second) when operating at 28 kVp in the standard (moly/moly) mammography mode at any SID where the system is designed to operate.
- B) The system shall be capable of maintaining the required minimum radiation output averaged over a 3.0 second period.
- 12) Decompression. If the system is equipped with a provision for automatic decompression after completion of an exposure or interruption of power to the system, the system shall be tested to confirm that it provides:

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- A) An override capability to allow maintenance of compression;
 - B) A continuous display of the override status; and
 - C) A manual emergency compression release that can be activated in the event of power or automatic release failure.
- f) Quality control tests-other modalities. For systems with image receptor modalities other than screen-film, the quality assurance program shall be substantially the same as the quality assurance program recommended by the image receptor manufacturer, except that the maximum allowable dose shall not exceed the maximum allowable dose for screen-film systems in subsection (e)(7) of this Section.
- g) Mobile units. The facility shall verify that mammography units used to produce mammograms at more than one location meet the requirements in subsections (a) through (f) of this Section. In addition, at each examination location, before any examinations are conducted, mobile mammography systems shall be tested using the mammography phantom image evaluation, or shall meet the following requirements:
- 1) A medical physicist shall establish a protocol for measurement of the radiation output of the mammography system, including the radiation measuring device to be used, procedures for performing the measurement and the anticipated result of the measurement.
 - 2) Measurements shall be performed using the technique factors that were used for the most recent phantom image evaluation. If a change is made in the technique factors used for the measurements required in this subsection (g)(2), the image quality shall be tested using the mammography phantom image evaluation protocol found in Appendix B of this Part.

AGENCY NOTE: If the phantom image evaluation is performed using a phototimer, the medical physicist may specify appropriate technique factors that approximate those used by the phototimer for the measurements required in this Section.

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- 3) After each relocation of a mobile mammography system, measurements of the radiation output of the machine shall be performed according to the protocol established in this Section.
- 4) If the radiation output measurement exceeds plus or minus 15 percent of the value established by the medical physicist, the system shall not be used to image human patients until the cause for the variation has been investigated and corrected.
- 5) Records of radiation output measurements for mobile mammography systems shall be maintained at the location of the mammography system for a period of not less than one inspection cycle.

AGENCY NOTE: The Agency recommends that mobile mammography systems be tested for image quality after each relocation and prior to use on patients, with mammography phantom image evaluation protocol in Appendix B of this Part.

- h) Use of test results.
 - 1) After completion of the tests specified in subsections (a) through (g) of this Section, the facility shall compare the test results to the corresponding specified action limits, or for nonscreen-film modalities, to the manufacturer's recommended action limits, or for post-move, preexamination testing of mobile units, to the limits established in the test method used by the facility.
 - 2) If the test results fall outside of the action limits, the source of the problem shall be identified and corrective actions shall be taken:
 - A) Before any further examinations are performed or any films are processed using the component of the mammography system that failed the test, if the failed test was that described in subsection (a), (b), (d)(1), (d)(2), (d)(3), (e)(7), (f) or (g) of this Section;
 - B) Within 30 days after the test date for all other tests described in this Section.
- i) Surveys.

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- 1) At least once a year, each facility shall undergo a survey by a medical physicist or by an individual under the direct supervision of a medical physicist. At a minimum, this survey shall include the performance of tests to ensure that the facility meets the quality assurance requirements of the annual tests described in subsections (e) and (f) of this Section and the weekly phantom image quality test described in subsection (b) of this Section.
 - 2) Calibration of air kerma measuring instruments. Instruments used by medical physicists in their annual survey to measure the air kerma or air kerma rate from a mammography unit shall be calibrated at least once every 2 years and each time the instrument is repaired. The instrument calibration shall be traceable to a national standard and calibrated with an accuracy of plus or minus 6 percent (95 percent confidence level) in the mammography energy range.
 - 3) The results of all tests conducted by the facility in accordance with subsections (a) through (g) of this Section, as well as written documentation of any corrective actions taken and their results, shall be evaluated for adequacy by the medical physicist performing the survey.
 - 4) The medical physicist shall prepare a survey report that includes a summary of this review and recommendations for necessary improvements.
 - 5) The survey report shall be sent to the facility within 30 days after the date of the survey.
 - 6) The survey report shall be dated and signed by the medical physicist performing or supervising the survey. If the survey was performed entirely or in part by another individual under the direct supervision of the medical physicist, that individual and the part of the survey that individual performed shall also be identified in the survey report.
- j) Mammography equipment evaluations. Additional evaluations of mammography units or image processors shall be conducted whenever a new unit or processor is installed, a unit or processor is disassembled and reassembled at the same or a new location, or major components of a mammography unit or processor equipment

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are changed or repaired. These evaluations shall be used to determine whether the new or changed equipment meets the requirements of applicable standards in this Section and Section 370.80 of this Part. All problems shall be corrected before the new or changed equipment is put into service for examinations or film processing. The mammography equipment evaluation shall be performed by a medical physicist or by an individual under the direct supervision of a medical physicist.

(Source: Amended at 33 Ill. Reg. 2224, effective January 23, 2009)

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Section 370.TABLE A Mammography Dose Evaluation Table

This Table is used to determine the mean glandular dose in milligrays delivered by 25.8 mC/kg (or millirad) delivered by 1 R in air incident on a 4.2 centimeter thickness compressed breast of average density (50 percent adipose and 50 percent glandular tissue). Values listed are for the first half-value layer (HVL) in millimeters of aluminum (mm Al), for x-ray tube target-filter combinations of molybdenum/molybdenum (Mo/Mo) and tungsten/ aluminum (W/Al). Linear extrapolation or interpolation shall be made for any HVL not listed.

Mean Glandular Dose in milligrays for 25.8 mC/kg (or millirad for 1 R) Entrance Exposure for a 4.2 Centimeter Compressed Breast of Average Density

HVL (mm AL)	Mo/Mo Target-Filter X-Ray Tube Voltage (kVp)											W-Al Target- Filter Combination
	23	24	25	26	27	28	29	30	31	32	33	
0.23	116											
0.24	121	124										
0.25	126	129	131									
0.26	130	133	135	138								
0.27	135	138	140	142	143							
0.28	140	142	144	146	147	149						
0.29	144	146	148	150	151	153	154					
0.30	149	151	153	155	156	157	158	159				170
0.31	154	156	157	159	160	161	162	163	164			175
0.32	158	160	162	163	164	166	167	168	168	170	171	180
0.33	163	165	166	168	169	170	171	173	173	174	175	185
0.34	168	170	171	172	173	174	175	176	177	178	179	190
0.35		174	175	176	177	178	179	180	181	182	183	194
0.36			179	181	182	183	184	185	185	186	187	199
0.37				185	186	187	188	189	190	191	191	204
0.38					190	191	192	193	194	195	195	208
0.39						196	197	198	198	199	200	213
0.40							201	202	203	204	204	217
0.41								206	207	208	208	221
0.42									211	212	212	225
0.43										215	216	230
0.44											<u>220</u>	234
0.45												238

AGENCY NOTE: Adapted from: Mammography Quality Control Manual: Medical Physicist's Section, Revised Edition, 1999+1994.

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(Source: Amended at 33 Ill. Reg. 2224, effective January 23, 2009)

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- 1) Heading of the Part: Analytical Types of X-Ray Equipment
- 2) Code Citation: 32 Ill. Adm. Code 380
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
380.10	Amendment
380.50	Amendment
380.60	Amendment
380.70	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- 5) Effective Date of Amendments: January 23, 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 13673; August 22, 2008
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
 1. In Section 380.50(c) changed "to" to "with"
 2. In Section 380.60(f) changed "which" to "that"
- 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 rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: The Agency is proposing this Amendment to change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003) and to remove a conflict with 32 Ill. Adm. Code 340 in regard to monitoring devices.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 380

ANALYTICAL TYPES OF X-RAY EQUIPMENT

Section

380.10	Scope
380.20	Definition
380.30	Labeling
380.40	Radiation Exposure Standards
380.50	Tests and Inspections
380.60	Operating Procedures and Instructions
380.70	Monitoring

AUTHORITY: Implementing and authorized by the Radiation Protection Act [420 ILCS 401].

SOURCE: Filed and effective April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 11280; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 2240, effective January 23, 2009.

Section 380.10 Scope

This Part establishes special requirements for x-ray diffraction units, x-ray spectrographic fluorescence equipment, etc. The provisions of this Part are in addition to, and not in substitution for, other applicable provisions of Agency~~Department~~ regulations.

(Source: Amended at 33 Ill. Reg. 2240, effective January 23, 2009)

Section 380.50 Tests and Inspections

- a) Tests and inspections of all safety devices shall be performed at least monthly to insure their proper operation.
- b) Surveys and monitoring sufficient to insure that operations are conducted safely shall be provided.

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- c) Records of tests and inspections, surveys, and monitoring sufficient to show compliance ~~with Agency~~~~to Department~~ regulations shall be maintained and kept available for inspection by a representative of the ~~Agency~~~~Department~~, upon demand.

(Source: Amended at 33 Ill. Reg. 2240, effective January 23, 2009)

Section 380.60 Operating Procedures and Instructions

- a) Individuals having access to analytical x-ray machines or equipment shall be provided with specific written instructions concerning the radiation hazards, safe working practices, and made aware of the symptoms of an acute localized exposure to radiation. These instructions shall be posted near the controls of the x-ray ~~machine~~~~machine(s)~~.
- b) Medical personnel examining work-connected injuries shall be informed of the possibility of radiation exposure to the worker from the devices regulated in this Part.
- c) Operators shall be instructed in the procedures for reporting an actual or suspected radiation overexposure. When it has been determined that an overexposure to an individual has occurred, it shall be reported to the ~~Agency~~~~Department~~ without undue delay.
- d) In cases where the primary x-ray beam is not intercepted by the experimental apparatus under all conditions of operation, protective measures shall be provided, such as auxiliary shielding, to avoid exposure to the primary x-ray beam.
- e) If, for any reason, it is necessary to temporarily intentionally alter safety devices, such as bypassing interlocks or removing shielding, such action shall be:
- 1) specified in writing and posted near the x-ray tube housing so that other persons will know the existing status of the machine; and
 - 2) terminated as soon as possible.
- f) Whenever possible, an interlocking device ~~that~~~~which~~ prevents the entry of any portion of an individual body or extremities into the primary beam, or causes the

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primary beam to be shut off upon entry into its path, shall be provided.

- g) Unused tube ports shall be closed in such a fashion that accidental opening is not possible.

(Source: Amended at 33 Ill. Reg. 2240, effective January 23, 2009)

Section 380.70 Monitoring

Operators of analytical x-ray equipment shall be provided with finger or wrist radiation monitoring devices ~~as required by 32 Ill. Adm. Code 340.520 if the equipment is not provided with interlocks as specified in Section 380.60(f). Reported exposure or dose values shall not be used for the purpose of determining compliance with 32 Ill. Adm. Code 340 unless evaluated by a qualified expert.~~

(Source: Amended at 33 Ill. Reg. 2240, effective January 23, 2009)

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- 1) Heading of the Part: Registration Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists
- 2) Code Citation: 32 Ill. Adm. Code 410
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
410.10	Amendment
410.20	Amendment
410.30	Amendment
410.35	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] (see P.A. 91-340, effective July 29, 1999)
- 5) Effective Date of Amendments: January 23, 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 13678; August 22, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:
 1. In Section 410.20(e), change "Agency Department as a nonagency nondepartment" to "former Illinois Department of Nuclear Safety Department."
 2. Several grammatical and stylistic changes were made in accordance with JCAR's recommendation.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Agency is proposing this Amendment to change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003).
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 410

REGISTRATION REQUIREMENTS FOR DIAGNOSTIC IMAGING SPECIALISTS
AND THERAPEUTIC RADIOLOGICAL PHYSICISTS

Section

410.10	Policy and Scope
410.20	Education/Experience Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists
410.30	Approval of Application and Application/Registration Fees
410.35	Suspension and Revocation of Registration as an Approved Diagnostic Imaging Specialist or a Therapeutic Radiological Physicist
410.40	Radiation Installations and Classifications (Repealed)
410.50	Inspection Procedures (Repealed)
410.60	Choice of Type of Inspector and Inspection Schedule (Repealed)
410.65	Inspection Fees (Repealed)
410.70	Separate Installation (Repealed)
410.80	Change in Operator (Repealed)
410.ILLUSTRATION A	New Facility Filing Anniversary Date (Class C Facility Used As An Example) (Repealed)
410.ILLUSTRATION B	Existing Facility Filing Anniversary Date (Class B Facility Used As An Example) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Adopted at 8 Ill. Reg. 23209, effective November 19, 1984; amended at 9 Ill. Reg. 17821, effective November 5, 1985; amended at 10 Ill. Reg. 13265, effective July 29, 1986; amended at 13 Ill. Reg. 342, effective January 30, 1989; amended at 14 Ill. Reg. 13638, effective August 13, 1990; amended at 17 Ill. Reg. 17953, effective October 4, 1993; amended at 20 Ill. Reg. 9570, effective July 5, 1996; amended at 23 Ill. Reg. 332, effective December 18, 1998; amended at 23 Ill. Reg. 14501, effective January 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 2245, effective January 23, 2009.

Section 410.10 Policy and Scope

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This Part implements the provisions of the Radiation Protection Act of 1990 [420 ILCS 40] regarding approval and registration of individuals responsible for implementing a comprehensive radiation protection program for Class D facilities as defined in 32 Ill. Adm. Code 320.

Specifically this Part:

- a) Establishes standards and procedures the ~~Agency~~Department will apply for approving individuals as diagnostic imaging specialists and/or therapeutic radiological physicists; and
- b) Establishes standards and procedures to be applied by the ~~Agency~~Department when withdrawing its approval of a diagnostic imaging specialist and/or therapeutic radiological physicist.

(Source: Amended at 33 Ill. Reg. 2245, effective January 23, 2009)

Section 410.20 Education/Experience Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists

- a) Diagnostic imaging specialists and therapeutic radiological physicists responsible for implementing comprehensive radiation protection programs shall be approved by the ~~Agency~~Department in accordance with Section 410.30 of this Part.
- b) Diagnostic Imaging Specialist. Individuals seeking approval as a diagnostic imaging specialist must possess the knowledge, training and experience to apply principles of radiological physics to diagnostic x-ray applications. Individuals seeking such approval shall meet any one of the criteria set forth in this subsection (b).

	<u>Education and/or Certification</u>		<u>Experience</u>
1)	Certification by the American Board of Radiology, American Board of Medical Physics or Canadian College of Medical Physics, in radiological physics or diagnostic radiological physics	and	experience included in certification.

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| 2) | Certification by the American Board of Health Physics, by the College, or one of the Boards listed in subsection (b)(1) of this Section, in Therapeutic radiological physics | and | 6 months of experience in diagnostic x-ray, which shall include quality assurance and survey experience. |
| 3) | Doctorate (Ph. D.) or Master's (MS/MA) degree in health physics, medical radiological physics or physics | and | 1 year of applied x-ray radiation protection experience of which 6 months shall include quality assurance and survey experience in diagnostic x-ray. |
| 4) | Bachelor's (BS/BA) degree in health physics, medical radiological physics or physics | and | 2 years of applied x-ray radiation protection experience of which 6 months shall include quality assurance and survey experience in diagnostic x-ray. |
| 5) | Mater's (MS/MA) or Bachelor's (BS/BA) degree in physical or life science, mathematics, or other equivalent degree as determined by the Department | and | 3 years of applied x-ray radiation protection experience of which 1 year shall include quality assurance and survey experience in diagnostic x-ray. |

AGENCY NOTE: A degree that is not readily identifiable as meeting the requirements of this Part may be referred to the State Board of Higher Education for a determination of the degree classification.

- c) Therapeutic Radiological Physicist. Individuals seeking approval as a therapeutic radiological physicist must possess the knowledge, training and experience to measure ionizing radiation, evaluate safety techniques, advise regarding radiation protection needs and apply the principles of radiological physics to clinical radiation therapy. To meet these criteria, a therapeutic radiological physicist shall meet either of the criteria set forth in this subsection (c).

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- | | Education and/or
Certification | | Experience |
|----|--|-----|---|
| 1) | Certification by the American Board of Radiology, the American Board of Medical Physics or Canadian College of Medical Physics, in therapeutic radiological physics, roentgen ray and gamma ray physics, x-ray and radium physics, or radiological physics | and | experience included in certification. |
| 2) | Doctorate (Ph.D.) or Master's (MS/MA) degree in physics, biophysics, radiological physics or health physics | and | 1 year of full-time training in radiological physics and also 1 year of full-time work experience under the supervision of a therapeutic radiological physicist at a medical institution. |
| d) | To meet the work experience requirements of subsection (c)(2) of this Section, the individual shall have performed the tasks specified in 32 Ill. Adm. Code 360.120(c), (d) and (e) under the supervision of an individual meeting the requirements of subsection (c) of this Section during the year of work experience. | | |
| e) | An individual previously holding a designation as a diagnostic imaging specialist and/or a therapeutic radiological physicist, and previously approved by the <u>former Illinois Department of Nuclear Safety</u> Department as a nondepartment qualified inspector, shall remain approved as a diagnostic imaging specialist and/or therapeutic radiological physicist, unless approval is removed for cause pursuant to this Part. | | |

(Source: Amended at 33 Ill. Reg. 2245, effective January 23, 2009)

Section 410.30 Approval of Application and Application/Registration Fees

- a) An applicant for approval by the Agency ~~Department~~ as a diagnostic imaging

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specialist and/or therapeutic radiological physicist shall submit a complete and legible application on a form prescribed and furnished by the [AgencyDepartment](#). Each applicant shall pay an application fee of \$200 ~~that~~^{which} will serve as a registration fee for the remainder of the calendar year. The application fee is non-refundable.

- b) Upon initial application to the [AgencyDepartment](#), and as a condition for approval as a diagnostic imaging specialist and/or a therapeutic radiological physicist, an applicant shall submit verification of access to instruments ~~that~~^{which} will enable the individual to perform measurements and tests in accordance with [AgencyDepartment](#) standards.
- c) The [AgencyDepartment](#) shall provide written notification to the applicant concerning the status of the application within 4 weeks after receipt of the application and required fee. If approval is granted, the applicant shall receive a "Notice of Approval" and the individual's name and address shall be entered in the record of persons approved as diagnostic imaging specialists and/or as therapeutic radiological physicists.
- d) Individuals approved by the [AgencyDepartment](#) as diagnostic imaging specialists and/or as therapeutic radiological physicists shall continue to remain approved unless approval is removed for cause pursuant to this Part.
- e) All approved diagnostic imaging specialists and/or therapeutic radiological physicists shall pay an annual non-refundable registration fee of \$150. The fee shall be due and payable within 60 days after the date of billing. Failure to remit the appropriate registration fee after 60 days shall cause the [AgencyDepartment](#) to remove the individual's name from the record specified in subsection (c) of this Section. If an individual's name is removed from this record, the [AgencyDepartment](#) shall not accept radiation machine evaluations or the establishment and oversight of equipment-related quality assurance practices performed on or after the date the individual's name was removed.
- f) If an individual's name has been removed from the record of approved diagnostic imaging specialists and/or therapeutic radiological physicists due solely to nonpayment of the fee prescribed in this Section, that individual's name shall be reinstated automatically upon payment of and receipt by the [AgencyDepartment](#) of the prescribed fee.

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- g) If the registration of a diagnostic imaging specialist or therapeutic radiological physicist has been revoked pursuant to Section 410.35 of this Part, the [AgencyDepartment](#) shall consider the petition for reinstatement and the reasons for revocation before approving a new application.

(Source: Amended at 33 Ill. Reg. 2245, effective January 23, 2009)

Section 410.35 Suspension and Revocation of Registration as an Approved Diagnostic Imaging Specialist or a Therapeutic Radiological Physicist

- a) The [AgencyDepartment](#) may act to suspend or revoke an individual's registration as an approved diagnostic imaging specialist and/or therapeutic radiological physicist and remove the individual's name from the record of approval for any one or a combination of the following causes:
- 1) Making a material misstatement or misrepresentation in the application for approval as a diagnostic imaging specialist and/or a therapeutic radiological physicist if such misstatement or misrepresentation would impair the [Agency'sDepartment's](#) ability to assess and evaluate the applicant's qualifications for approval under this Part;
 - 2) Evading or violating the Radiation Protection Act of 1990 or [an Agencya Department](#) regulation or order, or aiding another person in evading or violating a statute, regulation or order;
 - 3) Exhibiting significant or repeated incompetence in the performance of evaluations of radiation machines or the establishment and oversight of equipment-related quality assurance practices;
 - 4) Providing to the [AgencyDepartment](#), or to a Class D registrant, false or misleading information in any of the records required by 32 Ill. Adm. Code 320.70;
 - 5) Providing to the [AgencyDepartment](#), or to a Class D registrant, under his/her diagnostic imaging specialist and/or therapeutic radiological physicist identification number or signature, a radiation machine evaluation report that he or she did not personally perform;
 - 6) Failing to pay a civil penalty assessed by the [AgencyDepartment](#);

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- 7) Failing to repay an educational loan guaranteed by the Illinois Student Assistance Commission as provided in 20 ILCS ~~3310/802005/71~~; or
- 8) Failing to meet child support orders as provided in 5 ILCS 100/10-65.
- b) The ~~AgencyDepartment~~ may revoke the registration of an individual as an approved diagnostic imaging specialist and/or therapeutic radiological physicist for repetitive activities initially resulting in suspension.
- c) If, based upon any of the ~~above~~-grounds stated in subsection (a), the ~~AgencyDepartment~~ determines that action is necessary to suspend or revoke the registration of an approved diagnostic imaging specialist and/or therapeutic radiological physicist and to remove the individual's name from the record of approved individuals, the ~~AgencyDepartment~~ shall first notify the individual of the reason for its action and the proposed length of a suspension or revocation and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200. An opportunity for a hearing shall be provided before the ~~AgencyDepartment~~ takes final action to suspend or revoke an individual's registration.
- d) An individual whose registration has been suspended shall be reinstated upon completion of the duration of the suspension period.
- e) An individual whose registration has been revoked for reasons other than non-payment of fees shall have his/her name removed from the record. ~~TheSueh~~ individual may seek reinstatement to the record by filing a petition for reinstatement and a new application with the ~~AgencyDepartment~~. The petition and application for reinstatement may only be accepted for consideration by the ~~AgencyDepartment~~ after the specified revocation period has ended. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 if ~~thesueh~~ reinstatement petition and application are denied.
- f) Any of the causes for suspension or revocation specified in subsections (a)(1) through (5) of this Section may also be used as the grounds for the assessment of civil penalties pursuant to Section 36 of the Radiation Protection Act of 1990.

(Source: Amended at 33 Ill. Reg. 2245, effective January 23, 2009)

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- 1) Heading of the Part: Status Signals for Nuclear Power Reactors
- 2) Code Citation: 32 Ill. Adm. Code 504
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
504.10	Amendment
504.20	Amendment
504.30	Amendment
504.40	Amendment
504.50	Amendment
504.60	Amendment
504.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8(c) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5]
- 5) Effective Date of Amendments: January 23, 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 13687; August 22, 2008
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter 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

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- 15) Summary and Purpose of amendments: The Agency is proposing this rulemaking to change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003).
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER c: NUCLEAR FACILITY SAFETY

PART 504

STATUS SIGNALS FOR NUCLEAR POWER REACTORS

Section

504.10	Policy and Scope
504.20	Definitions
504.30	Protocol for Data Transmissions
504.40	Equipment
504.50	Updating Station Catalogues and System Status Signals Catalogue
504.60	Implementation of System Status Signals Catalogue
504.70	Availability

AUTHORITY: Implementing and authorized by Section 8(c) of the Illinois Nuclear Safety Preparedness Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4308).

SOURCE: Adopted at 16 Ill. Reg. 11544, effective July 7, 1992; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 2254, effective January 23, 2009.

Section 504.10 Policy and Scope

- a) The Illinois Emergency Management Agency (Agency)~~Department of Nuclear Safety (Department)~~ has the responsibility under State law to acquire from each nuclear power reactor in the State all system status signals which initiate Emergency Action Level Declarations, actuate accident mitigation and provide mitigation verification, including indications of operating power levels.
- b) Signals shall be provided by each owner in a manner that assures availability to the Agency~~Department~~ during all modes of reactor operation (including defueled conditions) as well as throughout accidents and subsequent recovery operations.
- c) This Part provides the criteria and requirements under which each owner of a nuclear power reactor shall transmit to the Agency~~Department~~ a System Status Signals Catalogue for the reactor via a Reactor Data Link (RDL).

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- d) This Part shall apply to all owners. For any nuclear power reactor for which no License to Operate has been issued by the United States Nuclear Regulatory Commission on the effective date of this Part, a System Status Signals Catalogue shall be transmitted by the owner to the [AgencyDepartment](#) prior to commencing initial fuel load.
- e) For any nuclear power reactor providing an RDL, the owner shall continue to transmit a System Status Signals Catalogue after the License to Operate is no longer maintained and until such time that all fuel is removed from the site or until the owner no longer possesses the capability to supply such data.

(Source: Amended at 33 Ill. Reg. 2254, effective January 23, 2009)

Section 504.20 Definitions

As used in this Part, the following definitions will apply:

"Agency" means the Illinois Emergency Management Agency.

"Communication Link" means the telephone line or other connection between the [AgencyDepartment](#) supplied modem on the owner's premises to the [Agency'sDepartment's](#) headquarters in Springfield, Illinois.

~~"Department" means the Illinois Department of Nuclear Safety.~~

"Owner" means the owner and operator of the nuclear power reactor.

"Point" means the system parameter being monitored.

"RDL" means the Reactor Data Link for a reactor. The RDL includes the entire system by which the owner provides and the [AgencyDepartment](#) receives a System Status Signals Catalogue at the [Agency'sDepartment's](#) headquarters in Springfield, Illinois.

"RDL outage" means any breakdown in the RDL that prevents the normal continuous data transmission of the System Status Signals Catalogue to the [Agency'sDepartment's](#) headquarters in Springfield, Illinois.

"Reactor" means a nuclear power reactor.

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"Station Catalogue" means the complete and inclusive list of all computer monitored points available for transmission from a nuclear power station from which the System Status Signals Catalogue for each reactor is chosen.

"Station Computer" means the computer or computers which collect and transfer data to the [Agency's Department's](#) modems.

"System Status Signals Catalogue" means the points selected by the [Agency Department](#) from the Station Catalogue to be transmitted over the Communications Link. A System Status Signals Catalogue is selected for each reactor.

(Source: Amended at 33 Ill. Reg. 2254, effective January 23, 2009)

Section 504.30 Protocol for Data Transmissions

Communications protocol, data representation and data transmission frequency for the System Status Signals Catalogue shall be established and/or changed by mutual consent of the [Agency Department](#) and the owner subject to the condition that the owner shall provide signals to the [Agency Department](#) in a manner and at a frequency that allows the [Agency Department](#) to incorporate the signals into and augment the [Agency's Department's](#) remote effluent monitoring system.

(Source: Amended at 33 Ill. Reg. 2254, effective January 23, 2009)

Section 504.40 Equipment

- a) The [Agency Department](#) shall provide a modem to the owner and shall establish a Communication Link. All [Agency Department](#) owned equipment shall be maintained by the [Agency Department](#).
- b) [Agency Departmental](#) personnel and agents shall have access to all [Agency Departmental](#) equipment located at the nuclear station site, subject to any security requirements imposed by law, regulation, or normal security practices of the owner including Fitness-For-Duty requirements.
- c) The owner shall provide and maintain necessary hardware and software at its reactor site to communicate via the [Agency Department](#) supplied modem.

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(Source: Amended at 33 Ill. Reg. 2254, effective January 23, 2009)

Section 504.50 Updating Station Catalogues and System Status Signals Catalogue

- a) For each point included in the Station Catalogue, the Station Catalogue shall contain, as a minimum, the name of the point; a description of each parameter (point) measured, sensed or calculated; the units of measure for analog points; the state indication for digital points, e.g., open or closed, on or off; and the type of point, e.g., analog or digital.
- b) On the effective date of this Part, the AgencyDepartment will consider the current Station Catalogue for each nuclear power station to be the most recent Station Catalogue that was provided the AgencyDepartment pursuant to the prulemaking arrangement between the owner and the AgencyDepartment.
- c) The owner shall provide the AgencyDepartment an updated Station Catalogue for each nuclear power station at 180 day intervals. In the event that the Station Catalogue remained unchanged, the owner shall notify the AgencyDepartment that no changes were made in lieu of providing an updated Station Catalogue. The end of each 180 day interval shall be consistent with the end of the prulemaking 180 day interval already in effect for the owner under the prulemaking arrangement between the owner and the AgencyDepartment. The AgencyDepartment may lengthen the Station Catalogue submission interval at any time.
- d) Within 14 calendar days after receipt of an updated Station Catalogue, the AgencyDepartment shall provide the owner with notice of any changes to the System Status Signals CatalogueCatalogue(s).
- e) The AgencyDepartment shall select points for the System Status Signals Catalogue from the updated Station Catalogue using the following criteria:
 - 1) those points by which the off-site radiological consequences can be determined;
 - 2) those points by which challenges to, and failures of, the clad, the primary boundary, and the containment structures can be determined;

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- 3) those points by which short and long-term decay heat removal capabilities can be determined; or
- 4) those points by which on and off-site station electrical power status can be determined.

(Source: Amended at 33 Ill. Reg. 2254, effective January 23, 2009)

Section 504.60 Implementation of System Status Signals Catalogue

Except as provided in this Section, the owner shall coordinate the transmission of a new System Status Signals Catalogue no later than 14 calendar days after receiving the notice provided for in Section 504.50(d). If the owner determines that it cannot transmit the new System Status Signals Catalogue in the 14 calendar day period, the owner shall, prior to the expiration of the 14 calendar day goal, apply in writing to the [Agency Department](#) for an extension of time to transmit the new System Status Signals Catalogue.

- a) A written request to extend the time for implementation shall include an estimate of the amount of time needed by the owner to begin transmitting the new System Status Signals Catalogue and the reasons why the additional time is needed for implementation.
- b) Timely submittal to the [Agency Department](#) of a written request described in subsection (a) will result in an automatic 14 day extension of the time for implementation by the owner.

(Source: Amended at 33 Ill. Reg. 2254, effective January 23, 2009)

Section 504.70 Availability

- a) Each owner shall transmit a System Status Signals Catalogue for each reactor over a Communications Link continuously 24 hours a day during all modes of reactor operation (including defueled conditions) as well as throughout accident and subsequent recovery operations, except during planned station computer and RDL system outages or unplanned station computer and RDL system outages beyond the control of the owner. The owner shall establish measures to assure that unplanned RDL system outages are promptly identified and corrected and that the root cause of the RDL outage is determined and corrective action taken to preclude repetition where appropriate.

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- b) In the event of an RDL outage, or station computer outage, the owner, when required by the ~~Agency~~Department, shall establish a point of technical contact with the ~~Agency~~Department to communicate reactor status information until the RDL is restored.
- c) In the event of a planned or unplanned station computer outage, data transmission to the ~~Agency~~Department shall be restored as soon as possible after the station computer's return to service.
- d) The ~~Agency's~~Department's access to the System Status Signals Catalogue shall not be intentionally degraded by the owner's computer usage unless such usage is necessary to protect public health and safety as required under the Nuclear Regulatory Commission license, and the degradation of access cannot be avoided.

(Source: Amended at 33 Ill. Reg. 2254, effective January 23, 2009)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Life Insurance Solicitation
- 2) Code Citation: 50 Ill. Adm. Code 930
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
930.40	Amendment
930.50	Amendment
930.80	Amendment
930.EXHIBIT A	Amendment
930.EXHIBIT B	New Section
- 4) Statutory Authority: Implementing Article XXVI and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/421 et seq.]
- 5) Effective Date of Rulemaking: January 26, 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 rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 13374; August 15, 2008
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Difference between proposal and final version: In the main authority note, "5/421 et seq." was changed to "5/Art. XXVI and 401".
- 12) Have all 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

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- 15) Summary and Purpose of Rulemaking: This Part has been amended to allow insurers to use the National Association of Insurance Commissioner's (NAIC) Life Insurance Buyer's Guide as a substitute for the buyer's guide created by the Division of Insurance. Companies had asked to use the NAIC's Guide in order to maintain uniformity across states in which the companies sell life insurance. Allowing for the use of either Guide in Illinois will improve the efficiency for the life insurer industry while maintaining consumer protections.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Cindy Colonius, Acting Supervisor, L/A&H Compliance
Department of Financial and Professional Regulation
Division of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

217/782-4572

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL
REGULATION](#)~~INSURANCE~~

SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 930

LIFE INSURANCE SOLICITATION

Section

930.10	Authority
930.20	Purpose
930.30	Scope
930.40	Definitions
930.50	Disclosure Requirements
930.60	Preneed Funeral Contracts or Prearrangements
930.70	General Rules
930.80	Life Insurance Buyer's Guide, Language and Content
930.90	Failure to Comply
930.EXHIBIT A	Life Insurance Buyer's Guide
930.EXHIBIT B	NAIC Life Insurance Buyer's Guide

AUTHORITY: Implementing Article XXVI and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XXVI and 401].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 177, effective July 1, 1980; codified at 7 Ill. Reg. 2364; amended at 14 Ill. Reg. 13594, effective August 14, 1990; amended at 15 Ill. Reg. 18162, effective December 9, 1991; amended at 20 Ill. Reg. 4313, effective March 4, 1996; recodified at 20 Ill. Reg. 5735; amended at 22 Ill. Reg. 3058, effective June 1, 1998; amended at 33 Ill. Reg. 2262, effective. January 26, 2009

Section 930.40 Definitions

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

- a) Buyer's Guide. A Buyer's Guide is a document ~~that~~[which](#) contains, ~~and is limited to,~~ the language contained in Exhibit A [or the National Association of Insurance Commissioner's \(NAIC\) Life Insurance Buyer's Guide contained in Exhibit B,](#) as prescribed by Section 930.80 of this Part.

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- b) Cash Dividend. A Cash Dividend is the current illustrated dividend ~~that~~ which can be applied toward payment of the gross premium.
- c) Equivalent Level Annual Dividend. The Equivalent Level Annual Dividend is calculated by applying the following steps:
- 1) Accumulate the annual cash dividends at five percent interest compounded annually to the end of the tenth and twentieth policy years.
 - 2) Divide each accumulation of subsection (c)(1) ~~above~~ by an interest factor that converts it into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the values in subsection (c)(1) over the respective periods stipulated in subsection (c)(1). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.
 - 3) Divide the results of subsection (c)(2) by the number of thousands of the Equivalent Level Death Benefit to arrive at the Equivalent Level Annual Dividend.
- d) Equivalent Level Death Benefit. The Equivalent Level Death Benefit of a policy or term life insurance rider is an amount calculated as follows:
- 1) Accumulate the guaranteed amount payable upon death, regardless of the cause of death, at the beginning of each policy year for ten and twenty years at five per cent interest compounded annually to the end of the tenth and twentieth policy years respectively.
 - 2) Divide each accumulation of subsection (d)(1) ~~above~~ by an interest factor that converts it into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in subsection (d)(1) over the respective periods stipulated in subsection (d)(1). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.
- e) Generic Name. Generic Name means a short title ~~that~~ which is descriptive of the premium and benefit patterns of a policy or a rider.
- f) Guaranteed elements means the premiums, benefits, values, credits or charges

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under a policy of life insurance that are guaranteed and determined at issue.

- g) Life Insurance Cost Indexes.
- 1) Life Insurance Surrender Cost Index. The Life Insurance Surrender Cost Index is calculated by applying the following steps:
 - A) Determine the guaranteed cash surrender value, if any.
 - B) For participating policies, add the terminal dividend payable upon surrender, if any, to the accumulation of the annual Cash Dividends at five percent interest compounded annually to the end of the period selected and add this sum to the amount determined in subsection (g)(1)(A).
 - C) Divide the result of subsection (g)(1)(B) (subsection (g)(1)(A) for guaranteed-cost policies) by an interest factor that converts it into an equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in subsection (g)(1)(B) (subsection (g)(1)(A) for guaranteed cost policies) over the respective periods stipulated in subsection (g)(1)(A). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.
 - D) Determine the equivalent level premium by accumulating each annual premium payable for the basic policy or rider at five percent interest compounded annually to the end of the period stipulated in subsection (g)(1)(A) and dividing the result by the respective factors stated in subsection (g)(1)(C) (this amount is the annual premium payable for a level premium plan).
 - E) Subtract the result of subsection (g)(1)(C) from subsection (g)(1)(D).
 - F) Divide the result of subsection (g)(1)(E) by the number of thousands of the Equivalent Level Death Benefit to arrive at the Life Insurance Surrender Cost Index.
 - 2) Life Insurance Net Payment Cost Index. The Life Insurance Net Payment

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Cost Index is calculated in the same manner as the comparable Life Insurance Cost Index except that the cash surrender value and any terminal dividend are set at zero.

- h) Non-guaranteed elements means the premiums, benefits, values, credits or charges under a policy of life insurance that are not guaranteed or not determined at issue.
- i) Policy Summary.
 - 1) For the purposes of this Part, Policy Summary means a written statement describing the elements of the policy including but not limited to:
 - A) A prominently placed title as follows: STATEMENT OF POLICY COST AND BENEFIT INFORMATION.
 - B) The name and address of the insurance agent, or, if no agent is involved, a statement of the procedure to be followed in order to receive responses to inquiries regarding the Policy Summary.
 - C) The full name and home office or administrative office address of the company in which the life insurance policy is to be or has been written.
 - D) The Generic Name of the basic policy and each rider.
 - E) The following amounts, where applicable, for the first five policy years and representative policy years thereafter sufficient to clearly illustrate the premium and benefit patterns, including, but not necessarily limited to, the years for which Life Insurance Cost Indexes are displayed and at least one age from 60 through 65 or maturity, whichever is earlier:
 - i) The annual premium for the basic policy.
 - ii) The annual premium for each optional rider.
 - iii) Guaranteed amount payable upon death, at the beginning of the policy year, regardless of the cause of death other than

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- suicide, or other specifically enumerated exclusions, ~~that~~which is provided by the basic policy and each optional rider, with benefits provided under the basic policy and each rider shown separately.
- iv) Total guaranteed cash surrender values at the end of the year with values shown separately for the basic policy and each rider.
- v) Cash ~~dividends~~Dividends payable at the end of the year, with values shown separately for the basic policy and each rider. (Dividends need not be displayed beyond the twentieth policy year.)
- vi) Guaranteed endowment amounts payable under the policy ~~that~~which are not included under guaranteed cash surrender values (see subsection (i)(1)(e)(iv) above).
- F) The effective policy loan annual percentage interest rate, if the policy contains this provision, specifying whether this rate is applied in advance or in arrears. If the policy loan interest rate is variable, the Policy Summary includes the maximum annual percentage rate.
- G) Life Insurance Cost Indexes for ten and twenty years, but in no case beyond the premium paying period. Separate indexes are displayed for the basic policy and for each optional term life insurance rider. ~~Indexes~~Such indexes need not be included for optional riders ~~that~~which are limited to benefits such as accidental death benefits, disability waiver of premium, preliminary term life insurance coverage of less than 12 months and guaranteed insurability benefits, nor for the basic policies or optional riders covering more than one life.
- H) The Equivalent Level Annual Dividend, in the case of participating policies and participating optional term life insurance riders, under the same circumstances and for the same durations at which Life Insurance Cost Indexes are displayed.

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- I) A Policy Summary ~~that~~^{which} includes dividends shall also include a statement that dividends are based on the company's current dividend scale and are not guaranteed. When using Exhibit A, the Policy Summary must be accompanied by~~in addition to~~ a statement in close proximity to the Equivalent Level Annual Dividend as follows: An explanation of the intended use of the Equivalent Level Annual Dividend is included in the Life Insurance Buyer's Guide.
- J) When using Exhibit A, a~~A~~ statement in close proximity to the Life Insurance Cost Indexes as follows: An explanation of the intended use of these indexes is provided in the Life Insurance Buyer's Guide.
- K) The date on which the Policy Summary is prepared.
- 2) The Policy Summary must consist of a separate document. All information required to be disclosed must be set out in such a manner as to not minimize or render any portion thereof obscure. Any amounts ~~that~~^{which} remain level for two or more years of the policy may be represented by a single number if it is clearly indicated what amounts are applicable for each policy year. Amounts in subsection (i)(1)(E)~~above~~ shall be listed in total, not on a per thousand nor per unit basis. If more than one insured is covered under one policy or rider, guaranteed death benefits shall be displayed separately for each insured or for each class of insureds if death benefits do not differ within the class. Zero amounts shall be displayed as zero and shall not be displayed as a blank space.
- j) Preneed Funeral Contract or Prearrangement. An agreement by or for an individual before that individual's death relating to the purchase or provision of specific funeral or cemetery merchandise or services.

(Source: Amended at 33 Ill. Reg. 2262, effective January 26, 2009)

Section 930.50 Disclosure Requirements

- a) Except ~~for~~ in the case of a direct response insurance product, the insurer shall provide, to all ~~applicants~~^{prospective purchasers}, a Buyer's Guide prior to accepting the applicant's initial premium or premium deposit. The Buyer's Guide

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must be delivered with a direct response policy or prior to delivery of a direct response policy. A Policy Summary must be delivered with, or prior to, delivery of either an agent solicited policy or direct response policy.

- b) Upon request, the~~The~~ insurer shall provide a Buyer's Guide and a Policy Summary to any prospective purchaser prior to application~~upon request~~.
- c) In the case of policies whose Equivalent Level Death Benefit does not exceed \$5,000, the requirement for providing a Policy Summary will be satisfied by delivery of a written statement containing the information described in Section 930.40(i)(1)(B)-(E)(iii), (i)(1)(F), (i)(1)(G), (i)(1)(J), and (i)(1)(K).
- d) A policy summary is not required to include information available in the policy form or illustrations. If an illustration subject to the requirements of 50 Ill. Adm. Code 1406.50(b) is used in the sale of a policy, a policy summary does not have to be provided. Only "guaranteed elements" may be shown in the policy summary.

(Source: Amended at 33 Ill. Reg. 2262, effective January 26, 2009)

Section 930.80 Life Insurance Buyer's Guide, Language and Content

The form requirements of the Life Insurance Buyer's Guide are found in Exhibit A or Exhibit B of this Part. The reproduction of the Buyer's Guide should be as specified in Exhibit A or Exhibit B, except with the one exception that the designation "Exhibit A" or "Exhibit B" assigned by the Illinois Department of Insurance should not be used.

(Source: Amended at 33 Ill. Reg. 2262, effective January 26, 2009)

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Section 930.EXHIBIT A Life Insurance Buyer's Guide

(The face page of the Buyer's Guide shall read as follows)

LIFE INSURANCE BUYER'S GUIDE

This guide can show you how to save money when you shop for life insurance. It helps you to:

- Decide how much life insurance you should buy,
- Decide what kind of life insurance policy you need, and
- Compare the relative cost of similar life insurance policies.

This guide has been prepared by the Illinois Department of Insurance, in part using materials developed by National Association of Insurance Commissioners.

(The following language shall appear at the bottom of page 2)

The National Association of Insurance Commissioners is an association of state insurance regulatory officials. This association helps the various State Insurance Departments to coordinate insurance laws for the benefit of all consumers. You are urged to use this Guide in making a life insurance purchase.

THIS GUIDE DOES NOT ENDORSE ANY COMPANY OR POLICY

(The remaining text of the Buyer's Guide shall begin on page 3 as follows)

Buying Life Insurance

When you buy life insurance, you want a policy which fits your needs without costing too much. Your first step is to decide how much you need, how much you can afford to pay and the kind of policy you want. Then, find out what various companies charge for that kind of policy. You can find important differences in the cost of life insurance by using the life insurance cost indexes which are described in this guide. A good life insurance agent or company will be able and willing to help you with each of these shopping steps.

If you are going to make a good choice when you buy life insurance, you need to understand which kinds are available. If one kind does not seem to fit your needs, ask about the other kinds which are described in this guide. If you feel that you need more information than is given here, you may want to check with a life insurance agent or company or books on life insurance in your

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public library. Life insurance can be bought either on an individual basis or on a group basis. Group insurance may be inexpensive when compared to individual insurance. It is important to remember that insurance purchased on this basis is usually term insurance, and hence will not develop cash values, and is dependent on your continued membership in the group or employment. Also, the amount of insurance that is available for purchase is usually limited.

Choosing the Amount

One way to decide how much life insurance you need is to figure how much cash and income your dependents would need if you were to die. Life insurance can provide cash for last expenses, and income for you family's future living expenses.

Your insurance should come as close as you can afford to make up the difference between (1) what your dependents would have if you were to die now, and (2) what they would actually need at some time in the future when needs change.

Choosing the Right Kind

All life insurance policies agree to pay an amount of money if you die. But all policies are not the same. There are three basic kinds of life insurance:

1. Term insurance
2. Whole life insurance
3. Endowment insurance

The kind of life insurance you purchase is dependent on the need you are trying to satisfy. Some needs are temporary, i.e. do not exist throughout your life, while other needs are permanent. As an example, the need to finance your children's education is a temporary need. The need to meet mortgage payments is also a temporary need since it exists only while the mortgage exists. On the other hand, the financial needs of your family after your death is a permanent need.

Remember, no matter how fancy the policy title or sales presentation might appear, all life insurance policies contain one or more of the three basic kinds. If you are confused about a policy that sounds complicated, ask the agent if it combines more than one kind of life insurance. The following is a brief description of the three basic kinds:

Term Insurance

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Term insurance is death protection for a "term" of one or more years. Death benefits will be paid only if you die within that term of years. Term insurance generally provides the largest immediate death protection for your premium dollar.

Some term insurance policies are "renewable" for one or more additional terms even if your health has changed. Each time you renew the policy for a new term, premiums will be higher. You should check the premiums at older ages and the length of time the policy can be continued.

Some term insurance policies are also "convertible." This means that before the end of the conversion period, you may trade the term policy for a whole life or endowment insurance policy even if you are not in good health. Premiums for the new policy will be higher than you have been paying for the term insurance.

Whole Life Insurance

Whole life insurance gives death protection for as long as you live. The most common type is called "straight life" or "ordinary life" insurance, for which you pay the same premiums for as long as you live. These premiums can be several times higher than you would pay initially for the same amount of term insurance. But they are smaller than the premiums you would eventually pay if you were to keep renewing a term insurance policy until your later years.

Some whole life policies let you pay premiums for a shorter period such as 20 years, or until age 65. Premiums for these policies are higher than for ordinary life insurance since the premium payments are squeezed into a shorter period.

Although you pay higher premiums, to begin with, for whole life insurance than for term insurance, whole life insurance policies develop "cash values" which you may have if you stop paying premiums. You can generally either take the cash, or use it to buy some continuing insurance protection. Technically speaking, these values are called "nonforfeiture benefits." This refers to benefits you do not lose (or "forfeit") when you stop paying premiums. The amount of these benefits depends on the kind of policy you have, its size, and how long you have owned it.

A policy with cash values may also be used as collateral for a loan. If you borrow from the life insurance company, the rate of interest is shown in your policy. Any money which you owe on a policy loan would be deducted from the benefits if you were to die, or from the cash value if you were to stop paying premiums.

Endowment Insurance

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An endowment insurance policy pays a sum or income to you – the policyholder – if you live to a certain age. If you were to die before then, the death benefit would be paid to your beneficiary. Premiums and cash values for endowment insurance are higher than for the same amount of whole life insurance. Thus endowment insurance gives you the least amount of death protection for your premium dollar.

Finding a Low Cost Policy

After you have decided which kind of life insurance fits your needs, look for a good buy. ~~YOUR CHANCES~~ ~~CHANGES~~ OF FINDING A GOOD BUY ARE BETTER IF YOU USE TWO TYPES OF INDEX NUMBERS THAT HAVE BEEN DEVELOPED TO AID IN SHOPPING FOR LIFE INSURANCE. One is called the "Surrender Cost Index" and the other is the "Net Payment Cost Index." It will be worth your time to try to understand how these indexes are used, but in any event, use them ONLY for comparing the relative costs of similar policies. LOOK FOR POLICIES WITH LOW COST INDEX NUMBERS.

What Is Cost?

"Cost" is the difference between what you pay and what you get back. If you pay a premium for life insurance and get nothing back, your cost for the death protection is the premium. If you pay a premium and get something back later on, such as a cash value, your cost is smaller than the premium.

The cost of some policies can also be reduced by dividends; these are called "participating" policies. Companies may tell you what their current dividends are, but the size of future dividends is unknown today and cannot be guaranteed. Dividends actually paid are set each year by the company.

Some policies do not pay dividends. These are called "guaranteed cost" or "non-participating" policies. Every feature of a guaranteed cost policy is fixed so that you know in advance what your future cost will be.

The premiums and cash values of a participating policy are guaranteed, but the dividends are not. Premiums for participating policies are typically higher than for guaranteed cost policies, but the cost to you may be higher or lower, depending on the dividends actually paid.

What Are Cost Indexes?

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In order to compare the cost of policies, you need to look at:

1. Premiums
2. Cash Values
3. Dividends

Cost indexes use one or more of these factors to give you a convenient way to compare relative costs of similar policies. When you compare costs, an adjustment must be made to take into account that money is paid and received at different times. It is not enough to just add up the premiums you will pay and to subtract the cash values and dividends you expect to get back. These indexes take care of the arithmetic for you. Instead of having to add, subtract, multiply and divide many numbers yourself, you just compare the index numbers which you can get from life insurance agents and companies:

1. Life Insurance Surrender Cost Index. This index is useful if you consider the level of the cash values to be of primary importance to you. It helps you compare costs if at some future point in time, such as 10 or 20 years, you were to surrender the policy and take its cash value.
2. Life Insurance Net Payment Cost Index. This index is useful if your main concern is the benefits that are to be paid at your death and if the level of cash values is of secondary importance to you. It helps you compare costs at some future point in time, such as 10 or 20 years, if you continue paying premiums on your policy and do not take its cash value.

There is another number called the Equivalent Level Annual Dividend. It shows the part dividends play in determining the cost index of a participating policy. Adding a policy's Equivalent Level Annual Dividend to its cost index allows you to compare total costs of similar policies before deducting dividends. However, if you make any cost comparisons of a participating policy with a non-participating policy, remember that the total cost of the participating policy will be reduced by dividends, but the cost of the non-participating policy will not change.

How Do I Use Cost Indexes?

The most important thing to remember when using cost indexes is that a policy with a small index number is generally a better buy than a comparable policy with a larger index number.

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The following rules are also important:

- (1) Cost comparisons should only be made between similar plans of life insurance. Similar plans are those which provide essentially the same basic benefits and require premium payments for approximately the same period of time. The closer policies are to being identical, the more reliable the cost comparison will be.
- (2) Compare index numbers only for the kind of policy, for your age and for the amount you intend to buy. Since no one company offers the lowest cost for all types of insurance at all ages and for all amounts of insurance, it is important that you get the indexes for the actual policy, age and amount which you intend to buy. Just because a "Shopper's Guide" tells you that one company's policy is a good buy for a particular age and amount, you should not assume that all of that company's policies are equally good buys.
- (3) Small differences in index numbers could be offset by other policy features, or differences in the quality of service you may expect from the company or its agent. Therefore, when you find small differences in cost indexes, your choice should be based on something other than cost.
- (4) In any event, you will need other information on which to base your purchase decision. **BE SURE YOU CAN AFFORD THE PREMIUMS, AND THAT YOU UNDERSTAND ITS CASH VALUES, DIVIDENDS AND DEATH BENEFITS.** You should also make a ~~judgment~~judgement on how well the life insurance company or agent will provide service in the future, to you as a policyholder.
- (5) These life insurance cost indexes apply to new policies and should not be used to determine whether you should drop a policy you have already owned for awhile, in favor of a new one. If such a replacement is suggested, you should ask for information from the company which issued the old policy before you take action.
- (6) An important fact to note is the difference in premium payments paid during one year's time based on an annual premium versus the annualized periodic premium. For example, if you choose to pay premiums on a monthly basis, the annualized periodic premium would be twelve (12) times the monthly premium. There may be a significant difference between the annualized periodic premium and the annual premium and it should be considered when deciding on a payment schedule.

Important Things to Remember – A Summary

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The first decision you must make when buying a life insurance policy is choosing a policy whose benefits and premiums most closely meet your needs and ability to pay. Next, find a policy which is also a relatively good buy. If you compare Surrender Cost Indexes and Net Payment Cost Indexes of similar competing policies, your chances of finding a relatively good buy will be better than if you do not shop. **REMEMBER, LOOK FOR POLICIES WITH LOWER COST INDEX NUMBERS.** A good life insurance agent can help you to choose the amount of life insurance and kind of policy you want and will give you cost indexes so that you can make cost comparisons of similar policies. **DON'T BUY LIFE INSURANCE UNLESS YOU INTEND TO STICK WITH IT.** A policy which is a good buy when held for 20 years can be very costly if you quit during the early years of the policy. If you surrender such a policy during the first few years, you may get little or nothing back and much of your premium may have been used for company expenses.

Read your new policy carefully, and ask the agent or company for an explanation of anything you do not understand. Whatever you decide now, it is important to review your life insurance program every few years to keep up with changes in your income and responsibilities.

(Source: Amended at 33 Ill. Reg. 2262, effective January 26, 2009)

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Section 930.EXHIBIT B NAIC Life Insurance Buyer's Guide

(The face page of the Buyer's Guide shall read as follows)

Life Insurance Buyer's Guide

This guide can help you when you shop for life insurance. It discusses how to:

- Find a Policy That Meets Your Needs and Fits Your Budget
- Decide How Much Insurance You Need
- Make Informed Decisions When You Buy a Policy

The National Association of Insurance Commissioners is an association of state insurance regulatory officials. This association helps the various insurance departments to coordinate insurance laws for the benefit of all consumers.

This guide does not endorse any company or policy.

Reprinted by . . .

IMPORTANT THINGS TO CONSIDER

1. Review your own insurance needs and circumstances. Choose the kind of policy that has benefits that most closely fit your needs. Ask an agent or company to help you.
2. Be sure that you can handle premium payments. Can you afford the initial premium? If the premium increases later and you still need insurance, can you still afford it?
3. Don't sign an insurance application until you review it carefully to be sure all the answers are complete and accurate.

4. Don't buy life insurance unless you intend to stick with your plan. It may be very costly if you quit during the early years of the policy.

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5. Don't drop one policy and buy another without a thorough study of the new policy and the one you have now. Replacing your insurance **may be costly**.
6. Read your policy carefully. Ask your agent or company about anything that is not clear to you.
7. Review your life insurance program with your agent or company every few years to keep up with changes in your income and your needs.

Buying Life Insurance

When you buy life insurance, you want coverage that fits your needs.

First, decide how much you need – and for how long – and what you can afford to pay. Keep in mind the major reason you buy life insurance is to cover the financial effects of unexpected or untimely death. Life insurance can also be one of many ways you plan for the future.

Next, learn what kinds of policies will meet your needs and pick the one that best suits you.

Then, choose the combination of policy premium and benefits that emphasizes protection in case of early death, or benefits in case of long life, or a combination of both.

It makes good sense to ask a life insurance agent or company to help you. An agent can help you review your insurance needs and give you information about the available policies. If one kind of policy doesn't seem to fit your needs, ask about others.

This guide provides only basic information. You can get more facts from a life insurance agent or company or from your public library.

What About the Policy You Have Now?

If you are thinking about dropping a life insurance policy, here are some things you should consider:

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- If you decide to replace your policy, don't cancel your old policy until you have received the new one. You then have a minimum period to review your new policy and decide if it is what you wanted.
- It may be costly to replace a policy. Much of what you paid in the early years of the policy you have now paid for the company's cost of selling and issuing the policy. You may pay this type of cost again if you buy a new policy.
- Ask your tax advisor if dropping your policy could affect your income taxes.
- If you are older or your health has changed, premiums for the new policy will often be higher. You will not be able to buy a new policy if you are not insurable.
- You may have valuable rights and benefits in the policy you now have that are not in the new one.
- If the policy you have now no longer meets your needs, you may not have to replace it. You might be able to change your policy or add to it to get the coverage or benefits you now want.
- At least in the beginning, a policy may pay no benefits for some causes of death covered in the policy you have now.

In all cases, if you are thinking of buying a new policy, check with the agent or company that issued you the one you have now. When you bought your old policy, you may have seen an illustration of the benefits of your policy. Before replacing your policy, ask your agent or company for an updated illustration. Check to see how the policy has performed and what you might expect in the future, based on the amounts the company is paying now.

How Much Do You Need?

Here are some questions to ask yourself:

- How much of the family income do I provide? If I were to die early, how would my survivors, especially my children, get by? Does anyone else depend on me financially, such as a parent, grandparent, brother or sister?
- Do I have children for whom I'd like to set aside money to finish their education in the event of my death?

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- [How will my family pay final expenses and repay debts after my death?](#)
- [Do I have family members or organizations to whom I would like to leave money?](#)
- [Will there be estate taxes to pay after my death?](#)
- [How will inflation affect future needs?](#)

[As you figure out what you must have to meet these needs, count the life insurance you have now, including any group insurance where you work or veteran's insurance. Don't forget Social Security and pension plan survivor's benefits. Add other assets you have: savings, investments, real estate and personal property. Which assets would your family sell or cash in to pay expenses after your death?](#)

[What Is the Right Kind of Life Insurance?](#)

[All policies are not the same. Some give coverage for your lifetime and others cover you for a specific number of years. Some build up cash values and others do not. Some policies combine different kinds of insurance, and others let you change from one kind of insurance to another. Some policies may offer other benefits while you are still living. Your choice should be based on your needs and what you can afford.](#)

[There are two basic types of life insurance: **term insurance** and **cash value insurance**. Term insurance generally has lower premiums in the early years, but does not build up cash values that you can use in the future. You may combine cash value life insurance with term insurance for the period of your greatest need for life insurance to replace income.](#)

[**Term Insurance** covers you for a term of one or more years. It pays a death benefit only if you die in that term. Term insurance generally offers the largest insurance protection for your premium dollar. It generally does not build up cash value.](#)

[You can renew most term insurance policies for one or more terms even if your health has changed. Each time you renew the policy for a new term, premiums may be higher. Ask what the premiums will be if you continue to renew the policy. Also ask if you will lose the right to renew the policy at some age. For a higher premium, some companies will give you the right to keep the policy in force for a guaranteed period at the same price each year. At the end of that time you may need to pass a physical examination to continue coverage, and premiums may increase.](#)

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You may be able to trade many term insurance policies for a cash value policy during a conversion period – even if you are not in good health. Premiums for the new policy will be higher than you have been paying for the term insurance.

Cash Value Life Insurance is a type of insurance where the premiums charged are higher at the beginning than they would be for the same amount of term insurance. The part of the premium that is not used for the cost of insurance is invested by the company and builds up a cash value that may be used in a variety of ways. You may borrow against a policy's cash value by taking a policy loan. If you don't pay back the loan and the interest on it, the amount you owe will be subtracted from the benefits when you die, or from the cash value if you stop paying premiums and take out the remaining cash value. You can also use your cash value to keep insurance protection for a limited time or to buy a reduced amount without having to pay more premiums. You also can use the cash value to increase your income in retirement or to help pay for needs such as a child's tuition without canceling the policy. However, to build up this cash value, you must pay higher premiums in the earlier years of the policy. Cash value life insurance may be one of several types; whole life, universal life and variable life are all types of cash value insurance.

Whole Life Insurance covers you for as long as you live if your premiums are paid. You generally pay the same amount in premiums for as long as you live. When you first take out the policy, premiums can be several times higher than you would pay initially for the same amount of term insurance. But they are smaller than the premiums you would eventually pay if you were to keep renewing a term policy until your later years.

Some whole life policies let you pay premiums for a shorter period such as 20 years, or until age 65. Premiums for these policies are higher since the premium payments are made during a shorter period.

Universal Life Insurance is a kind of flexible policy that lets you vary your premium payments. You can also adjust the face amount of your coverage. Increases may require proof that you qualify for the new death benefit. The premiums you pay (less expense charges) go into a policy account that earns interest. Charges are deducted from the account. If your yearly premium payment plus the interest your account earns is less than the charges, your account value will become lower. If it keeps dropping, eventually your coverage will end. To prevent that, you may need to start making premium payments, or increase your premium payments, or lower your death benefits. Even if there is enough in your account to pay the premiums, continuing to pay premiums yourself means that you build up more cash value.

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Variable Life Insurance is a kind of insurance where the death benefits and cash values depend on the investment performance of one or more separate accounts, which may be invested in mutual funds or other investments allowed under the policy. Be sure to get the prospectus from the company when buying this kind of policy and **STUDY IT CAREFULLY**. You will have higher death benefits and cash value if the underlying investments do well. Your benefits and cash value will be lower or may disappear if the investments you chose didn't do as well as you expected. You may pay an extra premium for a guaranteed death benefit.

Life Insurance Illustrations

You may be thinking of buying a policy where cash values, death benefits, dividends or premiums may vary based on events or situations the company does not guarantee (such as interest rates). If so, you may get an illustration from the agent or company that helps explain how the policy works. The illustration will show how the benefits that are not guaranteed will change as interest rates and other factors change. The illustration will show you what the company guarantees. It will also show you what could happen in the future. Remember that nobody knows what will happen in the future. You should be ready to adjust your financial plans if the cash value doesn't increase as quickly as shown in the illustration. You will be asked to sign a statement that says you understand that some of the numbers in the illustration are not guaranteed.

Finding a Good Value in Life Insurance

After you have decided which kind of life insurance is best for you, compare similar policies from different companies to find which one is likely to give you the best value for your money. A simple comparison of the premiums is not enough. There are other things to consider. For example:

- Do premiums or benefits vary from year to year?
- How much do the benefits build up in the policy?
- What part of the premiums or benefits is not guaranteed?
- What is the effect of interest on money paid and received at different times on the policy?

Remember that no one company offers the lowest cost at **all** ages for **all** kinds and amounts of insurance. You should also consider other factors:

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- How quickly does the cash value grow? Some policies have low cash values in the early years that build quickly later on. Other policies have a more level cash value build-up. A year-by-year display of values and benefits can be very helpful. (The agent or company will give you a policy summary or an illustration that will show benefits and premiums for selected years.)
- Are there special policy features that particularly suit your needs?
- How are nonguaranteed values calculated? For example, interest rates are important in determining policy returns. In some companies, increases reflect the average interest earnings on all of that company's policies regardless of when issued. In others, the return for policies issued in a recent year, or a group of years, reflects the interest earnings on that group of policies; in this case, amounts paid are likely to change more rapidly when interest rates change.

(Source: Added at 33 Ill. Reg. 2262, effective January 26, 2009)

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- 1) Heading of the Part: Insurance Data Reporting Requirements
- 2) Code Citation: 50 Ill. Adm. Code 4203
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
4203.300	New Section
4203.310	New Section
- 4) Statutory Authority: Implementing Article XLII and authorized by Section 1204 of the Illinois Insurance Code [215 ILCS 5/Art. XLII]. Also Implementing and authorized by the Response Action Contractor Indemnification Act [415 ILCS 100]
- 5) Effective Date of Rulemaking: January 26, 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 rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 15, 2008; 32 Ill. Reg. 13439
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all 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: New Subpart C was added to this Part. It was intended to memorialize the results of a marketplace review to determine if specific insurance products are available to cover individuals who contract with the State of Illinois to performing clean-up of hazardous waste and other contaminants.

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

John Gatlin, Unit Supervisor, P&C Compliance
Department of Financial and Professional Regulation
Division of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

217/782-1786

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER vv: INSURANCE COST CONTAINMENT

PART 4203

INSURANCE DATA REPORTING REQUIREMENTS

SUBPART A: COST CONTAINMENT REPORTING

Section	
4203.10	Applicability
4203.20	Purpose and Scope
4203.30	Data Collection Procedures
4203.40	General Submission Guidelines
4203.50	Required Data Types (Lines, Classes, and Coverage's)
4203.60	Line Item Matrix For Cost Containment Reporting
4203.70	Coding Conventions For Other Liability, Medical Malpractice, Earthquake, Commercial Auto Liability, Business Owners Packages, and Excess Insurance
4203.80	Coding Conventions for Homeowner and Residential Fire Insurance
4203.90	Coding Conventions for Private Passenger Auto Liability Insurance (Excluding PIP)
4203.100	Coding Conventions for Private Passenger Auto Physical Damage
4203.110	Record Layout for the Four Formats

SUBPART B: MEDICAL MALPRACTICE REPORTING

Section	
4203.200	Applicability
4203.210	Purpose and Scope
4203.220	Definitions
4203.230	Reports

SUBPART C: MARKET SURVEY FOR OCCURRENCE INSURANCE
COVERAGE OF STATE RESPONSE ACTION CONTRACTORS

<u>Section</u>	
<u>4203.300</u>	<u>Purpose</u>
<u>4203.310</u>	<u>Declaration</u>

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4203.APPENDIX A Filing Requirements for Medical Malpractice Reporting

4203.APPENDIX B Guidelines for Submission of Medical Malpractice Reporting

AUTHORITY: Implementing Article XLII and authorized by Section 1204 of the Illinois Insurance Code [215 ILCS 5/Art. XLII].

SOURCE: Adopted at 22 Ill. Reg. 4853, effective March 3, 1998; amended at 31 Ill. Reg. 2287, effective January 22, 2007; amended at 33 Ill. Reg. 2285, effective January 26, 2009.

SUBPART C: MARKET SURVEY FOR OCCURRENCE INSURANCE
COVERAGE OF STATE RESPONSE ACTION CONTRACTORS

Section 4203.300 Purpose

The purpose of this Subpart is to demonstrate the existence of an occurrence liability insurance market within Illinois.

(Source: Added at 33 Ill. Reg. 2285, effective January 26, 2009)

Section 4203.310 Declaration

The Director has found that a market exists, as of June 1, 2007, where one or more insurers are making liability insurance coverage available to response action contractors.

(Source: Added at 33 Ill. Reg. 2285, effective January 26, 2009)

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.530 Adopted Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and 305 ILCS 5/5-2.07
- 5) Effective Date of Amendment: March 1, 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 amendment, including any materials 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: April 18, 2008; 32 Ill. Reg. 6328
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: The following changes were made:

In Section 120.530(e)(4), the word "not" has been added between the words "shall" and "be" and the reference to "SNF/PED" has been deleted and replaced with "skilled nursing facility".

In Section 120.530(e)(4)(C)(ii), text should read as follows:
" ii) if the individual requires exceptional care services ~~pursuant to 89 Ill. Adm. Code 144.100, an exceptional care~~ the per diem rate based on the individual's medical needs will be a blended rate based on the private pay rate for the geographically closest skilled nursing facility meeting the individual's medical needs and the Statewide average rate for medical assistance clients requiring a similar level of care; and".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The proposed amendment is necessary to comply with changes to the Medically Fragile Technology Dependent (MFTD) Waiver recently approved by the federal Centers for Medicare and Medicaid Services (CMMS).
- 16) Information and questions regarding this adopted amendment shall be directed to:

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/557-7157

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance

120.11 MANG(P) Eligibility

120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women

120.14 Presumptive Eligibility for Children

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard

120.40 Exceptions To Use Of MANG Income Standard

120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children

120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –

MANG(AABD) and All Other Licensed Medical Facilities

120.62 Department of Mental Health and Developmental Disabilities (DMHDD)

Approved Home and Community Based Residential Settings Under 89 Ill. Adm.

Code 140.643

120.63 Department of Mental Health and Developmental Disabilities (DMHDD)

Approved Home and Community Based Residential Settings

120.64 MANG(P) Cases

120.65 Department of Mental Health and Developmental Disabilities (DMHDD)

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Licensed Community – Integrated Living Arrangements

SUBPART D: MEDICARE PREMIUMS

Section

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

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section

- 120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section

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

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section

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

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

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

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

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120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In-Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Assets
120.381	Exempt Assets

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- 120.382 Asset Disregard
 120.383 Deferral of Consideration of Assets
 120.384 ~~Spend-down~~~~Spenddown~~ of Assets (AABD MANG)
 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
 120.386 Property Transfers Occurring On or Before August 10, 1993
 120.387 Property Transfers Occurring On or After August 11, 1993
 120.390 Persons Who May Be Included In the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
 120.395 Payment Levels for MANG (Repealed)
 120.399 Redetermination of Eligibility
 120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

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

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

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory

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amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding

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Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838,

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effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409,

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effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency repealed, effective May 10, 2008; peremptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; peremptory amendment suspended at 32 Ill. Reg. 8450, effective May 21, 2008; peremptory repealed, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; peremptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; peremptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009.

SUBPART I: SPECIAL PROGRAMS

Section 120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21

- a) The Department shall administer a home and community-based service (HCBS) waiver program as set forth in 305 ILCS 5/5-2(7) and 305 ILCS 5/5-2.05(a) and pursuant to Section 1915(c) of the Social Security Act (42 USC 1396n(c)) for

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disabled persons under the age of 21 years who are medically fragile and technology dependent. ~~Individuals under the age of 21 years who require institutionalization solely because of a severe mental or developmental impairment are not eligible to receive services under the waiver.~~

- b) A determination must be made that, except for the provision of in-home care, these individuals would require the level of care provided in a hospital or a skilled nursing facility ~~that is Medicaid certified as an Intermediate Care Facility for the Mentally Retarded and licensed by the Department of Public Health under 77 Ill. Adm. Code 390 as a long term care facility for persons under 22 years of age (SNF/PED).~~
- c) The Division of Specialized Care for Children (DSCC) shall perform operational functions under the HCBS waiver program pursuant to an interagency agreement with the Department.
- d) In addition to being eligible for all of the services set forth in 89 Ill. Adm. Code 140.3, individuals covered under the HCBS waiver are eligible for the following waiver services:
- 1) Respite care;
 - 2) Environmental modifications;
 - 3) Special medical supplies and equipment;
 - 4) Medically supervised day care;
 - 5) Family and nurse training; and
 - 6) Maintenance counseling.
- e) ~~The Eligibility is subject to Department~~ shall determine eligibility review. ~~An In order to be eligible for a HCBS waiver, an individual meeting must meet all of the following criteria shall qualify:~~
- l) The individual is younger than ~~under~~ 21 years of age; ~~and has been determined to be disabled as defined in Section 120.314; and~~

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- 2) ~~The individual is disabled as defined in Section 120.314; A medical needs assessment has been performed by an attending physician and the attending physician has determined that, without home and community-based services, the individual would require the level of care provided by a hospital or SNF/PED and that such level of care can be provided safely in the home and community through the provision of medical support services referenced in subsection (d) of this Section; and~~
- 3) The individual scores a minimum of 50 points on the level of care screening described in subsection (h) of this Section;
- 43) ~~The estimated cost of the individual's to the State for in-home care to be paid by the State shall not be greater than, as compared to the institutional level of care appropriate to the individual's medical needs (hospital or skilled nursing facilitySNF/PED), as determined by the Department: cannot exceed:~~
- A) if the appropriate comparable institutional level of care for a ventilator dependent individual is a hospital, the greater of:
- i) 125 percent of the Statewide average per diem expenditure for hospital care for the previous fiscal year; or
 - ii) 100 percent of the average per diem expenditure provided in the hospital from which the individual was placed; or
- B) if the appropriate comparable institutional level of care for a non-ventilator dependent individual is a hospital, 125 ~~percent~~% of the Statewide average per diem expenditure for hospital care in the previous fiscal year; or
- C) if the appropriate comparable institutional level of care for the individual is a skilled nursing facilitySNF/PED:
- i) the per diem rate of the geographically closest skilled nursing facilitySNF/PED meeting the individual's medical needs; or

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- ii) if the individual requires exceptional care services ~~pursuant to 89 Ill. Adm. Code 144.100, an exceptional care~~ the per diem rate will be a blended rate based on the private pay rate for the geographically closest skilled nursing facility meeting the individual's medical needs and the Statewide average rate for medical assistance clients requiring a similar level of care; based on the individual's medical needs; and
- 54) The individual would be eligible for Medicaid if his or her responsible relative's income and resources were excluded from consideration; and
- 65) A written plan of care has been developed and approved pursuant to subsection (f) of this Section.
- f) Plan of Care
- 1) The Department shall ~~determine~~ review and approve the ~~level of~~ home and community-based services based on a written plan of care developed in consultation with ~~by~~ the individual's ~~attending physician,~~ family or guardian, attending physician and DSCC care coordinator.
 - 2) At a minimum, the plan of care shall identify an appropriate primary residence, ~~must~~ describe the medical and other services to be furnished, the frequency of the services, the type of provider required to render the service and a description of the family's or guardian's active participation, to the fullest extent possible, as caregiver ~~care-givers~~ in meeting the individual's medical needs.
 - 3) The Department may, in its discretion, ~~has the authority to~~ approve a cost-effective alternative to services in the plan of care, as long as the alternative services meet the medical needs of the individual.
 - 4) When determining the hours of nursing care necessary to maintain the individual at home, consideration shall be given to the availability of other services, including direct care provided by non-paid caregivers, such as, but not limited to, the individual's family or guardian, that can reasonably be expected to meet the medical needs of the individual.

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- 5) ~~The~~During the first 18 months of participation in the waiver, the Department will review ~~and approve~~ the individual's plan of care to determine continued eligibility for participation in the waiver on the following schedule:
- A) During the first 18 months of participation in the waiver, a review will be performed every six months.
- B) After the first 18 months, ~~at the Department will~~ review will be performed~~the plan of care~~ every six months and, depending upon the individual's medical condition, ~~may approve~~ the plan of care may be approved for a period not to exceed 12 months.
- ~~C~~6) Based on the results of the Department's review, a new plan of care may be developed if warranted by a change in the individual's need for medical services or a change in the individual's home environment.
- g) Eligibility Denials or Terminations~~Failure of a family or guardian to cooperate with the Department, DSCC, or service providers in implementing a plan of care may result in termination of benefits under the HCBS waiver if the Department determines that, as a result of such non-cooperation, a plan of care cannot be implemented and the health and well-being of the individual could be jeopardized.~~
- 1) An individual shall not be determined eligible for coverage under the waiver if:
- A) The individual requires institutionalization solely because of a severe mental or developmental impairment.
- B) The individual does not meet the minimum score required under subsection (e)(3) of this Section.
- 2) Termination of coverage under the waiver shall be initiated upon the occurrence of any of the following events:
- A) Failure of a family or guardian to cooperate with the Department, DSCC, or service providers in implementing a plan of care, if the Department determines that, as a result of that non-cooperation, a

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plan of care cannot be implemented or the health and well being of the individual could be jeopardized.

- B) Upon renewal for continued participation in the waiver, the individual does not meet the minimum score required under subsection (e)(3) of this Section.
- C) The individual does not require at least one of the services described under subsection (d).
- D) The individual attains the age of 21 years of age.
- 3) A transition period of no more than 60 days, during which the individual will continue to receive services through the waiver, will be provided on terminations resulting from subsections (g)(2)(B) and (C) of this Section.
- h) DSCC shall perform a level of care screening for the waiver as follows:

 - 1) The level of care screening will be performed using a Department approved screening tool.
 - 2) The level of care screening will be performed as follows:

 - A) On all new requests for admission to the waiver;
 - B) On all renewals for continued participation in the waiver; and
 - C) Whenever there is a significant change in the participant's status or care needs.
 - 3) The level of care screening will consist of the following elements:

 - A) Technology needs will be screened to determine the risk of disability or death if the technology is lost, as well as the degree of skill for assessment and judgment needed to operate the technology; and
 - B) Medical fragility will be screened to determine the frequency and need for skilled care.

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(Source: Amended at 33 Ill. Reg. 2289, effective March 1, 2009)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
100.2430	Amendment
100.5070	Amendment
100.5080	Amendment
100.5100	Amendment
100.5140	Amendment
100.5160	Amendment
100.5180	New Section
100.7035	New Section
100.7120	Amendment
- 4) Statutory Authority: 35 ILCS 5/203 and 1401; 35 ILCS 5/1401, 1405.5 and 1405.6; 35 ILCS 5/502, 709.5, 711 and 1401; 35 ILCS 5/701(d) and 1401
- 5) Effective Date of Amendments: January 23, 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 Department of Revenue's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register:
32 Ill. Reg. 16682; October 17, 2008
32 Ill. Reg. 16951; October 24, 2008
32 Ill. Reg. 17105; October 31, 2008
32 Ill. Reg. 17394; November 7, 2008
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between proposal and final version: Several non-substantive grammatical corrections were made in agreement with JCAR.

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This is a rulemaking created by consolidating 4 separate proposed rulemakings with 2 sections being added and 7 sections being amended. See #15 below for details.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.3374	Amendment	32 Ill. Reg. 19894; December 26, 2008

- 15) Summary and Purpose of Rulemaking: Section 100.2430 – Amends the regulation dealing with the disallowance of deductions for certain expenses paid to related parties who would be unitary with the taxpayer if not for the fact that they operate primarily outside the United States to reflect the amendments to Section 203 of the Illinois Income Tax Act made by Public Acts 95-233 and 95-707. Those Acts expand the expense disallowance provisions to also apply to expenses (including insurance premiums) paid to related parties who would be unitary with the taxpayer if not for the prohibition against including financial organizations, insurance companies and transportation companies in a unitary group with persons engaged in other businesses.

Sections 100.5070 and 100.5080 – Provide guidance on the amendments made to the tax shelter registration and investor information disclosure provisions of the Illinois Income Tax Act by Public Act 95-707.

Sections 100.5100, 100.5140, 100.5160, 100.5180 and 100.7035 – Implement the amendments to the Illinois Income Tax Act made by Public Acts 95-233 and 95-707 to the provisions allowing partnerships and Subchapter S corporations to file composite returns and pay tax on behalf of their partners and shareholders and to require partnerships, Subchapter S corporations and trusts to withhold Illinois income tax from their nonresident partners, shareholders and beneficiaries who are not included in a composite return.

Section 100.7120 – Amends the regulation that provides guidance for employees claiming exemption from withholding from wages because they are residents of a state with whom Illinois has entered a reciprocal agreement, under which neither state will tax wages earned by residents of the other state. The current regulation uses an obsolete

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designation for the Form IL-W-5-NR used by the employee to claim the exemption, and does not allow employers to use electronic versions of the form. The adopted amendment fixes both of these problems.

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

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

217/782-7055

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

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NOTICE OF ADOPTED AMENDMENTS

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

SUBPART A: TAX IMPOSED

Section	
100.2000	Introduction
100.2050	Net Income (IITA Section 202)

SUBPART B: CREDITS

Section	
100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196	Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197	Foreign Tax Credit (IITA Section 601(b)(3))
100.2198	Economic Development for a Growing Economy Credit (IITA 211)
100.2199	Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

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Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or

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After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section	
100.2405	Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
100.2410	Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
100.2430	Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
100.2450	IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
100.2455	Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
100.2470	Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2480	Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
100.2490	Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section	
100.2580	Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
100.2590	Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section	
100.2655	Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
100.2680	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for

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Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME

Section

100.3000	Terms Used in Article 3 (IITA Section 301)
100.3010	Business and Nonbusiness Income (IITA Section 301)
100.3015	Business Income Election (IITA Section 1501)
100.3020	Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

100.3100	Compensation (IITA Section 302)
100.3110	State (IITA Section 302)
100.3120	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200	Taxability in Other State (IITA Section 303)
100.3210	Commercial Domicile (IITA Section 303)
100.3220	Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)

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100.3370	Sales Factor (IITA Section 304)
100.3371	Sales Factor for Telecommunications Services
100.3380	Special Rules (IITA Section 304)
100.3390	Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400	Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
100.3420	Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3500	Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section	
100.4500	Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

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100.5000	Time for Filing Returns: Individuals (IITA Section 505)
100.5010	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040	Innocent Spouses
100.5050	Frivolous Returns
100.5060	Reportable Transactions
100.5070	List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
100.5080	Registration of Tax Shelters (IITA Section 1405.5)

SUBPART O: COMPOSITE RETURNS

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100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income
100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest

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- 100.5160 Composite Returns: Credits [on Separate Returns for Resident Individuals](#)
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"
[100.5180 Composite Returns: Overpayments and Underpayments](#)

SUBPART P: COMBINED RETURNS

Section

- 100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5215 Filing of Separate Unitary Returns
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5265 Common Taxable Year
100.5270 Computation of Combined Net Income and Tax
100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

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- 100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
[100.7035 Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries \(IITA Section 709.5\)](#)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 702)
100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)
100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090 Reciprocal Agreement (IITA Section 701)
100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

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- 100.7100 Withholding Exemption (IITA Section 702)
- 100.7110 Withholding Exemption Certificate (IITA Section 702)
- 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

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- 100.7200 Reports for Employee (IITA Section 703)

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Section

- 100.7300 Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)
- 100.7310 Returns Filed and Payments Made on Annual Basis (IITA Section 704)
- 100.7320 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)
- 100.7325 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
- 100.7330 Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)
- 100.7350 Domestic Service Employment (IITA Sections 704 and 704A)
- 100.7360 Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
- 100.7370 Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)

SUBPART U: COLLECTION AUTHORITY

Section

- 100.9000 General Income Tax Procedures (IITA Section 901)
- 100.9010 Collection Authority (IITA Section 901)
- 100.9020 Child Support Collection (IITA Section 901)

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100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

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100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
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100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

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100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

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Section
100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings (IITA Section 914)
100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

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100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9730	Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800	Letter Ruling Procedures
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Section

100.9900	Tax Shelter Voluntary Compliance Program
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100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

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

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

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2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009.

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF
INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies

- a) For taxable years ending on or after December 31, 2004, IITA Section 203 ~~(as amended by Public Act 93-0840)~~ requires a taxpayer, in computing base income, to add back deductions allowed in computing federal taxable income or adjusted gross income for interest expenses and intangible expenses incurred in transactions with a person who would be a member of a unitary business group with the taxpayer, if not for the 80-20 test. These provisions were expanded by Public Act 95-233 and Public Act 95-707 to also require the add-back of deductions for interest expenses, intangible expenses and insurance premium expenses when incurred in taxable years ending on or after December 31, 2008, in transactions with a person who would be a member of a unitary business group with a taxpayer if not for the prohibition in IITA Section 1501(a)(27) against including in a single unitary business group taxpayers who use different apportionment formulas under IITA Section 304. Taxpayers are also allowed~~Public Act 93-0840 also amended IITA Section 203 to allow~~ subtraction modifications that would ~~ensure~~insure that the addition modifications do not result in double taxation. Exceptions are provided for, ~~and to provide exceptions in~~ instances in which requiring the addition modifications would not be appropriate.

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b) Definitions

- 1) Dividend Included in Base Income. "Dividend" means any item defined as a dividend under 26 USC 316 and any other item of income characterized or treated as a dividend under the Internal Revenue Code, and includes any item *included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code.* (IITA Section 203(a)(2)(D-17), ~~and (D-18)~~, ~~and (D-19)~~, (b)(2)(E-12), ~~and (E-13)~~, ~~and (E-14)~~, (c)(2)(G-12), ~~and (G-13)~~, ~~and (G-14)~~, and (d)(2)(D-7), ~~and (D-8)~~ ~~and (D-9)) A dividend is included in base income of a taxpayer only to the extent the dividend is neither deducted in computing the federal taxable or adjusted gross income of the taxpayer nor subtracted from federal taxable income or adjusted gross income under IITA Section 203.~~
- 2) Foreign Person. A "foreign person" is any person who would be included in a unitary business group with the taxpayer if not for the fact that *80% or more of that person's business activities are conducted outside the United States.* (IITA Section 1501(a)(30))
- 3) Interest. "Interest" means "compensation for the use or forbearance of money". (See *Deputy v. du Pont*, 308 U.S. 488, 498 (1940).) Interest includes the amortization of any discount at which an obligation is purchased and is net of the amortization of any premium at which an obligation is purchased.
- 4) Intangible Expense. "Intangible expense" includes *expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; losses incurred, directly or indirectly, from factoring transactions or discounting transactions; royalty, patent, technical, and copyright fees; licensing fees; and other similar expenses and costs.* (IITA Section 203(a)(2)(D-18), (b)(2)(E-13), (c)(2)(G-13) and (d)(2)(D-8))
- 5) Intangible Income. "Intangible income" means the income received or accrued by a person from a transaction that generates intangible expense for the other party to the transaction.

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- 6) Intangible Property. "Intangible property" includes *patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets*. (IITA Section 203(a)(2)(D-18), (b)(2)(E-13), (c)(2)(G-13) and (d)(2)(D-8))
 - 7) Related Party. "Related parties" means persons disallowed a deduction for losses by section 267(b), (c) and (f) of the Internal Revenue Code, as well as a partner and its partnership and each of the other partners in that partnership.
 - 8) Noncombination Rule Company. "Noncombination rule company" means any person who would be a member of a unitary business group with a taxpayer if not for the prohibition in IITA Section 1501(a)(27) against including in a single unitary business group persons who use different apportionment formulas under IITA Section 304.
 - 9) Insurance Premiums. "Insurance premiums" means the total amount paid or accrued during the taxable year, net of refunds or abatement, for coverage against any risk under a policy issued by an entity that is required to apportion its business income under the provisions of IITA Section 304(b) or that would be required to do so if it were subject to Illinois income taxation.
- c) Addition Modifications
- 1) Interest. Except as otherwise provided in this subsection (c)(1), every taxpayer must add back to its base income any deduction otherwise allowed in the taxable year for interest paid to a foreign person or to a noncombination rule company, to the extent the interest exceeds the amount of dividends received from the foreign person or noncombination rule company by the taxpayer and included in base income for the same taxable year. (See IITA Section 203(a)(2)(D-17), (b)(2)(E-12), (c)(2)(G-12); and (d)(2)(D-7).) This addition modification shall not apply to an item of interest expense if:
 - A) The foreign person or noncombination rule company is subject in a foreign country or state, other than a state that requires mandatory unitary reporting by the taxpayer and the foreign person or noncombination rule company, to a tax on or measured by net

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income with respect to the interest. If the foreign person or noncombination rule company is a partnership, ~~subchapter~~Subchapter S corporation or trust, the foreign person or noncombination rule company is subject to a tax on or measured by net income with respect to the interest to the extent that the interest is included in the tax base of a partner, shareholder or beneficiary who is subject to a tax on or measured by net income in a foreign country or state.

- B) The taxpayer can establish, based on a preponderance of the evidence, both of the following:
- i) the foreign person or noncombination rule company, during the same taxable year, paid, accrued, or incurred the interest to a person that is not a related party; and
 - ii) the transaction giving rise to the interest expense between the taxpayer and the foreign person or noncombination rule company did not have as a principal purpose the avoidance of Illinois income tax, and interest is paid pursuant to a contract or agreement that reflects an arms-length interest rate and terms.
- C) The taxpayer can establish, based on clear and convincing evidence, that the item of interest relates to a contract or agreement entered into at arms-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance.
- D) The taxpayer establishes by clear and convincing evidence that the adjustment would be unreasonable.
- E) The taxpayer has received permission under Section 100.3390 of this Part to use an alternative method of apportionment allowing the deduction of the item.
- 2) Intangible Expenses. Except as otherwise provided in this subsection (c)(2), every taxpayer must add back to its base income any deduction otherwise allowed in the taxable year for intangible expenses incurred with respect to transactions with a foreign person or with a

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noncombination rule company, to the extent the intangible expenses exceed the amount of dividends received from the foreign person or noncombination rule company by the taxpayer and included in base income for the same taxable year. If a taxpayer incurs both interest and intangible expenses with the same foreign person or noncombination rule company, any dividends received from that foreign person or noncombination rule company shall be applied first against interest under subsection (c)(1) and only the excess (if any) of the dividends over the interest expenses shall be applied against intangible expenses under this subsection (c)(2). (See IITA Section 203(a)(2)(D-18), (b)(2)(E-13), (c)(2)(G-13) and (d)(2)(D-8).) This addition modification shall not apply to an item of intangible expense if:

- A) The item arises from a transaction with a foreign person or noncombination rule company who is subject in a foreign country or state, other than a state that requires mandatory unitary reporting by the taxpayer and the foreign person or noncombination rule company, to a tax on or measured by net income with respect to the intangible income related to the item. If the foreign person or noncombination rule company is a partnership, ~~subchapter~~ ~~Subchapter~~ S corporation or trust, the foreign person or noncombination rule company is subject to a tax on or measured by net income with respect to the intangible income to the extent that the intangible income is included in the tax base of a partner, shareholder or beneficiary who is subject to a tax on or measured by net income in a foreign country or state.
- B) The taxpayer can establish, based on a preponderance of the evidence, both of the following:
- i) the foreign person or noncombination rule company during the same taxable year paid, accrued, or incurred the intangible expense to a person that is not a related party; and
 - ii) the transaction giving rise to the intangible expense between the taxpayer and the foreign person or noncombination rule company did not have as a principal purpose the avoidance of Illinois income tax, and is paid

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pursuant to a contract or agreement that reflects arms-length terms.

- C) If the taxpayer establishes, by clear and convincing evidence, that the adjustments are unreasonable.
- D) The taxpayer has received permission under Section 100.3390 of this Part to use an alternative method of apportionment, allowing the deduction of the item.

3) Insurance Premiums. Every taxpayer must add back to its base income any deduction otherwise allowed in the taxable year for insurance premiums paid to a noncombination rule company, to the extent the insurance premium expense exceeds the amount of dividends received from the noncombination rule company by the taxpayer and included in base income for the same taxable year. If a taxpayer incurs both interest or intangible expenses and insurance premium expenses with the same noncombination rule company, any dividends received from that noncombination rule company shall be applied first against interest under subsection (c)(1), then against intangibles expenses under subsection (c)(2), and only the excess (if any) of the dividends over the interest expenses and intangible expenses shall be applied against insurance premium expenses under this subsection (c)(3). (See IITA Section 203(a)(2)(D-19), (b)(2)(E-14), (c)(2)(G-14) and (d)(2)(D-9).)

d) Subtraction Modifications

- 1) Interest Income of a Foreign Person or Noncombination Rule Company. If interest paid to a foreign person or noncombination rule company is added back by a taxpayer under subsection (c)(1), the foreign person or noncombination rule company is allowed a subtraction for the amount of that interest included in its base income for the taxable year, net of deductions allocable to that income. The subtraction under this subsection (d)(1) shall not exceed the amount of the corresponding addition under subsection (c)(1). (See IITA Section 203(a)(2)(CC), (b)(2)(V), (c)(2)(T); and (d)(2)(Q).)
- 2) Intangible Income of a Foreign Person or Noncombination Rule Company. If intangible expense incurred in a transaction with a foreign person or

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noncombination rule company is added back by a taxpayer under subsection (c)(2), the foreign person or noncombination rule company is allowed a subtraction for the amount of the intangible income from that transaction included in its base income for the taxable year, net of deductions allocable to that income. The subtraction under this subsection (d)(2) shall not exceed the amount of the corresponding addition under subsection (c)(2). (See IITA Section 203(a)(2)(CC), (b)(2)(V), (c)(2)(T), and (d)(2)(Q).)

- 3) Interest Income from a Foreign Person or Noncombination Rule Company. A taxpayer who receives interest income from a foreign person or noncombination rule company is allowed a subtraction for the amount of that interest income, net of deductions allocable to that income. The subtraction allowed in this subsection (d)(3) for a taxable year may not exceed the amount of the addition modification for the taxable year under subsection (c)(1) for interest paid by the taxpayer to the foreign person or noncombination rule company. (See IITA Section 203(a)(2)(DD), (b)(2)(W), (c)(2)(U), and (d)(2)(R).)
- 4) Intangible Income from a Foreign Person or Noncombination Rule Company. A taxpayer who receives intangible income from a transaction with a foreign person or noncombination rule company is allowed a subtraction for the amount of the intangible income, net of deductions allocable to that income. The subtraction allowed in this subsection ~~(d)(4)(d)(3)~~ for the taxable year may not exceed the amount of the addition modification for the taxable year under subsection (c)(2) for intangible expenses incurred by the taxpayer in transactions with the foreign person or noncombination rule company. (See IITA Section 203(a)(2)(EE), (b)(2)(X), (c)(2)(V), and (d)(2)(S).)
- 5) Insurance Premium Income of a Noncombination Rule Company. If insurance premium expense incurred in a transaction with a noncombination rule company is added back by a taxpayer under subsection (c)(3), the noncombination rule company is allowed a subtraction for the amount of the insurance premium income from that transaction included in its base income for the taxable year, net of deductions allocable to that income. The subtraction under this subsection (d)(5) shall not exceed the amount of the corresponding addition under subsection (c)(3). (See IITA Section 203(b)(2)(V).)

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- e) Unitary Business Groups. The provisions of this Section apply both to persons who are members of a unitary business group and to persons who are not members of a unitary business group because of the application of the 80-20 rule or of the prohibition in IITA Section 1501(a)(27) against including in a single unitary business group taxpayers using different apportionment formulas under IITA Section 304(a) through (d). In applying the provisions of this Section in the case of a unitary business group, any reference to the "taxpayer" in this Section shall be deemed to refer to the unitary business group.

(Source: Amended at 33 Ill. Reg. 2306, effective January 23, 2009)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section 100.5070 List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions

- a) Requirement to Furnish List of Investors in Potentially Abusive Tax Shelters
- 1) In General. For the period beginning July 30, 2004 and ending October 22, 2004, under~~Under~~ IITA Section 1405.6(a), any person required to maintain a list with respect to a "potentially abusive tax shelter" in accordance with 26 USC 6112 and 26 CFR 301.6112-1 (2007) and who is required to furnish the list to the Internal Revenue Service ~~on or after July 30, 2004~~ shall furnish the list to the Department at the time and in the manner provided under subsection (b) of this Section. 26 USC 6111 and 6112 were amended by Public Law 108-357 to delete any reference to "tax shelter". Accordingly, this subsection (a)(1) does not apply~~IITA Section 1405.6(a) has no application~~ after October 22, 2004, the effective date of Public Law 108-357.
 - 2) Special Rule for Listed Transactions. For the period beginning July 30, 2004 and ending January 10, 2008, under~~Under~~ IITA Section 1405.6(b), any person required for federal income tax purposes to maintain a list with respect to a transaction entered into on or after February 28, 2000 that becomes a listed transaction at any time shall furnish the list to the Department, regardless of whether the list is furnished to the Internal Revenue Service, at the time and in the manner provided under subsection (b) of this Section. IITA Section 1405.6(b) was repealed by Public Act 95-

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707. Accordingly, this subsection (a)(2) does not apply after January 10, 2008, the effective date of Public Act 95-707.

- 3) Nexus with this State. Furnishing an investor list with respect to the periods specified in this subsection (a)~~under IITA Section 1405.6~~ is required only if the potentially abusive tax shelter or the listed transaction has nexus with this State as determined under this subsection (a)(3).
- A) Potentially Abusive Tax Shelters
- i) Prior to January 11, 2008, IITA Section 1405.6(d) ~~provided~~provides that, if the transaction with respect to which list maintenance is required is a tax shelter (other than a listed transaction) as defined in 26 USC 6111, then the provisions of IITA Section 1405.6(a) and subsection (a) of this Section do not apply unless the tax shelter is:
- Organized in Illinois,
 - Doing Business in Illinois, or
 - Deriving income from sources within Illinois.
- ii) The requirements of this subsection (a)(3)(A) apply only to "tax shelters" and so apply only to potentially abusive tax shelters under IITA Section 1405.6(a) and subsection (a)(1), and not to listed transactions under IITA Section 1405.6(b) or subsection (a)(2). As noted in subsection (a)(1), ~~IITA Section 1405.6(a) and~~ subsection (a)(1) ~~have~~hashave no application after October 22, 2004.
- B) Listed Transactions. A listed transaction has sufficient nexus with Illinois to be subject to the requirement to furnish investor lists if, at the time the transaction is entered into, the transaction has one or more investors that is an Illinois taxpayer.
- 4) The term "listed transaction" shall have the same meaning as defined in Section 100.5060 of Subpart N of this Part.

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- b) Time and Manner for Furnishing List. The provisions of this subsection (b) set forth the time and manner for furnishing investor lists with respect to the periods specified in subsection (a) of this Section.
- 1) Transactions (Other Than Listed Transactions)
 - A) Any list that must be furnished to the Department with respect to the period specified in pursuant to HTA Section 1405.6(a) and subsection (a)(1) of this Section shall be furnished to the Department by the later of:
 - i) The date on which the list is required to be furnished to the Internal Revenue Service, or
 - ii) February 10, 2008.
 - B) The list shall include all of the same information required to be included for federal income tax purposes (including any statement regarding claims of privilege), plus any additional information required by the Department by published guidance. As noted in subsection (a)(1), subsection (a)(1) HTA Section 1405.6(a) has no application after October 22, 2004.
 - 2) Listed Transactions
 - A) Any list that must be furnished to the Department with respect to the period specified in subsection (a)(2) that includes a listed transaction having nexus with Illinois shall be furnished as provided in this Section, regardless of whether the list is furnished to the Internal Revenue Service, by the later of:
 - i) 60 days after entering into the transaction having nexus with Illinois,
 - ii) 60 days after the transaction having nexus with Illinois becomes a listed transaction, or
 - iii) February 10, 2008.

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- B) The list shall include all of the same information required to be included for federal income tax purposes (including any statement regarding claims of privilege) as of the date the investor list is required to be furnished to the Department, plus any additional information required by the Department by published guidance. If, after the date in which a list is required to be furnished to the Department under this subsection (b)(2), a transaction having Illinois nexus is entered into that is required for federal income tax purposes to be included on a list previously furnished the Department, then the previously furnished list must be supplemented no later than 60 days after the transaction is entered into. The supplement must include, with respect to the transaction, all of the same information required to be included on the list for federal income tax purposes. In the event that the requirement to maintain a list with respect to a transaction described in this subsection (b)(2) is suspended under federal law on account of a ruling request at the time disclosure is otherwise required under this Section, the list shall be furnished by the date the federal suspension period terminates.
- 3) Special Rule. The provisions of this subsection (b)(3) apply to lists that must be furnished to the Department with respect to the period specified in subsection (a)(2). IITA Section 1007(c) allows the Director to rescind all or any portion of the penalty imposed for failure to comply with the requirements of IITA Section 1405.6 when, among other circumstances, imposing the penalty would be against equity and good conscience, or when rescinding the penalty would promote compliance with the requirements of the IITA and effective tax administration. Pursuant to IITA Section 1007(c), with respect to any transaction entered into prior to the time the transaction becomes a listed transaction, no penalty shall be imposed under Section 1007 if the person properly furnishes the list required under this Section not later than 120 days after the transaction becomes a listed transaction. Failure to furnish the list within the time required in this subsection (b)(3) does not preclude rescission of the penalty in accordance with IITA Section 1007(c).
- 4) Dissolution or Liquidation of Material Advisor. In any case in which a list subject to subsection (a) of this Section is furnished to the Office of Tax Shelter Analysis pursuant to 26 CFR 301.6112-1(f) (2007), the list shall

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also be furnished to the Department by the date on which the list is required to be furnished to the Internal Revenue Service. The list shall include all of the same information required to be included for federal income tax purposes (including any statement regarding claims of privilege), plus any additional information required by the Department by published guidance.

- 5) ~~Place for Filing. Lists required to be furnished to the Department under this Section shall be sent to:~~

~~Illinois Department of Revenue
P.O. Box 19029
Springfield IL 62794-9029~~

- c) Exceptions. A list ~~otherwise is not~~ required to be furnished under subsection (a) of HTA Section 1405.6 and this Section is not required if:
- 1) At the time a list is otherwise required to be furnished to the Department under this Section on the basis that the transaction is a listed transaction, the Internal Revenue Service has removed the identification of transactions that are the same as or substantially similar to the transaction as listed transactions;
 - 2) Before the time in which the list is otherwise required to be furnished to the Department under this Section, the Department makes a determination by published guidance that a list is not required to be furnished with respect to a particular transaction or type of transaction; or
 - 3) With respect to a listed transaction for which, at the time the list is required to be furnished to the Internal Revenue Service, the same list had previously been furnished the Department pursuant to this Section, provided the list furnished the Internal Revenue Service does not contain additional information.
- d) Material Advisors of Reportable Transactions
- 1) On and after January 11, 2008, any person required to maintain a list under IRC section 6112 shall furnish a duplicate of that list to the Department not later than the time the list is required to be furnished to

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the Internal Revenue Service, or, if earlier, the date of written request by the Department. [35 ILCS 5/1405.6(a)]

- 2) Reportable Transactions Subject to this Section. A copy of the list required to be maintained by a person under IRC section 6112 and 26 CFR 301.6112-1 shall be subject to the requirements of this subsection (d) if the person is a material advisor with respect to a transaction having nexus with Illinois. A person is a material advisor with respect to a transaction having nexus with Illinois if:
 - A) The person is a material advisor with respect to the transaction under IRC section 6112 and 26 CFR 301.6112-1; and
 - B) The person is a material advisor with respect to the transaction as described in Section 100.5080(c)(2) of this Subpart N.
- 3) Furnishing of Lists. Each person who is a material advisor, as described in subsection (d)(2), with respect to a transaction having nexus with Illinois as described in subsection (d)(2) must furnish a copy of the list to the Department not later than:
 - A) The date the list (or a component of the list) is required to be furnished to the Internal Revenue Service under 26 CFR 301.6112-1;
 - B) The date the list (or component of the list) is required to be furnished to the Internal Revenue Service on behalf of a person by another material advisor pursuant to a designation agreement under 26 CFR 301.6112-1(f); or
 - C) If earlier than the date specified in subsections (d)(3)(A) and (B), the date specified in a written request issued by the Department.
- 4) Designation Agreements. If the obligation under IRC section 6112 and 26 CFR 301.6112-1 of a material advisor with respect to a transaction having nexus with Illinois is satisfied pursuant to a designation agreement under 26 CFR 301.6112-1(f) by a person that is not a material advisor with respect to a transaction having nexus with Illinois, the material advisor with respect to a transaction having nexus with Illinois must furnish the

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list at the time required under this subsection (d). The list may be filed on the material advisor's behalf by the person designated under the designation agreement.

- ed) Protective Filing. If a person required to furnish a list under this Section with respect to a transaction believes in good faith that the State lacks jurisdiction to require the person to comply with this Section ~~or that any information required to be disclosed under this Section is privileged or otherwise exempt from disclosure~~, the person may file a statement with the Department setting forth the basis of any claim of lack of jurisdiction. If the statement contains a detailed description of the transaction that describes both the tax structure and its expected tax treatment, discloses the number of investors the person is required to include on the list, and includes an explanation of the basis for believing that disclosure is not required, then the filing of the statement shall abate the penalty otherwise imposed under IITA Section 1007 for failing to furnish a list. However, failure to furnish the statement does not preclude rescission of the penalty in accordance with IITA Section 1007(c).
- f) Place for Filing. Lists required to be furnished to the Department under this Section shall be sent to:

Illinois Department of Revenue
P.O. Box 19029
Springfield IL 62794-9029

(Source: Amended at 33 Ill. Reg. 2306, effective January 23, 2009)

Section 100.5080 Registration of Tax Shelters (IITA Section 1405.5)

- a) Requirement to Register Tax Shelters and Listed Transactions.
- 1) For the period beginning July 30, 2004 and ending October 22, 2004, ~~under~~ IITA Section 1405.5(a), any tax shelter organizer required to register a "tax shelter" under 26 USC 6111 is required to register that tax shelter with the Department. 26 USC 6111 was amended by Public Law 108-357 to delete any reference to "tax shelter". Accordingly IITA Section 1405.5(a) has no application after October 22, 2004, the effective date of Public Law 108-357.

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- 2) For the period beginning July 30, 2004 and ending January 10, 2008, ~~under~~ IITA Section 1405.5(b), registration *in the form and manner prescribed by the Department* is required for any transactions entered into after February 28, 2000 that become listed transactions (as defined in Section 100.5060 of Subpart N of this Part) at any time. Transactions requiring registration under this provision are those transactions for which a list is required to be furnished to the Department pursuant to IITA Section 1405.6(b) and Section 100.5070(a)(2) of this Part.
- b) Time and Manner for Making Registration. Registration under IITA Section 1405.5(b) and subsection (a)(2) of this Section shall be required only of the person required to furnish the investor list with respect to the transaction under Section 100.5070 of this Part. Registration will be due at the time the investor list is required to be furnished to the Department, and properly furnishing the investor list for a transaction (including the name, address, and taxpayer identification number of the person required to furnish the list) shall be deemed to be registration of the transaction for purposes of IITA Section 1405.5(b) and subsection (a)(2) of this Section.
- c) Disclosure of Reportable Transaction by Material Advisor.
 - 1) In General. On and after January 11, 2008, any material advisor required to file a return under 26 USC 6111 and 26 CFR 301.6111-3 with respect to a reportable transaction subject to this Section shall file a copy of the return not later than the day on which the return is required to be filed under federal law.
 - 2) Reportable Transactions Subject to this Section.
 - A) A copy of the return required to be filed by a person under 26 USC 6111 and 26 CFR 301.6111-3 is required to be filed under this Section if that person is a material advisor with respect to a transaction having nexus with Illinois. A person is a material advisor with respect to a transaction having nexus with Illinois if:
 - i) The person is a material advisor with respect to the transaction;

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advisor's behalf by the person designated under the designation agreement.

- 4) Protective Disclosure. If the obligation under 26 USC 6111 and 26 CFR 301.6111-3 of a material advisor with respect to a transaction having nexus with Illinois is satisfied by the filing of a protective disclosure under 26 CFR 301.6111-3(g), then the filing of a copy of the protective disclosure with the Department shall satisfy the obligation under IITA Section 1405.5 and this subsection (c).
- 5) Ruling Request. If the obligation under 26 USC 6111 and 26 CFR 301.6111-3 of a material advisor with respect to a transaction having nexus with Illinois is satisfied by the filing of a ruling request under 26 CFR 301.6111-3(h), then the filing of a copy of the submission that is deemed to satisfy the federal return requirement by the last day of the month following the end of the calendar quarter in which the Internal Revenue Service notified the material advisor that the submission satisfies the federal return requirement shall satisfy the obligation under IITA Section 1505.5 and this subsection (c).
- 6) Definitions. For purposes of this subsection (c), the following definitions apply:
 - A) Material Advisor. The term material advisor with respect to a reportable transaction means a person who is a material advisor with respect to the transaction defined under 26 USC 6111(b)(1) and 26 CFR 301.6111-3(b).
 - B) Reportable Transaction. The term reportable transaction has the same meaning as prescribed in 26 CFR 301.6111-3(c)(1).
 - C) Tax Statement. The term tax statement has the same meaning as prescribed in 26 CFR 301.6111-3(b)(2)(ii).
 - D) Illinois Taxpayer. The term Illinois taxpayer means, with respect to a reportable transaction, any person whose base income allocable or apportionable to Illinois is affected by the reportable transaction. In the case of a group of corporations required to file a combined

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return under IITA Section 502(e), the term Illinois taxpayer refers to the combined group.

- 7) Place for Filing. Returns required to be furnished to the Department under this Section shall be sent to:

Illinois Department of Revenue
P.O. Box 19029
Springfield IL 62794-9029

(Source: Amended at 33 Ill. Reg. 2306, effective January 23, 2009)

SUBPART O: COMPOSITE RETURNS

Section 100.5100 Composite Returns: Eligibility

- a) In ~~General~~general. A composite return may be filed on behalf of nonresident individuals, trusts, and estates who derive income from Illinois and who are partners, or ~~subchapter S corporation~~Corporation shareholders, or who transact insurance business under a Lloyds plan of operation (for a definition of an "~~subchapter S corporation~~S-corporation" see Section 1501(29) of the IITA; for a definition of a "Lloyd's plan of operation" see Section ~~100.5179100.5714~~). The respective partnership, ~~subchapter S corporation~~Corporation or insurance business shall file ~~thesuch~~ composite return and shall make composite income tax payments. ~~TheSuch~~ composite return may include income and tax of Illinois residents if the petition described in subsection (c) ~~of this Regulation~~ is granted. The right to file a composite return is applicable to taxable years ending on or after December 31, 1987.
- b) Eligibility. The right to be included in a composite return is limited to nonresident and resident individuals, trusts, and estates who are partners of the same partnership, shareholders of the same ~~subchapter S corporation~~, or individuals transacting an insurance business in Illinois under a Lloyd's plan of operation. The eligibility of resident individuals, trusts, and estates is conditioned upon compliance with subsection (c) ~~of this Regulation~~.

~~EXAMPLE~~Example: The Acme partnership consists of a general partner and ~~fifty~~ ~~(50)~~ limited partners. The general partner is a regular corporation, and the limited partners consist of ~~twenty-six~~ ~~(26)~~ nonresident individuals, ~~twenty~~ ~~(20)~~ resident

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individuals, ~~a subchapter~~ S corporation ~~Corporation~~, a partnership, a nonresident trust, and ~~an~~ estate. The ~~twenty-six (26)~~ nonresident individuals, the nonresident trust, and the nonresident estate are automatically eligible to be included in a composite return. The ~~twenty (20)~~ resident individuals may be included in the composite return with the nonresidents if the Department grants their petition. None of the other entities may be included in the composite return.

- c) Petition for Residents. Individuals, trusts, and estates that are residents of Illinois may be included in a composite return if the authorized agent files a petition with the Department of Revenue and the petition is granted. The Department shall grant the petition if the authorized agent clearly demonstrates that no other method of filing would achieve the same degree of compliance and administrative ease for both the Department and the taxpayers. Factors to be considered in granting the petition include: the quantity of partners or shareholders involved; the inability of the authorized agent to file the composite return except in this manner; and the availability of a reliable method for claiming credit on the separate returns pursuant to Section ~~100.5160~~ 100.5712. The petition must be filed prior to the end of the authorized agent's taxable year, and the petition must be granted or denied prior to the due date of the return without regard to extensions. Petitions should be mailed to:

Illinois Department of Revenue
Attn: Document Perfection Section
Post Office Box 19014
Springfield, Illinois 62794-9014

- d) Inclusion of ~~Eligible Members~~ eligible members. A composite return does not have to include all of the individuals who are eligible to be included in the return. Whether ~~or not~~ an individual is included in a composite return is a matter ~~that~~ which should be decided by the individual and the entity. Persons not included in composite returns are required to meet their Illinois filing and payment obligations separately, and failure to do so could mean the imposition of civil and criminal penalties.
- e) Nonresidents With Other Illinois Source Income. Nonresident individuals, trusts, and estates with Illinois source income other than from a partnership, ~~subchapter~~ S corporation ~~Corporation~~, or Lloyd's plan of operation may, but need not, be included in a composite return. If such nonresidents are included in a composite return for a taxable year ending on or after December 31, 2008 (December 31,

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1999, in the case of a composite return filed by a Lloyd's plan of operation), they may claim a credit against their Illinois income tax liability for their share of the tax paid on their behalf on the composite return. If ~~such~~ nonresidents are included in a composite return for an earlier taxable year, they will not be permitted to claim credits on their individual returns for their shares of the composite tax payments unless the authorized agent files a petition with the Department of Revenue requesting permission for the nonresidents to claim ~~the~~such credit and the petition is granted. The Department shall grant the petition if the authorized agent clearly demonstrates that no other method of filing would achieve the same degree of compliance and administrative ease for both the Department and the taxpayers. Factors to be considered will be the same as for petitions pursuant to subsection (c). The petition must be filed prior to the end of the authorized agent's taxable year, and the petition must be granted or denied prior to the due date of the return without regard to extensions. If the petition is granted, credit will be claimed by the nonresidents for their share of the composite payments in the same manner and amount as permitted resident individuals under Section 100.5160. Petitions should be mailed to:

Illinois Department of Revenue
Attn: Document Perfection Section
Post Office Box 19014
Springfield, Illinois 62794-9014

(Source: Amended at 33 Ill. Reg. 2306, effective January 23, 2009)

Section 100.5140 Composite Returns: Estimated Payments

No estimated payments are required to be made for taxes reported on a composite return. ~~Estimated payments. Estimated payments shall be made on the basis of the tax shown on the composite return. Any penalty for underpayment of estimated tax (see Section 804 of the IITA and Section 3-3 of the UPIA) shall be determined on a composite basis. However, in no event shall such penalty be imposed for taxable years ending December 31, 1987.~~

(Source: Amended at 33 Ill. Reg. 2306, effective January 23, 2009)

Section 100.5160 Composite Returns: Credits on Separate Returns ~~for Resident Individuals~~

When the income of a taxpayer an Illinois resident is included in a composite return pursuant to

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an approved petition ~~underpursuant to~~ Section 100.5100(c) or, for taxable years ending prior to December 31, 1999, by a Lloyd's plan of operation or, for taxable years ending on or after December 31, 2008, for any other pass-through entity, the same amount of income will also be included in the taxpayer's separate return. In this event, a credit may be claimed on the taxpayer's separate return for ~~the taxpayer's~~ his or her share of the composite tax payment. A copy of the composite return shall be attached to the taxpayer's return showing the amount of tax paid on the taxpayer's behalf by the pass-through entity.

(Source: Amended at 33 Ill. Reg. 2306, effective January 23, 2009)

Section 100.5180 Composite Returns: Overpayments and Underpayments

- a) When an authorized agent has made an error in determining the amount of any item of income, deduction, addition, subtraction or credit reported on a composite return, the authorized agent shall file an amended return to correct the error and claim a refund or credit, or pay the liability, for any person included on the composite return.
- b) For taxable years ending on or after December 31, 2008, a partnership or subchapter S corporation may report the changes in liabilities of its partners or shareholders and pay the resulting underpayments, on behalf of its partners and shareholders, whether or not a composite return was filed for the taxable year or any specific partner or shareholder was included on that composite return. A partnership or subchapter S corporation may claim a refund or credit of any amount it paid on behalf of its partners or shareholders under Section 100.5100, subsection (a) or this subsection, but may not claim a refund or credit of any amount paid to the Department by a partner or shareholder.
- c) If the amount of tax properly reportable on any return filed under Section 100.5100 or any original or amended return filed under subsection (a) or (b) is not reported and timely paid, the Department may issue a notice of deficiency to the authorized agent with respect to that underpayment and any associated penalties and interest and may issue notices of deficiency to the partners or shareholders, provided that:
 - 1) The Department may not collect the underpaid amount of tax, including associated penalties and interest, more than once, and, if claims for refund or credit of any amount collected more than once are timely filed by both a partner or shareholder and the authorized agent, any amount collected

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from that partner or shareholder in excess of the underpayment attributable to that partner or shareholder shall be refunded or credited to that partner or shareholder rather than to the authorized agent; and

- 2) No penalty for failure to timely file a return or pay the amount of tax due shall be assessed against a partner or shareholder who had timely requested the authorized agent in writing to file composite original or amended returns and pay tax on his or her behalf under this Part, and had no knowledge that the authorized agent would not comply with that request prior to the earlier of the date of filing or the due date (including extensions) for filing the partner's or shareholder's return.

(Source: Added at 33 Ill. Reg. 2306, effective January 23, 2009)

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section 100.7035 Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries (IITA Section 709.5)

- a) In General. For each taxable year ending on or after December 31, 2008, every pass-through entity must withhold from each nonresident owner an amount equal to the distributive share of that owner under sections 702 and 704 and subchapter S of the Internal Revenue Code, whether or not distributed, of the business income of the pass-through entity that is apportionable to Illinois, multiplied by the applicable tax rate for that owner under IITA Section 201(a) through (d). (See IITA Section 709.5.)
- b) Definitions. For purposes of this Section:
- 1) Certificate of Exemption. A certificate of exemption is a statement made in the form and manner prescribed by the Department that the owner completing the certificate undertakes to:
- A) file all returns required to be filed under IITA Section 502;
- B) timely pay all tax imposed under IITA Section 201 or required to be withheld under IITA Section 709.5; and

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- C) submit to the jurisdiction of the State of Illinois for purposes of collecting any amount owed in income tax, interest or penalties. (See IITA Section 709.5.)
- 2) Owner. The term "owner" of a pass-through entity means a partner in the partnership, a shareholder in the subchapter S corporation or a beneficiary of the trust.
- 3) Pass-through Entity. The term "pass-through entity" means a partnership (other than a publicly traded partnership under 26 USC 7704 or an investment partnership under Section 100.9370), subchapter S corporation or trust.
- c) Time for Filing Return and Paying Tax Withheld. A pass-through entity shall report the amounts withheld and the owners from whom the amounts were withheld, and pay over the amounts withheld, no later than the due date (without regard to extensions) of the tax return of the pass-through entity for the taxable year. (See IITA Section 711(a-5).)
- d) Credit for Taxes Withheld. An owner from whom an amount of tax was withheld under subsection (a) with respect to its share of the business income of a pass-through entity and paid to the Department is entitled to a credit equal to that amount against its liability under IITA Section 201 for the taxable year in which that business income is included in its base income. (See IITA Section 709.5(b).)
- 1) If the owner is a pass-through entity, it may claim some or all of that amount as a credit against the amount it is required to withhold from its owners under this Section, in lieu of claiming the credit against its liability under IITA Section 201. (See IITA Section 709.5(b).) Once a return claiming an amount of credit against the owner's liability under this Section or under IITA Section 201 has been filed, the owner may not claim that amount as a credit against any other liability.
- 2) For purposes of computing penalty and interest on late payment of tax due by an owner, the amount withheld and paid to the Department with respect to that owner is treated as paid no later than the last day of the taxable year of the pass-through entity withholding that amount. (See IITA Section 804(g)(2).)

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- e) Overpayments. A pass-through entity may not claim a refund or credit for any overpayment of withholding due under subsection (a) with respect to any owner. In addition, an owner has no right of action against the pass-through entity for overpayment of withholding. (See IITA Section 712.) In the case of any overpayment, the remedy is for the owner to file a timely claim for credit or refund for any amount withheld under subsection (a) with respect to it.
- f) Underpayments. If a pass-through entity fails to timely pay the full amount of withholding due under this Section:
- 1) The pass-through entity is relieved of its obligation to pay any amount due with respect to an owner, if the owner has paid its liability under the IITA on the income from which withholding was required. However, the pass-through entity is not relieved of any penalty or interest otherwise applicable with respect to its failure to timely pay the withholding. (See IITA Section 713.)
 - 2) No penalty or interest may be assessed against an owner for failure to timely pay a liability under the IITA (including a liability under this Section), to the extent that failure is the result of the failure of a pass-through entity to withhold and timely pay tax under this Section with respect to income of that owner, except when that pass-through entity's failure to timely pay the tax was caused by the owner and only to the extent the Department has not collected payment of interest or penalties from the pass-through entity with respect to that underpayment.
- g) Exemption from withholding.
- 1) Pass-through entities are not required to withhold tax under this Section from any owner:
 - A) who is exempt from taxation under 26 USC 501(a) or under IITA Section 201;
 - B) who is included on a composite return filed by the entity for the taxable year under IITA Section 502(f); or

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- C) who is not an individual and, on the date withholding is required to be reported and paid for a taxable year, the pass-through entity has in its possession a valid certificate of exemption for that owner.
- 2) No owner has any right of action against a pass-through entity for withholding tax from that owner despite exemption under this subsection (g). (See IITA Section 712.) Instead, the owner must file a timely claim for refund of the withholding.
- h) Certificates of Exemption
- 1) For purposes of this Section, a certificate of exemption is valid if it:
- A) is completed using the form prescribed by the Department; and
- B) has not been revoked.
- 2) Recordkeeping. Certificates of Exemption shall be retained by the pass-through entity and made available to the Department in the same manner as other records required to be maintained under IITA Section 501.
- 3) Revocation. If an owner that has provided a pass-through entity with a Certificate of Exemption fails to timely file a return that reports its share of the business income apportioned to Illinois by the pass-through entity or to timely pay the tax shown due on a return that reports its share of the business income apportioned to Illinois by the pass-through entity, the Department may at any time thereafter revoke the Certificate of Exemption by serving notice upon the pass-through entity at its usual place of business or by mail to the pass-through entity's last-known address. The revocation is effective with respect to all payments and returns of withholding due more than 60 days after the date the notification is issued by the Department. Once a notification has been issued by the Department with respect to a particular owner, the pass-through entity may not treat a Certificate of Exemption from the same owner as valid unless the pass-through entity has been notified by the Department, in writing, that it may again accept a Certificate of Exemption from that owner. Because revocation of a Certificate of Exemption imposes no additional tax liability, but merely affects the timing and method of payment, and no provision is made in the IITA for

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protest or review of a revocation, neither the owner nor the pass-through entity has any right to protest or seek review by the courts of a revocation.

(Source: Added at 33 Ill. Reg. 2306, effective January 23, 2009)

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section 100.7120 Exempt Withholding Under Reciprocal Agreements (ITA Section 702)

- a) In general. Employees who are residents of a state with which a reciprocal agreement is in effect exempting residents of that state from withholding of Illinois tax on compensation paid in Illinois must file a signed certificate of their residency in order to receive the benefit of thesueh exemption.
- b) Form of residency certificate. Form IL-W-5-NR, Employee's Statement of Non-Residence in Illinois, is the form prescribed for the certificate required to be filed under this Sectionsection. TheSueh certificate shall be prepared in accordance with the instructions ~~applicable thereto~~, and shall set forth fully and clearly the required data ~~therein called for~~. Form IL-W-5-NR will be supplied to employers upon request to the Department. In lieu of the prescribed form of certificate, employers may prepare and use a form that contains the same information required inthe provisions of which are identical to those of the prescribed form and, if not maintained in hardcopy, that meets the requirements of 86 Ill. Adm. Code 100.9530(d).
- c) Change in residency. An employee must notify his or her employer and file a new residency certificate or Illinois withholding exemption certificate, whichever is applicable, within ten days after his or her state of residency changes from the one named on thehis certificate.
- d) Annual determination: effective date; ~~and~~ duration of residency certificate. A certificate described under this Sectionsection shall be subject to the same rules applicable to a withholding exemption certificate under Section86 Ill. Adm. Code 100.7110(e), (f) and (g).

(Source: Amended at 33 Ill. Reg. 2306, effective January 23, 2009)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
130.325	Amendment
130.331	Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-90
- 5) Effective Date of Amendments: January 23, 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) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 16057; October 3, 2008
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: Dates were changed throughout the rulemaking to reflect the five-year limitation on expenditures for the Exemption and Credit. The Credit and Exemption will sunset July 29, 2009. Thus, effective July 30th, it will no longer be available.
- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
130.2145	Amendment	32 Ill. Reg. 15763; September 26, 2008
130.605	Amendment	32 Ill. Reg. 17654; November 14, 2008

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- 15) Summary and Purpose of Amendments: Section 130.325 is being amended to add the sunset date to the Graphic Arts Machinery and Equipment Exemption, which was created by Public Act 93-840, effective July 30, 2004.

Section 130.331 is being amended to add the sunset date for the Manufacturer's Purchase Credit and to add text regarding when credits earned have to be used and when credits earned have to be claimed, which was created by Public Act 93-840, effective July 30, 2004.

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

Debra M. Boggess
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

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

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

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130.110	Occasional Sales
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130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
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130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
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130.340	Rolling Stock
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130.510	Annual Tax Returns
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130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
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130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
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SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

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- 130.1101 Definition of Federal Area
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- 130.1201 General Information
- 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

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- 130.1301 When Lessee of Premises Must File Return for Leased Department
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- 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section

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

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- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
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- 130.1501 Claims for Credit – Limitations – Procedure
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SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section

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

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

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

SUBPART S: SPECIFIC APPLICATIONS

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- 130.1901 Addition Agents to Plating Baths
- 130.1905 Agricultural Producers

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- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
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- 130.1930 Chiropodists, Osteopaths and Chiropractors
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SUBPART T: DIRECT PAYMENT PROGRAM

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130.2500	Direct Payment Program
130.2505	Qualifying Transactions, Non-transferability of Permit
130.2510	Permit Holder's Payment of Tax
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130.ILLUSTRATION A Examples of Tax Exemption Card

130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration

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

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987;

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amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003,

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for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 2345, effective January 23, 2009.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.325 Graphic Arts Machinery and Equipment Exemption

- a) General. Through June 30, 2003, and beginning again on September 1, 2004 through July 29, 2009, notwithstanding the fact that sales may be at retail, the Retailers' Occupation Tax does not apply to the sale of machinery and equipment, including repair and replacement parts, both new and used and including that manufactured on special order to be used primarily in graphic arts production. The exemption extends to purchases by lessors who will lease the property for use primarily in graphic arts production. Taxpayers must certify the use of the equipment they are purchasing to their suppliers. (See subsection (i) of this Section.) By statute, this exemption was repealed June 30, 2003 (Public Act 93-0024; effective June 20, 2003). Pursuant to Public Act 93-0840, effective July 30, 2004, this exemption was reenacted without any specific sunset date. Section 2-70 of the Retailers' Occupation Tax Act provides that, if a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit or deduction, a taxpayer shall not be entitled to take the exemption, credit or deduction beginning five years after the effective date of the Public Act creating the exemption, credit or deduction and thereafter. Because no sunset date or language excepting this exemption from the sunset provision was contained in Public Act 93-0840, the statutory sunset provision applies the five-year sunset. Beginning July 30, 2009, this exemption will no longer be available.

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- b) Graphic Arts Production. *Provisions effective August 13, 1999 through June 30, 2003, and beginning again on September 1, 2004 [through July 29, 2009](#):*
- 1) Graphic arts production has the following meanings and applications:
- A) *Graphic arts production means printing, including ink jet printing, by one or more of the processes described in Groups 323110 through 323122 of Subsector 323, Groups 511110 through 511199 of Subsector 511, and Group 512230 of Subsector 512 of the North American Industry Classification System ("NAICS") published by the U.S. Office of Management and Budget, 1997 edition (no subsequent amendments or editions are included). Graphic arts production does not include the transfer of images onto paper or other tangible personal property by means of photocopying or final printed products in electronic or audio form, including the production of software or audio-books. (Section 2-30 of the Act) Groups 323110 through 323122 of Subsector 323, Groups 511110 through 511199 of Subsector 511, and Group 512230 of Subsector 512 include printing upon apparel and textile products, paper, metal, glass, plastics, and other materials except fabric (grey goods). Printing upon grey goods is part of the process of finishing fabric and is included in the NAICS Textile Mills subsector in Industry 31331, Textile and Fabric Finishing Mills.*
- B) The North American Industry Classification System referenced in subsection (b)(1) can be obtained from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (Phone: 1-800-553-6847). The Department also maintains a copy of this information, which may be obtained upon request and at cost, from the Legal Services Office, 5-500, 101 West Jefferson Street, Springfield, Illinois 62794.
- C) The exemption applies to machinery and equipment used in graphic arts production processes, as those processes are described in the NAICS. While the NAICS subsectors referenced in subsection (b)(1)(A) describe types of graphic arts establishments that typically engage in graphic arts production, the exemption is not limited to qualifying machinery and equipment used by the

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establishments described in the NAICS, but rather, to qualifying machinery and equipment used in the printing processes described in the NAICS (for example, lithography, gravure, flexography, screen printing, quick printing, digital printing and trade services such as prepress and binding and finishing services). The tangible personal property produced by graphic arts production need not be sold at retail in order for the exemption to apply. For instance, a company's purchase of qualifying graphic arts equipment used to produce its own printed materials qualifies for the exemption, even though the company is not in the business of selling printed materials at retail.

- D) The exemption includes printing by methods of engraving, letterpress, lithography, gravure, flexography, screen, quick, and digital printing. It also includes the printing of manifold business forms, blankbooks, looseleaf binders, books, periodicals and newspapers. Included in the exemption are prepress services described in Subsector 323122 of the NAICS (e.g., the creation and preparation of negative or positive film from which plates are produced, plate production, cylinder engraving, typesetting and imagesetting). The exemption also includes trade binding and related printing support activities set forth in Subsector 323121 of the NAICS (e.g., tradebinding, sample mounting and postpress services, such as book or paper bronzing, edging, embossing, folding, gilding, gluing, die cutting, finishing, tabbing and indexing).
- E) "Digital printing and quick printing" mean the printing of graphical text or images by a process utilizing digital technology, as provided in subsection (b)(4) of this Section. It also includes the printing of what is commonly known as "digital photography" (e.g., use of a qualifying integrated computer and printer system to print a digital image). The exemption extends only to machinery and equipment, including repair and replacement parts, used in the act of production. Accordingly, no other type or kind of tangible personal property will qualify for the exemption, even though it may be used primarily in the graphic arts business.
- 2) Machinery means major mechanical machines or major components of

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~~such~~ machines contributing to graphic arts production. Equipment means any independent device or tool separate from any machinery but essential to the graphic arts production process; or any sub-unit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment parts of machinery. Beginning August 23, 2001, equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

- A) The exemption does not include hand tools, supplies such as rags, lubricants, adhesives, solvents, ink, dyes, chemicals except as described in this subsection (b)(2), negatives, acids or solutions, fuels, electricity and steam or water. The exemption also does not include items of personal apparel, such as gloves, shoes, glasses, goggles, coveralls, aprons, and masks.
 - B) This exemption does not include the sale of materials to a purchaser who manufactures those materials into an otherwise exempted type of graphic arts machinery or equipment.
 - C) Machinery and equipment does not include foundations or special purpose buildings to house or support graphic arts machinery and equipment.
 - D) Machinery and equipment does not include computer software unless purchased preinstalled in qualifying computer equipment. Computer software not purchased preinstalled in qualifying computer equipment, including upgrades or new software, is subject to tax.
- 3) Primary Use. The law requires that machinery and equipment be used primarily in graphic arts production.
- A) Therefore, machinery that is used primarily in an exempt process and partially in a nonexempt manner would qualify for the exemption. However, the purchaser must be able to establish through adequate records that the machinery or equipment is used over 50% in an exempt manner in order to claim the exemption.

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- B) The fact that particular machinery or equipment may be considered essential to the conduct of the business of graphic arts production because its use is required by law or practical necessity does not, of itself, mean the machinery or equipment is used primarily in graphic arts production.
- 4) By way of illustration and not limitation, the following activities will generally be considered graphic arts production:
- A) Prepress or preliminary processes. Prepress or preliminary processes include the steps required to transform an original into a state that is ready for reproduction by printing. Prepress or preliminary processes include typesetting, film production, color separation, final photocomposition (e.g., image assembly and imposition (stripping)), and platemaking. Prepress or preliminary processes include the manipulation of images or text in preparation for printing for the purpose of conforming those images to the specific requirements of the printing process being utilized. For example, the images must be conformed for a specific signature layout and formatted to a specific paper size. In addition, colors must be calibrated to the specific type of paper or printing process utilized, so that they conform to customer specifications. Prepress or preliminary processes do not, however, include the creation or artistic enhancement of images that will later be reproduced in printed form by a graphic arts process. For example, the creation of an advertisement pursuant to customer direction, or enhancement of a photograph received from a customer by adding a border, text or rearranging the placement of images in the photograph, is not the performance of a qualifying prepress or preliminary process. Prepress or preliminary processes can be performed at the printing facility, a separate prepress or preliminary facility, the customer's location, or other location. The following are examples of equipment used in qualifying prepress or preliminary activities:
- i) Large scale, fixed-position cameras used to photograph two dimensional copy to produce negatives or positives used in the production of plates; film processors; scanners; impositioners; RIP (raster image processor) equipment;

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proofing equipment; imagesetters, plate processors, helioklischographs and computer-to-plate and computer-to-press equipment.

- ii) Computers that qualify include computers used primarily to receive, store and manipulate images to conform them to the requirements of a specific printing process that will later be performed. Computers used in connection with what is commonly referred to as "digital photography" will qualify if used primarily to format the graphic image that will be printed (e.g., used to format the size and layout of images to be printed). If ~~thesuch~~ computers are primarily used, however, to apply background colors, borders or other artistic enhancements, or to view and select particular digital images to be printed, they will not qualify for the exemption.
 - iii) Digital cameras do not qualify if they are used primarily to create an original image that will later be reproduced by a graphic arts process.
 - iv) Servers used primarily to transfer images and text to qualifying equipment qualify, but do not qualify if used primarily in a non-exempt activity (for example, servers used to maintain an in-house email system).
 - v) Scanners used primarily to input previously created images or text that will be reproduced by a graphic arts process qualify for the exemption.
- B) The transfer of images or text from computers, plates, cylinders or blankets to paper or other stock to be printed. This process begins when paper is introduced on the press. Examples of qualifying equipment used in this activity include printing plates, printing presses, blankets and rollers, automatic blanket washers, scorers and dies, folders, punchers, stackers, strappers used in the pressroom for signatures, dryers, chillers and cooling towers. Laser or ink jet printers used to print on paper or other stock are also included in this exemption.

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- i) Equipment used to handle or convey printed materials between production stations in an integrated on-line graphic arts process is included in the exemption (e.g., a forklift or bindery cart will qualify for the exemption if it is primarily used to convey book covers that have been printed and cut to binding and finishing equipment).
 - ii) Computer equipment used to operate exempt graphic arts equipment also qualifies for the exemption.
 - iii) Equipment, such as transformers, used primarily to provide power to qualifying printing presses or bindery lines, qualifies for the exemption. Similarly, heating and cooling machinery or equipment used to produce an environment necessary for the production of printed material qualifies for the exemption. For example, humidity-control equipment used to reduce static during the printing process qualifies for the exemption.
- C) Activities involving the binding, collating or finishing of the graphic arts product. Equipment used in these activities includes, for instance, binders, packers, gatherers, joggers, trimmers, selectronic equipment, blow-in card feeders, inserters, stitchers, gluers, spiral binders, addressing machines, labelers and ink-jet printers.
- i) Machinery or equipment used to convey materials to packaging areas after the graphic arts product has been printed, bound and finished qualifies for the exemption. ~~ThatSuch~~ equipment includes, for instance, conveyor systems, hoists or other conveyance mechanisms used to direct the final printed product into packaging areas.
 - ii) Machinery or equipment used to package materials after the graphic arts product has been printed, bound and finished qualifies for the exemption. ~~PackagingSuch~~ ~~packaging~~ equipment includes, for instance, cartoning systems, palletizers, stretch wrappers, strappers, shrink tunnels and

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similar equipment.

- 5) By way of illustration and not limitation, the following activities will generally not be considered to be graphic arts production:
- A) The use of machinery and equipment in general maintenance or repair work on production machinery or equipment. This includes hand tools, welding tools, racks, and other machinery and equipment used in the maintenance area.
 - B) The use of machinery and equipment (e.g., fork lifts, roll clamps and roll grabbers) to convey raw materials to the press does not qualify for the exemption.
 - C) The use of machinery or equipment to convey materials to final storage or shipping areas. ~~ThatSuch~~ equipment includes, for instance, fork lifts used primarily to place the packaged printed product into final storage or shipping areas.
 - D) The use of machinery or equipment to gather information, track jobs or to perform data-related functions prior to a qualifying prepress activity (e.g., computers used primarily to edit or create text, data, or other copy). ~~ThatSuch~~ equipment includes items such as inventory tracking devices and bar-code readers.
 - E) The use of machinery or equipment to photocopy printed matter. A copier that is capable of printing images or text transmitted to it in digital form will qualify. However, a copier that produces photocopies by means of xerographic technology is subject to tax.
 - F) The use of machinery or equipment in managerial, sales or other non-production, non-operational activities including inventory control, production scheduling, purchasing, receiving, accounting, physical management, general communications, plant security, marketing, or personnel recruitment, selection or training. Waste disposal equipment (e.g., equipment used to contain and recapture paper dust) does not qualify for the exemption. However, for information regarding the pollution control exemption, see Section 130.335 of this Part. Similarly, baling equipment used to recycle

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paper waste does not qualify under this exemption. However, the manufacturing machinery and equipment exemption may be applicable. (See Section 130.330 of this Part.)

- G) The use of machinery and equipment to prevent or fight fires or to protect employees, such as protective masks, respirators, first-aid kits, gloves, coveralls and goggles, or for safety, accident protection or first-aid, even though that machinery or equipment may be required by federal, State or local law.
 - H) The use of machinery or equipment for general ventilation, heating, cooling, climate control or general illumination, except when the machinery or equipment is used to produce an environment necessary for the production of printed material.
- 6) An item of machinery or equipment that initially is used primarily in graphic arts production and having been so used for less than one-half of the useful life and is converted to primarily nonexempt uses will become subject to the tax at the time of the conversion. The tax will be collected on that portion of the price of the machinery or equipment as was excluded from tax at the time the sale or purchase was made.
- 7) Sales to Lessors of Graphic Arts Equipment. The statute provides for the purchase of graphic arts machinery and equipment by lessors who will lease that machinery and equipment for use in graphic arts production. Therefore, if the purchaser of the machinery or equipment leases the machinery and equipment to a lessee who uses it in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may exclude these sales from his or her taxable gross receipts provided that the purchaser-lessor provides to him or her a properly completed exemption certificate and the information contained in the certificate would support an exemption if the sale were made directly to the lessee. Should a purchaser-lessor subsequently lease the machinery or equipment to a lessee who does not use it in an exempt manner that would qualify directly for the exemption, the purchaser-lessor will become liable for the tax from which he or she was previously exempted.
- 8) Exemption Certification. Purchasers wishing to claim the exemption must certify to their suppliers that the machinery and equipment will be used

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primarily for graphic arts production. Retailers must maintain the certificates in their books and records. The use of blanket certificates of exemption will be permitted. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be used primarily in graphic arts production. So long as the retailer obtains a certificate of exemption that contains all the information required in this subsection (b)(8), the retailer need not verify that the equipment he or she sells is actually used as graphic arts production equipment. If a graphic arts producer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must maintain a copy of the certification in his or her records to support the deduction taken on the return.

- c) Graphic Arts Production. Provisions in effect until August 13, 1999:
- 1) *Graphic arts production means printing by one or more of the common processes or graphic arts production services as those processes and services are defined in Major Group 27 of the U.S. Standard Industrial Classification Manual. (Section 2-30 of the Act) The exemption includes printing by letterpress, lithography, gravure, screen, engraving and flexography and includes ~~such~~ printing trade services as typesetting, negative production, plate production, bookbinding, finishing, looseleaf binder production and other services set forth in Major Group 27. The exemption extends only to machinery and equipment used in the act of production. Accordingly, no other type or kind of tangible personal property will qualify for the exemption, even though it may be used primarily in the graphic arts business.*
 - 2) Machinery means major mechanical machines or major components of ~~such~~ machines contributing to graphic arts production. Equipment means any independent device or tool separate from any machinery but essential to the graphic arts production process; or any sub-unit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment or parts of machinery. The exemption does not include hand tools, supplies, lubricants, adhesives or solvents, ink, chemicals, dyes, acids or solutions, fuels, electricity, steam or water, items of personal apparel such as gloves, shoes, glasses, goggles, coveralls, aprons, and masks, or such items as negatives, one-time use printing plates as opposed to multiple use cylinders or lithographic plates, dies, etc., ~~that~~which are

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expendable supplies. This exemption does not include the sale of materials to a purchaser who manufactures ~~thesesueh~~ materials into an otherwise exempted type of graphic arts machinery or equipment.

- 3) Machinery and equipment does not include foundations for or special purpose buildings to house or support graphic arts machinery and equipment.
- 4) Primary Use.
 - A) The law requires that machinery and equipment be used primarily in graphic arts production. Therefore, machinery ~~thatwhich~~ is used primarily in an exempt process and partially in a nonexempt manner, would qualify for the exemption. However, the purchaser must be able to establish adequate records that the machinery or equipment is used over 50% in an exempt manner in order to claim the deduction.
 - B) The fact that particular machinery or equipment may be considered essential to the conduct of the business of graphic arts production because its use is required by law or practical necessity does not, of itself, mean the machinery or equipment is used primarily in graphic arts production.
 - C) By way of illustration and not limitation, the following activities will generally be considered to constitute an exempt use:
 - i) Machinery and equipment to directly produce typesetting, negatives and plates including final photo-composition and color separation processes.
 - ii) The use of machinery and equipment to transfer images or text from type or plates or image carriers to paper or other stock to be printed.
 - iii) Equipment to collate, bind or finish the graphic arts product covered in subsection (c)(2), ~~above~~.
 - iv) Large scale, fixed-position cameras used to photograph two

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dimensional copy to produce negatives or positives used in the production of plates.

- D) By way of illustration and not limitation, the following activities will generally not be considered to be graphic arts production:
- i) The use of machinery and equipment in general maintenance or repair work on production machinery or equipment.
 - ii) The use of machinery or equipment to store, convey, handle or transport materials.
 - iii) The use of machinery or equipment to place the printed product in the container package or wrapping in which ~~thesuch~~ property is normally sold to the ultimate consumer ~~of the propertythereof~~.
 - iv) The use of machinery or equipment to gather information, photograph, transmit data, edit text, prepare drafts or copy or perform other date-related functions prior to final composition, typesetting, engraving or other preparation of the image carrier.
 - v) Xerographic or photocopying machines do not qualify for the exemption.
 - vi) Word processing, text editing machinery or computerized equipment unless it is an integral part of a final graphic arts operation, such as a computer-controlled typesetting machine or equivalent that is used primarily in graphic arts production.
 - vii) Computers used to store data and generate text, maps, graphs or other print-out formats unless the product is an image carrier to be used to repetitively transfer images by printing. For example, a computer ~~thatwhich~~ generates an image ~~thatwhich~~ may later be reproduced by a graphic arts process would not qualify while a computer-controlled

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engraving system ~~that~~~~which~~ produces printing cylinders and computer-controlled digital typesetting equipment would qualify.

- viii) The use of machinery or equipment in managerial, sales or other non-production, non-operational activities including disposal of waste, inventory control, production scheduling, purchasing, receiving, accounting, physical management, general communications, plant security, sales, marketing, product exhibition and promotion, or personnel recruitment, selection or training.
 - ix) The use of machinery and equipment to prevent or fight fires or to protect employees, such as protective masks, gloves, coveralls and goggles or for safety, accident protection or first-aid even though ~~the~~~~such~~ machinery or equipment may be required by law.
 - x) The use of machinery or equipment for general ventilation, heating, cooling, climate control or general illumination.
- E) An item of machinery or equipment ~~that~~~~which~~ initially is used primarily in graphic arts production and having been so used for less than one-half of the useful life is converted to primarily nonexempt uses, will become subject to the tax at the time of the conversion. ~~The~~~~Such~~ tax will be collected on ~~the~~~~such~~ portion of the purchase price of the machinery or equipment as was excluded from tax at the time the sale or purchase was made.
- 5) Sales to Lessors of Graphic Arts Equipment.
The statute provides for the purchase of graphic arts machinery and equipment by lessors who will lease ~~the~~~~such~~ machinery and equipment for use in graphic arts production. Therefore, if the purchaser of the machinery or equipment leases the machinery and equipment to a lessee who uses it in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may exclude such sales from his ~~or~~ ~~her~~ taxable gross receipts provided that the purchaser-lessor provides to him ~~or~~ ~~her~~ a properly completed exemption certificate and the information contained therein would support an exemption if the sale were made

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directly to the lessee. Should a purchaser-lessor subsequently lease the machinery or equipment to a lessee who does not use it in an exempt manner that would qualify directly for the exemption, the purchaser-lessor will become liable for the tax from which he or she was previously exempted.

- 6) Exemption Certification.
Purchasers wishing to claim the exemption must certify to their suppliers that the machinery and equipment will be used primarily for graphic arts production. Retailers must maintain thesueh certificates in their books and records. The use of blanket certificates of exemption will be permitted. If a graphic arts producer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must maintain a copy of the certification in his or her records to support the deduction taken on the return. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be used primarily in graphic arts production.
- 7) For the purpose of determining the portion of the proceeds or cost thatwhieh may be excluded from tax, a sale of property will be deemed to be made as of the date of delivery of thesueh property. If a single sale of property is made thatwhieh calls for multiple deliveries unrelated to payments and a portion of the sold property is delivered when one fraction of the proceeds or cost is excludable and the remainder of the property is delivered when a different fraction of the proceeds or cost is excludable, the earliest date of delivery of any of the property will determine the portion of the proceeds or cost of the entire sale thatwhieh may be excluded in computing the tax thatwhieh is due on that entire sale. However, even when a contract provides for multiple deliveries, if a payment is closely related in time and quantity to the property delivered, the date of each delivery will determine the portion of the proceeds or cost thatwhieh may be excluded in computing the tax that is due on that payment.

(Source: Amended at 33 Ill. Reg. 2345, effective January 23, 2009)

Section 130.331 Manufacturer's Purchase Credit

- a) Earning Manufacturer's Purchase Credit

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- 1) Effective January 1, 1995 through June 30, 2003, and beginning again on September 1, 2004 through July 29, 2009, a manufacturer may earn a credit when purchasing exempt manufacturing machinery and equipment. Effective July 1, 1996 through June 30, 2003, and beginning again on September 1, 2004 through July 29, 2009, a graphic arts producer may earn a credit when purchasing exempt graphic arts machinery and equipment. The credit is known as the Manufacturer's Purchase Credit or MPC. The amount of credit is limited to a percentage of the 6.25% State rate of tax that would have been incurred on the purchase of exempt manufacturing machinery and equipment. (See Section 130.325 and Section 130.330 of this Part.) By statute, this exemption was repealed June 30, 2003 (Public Act 93-0024; effective June 20, 2003). Pursuant to Public Act 93-0840, effective July 30, 2004, MPC was reenacted without any specific sunset date. Section 3-90 of the Use Tax Act and Section 2-70 of the Retailers' Occupation Tax Act provide that, if a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit or deduction, a taxpayer shall not be entitled to take the exemption, credit or deduction beginning five years after the effective date of the Public Act creating the exemption, credit or deduction and thereafter. Because no sunset date or language excepting this exemption from the sunset provision was contained in Public Act 93-0840, the statutory sunset provision applies the five-year sunset. Beginning July 30, 2009, MPC will no longer be available.
- 2) The percentage of credit earned based upon exempt purchases increases over time as follows:
 - A) *15% for purchases made on or before June 30, 1995.*
 - B) *25% for purchases made after June 30, 1995, and on or before June 30, 1996.*
 - C) *40% for purchases made after June 30, 1996, and on or before June 30, 1997.*
 - D) *50% for purchases made on or after July 1, 1997. (Section 3-85 of the Use Tax Act)*

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- 3) The credit is earned at the time qualifying manufacturing machinery and equipment or qualifying graphic arts machinery and equipment is purchased. A qualifying purchase is considered to take place as of the date of invoice of that qualifying manufacturing machinery and equipment. The credit is considered to be earned on qualifying manufacturing machinery and equipment or qualifying graphic arts machinery and equipment that is purchased under an installment contract or progress payment contract at the time that each installment or progress payment is invoiced. The amount of credit that is earned is based on the amount of tax that would have been due on that portion of the purchase price that is invoiced.
 - 4) No credit is earned for exempt purchases under the expanded Enterprise Zone exemption, as described in Section 130.1951(b) of this Part, unless that purchase would also qualify as exempt under the Manufacturing Machinery and Equipment Exemption described in Section 130.330 of this Part or under the Graphic Arts Machinery and Equipment Exemption described in Section 130.325 of this Part.
 - 5) No credit is earned for a purchase of tangible personal property that qualifies as an occasional sale, as described in Section 130.110 (a) of this Part.
 - 6) No credit is earned for a purchase of tangible personal property that is purchased for resale. (See Section 130.210 (a) of this Part.)
- b) Using Manufacturer's Purchase Credit
- 1) The credit may be used to satisfy Use Tax or Service Use Tax liability incurred on the purchase of qualifying production related tangible personal property. (See Section 3-85 of the Use Tax Act [35 ILCS 105/3-85] and Section 3-70 of the Service Use Tax Act [35 ILCS 110/3-70].) *Credit earned prior to July 1, 2003 cannot be used after September 30, 2003. Credit earned on and after September 1, 2004 may only be used to satisfy tax liabilities for purchases of production related tangible personal property made on and after September 1, 2004 through July 29, 2009.* (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) The credit may be applied only to the 6.25% State rate of tax incurred. Prior to the credit being earned, credit may not be used on a

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qualifying purchase, except as provided in subsection (e)(7)(B). However, the credit may be used the same day that it is earned, but must be followed by proper reporting of the credit as set out in subsections (c), (d), and (e). For purposes of when to use accumulated Manufacturer's Purchase Credit, a manufacturer or graphic arts producer is always safe to use the credit in a month after the month in which the credit was earned.

- 2) The credit is non-transferable and may not be used to satisfy the tax liability of any taxpayer other than the manufacturer or graphic arts producer that earned the credit. *Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003.* (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) [Credit earned on and after September 1, 2004 may only be used to satisfy tax liabilities for purchases of production related tangible personal property made on and after September 1, 2004 through July 29, 2009.](#)
 - A) A manufacturer or graphic arts producer may enter into a written contract with a construction contractor to authorize that construction contractor to utilize Manufacturer's Purchase Credit accumulated by the manufacturer or graphic arts producer for the purchase of tangible personal property to be installed into real estate within a manufacturing or graphic arts production facility for use in a production related process. The written contract must specify the specific dollar amount of Manufacturer's Purchase Credit that the construction contractor is authorized to utilize on behalf of the manufacturer or graphic arts producer.
 - B) To properly utilize the Manufacturer's Purchase Credit on behalf of the manufacturer or graphic arts producer when purchasing tangible personal property for installation into real estate within a manufacturing or graphic arts production facility for use in a production related process, the contractor must furnish the supplier with information stating:
 - i) The manufacturer's or graphic arts producer's name and address;
 - ii) The manufacturer's or graphic arts producer's registration or

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resale number; and

- iii) A statement that a specific amount of Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, is being satisfied with the Manufacturer's Purchase Credit.
- C) To properly utilize the Manufacturer's Purchase Credit on behalf of the manufacturer or graphic arts producer when purchasing tangible personal property for installation into real estate within a manufacturing facility, the contractor must furnish the manufacturer or graphic arts producer with information stating:
- i) Each vendor's or supplier's name and address (including, if applicable, either the vendor's or supplier's registration number or Federal Employer Identification Number);
 - ii) The date of purchase, purchase price, and description of the tangible personal property purchased; and
 - iii) The amount of the Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, that was satisfied by the Manufacturer's Purchase Credit utilized for each purchase.
- D) A credit reported under a particular Illinois Business Tax number may not be transferred to a related but separately registered division or company.
- 3) Production related tangible personal property means:
- A) All tangible personal property used or consumed in a production related process by a manufacturer in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place.
 - B) All tangible personal property used or consumed in a production related process by a graphic arts producer in a graphic arts production facility in which a graphic arts production process described in Section 2-30 of the Retailers' Occupation Tax Act

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takes place.

- C) All tangible personal property used or consumed by a manufacturer or graphic arts producer in research and development regardless of use within or without a manufacturing or graphic arts production facility. (See Section 3-85 of the Use Tax Act.)
- 4) By way of illustration and not limitation, the following uses of tangible personal property will be considered production related:
- A) Tangible personal property purchased by a manufacturer for incorporation into real estate within a manufacturing facility for use in a production related process; or tangible personal property purchased by a construction contractor for incorporation into real estate within a manufacturing facility for use in a production related process pursuant to a written contract described in subsection (b)(2)(A) of this Section.
 - B) Supplies and consumables used in a manufacturing facility, including fuels, coolants, solvents, oils, lubricants, cleaners and adhesives.
 - C) Hand tools, protective apparel, and fire and safety equipment used or consumed in a manufacturing facility.
 - D) Tangible personal property used or consumed in a manufacturing facility for purposes of pre-production and post-production material handling, receiving, quality control, inventory control, storage, staging and packing for shipping or transportation.
 - E) Fuel used in a ready-mix cement truck to rotate the mixing drum in order to manufacture concrete or cement. However, only the amount of fuel used to rotate the drum will qualify. The amount of fuel used or consumed in transportation of the truck will not qualify as production related tangible personal property. The amount of fuel used in a qualifying manner to rotate the drum may be stated as a percentage of the entire amount of fuel used or consumed by the ready-mix truck.

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- F) Tangible personal property purchased by a graphic arts producer for incorporation into real estate within a graphic arts production facility for use in a production related process; or tangible personal property purchased by a construction contractor for incorporation into real estate within a graphic arts production facility for use in a production related process pursuant to a written contract described in subsection (b)(2)(A) of this Section.
 - G) Supplies and consumables used in a graphic arts production facility, including solvents, oils, lubricants, cleaners and adhesives. Paper and ink that is transferred to a customer does not qualify as production related tangible personal property.
 - H) Hand tools, protective apparel, and fire and safety equipment used or consumed in a graphic arts production facility.
 - I) Tangible personal property used or consumed inside a graphic arts facility for purposes of preliminary or pre-press production, pre-production material handling, receiving, quality control, inventory control, storage, staging, sorting, labeling, mailing, tying, wrapping, and packaging.
- 5) By way of illustration and not limitation, the following uses of property will not be considered production related:
- A) The use of trucks, trailers, and motor vehicles ~~that~~which are required to be titled or registered pursuant to the Illinois Motor Vehicle Code [625 ILCS 5], and aircraft or watercraft required to be registered with an agency of State or federal government.
 - B) Office supplies, computers, desks, copiers and equipment ~~that~~which are used for sales, purchasing, accounting, fiscal management, marketing and personnel recruitment or selection activities, even if ~~the~~such use takes place within a manufacturing or graphic arts production facility.
 - C) Tangible personal property used or consumed for aesthetic or decorative purposes, including landscaping and artwork.

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- D) Tangible personal property used or consumed outside the manufacturing or graphic arts production facility, including tangible personal property listed in subsections (b)(4)(D) and (b)(4)(I) ~~above~~ with the exception of tangible personal property used or consumed for research and development purposes.
 - E) Tangible personal property purchased by a construction contractor for incorporation into a manufacturing or graphic arts production facility, unless ~~thesueh~~ purchase by the construction contractor was made on behalf of a manufacturer or graphic arts producer pursuant to a written contract described in subsection (b)(2)(A) of this Section.
 - F) Except as otherwise provided in subsection (b)(2) of this Section, tangible personal property transferred to a manufacturer's customer or the customer of a person that is engaged in graphic arts production. For example, paper and ink transferred to a customer by a de minimis serviceman as described in 86 Ill. Adm. Code 140.108 that is engaged in graphic arts production is not considered production related.
- 6) The credit may be used to satisfy the State portion (6.25%) of a Use Tax or Service Use Tax liability arising under audit where the liability established is the result of:
- A) an erroneous claim of the Manufacturing Machinery and Equipment Exemption provided in Section 2-45 of the Retailers' Occupation Tax Act,
 - B) an erroneous claim of the Graphic Arts Machinery and Equipment Exemption provided in Section 2-5(4) of the Retailers' Occupation Tax Act, or
 - C) the manufacturer or graphic arts producer failing to self-assess and remit Use Tax or Service Use Tax on the purchase of production related tangible personal property.

(See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.) The credit may only be used to satisfy the State portion (6.25%)

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of a Use Tax or Service Use Tax liability incurred on the purchase of qualifying production related tangible personal property. Under no circumstances may the credit be used to satisfy penalty and interest or other tax liability incurred by the manufacturer or graphic arts producer.

- 7) Credit may be used to satisfy the State portion (6.25%) of a qualifying Use Tax or Service Use Tax liability incurred by a manufacturer or graphic arts producer on a purchase of production related tangible personal property when payment of tax must be made directly to the Department.
 - 8) The credit expires December 31st of the second calendar year following the calendar year in which the credit was earned. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.) However, for credit earned on or after June 30, 1995, the life of unreported credit may be extended during the period of an agreed extension of the statute of limitations as provided in subsection (e)(7).
 - 9) A manufacturer or graphic arts producer may use credit to satisfy Service Use Tax liability only when purchasing production related tangible personal property transferred incident to a sale of service.
 - 10) *Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003, including to satisfy an audit liability.* (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) Notwithstanding any other provision of this Section, the credit earned on or after September 1, 2004 cannot be used on a purchase of production related tangible personal property made after July 29, 2009.
- c) Reporting Manufacturer's Purchase Credit Earned or Used for Periods from January 1, 1995 through June 29, 1995
- 1) In order to validate credit earned as the result of a qualifying purchase of exempt manufacturing machinery and equipment or credit used on a qualifying purchase, the manufacturer must report credit earned to the Department in a timely manner. Failure to report credit earned will result in expiration of the credit as of the date earned.
 - 2) On forms prescribed or approved by the Department, a manufacturer must

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report credit earned or used by the last day of the second month following the month of creation or use of the credit. No credit report is required for any month in which a manufacturer neither earned nor used credit. Original invoices or copies of original invoices are not to be filed with the Department.

- 3) Credit Use or Misuse Causing Expiration of Credit. Credit used, whether properly or improperly, expires upon use and cannot be recreated once used. The manufacturer may be liable for tax, penalty and interest on the purchase of production related tangible personal property where expired credit was used, in accordance with provisions of the Uniform Penalty and Interest Act [35 ILCS 735]. The following represent examples of uses of credit that will result in expiration of the credit:
 - A) Failure to report credit or use of credit.
 - B) Failure to timely report credit or use of credit.
 - C) Use of credit prior to actually earning credit as described in subsection (a)(3).
 - D) Return of goods to supplier for full refund including tax where credit was tendered in payment of tax. Credit expires once used and cannot be recreated once used regardless of reason for return.
- 4) A purchaser earning Manufacturer's Purchase Credit must maintain records, as to each purchase of manufacturing machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit, that identify the following:
 - A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);
 - B) The date of purchase, purchase price, and description of the exempt manufacturing machinery and equipment; and
 - C) The amount of Manufacturer's Purchase Credit earned on that purchase.

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- 5) A purchaser using Manufacturer's Purchase Credit must maintain records, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit to satisfy the purchaser's Use Tax or Service Use Tax liability, that identify the following:
 - A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);
 - B) The date of purchase, purchase price, and description of the production related tangible personal property; and
 - C) The amount of Manufacturer's Purchase Credit used to satisfy the purchaser's Use Tax or Service Use Tax liability on that purchase.
 - 6) As determined pursuant to audit by the Department, credit earned by purchase of exempt machinery and equipment that has not been timely and properly reported will result in expiration of the credit. Use of expired credit in this situation may result in an assessment for tax, penalty and interest on the subsequent purchase of production related tangible personal property. Credit that was properly reported when earned but was not timely and properly reported to the Department when used will likewise expire resulting in an assessment for tax, penalty and interest on the purchase of production related tangible personal property for which it was offered in payment of Use Tax or Service Use Tax liability.
- d) Reporting Manufacturer's Purchase Credit Earned or Used on June 30, 1995
- 1) The reporting requirements for Manufacturer's Purchase Credit were changed by Public Act 89-89, effective June 30, 1995. In order to provide consistent and easier reporting requirements for manufacturers utilizing Manufacturer's Purchase Credit and the Department's Administration of the Manufacturer's Purchase Credit program, manufacturers are required to report Manufacturer's Purchase Credit earned or used on June 30, 1995, under the methods described in subsection (c) of this Section. However, the Manufacturer's Purchase Credit earned or used on that date will be subject to the provisions described in subsection (e) of this Section

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without the necessity of including those Manufacturer's Purchase Credits in an Annual Report of Manufacturer's Purchase Credit Earned or an Annual Report of Manufacturer's Purchase Credit Used.

- 2) A manufacturer filing an amended Annual Manufacturer's Purchase Credit Report under subsection (e)(7) of this Section that includes Manufacturer's Purchase Credit earned or used on June 30, 1995 must disclose that ~~the~~ such report includes Manufacturer's Purchase Credit earned or used on June 30, 1995.
- e) Reporting Manufacturer's Purchase Credit Earned or Used for Periods on or after July 1, 1995
- 1) In order to validate credit earned as the result of a qualifying purchase of exempt manufacturing machinery and equipment or exempt graphic arts machinery and equipment, the manufacturer or graphic arts producer must report credit earned to the Department by signing and filing an Annual Report of Manufacturer's Purchase Credit Earned for each calendar year no later than the last day of the sixth month following the calendar year in which the Manufacturer's Purchase Credit is earned. The Annual Report of Manufacturer's Purchase Credit Earned shall be filed on forms prescribed or approved by the Department and shall state, for each month of the calendar year:
 - A) The total purchase price of all purchases of exempt manufacturing machinery and equipment or graphic arts machinery and equipment on which the credit was earned;
 - B) The total State Use Tax or Service Use Tax ~~that~~ which would have been due on those items;
 - C) The percentage used to calculate the amount of credit earned;
 - D) The amount of credit earned; and
 - E) Such other information as the Department may reasonably require. (See Section 3-85 of the Use Tax Act.)
 - 2) A purchaser earning Manufacturer's Purchase Credit must maintain

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records, as to each purchase of manufacturing machinery and equipment and graphic arts machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit, that identify the following:

- A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);
 - B) The date of purchase, purchase price, and description of the exempt manufacturing machinery and equipment and graphic arts machinery and equipment; and
 - C) The amount of Manufacturer's Purchase Credit earned on that purchase.
- 3) In order to validate credit used to satisfy the tax liability on purchases of production related tangible personal property, the manufacturer or graphic arts producer must report credit used to the Department by signing and filing an Annual Report of Manufacturer's Purchase Credit Used for each calendar year no later than the last day of the sixth month following the calendar year in which the Manufacturer's Purchase Credit is used. The Annual Report of Manufacturer's Purchase Credit Used shall be filed on forms prescribed or approved by the Department and shall state, for each month of the calendar year:
- A) The total purchase price of all production related tangible personal property purchased from Illinois vendors or suppliers;
 - B) The total purchase price of all production related tangible personal property purchased from out-of-State vendors or suppliers;
 - C) The total amount of Manufacturer's Purchase Credit used during each month; and
 - D) Such other information as the Department may reasonably require. (See Section 3-85 of the Use Tax Act.)
- 4) A purchaser using Manufacturer's Purchase Credit must maintain records, as to each purchase of production related tangible personal property on

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which the purchaser used Manufacturer's Purchase Credit to satisfy the purchaser's Use Tax or Service Use Tax liability, that identify the following:

- A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);
 - B) The date of purchase, purchase price, and description of the production related tangible personal property; and
 - C) The amount of Manufacturer's Purchase Credit used to satisfy the purchaser's Use Tax or Service Use Tax liability on that purchase.
- 5) *No Annual Report of Manufacturer's Purchase Credit Earned or Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department before May 1, 1996.* (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act)
- 6) A purchaser that fails to properly file an Annual Report of Manufacturer's Purchase Credit Earned or an Annual Report of Manufacturer's Purchase Credit Used with the Department by the last day of the sixth month following the end of the calendar year forfeits all Manufacturer's Purchase Credit earned or used for that calendar year, unless the purchaser establishes that the purchaser's failure to file was due to reasonable cause. The reasonable cause provisions of this subsection (e)(6) do not apply after June 30, 2004 for any annual report that is required to be filed on or before June 30, 2004.
- 7) Annual Manufacturer's Purchase Credit reports may be amended to report and claim credit on qualifying purchases of manufacturing machinery and equipment and graphic arts machinery and equipment not previously reported at any time before the credit would have expired, unless both the Department and the purchaser have agreed to an extension of the statute of limitations for the issuance of a Notice of Tax Liability as provided in Section 4 of the Retailers' Occupation Tax Act. However, such an agreed extension will not restore a credit that has previously been reported and has expired prior to the agreed extension. Manufacturer's Purchase Credit that had not been previously reported and is included in an amended

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Annual Report submitted as a result of such an agreed extension will expire as provided in subsection (b)(8) of this Section or at the end of the agreed extension period, whichever is longer. If the time for assessment or refund has been extended by agreement, amended reports for a calendar year may be filed at any time prior to the date to which the statute of limitations for the calendar year or portion thereof has been extended. *Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003, and no Annual Report of Manufacturer's Purchase Credit Earned or Annual Report of Manufacturer's Purchase Credit Used that is required to be filed on or before June 30, 2004 may be filed with the Department after June 30, 2004 even if the time for assessment or refund has been extended by agreement.* (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) Notwithstanding any other provision of this Section, the credit earned on or after September 1, 2004 cannot be used on a purchase of production related tangible personal property made after July 29, 2009, and no original Annual Report of Manufacturer's Purchase Credit Earned or original Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department after June 30, 2010. Manufacturer's Purchase Credit claimed on an amended report may be used to satisfy tax liability under the Use Tax Act or the Service Use Tax Act on:

- A) Qualifying purchases of production related tangible personal property made after the date the amended report is filed;
- B) Amounts assessed by the Department on purchases made on or after January 1, 1995 of machinery and equipment that did not qualify for the exemption described in Section 130.330 of this Part, but would have qualified as production related tangible personal property. The credit will be applied to the tax portion of the assessment liability as of the date that the Department receives a written request by the purchaser directing the Department to apply the credit to the assessment liability; or
- C) Amounts assessed by the Department on purchases made on or after July 1, 1996 of machinery and equipment that did not qualify for the exemption described in Section 130.325 of this Part, but would have qualified as production related tangible personal

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property. The credit will be applied to the tax portion of the assessment liability as of the date that the Department receives a written request by the purchaser directing the Department to apply the credit to the assessment liability.

- 8) A purchaser who used Manufacturer's Purchase Credit to satisfy the purchaser's Use Tax or Service Use Tax liability incurred on the purchase of property that is later determined not to qualify as production related tangible personal property may be liable for tax, penalty, and interest on the purchase of that property as of the date of the purchase. However, the purchaser is entitled to use ~~thesuch~~ disallowed Manufacturer's Purchase Credit, so long as it has not expired, on qualifying purchases of production related tangible personal property not previously subject to credit usage.
 - 9) *Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003, including to satisfy an audit liability.* (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) Notwithstanding any other provision of this Section, the credit earned on or after September 1, 2004 cannot be used on a purchase of production related tangible personal property made after July 29, 2009, and no original Annual Report of Manufacturer's Purchase Credit Earned or original Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department after June 30, 2010.
- f) Retailers or Servicemen Accepting Manufacturer's Purchase Credit
- 1) In order to accept Manufacturer's Purchase Credit from a manufacturer or graphic arts producer, the supplier or serviceman must obtain a Manufacturer's Purchase Credit certificate from the manufacturer or graphic arts producer unless the manufacturer or graphic arts producer has incorporated its certification into the manufacturer's or graphic arts producer's purchase order as described in this Section below. The manufacturer or graphic arts producer may provide the certification on a form provided by the Department or on the manufacturer's or graphic arts producer's own form containing the appropriate information. The certificate must be kept in the supplier's or serviceman's books and records, but need not be submitted to the Department with the supplier's or serviceman's return. A Manufacturer's Purchase Credit certificate must

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contain the following information:

- A) A signed statement that the manufacturer or graphic arts producer is using available accumulated Manufacturer's Purchase Credit to satisfy all or part of the 6.25% portion of Use Tax or Service Use Tax liability incurred on a qualifying purchase of production related tangible personal property;
 - B) The manufacturer's or graphic arts producer's name and address;
 - C) The manufacturer's or graphic arts producer's registration number, if registered;
 - D) The date of purchase of the production related tangible personal property; and
 - E) The credit being used. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.)
- 2) A manufacturer or graphic arts producer may incorporate the Manufacturer's Purchase Credit certification into the manufacturer's or graphic arts producer's purchase order if all of the required information is contained within that purchase order.
- 3) Manufacturer's Purchase Credit accepted by the supplier or serviceman may be used by the supplier or serviceman to pay its liability incurred under the Retailers' Occupation Tax Act or Service Occupation Tax Act, so long as the supplier or serviceman complies with the following:
- A) The supplier or serviceman may not accept credit in excess of 6.25% of the purchase price of qualifying production related tangible personal property. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.)
 - B) The supplier or serviceman must properly report the credit to the Department in order to use the credit to pay Retailers' Occupation Tax or Service Occupation Tax liability. The Manufacturer's Purchase Credit (MPC) does not create an exemption or an authorized deduction. The MPC is a means for the supplier or

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serviceman to pay Retailers' Occupation Tax or Service Occupation Tax, as the case may be. Therefore, the receipts from transactions in which customers have provided MPC cannot be deducted from the gross receipts reported on the Sales and Use Tax Return (Form ST-1). Receipts from transactions in which customers have provided MPC must be included in gross receipts subject to tax reported on line 1 and line 3 of the return. The resulting tax on those gross receipts can then be paid by using the credit on line 16a of the return.

- 4) *Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003. Manufacturer's Purchase Credit reported on any original or amended return filed after October 20, 2003 and before October 1, 2004 will be disallowed. Beginning on September 1, 2004, retailers and servicemen may accept MPC certifications for qualifying purchases made on and after September 1, 2004 [through July 29, 2009](#). (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act)*

g) Lessors Earning and Using Manufacturer's Purchase Credit

- 1) A lessor leasing exempt manufacturing machinery and equipment to a manufacturer or graphic arts machinery and equipment to a graphic arts producer may earn Manufacturer's Purchase Credit when purchasing [thesuch](#) machinery and equipment, in the same manner as a manufacturer or graphic arts producer.
- 2) A lessor leasing qualifying production related tangible personal property to a manufacturer or graphic arts producer may use Manufacturer's Purchase Credit when purchasing [thesuch](#) qualifying property in the same manner as a manufacturer or graphic arts producer. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.)
- 3) A lessor of exempt machinery and equipment and qualifying production related tangible personal property must report the accumulation and use of credit in the same manner as required for manufacturers or graphic arts producers.
- 4) Since the Manufacturer's Purchase Credit is a non-transferable credit, a

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lessor may not use credit earned by a lessee, nor may a lessor transfer credit it has earned to a lessee.

- 5) *Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) Notwithstanding any other provisions of this Section, the credit earned on or after September 1, 2004 cannot be used on a purchase of production related tangible personal property made after July 29, 2009.*
- h) Retailers or Servicemen Accepting Manufacturer's Purchase Credit After Qualifying Purchases
 - 1) A manufacturer or graphic arts producer that does not provide the certification or purchase order as provided in subsection (f) of this Section to a retailer or serviceman at the time of purchase of production related tangible personal property must pay the appropriate amount of Use Tax or Service Use Tax at that time to the retailer or serviceman. However, retailers and servicemen are not prohibited from accepting Manufacturer's Purchase Credit (MPC) certifications after qualifying sales of production related tangible personal property have taken place. Retailers and servicemen are not required to accept the certifications and are not required to refund the amount of Use Tax or Service Use Tax that was properly paid by the manufacturers or graphic arts producers in exchange for the certificates after the sales have taken place. *Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003. Notwithstanding any other provision of this Section, the credit earned on or after September 1, 2004 cannot be used on a purchase of production related tangible personal property made after July 29, 2009. Retailers and servicemen cannot accept MPC certifications for any purchase, including certifications for prior qualifying sales, after September 30, 2003 through August 31, 2004. Beginning on September 1, 2004, retailers and servicemen may accept MPC certifications for qualifying purchases made on and after September 1, 2004 through July 29, 2009. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act)*
 - 2) Retailers and servicemen that choose to accept MPC certifications from manufacturers and graphic arts producers after qualifying sales of

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production related tangible personal property have taken place and refund the amount of Use Tax or Service Use Tax that was properly paid by those manufacturers or graphic arts producers must file amended returns or claims for credit or refund as provided in Section 130.1501 of this Part. However, to avoid the potential of retailers and servicemen filing multiple amended returns and claims for credit or refund, retailers and servicemen may elect to report the acceptance of that MPC on line 16a of the retailers' and servicemen's sales and use tax returns for the period in which those refunds occurred. The retailer's or serviceman's election to report the acceptance of the credit on their current return, in lieu of filing an amended return and claim for credit or refund, does not supersede the applicability of the statute of limitations described in Section 130.1501(a)(4) of this Part to the claiming of that credit by the retailer or serviceman. Retailers and servicemen may only refund the 6.25% of State Use Tax or Service Use Tax paid by the manufacturers and graphic arts producers. (See subsection (b) of this Section.) *Manufacturer's Purchase Credit reported on any original or amended return filed after October 20, 2003 through August 31, 2004 will be disallowed. Beginning on September 1, 2004, retailers and servicemen may accept MPC certifications for qualifying purchases made on and after September 1, 2004 through July 29, 2009.* (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act)

- 3) Manufacturers and graphic arts producers who provide MPC certifications to retailers or servicemen after qualifying sales of production related tangible personal property have taken place as provided in this subsection (h) must report the use of the credit on an Annual Report of Manufacturer's Purchase Credit Used for the calendar year in which the certification was provided listing the use of the credit in the month in which the certification is provided. *No Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department after June 30, 2004 through December 31, 2004.* (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) No original Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department after June 30, 2010.
- 4) Example: A manufacturer purchased production related tangible personal property from a retailer in June 1999. The manufacturer paid Use Tax to the retailer at the time of purchase. In January 2001, the manufacturer

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asks the retailer to accept an MPC certification for the June 1999 purchase and refund the Use Tax (6.25%) paid previously by the manufacturer. The retailer chooses to accept the certification and refunds the amount of the Use Tax (6.25%) to the manufacturer. The retailer makes the election to report the acceptance of the credit on line 16a of the retailer's January 2001 sales and use tax return (rather than filing an amended return or claim for credit or refund). The manufacturer must report the use of the credit in the month of January on an Annual Report of Manufacturer's Purchase Credit Used for the year 2001.

- i) Manufacturers or Graphic Arts Producers Reporting Use of Manufacturer's Purchase Credit After Qualifying Purchases When Use Tax or Service Use Tax Was Already Paid Directly to the Department
 - 1) Manufacturers and graphic arts producers who self-assess Use Tax or Service Use Tax directly to the Department are not prohibited from reporting the use of Manufacturer's Purchase Credit (MPC) after the qualifying purchase of production related tangible personal property when those manufacturers or graphic arts producers have already paid the appropriate amount of Use Tax or Service Use Tax directly to the Department. *Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003.* (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) Notwithstanding any other provision of this Section, the credit earned on or after September 1, 2004 cannot be used on a purchase of production related tangible personal property made after July 29, 2009.
 - 2) Manufacturers and graphic arts producers who choose to use MPC as provided in this subsection (i) must file an amended return or claim for credit or refund with the Department as provided in Section 130.1501 of this Part. However, to avoid the potential of manufacturers and graphic arts producers filing multiple amended returns and claims for credit or refund, manufacturers and graphic arts producers may elect to report the use of that credit on line 16a of their current sales and use tax returns. The manufacturer's or graphic arts producer's election to report the acceptance of the credit on the current return, in lieu of filing an amended return and claim for credit or refund, does not supersede the applicability of the statute of limitations described in Section 130.1501(a)(4) of this Part to the claiming of that credit by the manufacturer or graphic arts producer.

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Manufacturer's Purchase Credit reported on any original or amended return filed after October 20, 2003 through August 31, 2004 will be disallowed. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act)

- 3) Manufacturers and graphic arts producers who report the use of MPC on their current sales and use tax return as provided in this subsection (i) must also report the use of the credit on an Annual Report of Manufacturer's Purchase Credit Used for the calendar year in which the manufacturer's or graphic arts producer's current sales and use tax return falls. *No Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department after June 30, 2004 through December 31, 2004. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act)* No original Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department after June 30, 2010.
- 4) Example: A manufacturer, that self assesses Use Tax and Service Use Tax directly to the Department, made a qualifying purchase of production related tangible personal property in August 1999 and paid the Use Tax on that purchase to the Department with the manufacturer's August 1999 return. In January 2001, the manufacturer chose to use currently available MPC to satisfy the Use Tax liability that was incurred on that qualifying purchase back in August 1999. The manufacturer elected to report the use of the MPC on line 16a of the manufacturer's sales and use tax return for the month of January 2001 (rather than filing an amended return or claim for credit or refund). The manufacturer must also report the use of that credit in the month of January on an Annual Report of Manufacturer's Purchase Credit Used for the year 2001.

(Source: Amended at 33 Ill. Reg. 2345, effective January 23, 2009)

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1030.1	New Section
1030.10	Amendment
1030.11	Amendment
1030.13	Amendment
1030.15	Amendment
1030.16	Amendment
1030.17	Amendment
1030.18	Amendment
1030.20	Repealed
1030.30	Amendment
1030.40	Amendment
1030.50	Amendment
1030.55	Amendment
1030.60	Amendment
1030.63	Amendment
1030.65	Amendment
1030.70	Amendment
1030.75	Amendment
1030.80	Amendment
1030.81	Amendment
1030.82	Amendment
1030.83	Amendment
1030.84	Amendment
1030.85	Amendment
1030.86	Amendment
1030.88	Amendment
1030.89	Amendment
1030.90	Amendment
1030.91	Amendment
1030.92	Amendment
1030.93	Amendment
1030.94	Amendment
1030.96	Amendment
1030.97	Amendment

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1030.98	Amendment
1030.110	Amendment
1030.115	Amendment
1030.120	Amendment
1030.130	Amendment
1030.140	Amendment
1030.APPENDIX A	Amendment
1030.APPENDIX B	Amendment

- 4) Statutory Authority: 625 ILCS 5/6-521; 625 ILCS 5/2-104
- 5) Effective Date of Amendments: January 21, 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) Notice of Proposed Published in Illinois Register: 32 Ill. Reg. 15782; September 26, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Technical, non-substantive changes were made as suggested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking, pursuant to an agreement with JCAR, combines all definitions from Part 1030 into a new Section 1030.1; repeals Section 1030.20, Classification of Drivers-References, since similar information is

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covered in Section 1030.30 of this rulemaking; standardizes definitions and procedures used by the Secretary of State and addresses grammatical and typographical errors.

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

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

217/557-4462

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

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

Section

1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.13	Denial of License or Permit
1030.15	Cite for Re-testing Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/ Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses

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

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

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

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13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007;

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amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009.

Section 1030.1 Definitions

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

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

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

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

"Approved Driver Education Course" –

a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; or

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

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

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

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

"Authorized Source" –

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

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

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

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

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

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

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

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

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

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

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

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

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

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

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"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" – a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a certain class of commercial motor vehicle [625 ILCS 5/1-111.6].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Day" – a calendar day.

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

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

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

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

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

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

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1) or who have a disability so severe that it precludes the individual from obtaining an Illinois driver's license.

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

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

any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

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

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

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

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

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

"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in

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accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgement.

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

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

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

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

"Motorized Pedalcycle" – a motor-driven cycle with speeds attainable in one mile of 30 mph or less, equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50cc. The power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

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

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

Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]

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

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

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

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

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

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

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

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

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

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

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

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

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

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

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

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

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

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

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

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

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

Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

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

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

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

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

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

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

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

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

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

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any public or private primary or secondary school;

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

Any public, private or religious nursery school.

This definition shall not include the following:

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

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

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

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

A motor vehicle of the first division.

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

"School Bus Commercial Instruction Permit" or "School Bus CIP" – an instruction permit, with a "J48" restriction that limits CMV operation to a school bus only, as defined in this Section.

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

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

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

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

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

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

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

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

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

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar

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violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

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

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

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

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

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

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

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

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

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

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

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

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

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

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

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

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

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

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

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

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

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

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

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

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

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

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

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

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

(Source: Added at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.10 What Persons Shall Not be Licensed or Granted Permits

The Secretary of State shall cancel the license of any individual when ~~there is~~~~he has~~ evidence that the person suffers, or has suffered, periods of temporary loss of consciousness. No person who suffers, or has suffered, from temporary periods of loss of consciousness shall operate a motor vehicle on the highways of this State unless and until that person agrees to authorize a competent medical ~~specialist~~~~authority~~ to report any change in ~~his~~ condition ~~that~~~~which~~ would impair ~~the person's~~~~his~~ ability to safely operate a motor vehicle. No person who suffers, or has suffered, periods of temporary loss of consciousness shall operate a motor vehicle upon the highways of this State unless and until there is on file, in the Secretary of State's Office, a statement from a competent medical ~~specialist~~~~authority~~ that, in his ~~or her~~ opinion, the person can safely operate a motor vehicle. Statements submitted in accordance with this ~~Section~~~~rule~~ are for the confidential use of the Secretary of State to implement the provisions of ~~IVC Section 6-103(8)6-103-8 of the Illinois Vehicle Code (I.V.C.)~~ and will not be otherwise available except by order of a duly constituted Court. ~~This requirement has been applicable since July 21, 1973. This rule is to be retroactive in effect to July 21, 1973.~~

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License

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

~~"Foreign National"—A non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number~~

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~~through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.~~

~~"Night" – The hours during the period from sunset to sunrise.~~

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

- ~~ab)~~ A person who wishes to obtain a driver's license shall go to one of the Secretary of State Driver Services Facilities located throughout the State. An application form provided by the Secretary of State pursuant to IVC Section 6-106 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106]~~ shall be completed by the applicant. The questions contained on the application form are provided in Appendix A. The applicant shall also provide a Driver Services ~~Facility~~ facility employee with acceptable forms of identification provided in Appendix B establishing the applicant's name, date of birth, signature for comparison, Illinois residency, and social security number.
- ~~be)~~ Any foreign national who wishes to obtain a temporary visitor's driver's license (TVDL) shall go to one of the designated Secretary of State Driver Services ~~Facilities~~ facilities located throughout the State. An application form, provided by the Secretary of State pursuant to IVC Section 6-106 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106]~~, shall be completed by the applicant. The questions contained on the application form are provided in Appendix A. The applicant shall also provide a Driver Services ~~Facility~~ facility employee with acceptable forms of identification provided in Appendix B to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency, and authorization of legal presence in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number.
- ~~cd)~~ A TVDL ~~temporary visitor's driver's license~~ shall only be issued to an individual who is authorized to reside in this country for one ~~+~~ or more years and has at least six ~~6~~ months of ~~his or her~~ authorized presence remaining. Except, individuals currently holding a TVDL ~~temporary visitor's driver's license~~ who have been granted a temporary extension to remain in this country pending a decision on a ~~of his or her~~ request for a status change, upon presentation of documents issued by

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~~the~~ USCIS, may be issued a TVDL ~~temporary visitor's driver's license~~ for the period of the temporary extension.

de) The applicant shall take the following tests as required in IVC Section 6-109 ~~of the Illinois Vehicle Code [625 ILCS 5/6-109]~~:

- 1) A vision test as provided in Sections 1030.70 and 1030.75;
- 2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and
- 3) A written test, if required, as provided in Section 1030.80.

ef) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a driver's license without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and until the applicant has, in accordance with IVC Section 6-107(b) ~~of the Illinois Code [625 ILCS 5/6-107(b)]~~:

- 1) Held a valid instruction permit for a minimum of nine~~9~~ months; however, applicants who ~~were have been~~ issued an instruction permit prior to January 1, 2008 must hold the instruction permit a minimum of three~~3~~ months;
- 2) Passed an approved driver education course and submitted~~submits~~ proof of having passed the course as may be required;
- 3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, ~~then~~ by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The Secretary of State will exempt 25 hours of behind-the-wheel practice, which will include the 10 hours of night practice time, in cases in which~~where~~ the instruction permit was issued prior to June 22, 2006. The person

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completing the certification shall, upon signing the certification, swear under penalty of perjury, that everything contained within the certification is true and correct.

- fg) A driver's license or ~~TVDL temporary visitor driver's license~~ applicant shall have his/her photograph taken unless exempted ~~by as provided in~~ Section 1030.90. A driver's license shall be issued upon completion of all the requirements of this Section and ~~IVC Chapter 6 of the Illinois Vehicle Code [625 ILCS 5/Ch. 6]~~.
- gh) A ~~TVDL temporary visitor's driver's license~~ shall only be issued in Class D, L or M, non-CDL Class D, L or M as established in Section 1030.30.
- hi) Each original ~~TVDL temporary visitor's driver's license~~ shall expire 3 years from the date of issuance or at the time the individual's authorization to remain in this country expires, whichever is earlier~~less~~. Except, the ~~TVDL temporary visitor's driver's licenses~~ of individuals 81 years of age or older shall expire in accordance with ~~IVC Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)]~~ or at the time the individual's authorization to remain in this country expires, whichever is earlier~~less~~.
- ij) Each renewal ~~TVDL temporary visitor's driver's license~~ shall expire no more than three~~3~~ years from the expiration date of the current license or at the time the individual's authorization to remain in this country expires, whichever is earlier~~less~~. Except, the licenses of individuals 81 years of age or older shall expire in accordance with ~~IVC Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)]~~ or at the time the individual's authorization to remain in this country expires, whichever is earlier~~less~~.
- jk) The fees collected for the issuance of an original, renewal, duplicate or corrected ~~TVDL temporary visitor's driver's license~~ shall be in accordance with ~~IVC Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118]~~.
- kl) Any person who wishes to renew a ~~TVDL temporary visitor's driver's license~~ shall go to one of the designated Secretary of State Driver Services ~~Facilities~~facilities located throughout the State. Renewal shall be allowed no more than 90 days prior to the expiration date of the current driver's license. An application form, provided by the Secretary of State pursuant to ~~IVC Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106]~~, shall be completed by the applicant. The questions contained on the application form are provided in Appendix A. The

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applicant shall also provide a Driver Services ~~Facility~~facility employee with acceptable forms of identification provided in Appendix B to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency and authorization of legal presence and extension of his/her stay in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number. The applicant shall also be retested in accordance with IVC Section 6-109 ~~of the Illinois Vehicle Code [625 ILCS 5/6-109]~~.

- lm) The Secretary of State shall not send a renewal notice to the holder of a TVDLtemporary visitor's driver's license.
- mn) The design and contents of a TVDLtemporary visitor's driver's license shall be in accordance with IVC Section 6-110 ~~of the Illinois Vehicle Code [625 ILCS 5/6-110]~~ and Section 1030.90, except it shall not contain a social security number. The license shall be distinctive in nature as to identify it as a TVDLtemporary visitor's driver's license and will contain the phrase "not valid for identification".
- no) Each TVDLtemporary visitor's driver's license issued to applicants under 21 years of age shall be in accordance with IVC Sections 6-107.3 and 6-110(e) and (e-1) ~~of the Illinois Vehicle Code [625 ILCS 5/6-107.3 and 6-110(e) and (e-1)]~~. A TVDLtemporary visitor's driver's license issued to an individual under the age of 21 years shall expire three years from the issue date or at the time the individual's authorization to remain in this country expires, whichever is earlierless.
- op) A foreign national who is issued a TVDLtemporary visitor's driver's license shall not be required to surrender his/her foreign country driver's license.
- pq) A Central Unit will be established within the ~~Secretary of State~~ Driver Services Department. The responsibilities of this Central Unit shall be to provide assistance to Driver Services ~~Facility~~facility employees responsible for the issuance of a TVDL and to individuals applying for a TVDL; resolve cases in whichwhere the USCIS was unable to provide first level verification of USCIS documents, via the Systematic Alien Verification for Entitlements (SAVE) Program, presented by TVDL applicants at the Driver Services ~~Facility~~facility level; perform liaison services to ~~the~~ USCIS; and provide written notification of an applicant's eligibility or ineligibility for a TVDL.

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- 1) When an applicant appears at one of the designated Driver Services ~~Facilities~~ ~~facilities~~ and provides the necessary documents to prove identity and legal presence, a facility employee will begin the process by initiating an automated inquiry via the SAVE Program to verify the information on the USCIS documents. Upon receipt of a verification response from the SAVE Program, the facility employee will begin the TVDL application process. If the facility employee receives the response of "initiate additional verification", additional information is submitted to USCIS via the SAVE Program and copies of the applicant's documents are forwarded to the Central Unit for monitoring. The applicant will be advised that he or she will receive written notification from the Central Unit regarding his or her eligibility for a TVDL.
- 2) A response to a ~~second~~ ~~2nd~~ request for verification of USCIS documents via the SAVE Program generally takes ~~three to five~~ ~~3-5~~ days. Upon receipt of a response from the ~~second~~ ~~2nd~~ verification request via the SAVE Program, the Central Unit will send a letter to the applicant informing ~~the applicant of him or her of his or her~~ eligibility or ineligibility for a TVDL.
- 3) If the Central Unit receives a response of "Need Copies of Docs" from USCIS via the SAVE Program, a third, manual verification process must be completed. This requires photo copies of the documents submitted for identification, accompanied by a USCIS G-845 Form (request for verification of documentation of alien status), to be forwarded to ~~USCIS~~ ~~the Department of Homeland Security, Citizenship and Immigration Services Office~~ in Chicago, Illinois. Upon receipt of a written response from USCIS, the Central Unit will send a letter to the applicant informing ~~the individual of him or her of his or her~~ eligibility or ineligibility for a TVDL.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.13 Denial of License or Permit

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

~~"Denial of Driver's License" — the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional~~

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~~permit if a driver's license has previously been issued in accordance with Sections 6-107(c) and 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and (d)].~~

~~"Denial of Driving Privilege"—the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107(c) and 6-108.1 of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and 6-108.1].~~

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

~~"Type A Injury"—an injury that includes severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene. [625 ILCS 5/6-108.1]~~

- ~~a~~b) The Secretary of State shall deny driving privileges to any applicant under 18 years of age:
- 1) Who has committed or has been convicted of an offense that would otherwise result in a mandatory revocation of a license or permit as provided in IVC Section 6-205 of the Illinois Vehicle Code [625 ILCS 5/6-205];
 - 2) Who has been ~~either~~ convicted of, or adjudicated a delinquent based upon, a violation of the Cannabis Control Act [720 ILCS 540], the Illinois Controlled ~~Substances~~ Substance Act [720 ILCS 570], or the Methamphetamine Control and Community Protection Act [720 ILCS 646], while that individual was in actual control of a motor vehicle.
 - A) Any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted.
 - B) The conviction shall be reported to the Secretary of State's Office in a manner prescribed by IVC Section 6-107 of the Illinois Vehicle Code [625 ILCS 5/6-107];

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- 3) *Who has been charged with a violation of the Illinois Vehicle Code or the Criminal Code of 1961 [720 ILCS 5] arising out of an accident in which the person was involved as a driver that caused the death of or a Type A injury to another person. [625 ILCS 5/6-108.1]*
- be) The Secretary of State shall deny a driver's license to any applicant under 18 years of age:
- 1) Who has not attained the age of 16, who has not passed an approved driver education course as defined in IVC Section 1-103 ~~of the Illinois Vehicle Code [625 ILCS 5/1-103]~~ or has not submitted proof of having passed the course as may be required by the Secretary of State; or
 - 2) Who has been convicted of a violation of IVC Section 6-101 ~~of the Illinois Vehicle Code [625 ILCS 5/6-101]~~ or a similar provision of a local ordinance or a similar out-of-state offense regarding operating a motor vehicle without a valid driver's license or permit committed on or after January 1, 1998.
- cd) The Secretary of State shall deny a driver's license to any applicant under 18 years of age for a period of nine~~9~~ months or until the applicant's 18th birthday, whichever period is shorter, who has been convicted of an offense against traffic regulations governing the movement of vehicles or any violation of IVC Section 6-107 or 12-603.1 ~~of the Illinois Vehicle Code [625 ILCS 5/6-107 or 12-603.1]~~.
- d) The Secretary of State shall deny a driver's license or permit to any applicant who has been adjudicated under the Juvenile Court Act of 1987 [705 ILCS 405] based upon an offense that is determined by the court to have been committed in furtherance of the criminal activities of an organized gang, as provided in Section 5-710 of that Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit. The applicant shall be denied a license or permit until his/her 18th birthday or until a period specified by the court.
- e) Any applicant who has been denied a license or permit under the provisions of IVC Section 6-107 ~~of the Illinois Vehicle Code [625 ILCS 5/6-107]~~ may appeal to the Department of Administrative Hearings pursuant to IVC Section 2-118 ~~of the Illinois Vehicle Code [625 ILCS 5/2-118]~~.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

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Section 1030.15 Cite for Re-testing ~~Re-examination~~

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

~~"Administrative Error" = any act whereby an employee of the Secretary of State causes information, correctly submitted by the license applicant, to be incorrectly presented on said applicant's driver's license.~~

~~"Authorized Secretary of State Employee" = a Secretary of State Driver Services Facility employee or a Secretary of State employee with a supervisory position.~~

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

~~"Department" = Department of Driver Services within the Office of the Secretary of State.~~

~~"Driver Improvement Clinic" = class designed to improve driving skills and required of all holders of a probationary driver's license.~~

~~"Driver Services Facility" = facility operated by the Secretary of State where driving examinations are administered and driver's licenses are issued.~~

~~"Driver's License Examination" = examination administered by the Secretary of State which consists of a vision test, written test, and road test, or any given section or sections thereof.~~

~~"Good Cause" = examples of dangerous driving or of a physical or mental condition which interferes with safe driving or a situation where a Secretary of State Driver Services Facility employee fails to give a required exam or section thereof.~~

~~"Law Enforcement Official" = police officer, sheriff, judge or state's attorney.~~

~~"Secretary of State" = Illinois Secretary of State.~~

- ab) Any competent~~qualified~~ medical specialist~~practitioner~~, commissioned police officer, state's attorney, member of the judiciary, authorized Secretary of State employee or member of the judiciary may submit information to either the

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Department ~~or the Secretary of State~~ relative to the physical condition of a person, including suspected chronic alcoholism or habitual use of narcotics or dangerous drugs, if ~~that such~~ condition interferes with the person's ability to operate a motor vehicle safely (see IVC Sections 6-900 through 911) ~~(Section 506-13 of the Driver License Medical Review Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 506-13))~~. Upon receipt of a written request citing good cause, the Department shall require a driver to submit to a driver's license ~~re-testing re-examination~~. ~~The request must be received from a law enforcement official, a physician, psychiatrist, psychologist or an authorized Secretary of State employee.~~ All written requests shall be confidential ~~and signed by the source unless sent electronically~~, and the Secretary of State shall not release ~~thesuch~~ information without a court order.

- ~~be)~~ The Department shall notify the driver of ~~the his or her~~ obligation to appear within five ~~(5)~~ days on a choice of three given dates at a designated driver services facility nearest in location to the city or town of residence ~~that which~~ is recorded on the driver's most recent license renewal. There will be a 10-day grace period after the third given date before the Department will cancel the driver's license ~~or permit~~. If the driver notifies the Department that he/~~or~~ she will be unable to appear on any of the three ~~(3)~~ designated dates ~~but prior to the final day of the 10-day grace period and provides a statement on official letterhead, signed by a competent medical specialist stating that, due to an existing medical condition, the driver is or will be unable to appear on any of the three designated dates~~, the Department shall issue three ~~(3)~~ more dates on which the driver may appear for ~~re-testing re-examination~~. There will also be a 10-day grace period after the last date given for appearance prior to the Department ~~canceling cancelling~~ the driver's license ~~or permit~~. If the driver notifies the Department that he/~~or~~ she will not be able to appear during any of the second set of dates, ~~but prior to the final day of the 10-day grace period, and provides a statement on letterhead signed by a competent medical specialist that states, due to an existing medical condition, the driver is or will be unable to appear during any of the second set of dates~~, the Department shall notify the driver of a final set of three ~~(3)~~ dates on which the driver may appear. Once the 10-day grace period expires, the Department will cancel the driver's ~~driving privileges license~~. The driver may not request ~~more~~ additional dates ~~in which~~ to appear for ~~re-testing re-examination~~.
- ~~cd)~~ Cited drivers shall be tested on the specific sections of the driver's license ~~test examination~~ indicated in the written request for ~~re-testing re-examination~~ received from the Department. If no reference to a specific section of the driver's license

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~~testexamination~~ was made by a competent medical specialist, commissioned police officer, state's attorney, member of the judiciary, or authorized Secretary of State employee~~the law enforcement official, physician, psychiatrist, psychologist or an authorized Secretary of State employee~~, the Department shall administer the cited driver the complete driver's license testexamination.

- de) Drivers cited for any portion of the testexamination shall receive only one opportunity to pass the testexam. Failure to pass any required portion of the testexamination shall result in the cancellation of ~~the~~that person's driver's license in accordance with IVC Section 6-201~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-201)~~. Failure of the driver cited to appear on any one of the three alternative dates indicated on the notice, or during a 10-day grace period ~~that~~which follows the last date, will result in the cancellation of ~~the~~his/her driver's license. A cited driver who passes all administered sections of the driver's license testexamination shall be deemed to be in compliance with the Department's request, and shall be allowed to retain his/her valid driver's license.
- ef) Driver's license testexaminations shall be administered to the cited driver at~~for~~ no fee.
- fg) In the event of application error, two ~~(2)~~ requests shall be made of the licensee to return to a Driver Services Facility to obtain a corrected license. If the licensee complies, a corrected driver's license shall be issued without a fee. If the licensee fails to comply, he/she shall be cited for re-testing~~re-examination~~. Failure to appear for re-testing~~re-examination~~ or failure to pass the testexam shall result in cancellation of the driver's license.
- gh) If follow-up vision reports are received indicating a driver's license restriction change, and the licensee has not complied with two ~~(2)~~ written requests to return to a Driver Services Facility to obtain a corrected license, the driver shall be cited. If appearance is made, the licensee shall be issued a corrected driver's license with a fee. If the licensee fails to appear or fails the testexam, the~~his/her~~ driver's license shall be cancel~~de~~cancelled.
- hi) If a facility errs in not giving a certain section of the driver's license testexamination and the licensee has not complied with two ~~(2)~~ written requests to return to a Driver Services Facility for re-testing~~re-examination~~, the driver will be cited for the section of the testexamination ~~which was~~ previously omitted. If

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appearance is made and the cited driver passes the administered section of the driver's license ~~test~~examination, he/she shall retain his/her driver's license. If the licensee fails to appear or fails the ~~test~~exam, the driver's license shall be ~~cancel~~de~~cancel~~l~~ed~~.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.16 Physical and Mental Evaluation

- a) For purpose of this Section the following definitions shall apply:
- 1) ~~"Adjudication of Disability" = an order by a court of competent jurisdiction declaring a person, because of mental deterioration or physical incapacity, is not fully able to manage his person or estate pursuant to Sections 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-2 and 11a-3].~~
 - 2) ~~"Cancellation" = the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Section 1-110 of the Illinois Vehicle Code and 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].~~
 - 3) ~~"Competent Medical Specialist" = a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.~~
 - 4) ~~"Current Medical Report" = any medical report completed within three (3) months after receipt by the Department which is signed and dated by a competent medical specialist.~~
 - 5) ~~"Department" = the Department of Driver Services of the Office of the Secretary of State.~~
 - 6) ~~"Department of Administrative Hearing" = the Department of Administrative Hearings of the Office of the Secretary of State.~~
 - 7) ~~"Driver" = any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.~~

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- 8) ~~"Driver Rehabilitation Specialist" = a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy, or related profession (or equivalent of 8 years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).~~
- 9) ~~"Favorable Medical Report" = a current medical report which has been completed in its entirety which does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically fit to safely operate a motor vehicle.~~
- 10) ~~"Firsthand Knowledge" = information gleaned directly from its source.~~
- 11) ~~"Illinois Medical Advisory Board (Board)" = a panel consisting of at least 9 physicians appointed by the Secretary pursuant to Section 6-902 of the Driver License Medical Review Law of 1992 [625 ILCS 5/6-902].~~
- 12) ~~"Incomplete Medical Report" = a medical report which has not been completed in its entirety, or a medical agreement which has not been signed and dated by the driver. Examples of an incomplete medical report include, but are not necessarily limited to: a medical report which does not include the name, address, signature or professional license number of the competent medical specialist, or the report which is not dated; or contains illegible information; or fails to answer any of the questions contained within the report.~~
- 13) ~~"Law Enforcement" = police officer, sheriff, coroner, municipal prosecutor, or state's attorney.~~
- 14) ~~"Mandatory Law Enforcement Report" = an unsigned message received by teletypewriter or computer by law enforcement containing the same information as the form designed by the Department. The message shall be directed to the Department and contain the date and name and address~~

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~~of the source sending the message. The message must also contain the name, address, date of birth and driver's license number, if known, of the driver.~~

- 15) ~~"Medical Agreement"—an agreement signed and dated by the driver, maintained in conjunction with a medical report and shall include the following conditions and/or information:~~
- ~~A) a condition that the driver remain under the care of his/her competent medical specialist;~~
 - ~~B) a condition that the driver adhere to the treatment and/or medication;~~
 - ~~C) authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;~~
 - ~~D) possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.~~
- 16) ~~"Medical Denial"—an entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].~~
- 17) ~~"Medical Report"—a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver. A medical agreement upon execution by the driver shall be incorporated into and maintained on file with the driver's medical report.~~
- 18) ~~"Medical Restriction Card"—a card designed and issued by the~~

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~~Department which describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license. The driver must abide by all the medical restriction placed on his/her license as described on the medical restriction card and, upon receipt of the card from the Department, the driver must carry the medical card with his/her driver's license at all times.~~

- 19) ~~"Medical Disorder or Disability"—a scientifically recognized condition which may medically impair a person's mental health to the extent he/she is unable to safely operate a motor vehicle.~~
- 20) ~~"Motor Vehicle Departments of Foreign States"—departments in other states that issue driver's licenses.~~
- 21) ~~"National Driver Register (NDR)"—files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.~~
- 22) ~~"Official Investigation"—the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.~~
- 23) ~~"Physical Condition or Disability"—a scientifically recognized condition which may medically impair a person's physical health to the extent he/she is unable to safely operate a motor vehicle.~~
- 24) ~~"Preliminary Favorable Medical Report"—a current medical report or a current written statement on official letterhead which is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.~~
- 25) ~~"Problem Driver Pointer System"—a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (State of Record) and is accessed by other states (State of Inquiry) to determine if driver's license applicants are eligible.~~

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- 26) ~~"Questionable Medical Report"—a medical report which contains medical information which raises some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle. Examples of questionable medical reports include, but are not necessarily limited to:~~
- ~~A) a medical report which indicates the driver has experienced an attack of unconsciousness within the past 6 months; or~~
 - ~~B) the medical report lacks a professional opinion indicating whether or not the driver is medically fit to safely operate a motor vehicle; or~~
 - ~~C) the medical report was signed and/or completed by someone other than a competent medical specialist; or~~
 - ~~D) the competent medical specialist recommends the driver have a driver's license, however, expresses reservations about the driver's ability to safely operate a motor vehicle.~~
- 27) ~~"Rescind Order"—a removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.~~
- 28) ~~"Secretary of State Employee"—all supervisory personnel with the Department of Driver Services and the Department of Administrative Hearings.~~
- 29) ~~"Self-Admission"—self-admission of the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair his/her ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness (i.e. the inability of the driver to sustain consciousness throughout the entire interval in which he/she intends to drive).~~
- 30) ~~"Termination of an Adjudication of Disability Order"—an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Sections 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-2 and 11a-3].~~

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- 31) ~~"Termination Order"—the ending of an order canceling or medically denying the issuance of a driver's license to a person.~~
- 32) ~~"Unfavorable Medical Report"—a medical report signed and completed by a competent medical specialist containing his/her professional opinion that due to a physical and/or mental disorder/disability the driver is not medically fit to operate a motor vehicle.~~
- 33) ~~"Unfit to Stand Trial Order"—an order by a court of competent jurisdiction whereby a defendant, because of his/her mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Article 104 of the Code of Criminal Procedure [725 ILCS 5/Art. 104].~~
- a) The Department shall require a driver to submit a medical report from a competent medical specialist when:
- 1) ~~The~~ driver answers in the affirmative to any question on the driver's license application regarding physical or mental health pursuant to IVC Section 6-109 ~~of the Illinois Vehicle Code [625 ILCS 5/6-109]~~.
 - 2) ~~The~~ Department receives written comments and/or recommendations based upon firsthand knowledge or pursuant to an official investigation that brings into question a driver's physical or mental ability to safely operate a motor vehicle. ~~The~~ Such comments and/or recommendations are confidential and must be submitted on official letterhead or a form designed by the Department and signed by an authorized source ~~one of the following sources:~~
 - A) ~~a competent medical specialist;~~
 - B) ~~a law enforcement official;~~
 - C) ~~a member of the judiciary;~~
 - D) ~~a member of the Board;~~
 - E) ~~the National Driver Register;~~

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- F) ~~a Secretary of State employee;~~
 - G) ~~an employee of the U.S. Department of Transportation, Office of Motor Carriers;~~
 - H) ~~motor vehicle departments of foreign states;~~
 - I) ~~driver rehabilitation specialist;~~
 - J) ~~self admission; or~~
 - K) ~~problem driver pointer system.~~
- 3) The Department receives an Adjudication of Disability court order in which where the court appointed a guardian to manage the financial affairs or the estate of the person.
- 4) The driver is renewing a driver's license that, which at the time of issuance, required the driver to submit a medical report, except as provided in subsection ~~(m) of this Section.~~
- 5) The Department receives a mandatory law enforcement report or message, based on first-hand knowledge or pursuant to an official investigation, that brings into question a driver's physical or mental ability to safely operate a motor vehicle.
- be) The Department shall cancel or medically deny driving privileges~~the issuance of a driver's license~~ upon receipt of an Adjudication of Disability order in which~~where~~ the court appointed a guardian to make responsible decisions concerning the care of the person or of both the person and his/her financial affairs or estate, or the Department receives an order finding the driver unfit to stand trial.
- 1) The notice of cancellation shall be mailed to the court-appointed guardian and of the driver.
 - 2) The cancellation order shall remain in effect until the court issues an order terminating the adjudication of disability; or the driver is found fit to stand trial.

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- 3) After receipt of an order of restoration ~~and prior to the termination of the cancellation~~, the Department shall request a favorable medical report. Upon receipt of a favorable medical report, the cancellation order shall be terminated and the person may reapply for driving privileges a driver's license as outlined in IVC Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106].
- cd) The Department shall cancel or medically deny a driver pursuant to IVC Sections 6-103(8) and 6-201(a)(5) of the Illinois Vehicle Code [625 ILCS 5/6-103(8) and 6-201(a)(5)], if one or more of the authorized sources ~~listed in subsection (b)(2) of this Section~~ submits a mandatory law enforcement report or a signed, written notification on official letterhead to the Department that, based upon firsthand knowledge or pursuant to an official investigation, the person was the driver of a motor vehicle involved in any type of accident or incident resulting from a seizure, an attack of unconsciousness or a blackout.
- 1) Following a cancellation or denial of driving privileges a license pursuant to this subsection (d), the driver must submit a medical report to be forwarded to the Board and abide by all subsequent requests by either the Department or the Board, if any, for further information and/or clarification prior to being eligible to reapply ~~for a driver's license~~.
- 2) Any medical reports and/or other information concurrently or subsequently received by the Department shall be referred along with the entire case to the Board for determination as to the driver's ability to safely operate a motor vehicle as outlined in subsection (jk) of this Section.
- de) The Department is authorized to cancel, pursuant to IVC Section 6-201(a)(8) of the Illinois Vehicle Code, any driver's license or permit upon determining that a driver failed to report to the Secretary of State, within 10 days after the driver became aware of the condition, as required by IVC Section 6-116.5, the existence of a medical condition that is likely to cause loss of consciousness (i.e., inability of the driver to sustain consciousness throughout the entire interval in which he/she intends to drive) or loss of ability to safely operate a motor vehicle ~~within 10 days after the driver becoming aware of the condition pursuant to Section 6-116.5 of the Illinois Vehicle Code [625 ILCS 5/6-116.5]~~. If a driver's licensed driver is canceled ~~pursuant to this subsection (e)~~ and a favorable medical report is subsequently received, the cancellation shall be rescinded, ~~provided the driver is otherwise eligible for the driver's license~~.

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- ef) When a driver is required to submit a medical report or clarification on a questionable report pursuant to subsections ~~(ab)~~(2), (3) and (5) ~~of this Section~~, the Department shall furnish the appropriate form to the driver to be completed by a competent medical specialist ~~to the driver~~. The driver must ~~then~~ resubmit the completed medical report or requested information to the Department within 20 days ~~after issuance~~.
- 1) If a medical report is not received by the Department within 20 days~~the above specified time~~, the driver's driver license shall be canceled or the driver medically denied driving privileges~~a driver's license~~.
 - 2) If a driver's licensed driver is canceled ~~pursuant to this subsection (f)~~ and a preliminary favorable report or favorable medical report is subsequently received, the cancellation shall be rescinded, provided an unfavorable medical report is not received in the interim.
- fg) If a driver fails to submit a medical report pursuant to subsection ~~(ab)~~(4) ~~of this Section~~, the Department shall cancel or medically deny driving privileges~~the driver~~ pursuant to IVC Sections 6-103(8) and 6-201(a)(5)~~of the Illinois Vehicle Code~~. If the Department subsequently receives a preliminary favorable report or favorable report, the cancellation shall be rescinded, provided an unfavorable medical report is not received in the interim.
- gh) If, pursuant to subsection ~~(ab)~~ ~~of this Section~~, the Department receives a favorable medical report, the Department shall authorize the issuance or renewal of driving privileges~~issue or renew the person's driver's license~~, unless the driver is otherwise ineligible.
- hi) If, pursuant to subsection ~~(ab)~~ ~~of this Section~~, the Department receives an unfavorable medical report, the Department shall cancel or medically deny the driving privileges ~~driver~~ pursuant to IVC Sections~~Section~~ 6-103(8) and 6-201(a)(5) ~~of the Illinois Vehicle Code~~.
- ij) If, pursuant to subsection ~~(ab)~~ ~~of this Section~~, the Department receives a preliminary favorable report, the Department shall authorize the issuance or renewal of driving privileges~~issue or renew the person's driver's license~~, unless the driver is otherwise ineligible. The Department shall then make a further determination as to the type of information and/or clarification that is needed in

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order to finish processing the report.

- 1) If the report is incomplete ~~or not current~~or one which is not current, a request shall be made to the driver to obtain the necessary information required to process the report~~or the competent medical specialist for the necessary information required to process the report~~.
 - A) If the Department requests additional information from the driver, and the Department does not receive this information within 45 days after the written request, the Department shall cancel or medically deny the renewal of the driving privileges~~person's driver's license~~ pursuant to IVC Sections 6-103 and 6-201~~6-201 and 6-103 of the Illinois Vehicle Code~~. ~~B) If the Department requests additional information from the competent medical specialist and the Department does not receive this information within 45 days after the written request, the driver shall be notified in writing that a current and complete medical report is needed. If the driver fails to comply within 45 days, the Department shall cancel or medically deny the driver's license pursuant to Sections 6-201 and 6-103 of the Illinois Vehicle Code. [625 ILCS 5/6-201 and 5/6-103].~~
 - B~~C~~) If a cancellation order is entered based upon an incomplete medical report or one ~~that~~which is not current, and information is received to make the medical report favorable or preliminarily favorable, a rescind order shall be entered, provided an unfavorable medical report is not received ~~in the interim~~.
 - 2) If the report is questionable, the Department ~~may~~shall forward the medical report to the Board for determination as to the driver's ability to safely operate a motor vehicle as outlined in subsection ~~(jk)~~of this Section.
- jk) If the Department receives a report ~~or statement~~ from a competent medical specialist indicating the driver failed to abide by any of the terms of the medical agreement, the Department shall:
- 1) cancel or medically deny the driving privileges ~~driver~~ if the medical report ~~or medical statement~~ does not contain a professional opinion that the driver can safely operate a motor vehicle, and may, pursuant to subsection

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~~(k), and~~ forward the entire case to the Board for determination as to the driver's ability to safely operate a motor vehicle; ~~and pursuant to subsection (k) of this Section.~~

- 2) forward the entire case to the Board for determination as to the driver's ability to operate a motor vehicle ~~pursuant to subsection (k) of this Section~~, if the medical report or medical statement contains a professional opinion that the driver can safely operate a motor vehicle; ~~and-~~
- 3) cancel or medically deny ~~driving privileges a driver~~ if the medical report or medical statement contains a professional opinion ~~that~~ the driver cannot safely operate a motor vehicle; the entire file shall be considered an unfavorable medical report as outlined in subsection ~~(gh) of this Section.~~

~~k4)~~ The Department shall forward a driver's case to the Board when:

- 1) the driver was medically denied or canceled based upon the Board's last recommendation; ~~or~~
- 2) the Board has requested to review intermittent reports; ~~or~~
- 3) a different competent medical specialist submits a favorable medical report contradictory to an unfavorable medical report on file ~~that, which~~ was used as the basis to deny or cancel driving privileges; ~~or~~
- 4) ~~the Department receives a questionable medical report; or~~
- 5) ~~the Department receives notification the driver has failed to abide by any of the terms of his/her medical agreement; or~~
- 46) the Department receives a request from a driver who wishes to have all medical reports on file with the Department reviewed by the Board; or
- 57) the Department receives a request from a driver who wishes to appeal a Type B, C, D, E, F, G, J01; or any other medical restriction ~~that which~~ has been added to ~~a his/her~~ driver's license ~~or permit~~ pursuant to Section 1030.92 ~~of this Part.~~

~~lm)~~ When a case is referred ~~by the Department~~ to the ~~Medical Advisory~~ Board for

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review ~~by the Department~~, the case shall be initially reviewed in the following manner:

- 1) The ~~Department~~ Chairperson or his/her designee shall assign the case to an individual Board member based upon ~~the member's~~ his/her specialty or field of expertise ~~in medicine~~. The Department shall serve as a correspondent for the collection and distribution of all medical reports and/or other information between the driver and the Board.
- 2) Upon receipt of the case from the Department, the individual Board member shall review the entire file and prepare an informal determination regarding the driver's medical ability to safely operate a motor vehicle for submission to the Chairperson ~~or his/her designee~~.
 - A) The Board member shall consider the driver's past driving record as evidenced by ~~the~~ his/her driving abstract, medical reports, and any other medical information deemed to have probative value by the Board member regarding the driver's medical case.
 - B) The Board member shall consider any medications and/or rehabilitative devices currently being used or available to the driver.
 - C) The Board member shall use the medical criteria listed in Section 1030.18 ~~of this Part~~ when reviewing the driver's medical condition.
- 3) When reviewing a medical driver's case, the Board member may require the driver to submit ~~him/herself~~ to further medical ~~examination~~ examination(s) and to agree to make the results of these examinations available to the Board member for use in rendering an informal determination.
 - A) The driver shall be solely responsible for the selection, scheduling, and expenses related to any additional examinations ~~that examination(s) which~~ may be required ~~of the driver~~.
 - B) While the Board member may designate the type of physician or medical specialist ~~from~~ with whom the driver needs further examination, the Board member shall not recommend a particular

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physician or medical specialist.

- C) The driver shall have up to 45 days from the date of the Department's written request to submit additional reports ~~to the Department.~~
- D) The driver's license of anyAny driver who refuses to submit to additional ~~examination~~examination(s) as requested, or refuses to make these reports available to the Board member, shall be canceled or medically denied until the driver~~he/she~~ complies with the Board member's request and the Board member is able to render an informal determination to the Chairperson pursuant to IVC Sections 6-103 and 6-201~~Section 6-201 and 6-103 of the Illinois Vehicle Code.~~
- 4) The informal determination shall include the medical condition of the driver and the limitations associated with the condition ~~that~~which could reasonably impair a driver's ability to safely operate a motor vehicle; the scope of driving privilege, if any; and the reasons for the Board member's decision.
- 5) All stages of the informal determination process shall be made as soon as ~~reasonably~~possible, given the individual Board member's and Chairperson's caseload and the complexity of the case.
- 6) The name of the Board member rendering the informal determination shall not be disclosed ~~to the driver under review.~~
- m#) Upon receipt of the informal determination from the Board member, the Chairperson ~~or his/her designee~~ shall make a formal determination to the Department regarding the driver's medical fitness to safely operate a motor vehicle and the scope of licensure, if any, including the use of mechanical devices and/or other conditions for driving.
- 1) The formal determination by the Chairperson ~~or his/her designee~~ shall include the existence of the medical condition and/or limitation ~~that~~which may impair the driver's ability to safely operate a motor vehicle.
- 2) The formal determination shall also be based upon the Findings of Fact

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and opinion of the individual Board member, including, but not necessarily limited to, medical evaluations, reports submitted by medical specialists, medications taken by the driver, ~~the and his/her~~ driving record, and other scientifically recognized information commonly accepted in the medical profession.

- 3) The formal determination shall also indicate the scope of driving privileges ~~that which~~ would enable the driver to safely operate a motor vehicle, including the extent, ~~if any,~~ to which compensatory aids and devices ~~which~~ must be used ~~and the need of future controls~~.
 - 4) In the event driving privileges are restricted or denied, the formal determination shall also state the reasoning for ~~the such~~ restriction or denial in accordance with the medical criteria stated in Section 1030.18 ~~of this Part~~.
 - 5) The Chairperson ~~or his/her designee~~ shall have the authority to confer with the Board member who rendered the determination, in the event the Chairperson ~~or his/her designee~~ needs to confirm or clarify any portion of the Board member's informal determination.
- ne) Upon receipt of the formal determination, the Department shall take the appropriate action, ~~depending upon in accordance with~~ the recommendation of the Chairperson, ~~or his/her designee~~ on behalf of the Board.
- 1) If the Department receives a recommendation from the Board that in its professional opinion the driver is not medically fit to safely operate a motor vehicle, the Department shall enter an order canceling or medically denying ~~driving privileges the driver~~ pursuant to IVC Sections 6-103 and 6-201 ~~6-201 and 6-103 of the Illinois Vehicle Code~~.
 - 2) If the Department receives a recommendation from the Board that in its professional opinion the driver is medically fit to safely operate a motor vehicle, the Department shall rescind or terminate any medically related cancellation ~~orders and allow the driver to make application for a new driver's license pursuant to Sections 1-110, 6-106, and 6-109 of the Illinois Vehicle Code [625 ILCS 5/1-110, 6-106, and 6-109]~~.
- A) ~~The Department shall rescind the cancellation if the cancellation~~

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~~was for failure to comply with a request by either the Department or the Board.~~

- B) ~~The Department shall terminate the cancellation if the cancellation was based upon a previous unfavorable medical report, and the driver is otherwise in compliance with this Section.~~

~~op)~~ If a driver ~~wants~~desires to contest a restriction, cancellation, or denial of ~~his/her~~ driving privileges, the Department must receive a written request from the driver for a ~~panel~~formal review of ~~the medical~~his/her case within 30 days after the action taken by the Department. ~~Panel~~Formal review of the driver's medical case shall be made by a panel of ~~three~~3 Board members selected by the Chairperson ~~or his/her designee~~ based upon the Board member's specialty or field of expertise. The Board member who rendered the formal determination shall participate in the ~~panel~~formal review process. The following procedure shall apply to the medical a case under ~~panel~~formal review:

- 1) The Department shall notify the driver immediately and confirm the driver's request for ~~panel~~Panel review within ~~seven~~7 working days after receipt of the written request~~same~~.
- 2) ~~The~~The notice shall specifically state the driver has ~~up to~~45 days from the date of the notice to submit all additional medical reports to the Department for consideration by the ~~panel~~Panel, ~~if he/she so chooses~~.
- 3) ~~The driver may~~If the driver desires to furnish additional medical reports and/or statements ~~he/she may do so by submitting all reports and statements together as one complete document~~ for review by the ~~panel~~Panel. The document must be ~~returned~~delivered to the Department at the address indicated on the confirmation notice.
- 4) The Department, ~~shall~~ at the direction of the Chairperson, ~~shall~~ or his/her designee prepare and forward the ~~medical~~entire case to the ~~panel~~Review Panel upon receipt of the ~~documents~~document from the driver, or a written statement from the driver indicating ~~the decision no~~he/she does not wish to submit additional reports and to proceed with the review, or at the expiration of 45 days, whichever occurs first.
- 5) Each panel member shall consider the contents of the file ~~that~~which was

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used to make the formal determination, including additional medical reports submitted by the driver ~~on his/her behalf~~ and any new entries listed on the driver's driving record, ~~if any~~. The ~~panel~~Panel shall use the same medical criteria and procedure that apply when reviewing an individual case, including the ~~authority~~ability to request additional medical examinations as found in subsection ~~(lm)(3) of this Section~~. The ~~panel~~Review Panel shall only consider evidence ~~which exists~~ in written form. No oral testimony shall be allowed during this type of review.

- 6) The formal determination under ~~panel~~Panel review shall be made as soon as reasonably possible given the Board ~~members'~~member and Chairperson's caseload, and the complexity of the case. Panel review cases shall be given priority ~~over the review of individual cases~~.
 - 7) Upon completion of the ~~panel~~Panel review, the informal determination of each ~~panel~~Panel review member shall be forwarded to the Chairperson ~~or his/her designee~~. The informal determination shall contain the same elements as outlined in subsection ~~(lm)(4) of this Section~~.
 - 8) Any restriction of driving privileges, cancellation, or medical denial shall remain in effect ~~unless and~~ until the Department notifies the driver in writing to the contrary.
- pp) Upon receipt of each of the ~~panel members' Review Panel's~~ determinations, the Chairperson ~~or his/her designee~~ shall make a formal recommendation to the Department regarding the driver's ability to safely operate a motor vehicle and the scope of any licensure, ~~if any~~, including the use of mechanical devices and/or other conditions for driving.
- 1) The recommendation of the Chairperson ~~or his/her designee~~ shall be based upon the majority ruling of the ~~members' Review Panel member's~~ informal determinations.
 - 2) The Chairperson shall have the authority to confer with the members of the ~~panel Review Panel in order~~ to confirm, clarify, and formulate the recommendation to the Department.
 - 3) The Chairperson's recommendation shall contain the same elements as outlined in subsections ~~(lm)(1) through (4) of this Section~~.

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- qf) The Department shall follow the recommendation of the Chairperson ~~or his/her designee~~ based upon the ~~formal~~ determination rendered by the ~~panel~~ Review Panel.
- 1) If the Department receives a formal recommendation from the Chairperson ~~or his/her designee~~ to uphold the decision of the individual Board member who first reviewed the case, the action taken by the Department shall remain in effect.
 - 2) If the Department receives a formal determination from the Chairperson ~~or his/her designee~~ to amend the original determination of the Board member who first reviewed the case, the Department shall follow the determination of the ~~panel~~ Panel, including the recommendation of the granting of full or limited driving privileges or complete cancellation or denial of ~~the~~ driving privileges.
 - 3) The driver shall be notified immediately in writing by the Department of the ~~panel's~~ Panel's formal determination ~~regarding along with any change to~~ his/her driving privileges. The driver shall also be notified in writing of his/her right to request a medical hearing ~~regarding the determination rendered by the Hearing Panel~~.
- rs) A driver who wants to contest the cancellation or medical denial of driving privileges ~~his/her driver's license or his/her privilege to obtain a driver's license~~ for medical reasons shall be entitled to a hearing in accordance with 92 Ill. Adm. Code 1001.Subparts A and E, and IVC Section 2-118 ~~of the Illinois Vehicle Code [625 ILCS 5/2-118]~~.
- st) Unless a competent medical specialist has submitted a medical report indicating the physical or mental condition or disability no longer exists, the Department shall require the driver to submit a medical report at each driver's license renewal.
- 1) The Department shall notify the driver at least 30 days prior to the expiration of his/her driver's license. ~~Such notification shall be in writing and mailed to the driver's last known address as indicated on the Department's driving record file.~~
 - 2) Notification shall be in writing and mailed to the driver's last known

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address as indicated on the Department's driving record. The notice shall state that the driver must submit a medical report when renewing a driver's license~~his/her driver's license.~~

- ~~tu)~~ The Department shall require a driver to appear at a Driver Services Facility~~facility~~ to receive a corrected driver's license if a competent medical specialist or the Board recommends a driver's license restriction pursuant to Section 1030.92 ~~of this Part.~~
- 1) The Department shall immediately provide written notification to the driver at ~~the~~his/her last known address ~~as~~ indicated on the Department's driving record ~~file.~~ The notice shall ~~also~~ state that failure to comply within 20 days after the request will result in the cancellation of the person's driver's license pursuant to IVC Section 6-201.5 ~~of the Illinois Vehicle Code, provided a subsequent medical report is not received from the same competent medical specialist indicating the medical restriction is no longer necessary.~~
 - 2) The Department shall mail a medical restriction card to the driver describing the ~~restrictions~~restriction(s) on ~~the~~his/her driver's license.
 - 3) The driver must abide by the ~~restrictions~~restriction(s) contained on the card.
 - 4) The driver, upon receipt of the medical restriction card from the Department, shall carry the medical card with his/her driver's license when operating~~whenever the driver operates~~ a motor vehicle.
 - 5) If a driver's license~~driver~~ is canceled for failing to comply with a written request from the Department ~~pursuant to this subsection (u),~~ and the driver subsequently complies with all requests of the Department, the cancellation shall be rescinded or terminated.
- ~~uv)~~ The Department shall require periodic medical reports between renewals, if ~~so~~ recommended by a competent medical specialist or the Board.
- v) The Chairperson is authorized to appoint a designee to complete any of the duties required to be performed by the Chairperson as prescribed by this Section.

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(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.17 Errors in Issuance of Driver's License/Cancellation

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

~~"Administrative Error"—any act whereby an employee of the Secretary of State causes information, correctly submitted by the license applicant, to be incorrectly presented on said applicant's driver's license or permit.~~

~~"Cancellation"—the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Sections 1-110 and 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95½, pars. 1-110 and 6-201) [625 ILCS 5/1-110 and 6-201].~~

~~"Classification"—a designation as to the kind and type of vehicle a driver is entitled to operate as outlined in Sections 1030.20, 1030.30 and 1030.40 of this Part.~~

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

~~"Department"—the Department of Driver Services of the Office of the Secretary of State.~~

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

~~"Driver Services Facility"—facility operated by the Secretary of State where driving examinations are administered and driver's licenses are issued.~~

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

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~~"Rescind Order"—a removal by formal action of an order canceling or denying the driver's license of an individual.~~

~~"Restriction"—requirement or condition added on a driver's license which, pursuant to Section 1030.92 of this Part, must first be met by the license holder before he/she may legally operate a motor vehicle.~~

- ~~ab)~~ In the event of a driver's license issuance error or administrative error, the Department shall provide the driver with written notice of his/her obligation to appear at a Driver Services Facility for issuance of a corrected driver's license without further testing pursuant to IVC Section 6-207 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code~~. The Department shall allow the driver at least five ~~(5)~~ but no more than ~~thirty (30)~~ days from the notice date to obtain a corrected driver's license at no fee. No extension shall be granted to the driver, except upon receipt of a confirmed medical emergency. ~~(Ill. Rev. Stat. 1991, ch. 95½, par. 6-207) [625 ILCS 5/6-207].~~
- ~~be)~~ A driver who obtains a corrected driver's license shall ~~be deemed to~~ be in compliance with the Department's request and shall be allowed to retain ~~his/her~~ driving privileges.
- ~~cd)~~ Refusal or neglect ~~of such driver~~ to obtain a corrected driver's license within the specified period shall result in the cancellation of driving privileges ~~his/her driver's license~~ pursuant to IVC Sections 6-201(a)(1) and 6-207(b) ~~6-207(b), and 6-201(a)(1) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1991, ch. 95½, pars. 6-207(b) and 6-201(a)(1)) [625 ILCS 5/6-207(b) and 6-201(a)(1)].~~
- ~~de)~~ Any driver whose driver's license is canceled pursuant to this Section will be allowed to obtain a corrected driver's license without re-testing ~~retesting~~ or paying an additional fee, if the driver is not otherwise ineligible ~~for the same~~.
- ~~ef)~~ An order rescinding the cancellation shall be entered on the record of thea ~~canceled~~ driver who ~~after being canceled under this Section~~ obtains a corrected or renewed driver's license ~~or renewal license~~.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.18 Medical Criteria Affecting Driver Performance

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~~The competent medical specialist and the Medical Advisory Board shall review the driver's case taking into consideration the driver's medical condition in determining the medical fitness of the driver to safely operate a motor vehicle.~~

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

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

~~"Department"—the Department of Driver Services of the Office of the Secretary of State.~~

~~"Driver"—any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.~~

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

~~"Illinois Medical Advisory Board (Board)"—a panel consisting of at least 9 physicians appointed by the Secretary pursuant to Section 6-902 of the Driver's License Medical Review Law of 1992 [625 ILCS 5/6-902].~~

~~"Medical Denial"—an entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].~~

~~"Medical Report"—a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver. A medical agreement upon execution by the driver shall be incorporated into and~~

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~~maintained on file with the driver's medical report.~~

~~"Mental Disorder or Disability"—a scientifically recognized condition which may medically impair a person's mental health to the extent he/she is unable to safely operate a motor vehicle.~~

~~"Physical Condition or Disability"—a scientifically recognized condition which may medically impair a person's physical health to the extent he/she is unable to safely operate a motor vehicle.~~

~~"Road Test"—an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-109].~~

~~"Self Admission"—self admission of the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair his/her ability to safely operate a motor vehicle that is likely to cause a loss of consciousness (i.e., the inability of the driver to sustain consciousness throughout the entire interval in which he/she intends to drive).~~

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

- ~~a)~~ The competent medical specialist and the Board shall review and apply the following medical criteria when rendering to the Department a medical opinion of a driver's ability to safely operate a motor vehicle ~~to the Department~~.
- 1) The driver must possess the emotional and intellectual ability to operate a motor vehicle. ~~The~~Specifically, the driver's medical condition must be controlled as follows:
 - A) be free from distractions caused by~~of~~ hallucinations;
 - B) be free from impulsive behavior, homicidal tendencies, and/or suicidal tendencies;
 - C) be oriented with advanced preparation of the driver's~~his/her~~ destination;

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- D) be able to recognize and understand symbols of language and road signs and possess the ability to not only see objects in ~~the~~his/her field of vision, but also to recognize their significance and to react to them with sufficient speed to avoid a catastrophe;
- E) possess sufficient memory ~~facility~~ to recall ~~the driver's~~his/her destination, ~~recall~~ the significance of road signs and hazards, and ~~recall~~ the operational control of ~~the~~his/her motor vehicle;
- F) be able to distinguish left from right and to judge distance and relative speed of ~~the~~ his/her motor vehicle as well as other vehicles ~~that~~which may present a potential danger.
- 2) The driver must possess the motor and sensory ~~abilities~~ability to safely operate a motor vehicle. ~~The~~Specifically, ~~the~~ driver's medical condition must be controlled as follows:
- A) ~~possess~~ the ability to sit in a stable and erect posture and hold ~~the~~his/her head erect throughout ~~an intended driving interval~~the interval he/she intends to drive;
- B) be able to turn ~~the~~his/her head at least 25 ~~degree~~degree's in either direction in order to amplify the field of vision;
- C) be able to control the motor vehicle with ease, including the gripping of the steering wheel ~~and~~; reaching of the controls and pedals, all without unbalancing or stressing the driver;
- D) be able to perform all routine operations of the motor vehicle with steady, well coordinated movements. The reaction time of the driver must be average and not limited by muscle, joint or skeletal deformity.
- 3) The driver must have the ability to sustain consciousness throughout the entire ~~intended driving interval~~interval in which he/she intends to drive.
- 4) The driver must be free from severe pain ~~that~~which could cause sudden incapacitation or the inability to control a motor vehicle.

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- 5) The driver must be able to meet the vision requirements set forth in Sections as found in Ill. Adm. Code 1030.70 and 1030.75.
 - 6) The driver must not be medicated to the extent of being as to render him/herself incapable of safely operating a motor vehicle.
- be) The competent medical specialist and the Board shall evaluate the severity and/or limitations of the medical condition a driver may have on a case-by-case basis. The Board may at any time request additional information to assist it them in evaluating the driver's medical case. The Board shall also take into account the driver's past driving history, including accidents, and any underlying documents requested by the Board or submitted by the driver and any documents in question relating to any the accident, as well as all medication and/or any mechanical mechanism being used by, or otherwise available to, the driver.
- cd) The competent medical specialist and the Board each have the authority to recommend full or limited driving privileges to the Department, including, but not limited to, restricted driving hours or miles, use of mechanical devices, and other conditions which the competent medical specialist and the Board deem appropriate, such as requesting follow-up medical reports, depending upon the circumstances of the medical case.
- de) The competent medical specialist and the Board each have the authority to recommend medical denial of driving privileges indefinitely, or for a specific period of time.
- ef) Information, to the extent known by the competent medical specialist, to be considered by him/her in determining if an individual is medically fit to safely operate a motor vehicle, shall include, including but is not limited to:
- 1) History of illness;
 - 2) Severity of symptoms and prognosis;
 - 3) Complications and/or co-morbid conditions;
 - 4) Treatment and medications, effects and side effects, and person's knowledge and use of medications;

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- 5) Results of medical tests and reports of laboratory findings;
 - 6) Functional ability, including mental or emotional function;
 - 7) Reports of driver conditions or behavior;
 - 8) Traffic accidents that have been caused by a medical condition. Temporary medical conditions (e.g., broken limbs) are not to be considered under this subsection (ef).
- fg) The Department shall determine if an individual is qualified to safely operate a motor vehicle based on a vision test, the individual's knowledge of traffic laws, road signs and rules of the road, vehicle equipment and safe driving practices, and a road test as outlined in IVC Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109].

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.20 Classification of Drivers – References (Repealed)

- a) **Subject**
~~Sections 1030.20, 1030.30 and 1030.40 establish the classifications for drivers licenses issued under the authority of the I.V.C.~~
- b) **Authority**
~~Sections 1030.20, 1030.30 and 1030.40 are promulgated under the authority of paragraph (a) of Section 6-104 of the Illinois Vehicle Code.~~

(Source: Repealed at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.30 Classification Standards

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

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

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~~"Gross Combination Weight Rating (GCWR)"—the GVWR of the power unit plus the GVWR of the towed unit or units, or the combined registered weight of the power unit plus the towed unit, whichever is greater.~~

~~"Gross Vehicle Weight Rating (GVWR)"—the value specified by the manufacturer(s) as the maximum loaded weight of a single or combination of vehicles, or the registered gross weight, whichever is greater.~~

~~"Hazardous Materials"—a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (49 U.S.C.A. 1802)~~

~~"Immediate Family Member"—parent, child, sibling, grandparent, step-parent, step-child, step-sibling, step-grandparent.~~

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

~~"Secretary of State"—the Secretary of State of Illinois.~~

b) Driver's License Classification System

All driver's licenses issued by the Office of the Secretary of State after April 1, 1990, shall be classified as to the kind and type of vehicles~~vehicle(s)~~ the holder is licensed to drive, as follows:

- a1) Class A: Any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the Gross Vehicle Weight Rating (GVWR) of the vehicles~~vehicle(s)~~ being towed is in excess of 10,000 pounds. Holders of a Class A license may, with the appropriate or required endorsements, operate all vehicles within Class A, B, C, and D, but are not authorized to operate motorcycles or motor-driven cycles.
- b2) Class B: Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. Holders of a Class B license may, with appropriate or required endorsements, operate all vehicles within Class B, C and D, but are not authorized to operate motorcycles or motor-driven cycles.
- c3) Class C:

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1) Any Vehicle:

- A) ~~Any single vehicle~~ with a GVWR of 16,001 or more pounds, but less than 26,001 pounds ~~GVWR~~, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; or
- B) ~~Any vehicle~~ less than ~~26,001~~~~26,001~~ pounds GVWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials ~~that~~~~which~~ requires the vehicle to be placarded; or
- C) ~~Any vehicle~~ less than 26,001 pounds GVWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials ~~that~~~~which~~ requires the vehicle to be placarded, towing a vehicle with a GVWR of 10,000 pounds or less or with a GCWR of less than 26,001 pounds.

2) Holders of a Class C license may operate all vehicles within Class C and D, but are not authorized to operate motorcycles or motor-driven cycles. A Class C license is not required to operate rental vehicles when transporting an individual's own personal property or that of an immediate family member for non-business purposes within this State, if the individual has successfully completed a safety course regarding safe operation of the vehicle.

d4) Class D:1) Any single vehicle:

- A) ~~Any single vehicle~~ with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials ~~that~~~~which~~ would require ~~the~~~~such~~ vehicle to be placarded; or
- B) ~~Any single vehicle~~ with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials ~~that~~~~which~~ would require ~~the~~~~such~~ vehicle to be placarded, towing any vehicle, providing the

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GCWR is less than 26,001 pounds.

2) Holders of a Class D license may operate all vehicles within Class D, and may operate rental vehicles up to 26,000 pounds when transporting an individual's own personal property or that of an immediate family member for non-business purposes within the State, if the individual has successfully completed a safety course regarding the safe operation of the vehicle, but are not authorized to operate motorcycles or motor-driven cycles.

e5) Class L: Any motor-driven cycle. (~~Ill. Rev. Stat. 1991, ch. 95½, par. 1-148.~~)

f6) Class M: Any motorcycle. (~~Ill. Rev. Stat. 1991, ch. 95½, par. 1-147.~~)

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.40 Fifth Wheel Equipped Trucks

A fifth wheel equipped truck regulated under IVC Section 1-120.5 is anyAny single unit motor vehicle thatwhich has the capability, because of design, to carry a load other than a part of the weight of an attached trailer. Theand the trailer's load cannot be considered a truck-tractor even though it may:

- a) be used like a truck-tractor;~~;~~~~or~~
- b) be equipped with a fifth wheel assembly; or
- c) include among its characteristics all the characteristics of a truck-tractor.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation

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

~~"Abstract"—an official driving record.~~

~~"Applicant"—a person applying for religious organization bus driver restriction~~

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~~on his/her driver's license.~~

~~"Gross Combination Weight Rating" or "GCWR"—the GVWR of the power unit plus the GVWR of the towed unit or the combined registered weight of the power unit plus the towed unit, whichever is greater.~~

~~"Gross Vehicle Weight Rating" or "GVWR"—the value specified by the manufacturer as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.~~

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

~~"Reckless Driving"—driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill, to cause a vehicle to become airborne as defined in Section 11-503 of the Illinois Vehicle Code [625 ILCS 5/11-503].~~

~~"Religious Organization Bus Driver Restriction"—a restriction on a driver's license allowing person to operate bus for a religious organization.~~

~~"Restriction"—a requirement or condition added to a driver's license that must first be met by the license holder before he/she may legally operate a motor vehicle.~~

~~"Secretary of State"—the Secretary of State of Illinois.~~

~~"Senior Citizen Transportation Vehicle Restriction"—a restriction on a driver's license allowing a person to operate a vehicle for a senior citizen organization.~~

b) ~~A religious organization bus or senior citizen transportation vehicle driver shall have on his/her driver's license a Type "J" restriction and a "P" endorsement, when required.~~

ae) If the GVWR, GCWR or person capacity of the religious organization bus or senior citizen transportation vehicle requires that the applicant's Illinois driver's license be of a different classification, the applicant shall comply with the provisions of the law to obtain the classification, restriction and/or endorsement

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necessary for the applicant to operate the type of religious organization bus or senior citizen transportation vehicle applied for.

- bd) In the event a religious organization bus or senior citizen transportation vehicle driver is convicted of any of the offenses listed in IVC Section 6-106.2(5) or 6-106.3(5) ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.2(5) or 6-106.3(5)]~~, that person's authority to operate a religious organization bus or senior citizen transportation vehicle shall be removed in the following manner:
- 1) The Secretary of State shall notify the religious organization bus or senior citizen transportation vehicle driver he/she is no longer eligible ~~for authorization~~ to operate a religious organization bus or senior citizen transportation vehicle.
 - 2) A licensee shall surrender his/her Illinois driver's license at a Driver Services Facility within 10 days after receiving notification in order to have the ~~restriction authority~~ to operate the religious organization bus or senior citizen transportation vehicle removed from ~~the his/her~~ driver's license.
 - 3) A corrected driver's license shall be issued to each eligible licensee and the applicant shall be charged a fee in accordance with IVC Section 6-118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]~~.
- ce) Failure of a licensee to comply with subsection (bd)(2) ~~of this Section~~ shall result in cancellation of the licensee's Illinois driver's license.
- df) If a person relocates to Illinois from out-of-state and desires the authorization to operate a religious organization bus or senior citizen transportation vehicle, he/she must provide a letter or an abstract from the former state of licensure indicating that the requirements of IVC Section 6-106.2 or 6-106.3 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.2 or 6-106.3]~~ have been met.
- eg) If a person resides in a state other than Illinois and ~~wants~~wishes to operate a religious organization bus and/or senior citizen transportation bus in Illinois, the applicant~~he/she~~ must hold a valid and properly classified license in his/her state of residence and a Religious Organization Bus and/or Senior Citizen Transportation Bus Certificate (Certificate) issued by the Illinois Secretary of State. To obtain the Certificate, the ~~applicant~~person shall provide a letter or abstract from the

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licensing authority of his/her state of licensure indicating the requirements of IVC Section 6-106.2 and/or Section 6-106.3 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.2 and/or 6-106.3]~~ have been met. Both the Certificate and the valid and properly classified out-of-state license must be carried when the driver~~person~~ is operating a religious organization bus and/or senior citizen transportation bus in Illinois.

- fh) Applicants who hold a valid school bus permit in Illinois are permitted to operate a religious organization bus or senior citizen transportation vehicle, within a classification ~~as~~-set forth in Section 1030.30(b)(1) through (4), without having additional restrictions added to ~~the~~their license. If the applicant ~~wants~~desires to have the "J" restriction added to his/her license, the road test shall be waived, but the applicant shall pay a fee for a corrected ~~license~~licenses or ~~permit~~permits in accordance with IVC Section 6-118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]~~.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement

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

~~"Commuter Van"—a motor vehicle designed for the transportation of not less than 7 or more than 16 passengers, which is used in a ridesharing arrangement.~~

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

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

~~"Restriction"—a requirement or condition added to a driver's license that must first be met by the license holder before he/she may legally operate a motor vehicle.~~

- ab) Pursuant to the provisions of IVC Section 6-106.4 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.4]~~, an individual who applies for driving privileges to operate a commuter van in a for-profit ridesharing arrangement shall be required to take

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and successfully complete a test of ~~his or her~~ driving ability while operating a commuter van. The standards for successfully completing this driving test shall be the same as those utilized for other non-CDL Class C or Class D type driving tests ~~using other vehicles~~.

- be) The driving test required in a for-profit ridesharing arrangement shall be taken and successfully completed in a commuter van; however, this commuter van need not be the same commuter van as will be used in the for-profit ridesharing arrangement. If the vehicle meets the requirements of IVC Section 6-500, the properly classified CDL tests will be administered.
- cd) Upon successful completion of the driving test as specified in ~~subsections~~ subsection (a) and (b) showing the individual's ability to exercise reasonable care in the safe operation of commuter vans used in for-profit ridesharing arrangements and if the other requirements for licensure ~~as~~ stated in IVC Section 6-106.4 of the Illinois Vehicle Code [625 ILCS 5/6-106.4], are met, a "J" restriction and "P" endorsement when required shall be shown on the individual's driver's license. The individual shall be required to pay a corrected driver's license fee, as defined in IVC Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)], if ~~he/she~~ he or she applies for this restriction and/or endorsement at a time other than ~~his or her~~ regular renewal date.
- de) In the event a for-profit ridesharing arrangement driver is convicted of any of the offenses listed in IVC Section 6-106.4(5) of the Illinois Vehicle Code [625 ILCS 5/6-106.4(5)], that person's authority to operate a for-profit ridesharing arrangement vehicle shall be removed in the following manner:
- 1) The Secretary of State shall notify the for-profit ridesharing arrangement driver he/she is no longer eligible ~~for such authorization~~ to operate a for-profit ridesharing arrangement vehicle.
 - 2) The licensee ~~shall~~ must surrender ~~the his/her~~ Illinois driver's license at the Driver Services Facility within 10 days after receiving the notification in order to have the ~~restriction~~ authority to operate a for-profit ridesharing arrangement vehicle removed from ~~the his/her~~ driver's license.
 - 3) A corrected driver's license shall be issued to each eligible licensee and the applicant will be charged a fee in accordance with IVC Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)].

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- ef) Failure of a licensee to comply with subsection (de)(2) shall result in cancellation of the licensee's Illinois driver's license.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.60 Third-Party Certification Program

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

"Cancellation of Third-Party Certifying Entity License" – the annulment or termination by formal action of the Secretary of State of a Third-Party Certifying Entity License because of some error or defect in the license or because the licensee is no longer entitled to the license.

"Cancellation of Third-Party Certification Safety Officer License" – the annulment or termination by formal action of the Secretary of State of a Third-Party Certification Safety Officer License because of some error or defect in the license or because the licensee is no longer entitled to the license.

"Denial of Third-Party Certifying Entity License" – to prohibit or disallow the privilege to obtain a Third-Party Certifying Entity License by the Secretary of State.

"Denial of Third-Party Certification Safety Officer License" – to prohibit or disallow the privilege to obtain a Third-Party Certification Safety Officer License by the Secretary of State.

"Revocation of Third-Party Certifying Entity License" – the termination by formal action of the Secretary of State of a Third-Party Certifying Entity License; the termination shall not be subject to renewal or restoration.

"Revocation of Third-Party Certification Safety Officer License" – the termination by formal action of the Secretary of State of a Third-Party Certification Safety Officer License; the termination shall not be subject to renewal or restoration.

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"Suspension of Third-Party Certifying Entity License" – the temporary withdrawal by formal action of the Secretary of State of a Third-Party Certifying Entity License for a period specifically designated by the Secretary.

"Suspension of Third-Party Certification Safety Officer License" – the temporary withdrawal by formal action of the Secretary of State of a Third-Party Certification Safety Officer License for a period specifically designated by the Secretary.

- a) ~~The Secretary of State shall adopt the following definitions for the terms listed as follows:~~

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

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

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

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

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

~~"Driver Applicant" – an individual employed by a member of a third-party certifying entity, who participates in the third-party certification program.~~

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

~~"Motor Vehicle" – Every vehicle that is self-propelled and every vehicle~~

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~~that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs.~~

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

~~"Passenger Endorsement"—an indication on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.~~

~~"Restriction"—requirement or condition added to a driver's license which must first be met by the license holder before he/she may legally operate a motor vehicle.~~

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

~~"Secretary of State"—Illinois Secretary of State.~~

~~"Third Party Certification License"—a license issued by the Secretary of State to conduct a qualified third party certification program, pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508].~~

~~"Third Party Certification Program"—a program designed by the Secretary of State allowing third party entities to provide to employees or by membership in a qualified training program of classroom and/or behind the wheel testing for the purpose of certifying to the Secretary of State that a driver applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508].~~

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

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- b) The ~~Department~~Secretary of State shall not require an actual demonstration of the ability of the driver applicant to operate and exercise ordinary and reasonable control of a motor vehicle for purposes of third-party certification programs, if the third-party certifying entity complies with the following requirements:
- 1) License Required – No person, firm, association, partnership or corporation shall operate a third-party certification program, unless a license has been issued by the Secretary of State.
 - 2) Certify Only Employees or Members – A third-party certifying entity shall certify only those driver applicants who are employed and on the payroll of the entity at the time of certification. Third-party entities that are unions or fire departments shall certify only those driver applicants who are members at the time of certification.
 - 3) A third-party certification entity shall not enter into any agreement with employees/members they certify that provides for compensation, reimbursement or any form of consideration, including but not limited to monies, credits, services, or payroll withholding, payable to the third-party entity, in exchange for training and/or testing from the employee/member ~~who~~that is certified.
 - 4) A third-party certification entity shall not accept compensation, reimbursement or any form of consideration, including but not limited to monies, credits, services, or payroll withholding, in exchange for training and/or testing from any employee/member ~~who~~that is certified.
 - 5) A third-party certification entity shall not engage in or permit any type of fraudulent activity, with reference to either any certified individual or the Secretary of State.
- c) Licenses May Not Be Assigned. No individual, partnership, association or corporation may sell, assign, barter or trade a third-party certification license or safety officer license issued by the Department. When an application is submitted for an original third-party certification license or safety officer license, the applicant or applicants shall not conduct any business as a third-party certifying entity or safety officer until a license is issued by the Department pursuant to the requirements contained in subsections (d) and (i). ~~Issuance and Renewal of~~

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Licenses

- 1) ~~When an application is submitted for an original third-party certification license, or safety officer license, the applicant or applicants shall not conduct any business as a third-party certifying entity or safety officer until a license is issued by the Secretary of State pursuant to the requirements contained in subsections (d) and (i) of this Section.~~
 - 2) ~~When an application is made for the renewal of an existing third-party certification license or a safety officer license, the applicant shall have the authority to continue to conduct business as a third-party certifying entity or a safety officer until the renewal application is granted or denied by the Department, provided the application has been filed in a timely manner as provided in subsection (f)(4) of this Section. The application for the license shall be made in the same manner as an application for an original third-party certification license or safety officer license.~~
 - 3) ~~Licenses may not be assigned. No individual, partnership, association, or corporation may sell, assign, barter or trade a third-party certification license or safety officer license issued by the Secretary of State.~~
 - 4) ~~The Secretary may allow entities, otherwise ineligible to be licensed as a third-party certifying entity, to conduct a third-party certification program on a trial basis, not to exceed 1 year. At the close of the trial period, the Secretary will determine whether the entities participating in the pilot program shall be granted third-party certification entity status under this Section.~~
- d) Requirements – Third-Party Certification Entities
- 1) The entity shall have at least one employee who is licensed ~~or qualified to be licensed~~ as a safety officer for the third-party certification program. A safety officer may only test and certify individuals in the class that is indicated on the~~his or her~~ safety officer license.
 - 2) The entity shall have a regularly established place of business in the State of Illinois ~~and operate or have access to appropriate vehicles~~, with the exception of employers having a regular place of business in a contiguous state, i.e. e.g., Indiana, Missouri, Wisconsin, Iowa and Kentucky. Any

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entity having its headquarters in a border state and requestingwishing to participate in the third-party certification program, shall have an appointed agent, for purposes of this program, who is licensed as a safety officer and holds a valid Illinois driver's license or a CDL issued by a contiguous state.

- A) The established place of business of each third-party certifying entity must consist of at least the following permanent facilities:
- i) an office facility;
 - ii) appropriate space (an area at least 15 feet wide by 100 feet long) to conduct all basic control skills tests pursuant to Section 1030.85.
- B) A third-party certifying entity that has an established place of business may operate a branch facility, provided the branch facility meets all requirements of the main facility pursuant to subsections (d)(2)(A) and (d)(2)(D).
- C) Upon receipt by the Secretary of State of a written request to open a branch facility, an authorized representative of the Secretary of State shall inspect the branch facility and, if it complies with the provisions of this Section, shall issue the appropriate license that must be displayed in a visibly prominent place in the branch facility.
- D) Each location must comply with public health and safety standards contained in the Public Building Egress Act [415 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].
- 3) The entity shall submit to the Department a copy of any subcontract of services described in this Part.
- 4) The entity shall have a prescribed physical driving course for each location and be required to meet a driving skills test with the same minimum standards as the course used for testingexamination by the Department pursuant to Section 1030.85Secretary of State (92 Ill. Adm.

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~~Code 1030.85).~~

- 5) The entity shall have access to a properly registered motor vehicle ~~that~~which meets the definition of the vehicle group of the classification that the ~~employee/member~~driver applicant operates or expects to operate.
- 6) The entity shall provide the ~~employee/member~~driver applicant, who takes and passes the skills tests, with documented proof (Secretary of State's ~~Road Test Score Sheet form~~driver test form) ~~that of the same, which~~ shall be evidence to the Department that the individual has successfully passed the skills tests administered by the third-party certifying entity.
- 7) The entity shall collectively submit completed application forms to the Department for each main office, branch office and safety officer.
- 8) The entity shall have and use a business telephone listing for all business purposes.
- 9) If a licensed safety officer is temporarily suspended, laid-off or discharged by a third-party certifying entity, the entity shall immediately notify the ~~Department~~Secretary of State, on forms furnished by the ~~Department~~Secretary of State, of the name, address and license number of the safety officer, ~~the~~such officer's termination date and reason for termination. In all cases ~~in which~~where a safety officer has ceased working for the third-party certifying entity, the safety officer must surrender ~~the third party safety officer~~his/her license to the ~~Department~~Secretary of State.
- 10) Facility
 - A) ~~The established place of business of each third party certifying entity must consist of at least the following permanent facilities:~~
 - i) ~~an office facility;~~
 - ii) ~~appropriate space (an area at least 15 feet wide by 100 feet long) to conduct all basic control skills tests (92 Ill. Adm. Code 1030.85).~~

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- ~~B) A third party certifying entity which has an established place of business may operate a branch facility provided the branch facility meets all requirements of the main facility pursuant to subsections (d)(10)(A) and (d)(10)(D) of this Section.~~
- ~~C) Upon receipt by the Secretary of State of a written request to open a branch facility, an authorized representative of the Secretary of State shall inspect the branch facility and, if it complies with the provisions of this Section, shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.~~
- ~~D) Location must comply with public health and safety standards contained in the Public Building Egress Act [415 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].~~
- 1044) Records – All third-party certifying entities licensed by the Secretary of State must maintain the following records for a period of four years, at the licensed location where the testing took place: a record showing the name and address of each driver certified by the entity, the instruction permit or driver's license number of every driver certified, and the results of the final skills test, including endorsements, given to each driver applicant, the name of the safety officer who administered the skills test and the license plate number of the vehicle used to conduct the test.
- A) The name and address of each employee/member certified by the entity, the instruction permit or driver's license number of every employee/member, the results of the final skills test, including endorsements, given to each employee/member, the name of the safety officer who administered the skills test, and the license plate number of the vehicle used to conduct the test.~~All records must be maintained for a period of 4 years.~~
- B) Proof of eligibility for certification of each employee/member certified.~~Proof of eligibility for certification and final skills tests results for each driver applicant must be kept at the location where the road test was given.~~

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- C) Proof of proper training for each CDL certified employee/member~~Maintain proof of training course completion for each individual CDL certified,~~ who ~~did~~ does not hold a valid CDL at the time of testing, shown on the form provided by the Department Secretary of State, or an equivalent form approved by the Department Secretary of State.

1142) Auditing – CDL Driving Skills Test

- A) All third-party certifying entities must allow the Department Secretary of State and FMCSA Federal Highway Administration or its representatives to conduct random examinations, inspections and audits without prior notice pursuant to 49 CFR 385.~~7585~~, including audits of employment records of individuals certified by the third-party certification entity and any and all agreements or contracts governing the employer/employee relationship or entity/member relationship as it pertains to training or testing.
- B) All third-party certifying entities must allow the Department Secretary of State to conduct on-site inspections at least annually.
- C) The Department Secretary of State or his designee shall annually re-examine a sample percentage of the certified employees/members~~driver applicants~~ to compare pass/fail results and determine the percentage of certified individuals~~driver applicants~~ employed by, or who are members of, the third-party certifying entity.
- i) If the results of the random examination reflect a failure rate greater than the Department's current Secretary of State's acceptable failure rate of 20 percent, the third-party entity will be notified in writing of the need to retrain the failed applicants.
- ii) The retraining must be completed within 30 days after the random examination, at which time the trainee must be referred to the Secretary of State to be skills tested.

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- iii) The Commercial Driver Training School ~~Section~~ will determine the location and time of the re-testing ~~Secretary of State retests~~.
- D) The ~~Department~~ Secretary of State may re-examine any individual who was tested and certified by a third-party certification entity.
- 1213) Display of Licenses – Each third-party certifying entity shall display in a prominent place at the established place of business the following:
- A) The State license issued to the third-party certifying entity; and
- B) Safety officer licenses of all safety officers employed by the third-party certifying entity.
- 1314) ~~Prior to CDL certification, the third-party certification entity must provide training on the CDL skills tests as specified in subparts G and H of 49 CFR 383 to each employee/member who does not currently hold, or has never held, a valid CDL. The training shall be given in equally scheduled intervals, over a period of not less than 14 days. Provide a minimum 2 week training course to each individual who is CDL certified pursuant to the recommendations of the Highway Safety 2000 Advisory Task Force and who does not hold a valid CDL at the time of testing that meets the requirements of 49 CFR 383.110-121 (1995) (49 USC 3102; 49 USC App. 12701; 49 CFR 1.49).~~
- 1415) The third-party certification entity must provide the ~~Department~~ Secretary of State with the names of all individuals ~~it that were~~ tested and certified from a non-CDL classification to a CDL classification ~~by the entity~~ whose employment/membership ~~has been~~ terminated within six ~~up to 6~~ months after the date of certification.
- A) The ~~Department~~ Secretary of State will cite these individuals to be retested in a properly classified representative vehicle in order for the individual to maintain the license classification ~~in which they were~~ originally certified.
- B) The ~~Department~~ Secretary of State will provide each entity with a

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Verification of Continual Employment form to assist the third-party certification entity in determining the names of the individuals who have terminated their employment/membership within six~~up to 6~~ months after being certified.

1516) The entity may not have a current unsatisfactory rating from ~~the U.S. Department of FMCSA as defined in 49 CFR 385.3. Transportation (see 49 CFR 385.3).~~

e) Skills Tests

- 1) Any CDL or ~~school bus~~School Bus skills tests administered by the third-party certifying entity must be conducted by a licensed safety officer as specified in ~~subparts~~Subparts G and H of 49 CFR 383.
- 2) Driving Skills – The entity shall have a prescribed physical driving course for each location and ~~is must be~~ required to administer a skills test with the same minimum standards ~~as that which would be~~ used by the ~~Department~~Secretary of State ~~as provided in Section 1030.85(see 92 Ill. Adm. Code 1030.85).~~
- 3) Pre-Trip Inspection ~~Skills~~— ~~When~~Where applicable, the entity shall test and the ~~employee/member~~driver applicant shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:
 - A) locate and verbally identify air brake operating controls and monitoring devices;
 - B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;
 - C) inspect low pressure warning devices to ensure they will activate in emergency situations;
 - D) ascertain, with the engine running, that the system contains an adequate supply of compressed air;
 - E) determine that the required minimum air pressure build up at the

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time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and

- F) operationally check the brake system for proper performance.
- 4) Restrictions and/or Endorsements – Third-party certification entities conducting road tests for restrictions, ~~and/or~~ passenger endorsements and/or school bus endorsements must meet a skills test with the same minimum standards as a test administered an exam offered by the Department as provided in Section 1030.92 Secretary of State for the restriction and/or endorsement (see 92 Ill. Adm. Code 1030.92).
- 5) Third-party certifying entities conducting road tests for motorcycle and non-CDL A, B or C classifications are not bound by subsections (e)(1) through (4), but instead must meet a road driving skills test prescribed by the Department as provided in Section 1030.85 Secretary of State for these classifications, judged by the same minimum standards, and conducted by a licensed safety officer (92 Ill. Adm. Code 1030.85).
- A) Motorcycle skills tests must include at least the following:
- i) basic vehicle control skills;
 - ii) safe driving skills;
 - iii) visual search;
 - iv) speed and space management; and
 - v) mounting and dismounting.
- B) Non-CDL A, B or C classification road skills tests must include at least the following:
- i) basic vehicle operation;
 - ii) safe driving skills;

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- iii) speed and attention;
 - iv) lane and right of way observance;
 - v) obeying traffic control devices;
 - vi) use of special equipment.
- 6) Require Instruction Permit – Before ~~an employee/member a driver applicant~~ may be skills tested and certified by a third-party entity, the ~~employee/member driver applicant~~ must obtain an instruction permit from the ~~Department Secretary of State~~ for the specific vehicle classification in which he/she intends to be licensed. The ~~employee/member driver applicant~~ must hold a valid instruction permit for a period of at least ~~two~~2 weeks prior to being skills tested and certified by a third-party entity, if not currently licensed in the classification representative of the vehicle the ~~employee/member applicant~~ intends to drive.
- f) Issuance ~~and Renewal~~ of Third-Party Certifying Entity Licenses
- 1) ~~Issuance of Licenses to Third Party Certifying Entity~~— The ~~Department Secretary of State~~ shall issue a license to conduct ~~business as a~~ third-party certification program when ~~the Secretary of State is satisfied that~~ the entity applying for a third-party certification license has met the requirements ~~under this Section~~.
 - 2) All licenses issued to any third-party certifying entity shall remain valid ~~indefinitely~~ unless canceled, suspended or revoked. The ~~Department Secretary of State~~ shall send affidavits to, and conduct audits of, each licensee annually ~~in order~~ to determine that the licensee remains in compliance with the requirements ~~of this Section~~.
- g) Denial, Cancellation, Suspension, and Revocation of Third-Party Certifying Entity Licenses
- 1) The Secretary of State shall deny an application for a third-party certifying entity license ~~or renewal~~:
 - A) to any entity that submits a fraudulent application.

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- B) to any entity that currently employs individuals ~~currently~~also employed by the Secretary of State.
- C) to any entity that owes outstanding fees to the Secretary of State.
- D) to any third-party certifying entity that lacks a safety officer.
- E) ~~for~~ any third-party certifying ~~entity's physical~~entity that fails to ~~meet~~ location ~~that~~standards:
- i) fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].
 - ii) fails to have a telephone that is registered to the third-party certification entity.
- F) to any third-party certifying entity with a current unsatisfactory rating from ~~the U.S. Department of~~FMCSA ~~Transportation~~.
- G) to any commercial driver training school.
- H) to any third-party certification entity that enters into any agreement with employees/members they certify that provides for compensation or any form of consideration, including but not limited to monies, credits, services, or payroll withholding, in exchange for training and/or testing from the certified employee/member ~~that is certified~~.
- I) to any third-party certification entity that accepts compensation or any form of consideration, including but not limited to monies, credits, services, or payroll withholding, in exchange for training and/or testing from any certified employee/member ~~who~~that is certified.
- 2) The ~~Department~~Secretary of State shall cancel a third-party certifying entity license for failing to correct, after ~~five~~being served written notice

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~~giving 5 business days to correct, any violation of the following regulations and laws governing third-party entities:~~

- A) the entity employs individuals ~~currently~~also employed by the Secretary of State.
 - B) the entity owes outstanding fees to the Secretary of State.
 - C) the third-party certifying entity lacks a safety officer.
 - D) the third-party certifying entity fails to meet location standards by:
 - i) ~~failing~~fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].
 - ii) ~~failing~~fails to have a telephone that registers to the third-party certification entity.
 - E) the entity currently has an unsatisfactory rating from ~~the FMCSA~~U.S. Department of Transportation.
 - F) the entity is a commercial driver training school.
- 3) The ~~Department~~Secretary of State shall suspend for up to one year or revoke a third-party certifying entity's license for any violation of this Section~~a third-party certifying entity's license 3 months, depending upon the severity of the infraction, upon evidence of the following:~~
- A) ~~improper recordkeeping in violation of subsection (d)(11) of this Section.~~
 - B) ~~failure by the entity's certified driver applicants to pass skills tests upon re-examination, pursuant to subsections (c) and (d)(12) of this Section.~~
 - C) ~~any violation of this Part.~~

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- ~~D) failure to provide the required training to individuals that were CDL-certified and did not hold a valid CDL at the time of testing.~~
- ~~E) failure to notify the Secretary of State with names of individuals that were certified from a non-CDL classification to a CDL classification and whose employment/membership was terminated up to 6 months after the date of certification.~~
- 4) The Secretary of State shall suspend a third-party certifying entity's license up to 6 months, depending upon the severity of the infraction, upon evidence of the failure to produce records upon demand of the auditing agency.
- 5) The Secretary of State shall suspend a third-party certifying entity's license up to 1 year, depending upon the severity of the infraction, if it is discovered the entity is certifying applicants who have not obtained instruction permits and/or have not maintained such instruction permits for at least 2 weeks prior to testing and certification.
- 6) The Secretary of State shall revoke the third-party certifying entity's license upon evidence of the following:
 - A) the entity submitted a fraudulent application.
 - B) if the entity engages in or permits any type of fraudulent activity, either with reference to any certified individual or the Secretary of State.
 - C) the third-party certification entity enters into an agreement with employees/members they certify that provides for compensation or any form of consideration, including but not limited to monies, credits, services, or payroll withholding in exchange for training and/or testing from the employee/member that is certified.
 - D) the third-party certification entity accepts compensation or any form of consideration, including but not limited to monies, credits, services, or payroll withholding in exchange for training and/or testing from any employee/member that is certified.

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- h) Issuance of Safety Officer License~~Issuance and Renewal of Safety Officer License~~
- 1) ~~Issuance of Licenses to Safety Officers~~—The ~~Department~~Secretary of State shall issue a license to each safety officer when ~~the Secretary of State is~~satisfied that ~~thesuch~~ person has met the qualifications required under this Section. Each third-party certification safety officer license shall authorize the licensee to test for only the employer indicated on the license, except when the safety officer is employed by an entity providing contractual services to the third-party certification entity.
 - 2) An individual may be issued two~~2~~ safety officer licenses in the following combinations:
 - A) as a safety officer for two~~2~~ governmental agencies;⁵ or
 - B) as a safety officer for a private entity and a governmental agency.
 - 3) All licenses issued to any safety officer shall remain valid ~~indefinitely~~ unless canceled, suspended or revoked.
- i) Safety Officer
- 1) Requirements. ~~The Secretary of State shall not issue a safety officer license:~~
 - A) A safety officer may only test and certify individuals in the class that is indicated on his/her safety officer license, unless the safety officer applicant is 21 years of age.
 - B) A safety officer who intends to skills test individuals for CDLs or school bus permits must: if the applicant fails to properly make application for such license:
 - i) complete the third-party CDL training sessions administered by the Department's Commercial Driver Training Section. The written test will consist of 30 questions pertaining to the Secretary of State Examiners Guide for CDL and will be offered by the Department's

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Commercial Driver Training Section at periodic intervals. In order to pass the written test, an individual shall answer at least 24 questions correctly. The third-party school bus program will have an additional 10 questions and the individual must answer eight questions correctly in order to pass.

- ii) pass a CDL skills test in the classification and/or endorsements in which the individual intends to skills test. The Department's Commercial Driver Training Section will offer this test at periodic intervals. Each individual will be given a maximum of three opportunities in a 12-month period to pass the CDL safety officer test. An individual applying for a CDL safety officer license may be allowed to attempt the road test a second time in the same day during normal business hours of the Driver Services Facility if he/she fails the first attempt to pass the road test. However, an individual who demonstrates a danger to public safety during the first attempt to pass a road test will not be allowed to make a second or subsequent attempt during the same day. An individual will not be allowed to make a third attempt to pass a road test on the same day in which he/she failed the previous attempt. Individuals who have failed the third test must wait at least one year from the date of the third failure before making a new application.
- C) A safety officer must conduct skills testing in accordance with subsection (e).if the applicant submits a fraudulent application.
- D) A safety officer shall not engage in or permit any type of fraudulent activity, either with reference to any certified individual or the Secretary of State.if the applicant owes outstanding fees to the Secretary of State.
- E) A safety officer must maintain records in accordance with subsection (d)(10).if the applicant's driver's license is currently canceled, suspended or revoked.

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- F) ~~unless the safety officer applicant is employed by a third party certifying entity.~~
- G) ~~unless the safety officer applicant has, for at least 2 years immediately preceding application, a valid driver's license in the specific classification in which he/she intends to test and, if intending to skills test school bus permit applicants, a current, valid school bus driver permit.~~
- H) ~~to any person intending to skills test CDL driver applicants or school bus permit applicants who:~~
- i) ~~has not completed the third party CDL training session administered by the Secretary of State, Driver Services Department's Commercial Driver Training section. The written test will consist of 30 questions pertaining to Secretary of State Examiners Guide for CDL and will be offered by the department at periodic intervals. In order to pass the written test an individual shall answer at least 24 questions correctly. The third party school bus program will have an additional 10 questions and the individual must answer 8 questions correctly in order to pass.~~
 - ii) ~~has not passed a CDL skills examination in the classification and/or endorsements in which they intend to skills test. The department will offer this examination at periodic intervals. Each applicant will be given a maximum of 3 opportunities in a twelve month period to pass the commercial driver's license safety officer examination. An applicant for a commercial driver's license safety officer may be allowed to attempt the road test a second time in the same day during normal business hours of the Driver Services facility if he/she fails the first attempt to pass the road test. However, if the applicant demonstrates a danger to the public safety during his/her first attempt to pass a road test, he/she will not be allowed to make a second or subsequent attempt during the same day. An applicant will not be allowed to make a third attempt to pass a road test on the same day in which he/she~~

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~~failed the previous attempt. Individuals who have failed their third examination must wait at least 1 year from the date of the third failure before making a new application.~~

- ~~I) to any person whose driver's license has been suspended or revoked, within a period of 5 years after the date of application.~~
 - ~~J) to any person who fails to properly make application for such safety officer's license or otherwise indicates that he/she is unqualified to receive such a license.~~
 - ~~K) to any person who is currently a salaried employee of the Secretary of State.~~
 - ~~L) to the applicant who does not meet the requirements provided in subsection (i)(1)(H) of this Section.~~
 - ~~M) to the applicant who does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to skills test.~~
 - ~~N) to any applicant who has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof.~~
 - ~~O) to any individual who has failed to comply with the provisions of this Part.~~
 - ~~P) to any person who is an owner or an instructor of a commercial driver training school.~~
- 2) Denial of License. The ~~Department~~Secretary of State shall deny a safety officer's license upon evidence the individual~~that~~:
- A) has been convicted of driving under the influence of alcohol and/or other drugs (see IVC Section 11-501), leaving the scene of a fatal accident (see IVC Section 11-401), reckless homicide (see Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3]), reckless driving (see IVC Section 11-503), or similar out-of-state offenses within 10 years prior to the date of application; or has been

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~~convicted two or more times of any of these offenses or combination of these offenses within 20 years prior to the date of application. the applicant has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; or reckless homicide or reckless driving, or is suspended under Section 6-206(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code within 5 years prior to the date of application.~~

- B) ~~the applicant~~ fails to properly make application for ~~thesueh~~ license.
- C) ~~the applicant~~ is not employed by a third-party certifying entity.
- D) ~~the applicant~~ is currently a salaried employee of the Secretary of State.
- E) ~~the applicant~~ is not at least 21 years of age.
- F) ~~the applicant~~ submits a fraudulent application.
- G) ~~the applicant~~ owes outstanding fees to the Secretary of State.
- H) ~~held a the applicant's~~ driver's license ~~that~~ is currently canceled, suspended or revoked.
- I) ~~held a the applicant's~~ driver's license ~~that washas been~~ suspended or revoked within a period ~~ofafter five5~~ years ~~prior toof~~ the date of application. However, suspensions related to auto emissions, ~~failure to pay child support~~ and parking ~~will not be consideredare exempt from the five year period after the suspension is terminated.~~
- J) ~~the applicant~~ has not held, for at least ~~two2~~ years immediately preceding application, a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to test, ~~or the equivalent under the classification system prior to April 1, 1990.~~

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- K) ~~the applicant~~ does not meet the requirements ~~of provided in~~ subsection (i)(1)(~~BH~~) ~~of this Section~~.
- L) ~~the applicant does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to skills test.~~
- LM) ~~the applicant~~ is an owner or instructor of a commercial driver training school.
- M) has been suspended pursuant to IVC Section 11-501.1, 11-501.6 or 11-501.8 within the 10 years prior to the date of application, or has had two or more suspensions pursuant to IVC Section 11-501.1, 11-501.6 or 11-501.8, or combination thereof, within the 20 years prior to the date of application.
- N) violated any subsection of this Section.
- 3) The ~~Department~~Secretary of State shall immediately cancel a safety officer's license upon evidence that the individual:
- A) held a ~~the individual's~~ driver's license that is currently canceled, suspended or revoked.
- B) ~~the individual's driver's license has been suspended or revoked within a period of 5 years after the date of application. However, suspensions related to auto emissions and parking are exempt from the 5 year period after the suspension is terminated.~~
- BC) ~~the individual~~ has not held, for at least two~~2~~ years immediately preceding application, a valid license in the classification and/or endorsement in which the individual~~he/she~~ intends to test ~~or the equivalent under the classification system prior to April 1, 1990, unless it is a CDL classification or endorsement.~~
- CD) ~~the individual~~ intends to skills test CDL employees/members~~driver applicants~~, but has not received training equivalent to Driver Services Facility employees~~that given to Secretary of State examiners~~ administering CDL driving skills tests.

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- ~~DE)~~ ~~the individual~~ is no longer employed by the third-party certification entity or no longer has a valid license.
- ~~EF)~~ ~~the individual~~ is currently a salaried employee of the Secretary of State.
- ~~FG)~~ ~~the individual~~ owes outstanding fees to the Secretary of State.
- ~~H)~~ ~~the individual fails to administer a minimum of 12 skills tests to candidates for employment or membership as required in subsection (b)(3)(B) of this Section.~~
- ~~GF)~~ ~~the individual~~ is an owner or instructor of a commercial driver training school.
- 4) The ~~Department~~Secretary of State shall suspend for up to one year or ~~for up to one year or~~ revoke a safety officer's license for any violation of this Section. ~~for any violation of this Section.~~
- A) ~~if it is discovered the safety officer is certifying applicants who have not obtained instruction permits, and/or have not maintained such instruction permits for at least 2 weeks prior to testing and certification.~~
- B) ~~for improper record keeping in violation of subsection (d)(11) of this Section; and~~
- C) ~~upon any violation of this Part.~~
- 5) The ~~Secretary of State~~ shall revoke a safety officer's license upon receipt of evidence that:
- A) ~~the individual has been convicted of driving under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; or reckless homicide or reckless driving, or is suspended under Section 6-206(a)(3) or 11-501.1 of the Illinois Vehicle Code within 5 years prior to the date of application.~~
- B) ~~the individual submits a fraudulent application.~~

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- ~~€)~~ ~~the individual engages in or permits any type of fraudulent activity, either with reference to a student or the Secretary of State, which includes but is not limited to certifying a person not eligible.~~
- ~~56)~~ The ~~Department~~Secretary of State shall have the discretionary authority to issue warning letters to third-party certifying entities or safety officers for violations of ~~this Section~~the regulations and laws governing commercial driver training schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.
- j) Hearings
- 1) Prior to the denial of a third-party entity and/or safety officer's license, the Department shall send written notice to that person and/or entity. The third-party entity and/or safety officer may request a formal hearing contesting the denial.~~If a formal hearing is requested, the request must be in writing during the notice period.~~ The basis for denial of a license is stated in subsections (g)(1) through ~~(36)~~ and (i)(2)(A) through ~~(OL)~~of this Section.
- 2) Prior to the suspension or revocation of the license or accreditation of a third-party certifying entity or safety officer, the Department will conduct a hearing in accordance with 92 Ill. Adm. Code 1001, Subpart A and IVC Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], in which~~wherein~~ the Department will present competent evidence to establish violations of any regulations or laws governing third-party entities and/or safety officers and seek the appropriate sanctions~~in accordance with this Section.~~
- k) Review Under Administrative Law. Judicial Review – The action of the Secretary of State in canceling, suspending, revoking or denying any license under this Act shall be subject to judicial review in accordance with IVC in the Circuit Court of Sangamon County or the Circuit Court of Cook County, pursuant to Section 2-118 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-118] and the provisions of the Administrative Review Law [735 ILCS 5/Art. III3].~~All the provisions and modifications thereto, and all the rules adopted thereto, are hereby adopted and shall apply to and govern every action for judicial review of the final acts or decisions of the Secretary of~~

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~~State under this Section.~~

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.63 Religious Exemption for Social Security Numbers

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

~~"Department"—Department of Driver Services within the Secretary of State's Office.~~

~~"Distinctive Number"—a number listed in sequential order.~~

~~"Driver Services Facility"—establishments throughout the state for the purposes of issuing driver's licenses and providing to the public other necessary services connected with driving.~~

~~"Organized Religion"—a group of persons with the same or similar beliefs brought together to exercise those beliefs.~~

~~a~~b) Members of religious groups whose faith will not permit them to obtain social security numbers may request the social security number be omitted on their driver's license application.

~~b~~e) The applicant for a special religious number shall state in the person's his or her own handwriting on an exception form, supplied by the Secretary of State at a Driver Services Facility driver services facility, that he or she is a member of a certain religious group and that the person wants he or she wishes to apply for a driver's license without applying for a social security card. The applicant shall affix his or her signature then sign his or her name immediately after the statement on the exception form.

~~c~~d) Personnel at the Driver Services Facility driver services facility shall complete the exception form, attach it to the application for a driver's license, and mail it to the Director of Driver Services, 2701 S. Dirksen Parkway, Springfield, Illinois, 62723. The exception form shall contain the applicant's full name and of the applicant and his or her address, including the county. It shall also contain the applicant's driver's license or identification card i-d-number. This information shall appear as it was furnished on the application.

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- de) The application and exception form shall indicate 000-00-0000 for the social security number.
- ef) The applicant shall be issued a ~~ninety (90-)~~ day temporary driver's license and a receipt if all other requirements have been met.
- fg) The applicant shall sign an affidavit, supplied by the Secretary of State, stating that the use of a social security number on a driver's license file is against his or her religious convictions and stating the reasons why the applicant holds these beliefs. The affidavit shall also contain a statement from his/her religious leader or minister attesting that the use of a social security number is against the religious convictions of the applicant's faith. The submitted affidavit shall be notarized ~~by a notary public~~.
- gh) The affidavit shall be sent to the Director of Driver Services, 2701 S. Dirksen Parkway, Springfield, Illinois, 62723. The Department will ~~Driver Services shall~~ contact the religious leader to verify the information. The affidavit shall be attached to the original application and examined for compliance with this Section ~~rule~~.
- hi) The applicant shall be notified in writing by ~~a letter from~~ the Director of Driver Services ~~the Department~~ that the application has been approved or rejected because the applicant failed to comply with the provisions of this Section ~~rule~~.
- ij) If approved, the applicant shall return to the Driver Services Facility ~~driver services facility~~ with the letter of approval ~~and the~~ receipt to ~~and shall~~ be issued a driver's license with a distinctive number assigned by the Department in lieu of the social security number. If rejected, the applicant shall be notified of the ~~he/she has a~~ right to request an administrative hearing pursuant to 92 Ill. Adm. Code 1001 and IVC Section 2-118 ~~of the Illinois Vehicle Code (Ill. Rev. Stat. 1985, ch. 95½, par. 2-118)~~.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.65 Instruction Permits

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

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~~"Applicant"—a person applying for an instruction permit.~~

~~"Approved Driver Education Course"—~~

~~a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8], or~~

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

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

~~"Certificate of Completion"—a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in Art. IV of the Illinois Driver License Law (Commercial Driver Training Schools) [625 ILCS 5/Ch. 6, Art. IV] and 92 Ill. Adm. Code 1060.~~

~~"Class D Instruction Permit"—a permit to operate any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials that would require placarding or when towing any vehicle providing the gross combination weight rating is less than 26,001 pounds.~~

~~"Class L Instruction Permit"—a permit to operate a motor driven cycle with less than 150 cc displacement.~~

~~"Class M Instruction Permit"—a permit to operate any motorcycle or any motor driven cycle.~~

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~~"Classroom Instruction"—the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code.~~

~~"Commercial Driver Instruction Permit"—a driving permit that authorizes an individual to operate a commercial motor vehicle, as defined in 625 ILCS 5/6-500, issued pursuant to Sections 6-103, 6-105, 6-107.1, 6-507(a) and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105, 6-107.1, 6-507(a) and 6-508].~~

~~"Competent Medical Specialist"—a person licensed under Section 3 of the Medical Practice Act [225 ILCS 60/3] or similar law of another jurisdiction to practice medicine in all of its branches.~~

~~"Department"—the Department of Driver Services within the Office of the Secretary of State.~~

~~"Driver Rehabilitation Specialist"—a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or a related profession (or equivalent of 8 years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 clock hours must be gained from attending ADED approved courses or workshops).~~

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

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

~~"Favorable Medical Report"—a current medical report that has been completed in its entirety which does not require additional information and/or clarification or is not medically questionable. A favorable medical~~

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~~report specifies a professional opinion from the competent medical specialist that the driver is medically fit to safely operate a motor vehicle.~~

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

~~"Illinois Medical Restriction Card"—a card that specifies special limitations to a person's driving privileges as provided in Section 6-113 of the Illinois Vehicle Code [625 ILCS 5/6-113].~~

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

~~"Instruction Permit"—a driving permit issued pursuant to Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [615 ILCS 5/6-103, 6-105 and 6-107.1].~~

~~"Medical Report"—a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver. A medical agreement as defined in Section 1030.16, upon execution by the driver, shall be incorporated into and maintained on file with the driver's medical report.~~

~~"Minor"—a person under 18 years of age.~~

~~"Regularly Scheduled Classroom Instruction"—the continuous and uninterrupted education course that takes place during the specific time~~

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~~period (i.e., quarter) in which the school has scheduled the student to participate.~~

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

~~"Temporary Visitor's Instruction Permit"—a driving permit issued to a foreign national pursuant to this Section and Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105 and 6-107.1].~~

- ~~ab)~~ A person who wishes to practice driving before obtaining ~~a his/her~~ driver's license shall obtain an instruction permit from a ~~Secretary of State's~~ Driver Services ~~Facility~~ facility. Upon receipt of an instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or ~~a~~ person in loco parentis, who is 21 years of age or more and has a license classification to operate the vehicle and at least one year of driving experience, and ~~who~~ is occupying a seat beside the driver.
- ~~be)~~ Any foreign national wishing to practice driving before obtaining a driver's license shall obtain a temporary visitor's instruction permit, Class D, L or M only, from one of the selected ~~Secretary of State~~ Driver Services ~~Facilities~~ facilities located throughout the State. Upon receipt of a temporary visitor's instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member, or ~~a~~ person in loco parentis, who is 21 years of age or more, has a license classification to operate the vehicle, has at least one year of driving experience, and ~~who~~ is occupying a seat beside the driver.
- ~~cd)~~ An instruction permit issued to any foreign national shall only be in a Class D, L or M as established in Section 1030.30.
- ~~de)~~ The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's instruction permit shall be in accordance with ~~IVC~~ Section 6-118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)].~~
- ~~ef)~~ A minor who wishes to receive an instruction permit shall be at least 15 years old and enrolled in a driver education course. Any minor who has been enrolled in an

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approved driver education program out-of-state shall provide proof of ~~that such~~ enrollment before an Illinois instruction permit will be issued. Proof shall consist of a letter from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State. The minor shall complete a driver education course prior to applying for a driver's license before the minor is 18 years of age. If the minor is 16 years of age or older and possesses a certificate of completion or the equivalent from another state's driver education program, the minor shall be eligible to receive an Illinois driver's license upon successful completion of the vision, written and/or road tests. The equivalent of an Illinois certificate of completion from an out-of-state driver education course shall include, but is not limited to, transcripts from the out-of-state attendance center indicating successful completion of the course of instruction or a letter from the state's driver's licensing authority on agency letterhead, attesting to the minor's successful completion of a driver education course approved by the office that regulates education.

- ~~(f)~~ (g) A minor who is at least 15 years and ~~six~~6 months of age may obtain an Illinois instruction permit prior to being enrolled in a driver education course, provided the minor:
- 1) Submits written documentation, on a form prepared or approved by the Secretary of State, stating that the minor is enrolled in school; meets the educational requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and ~~IVC Section 6-103(1) of the Illinois Vehicle Code [625 ILCS 5/6-103(1)]~~ and signed by a superintendent or chief administrator that states, through no fault of the minor, the minor will be unable to be enrolled in a driver education course until after the minor's 16th birthday and the school would have no objection to the issuance of the instruction permit; and
 - 2) Successfully completes the written and vision examinations administered either by an approved driver education instructor or the Secretary of State.
- ~~(g)~~ (h) An instruction permit issued to a minor under subsection (g) may be canceled upon receipt of a report from the minor's school on the school letterhead, or other proof deemed acceptable by the Secretary of State, stating the minor has failed to enroll in a driver education course.
- ~~(h)~~ (i) The minor who is not legally emancipated by marriage or court order shall have

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the application signed by a parent, guardian, or person in loco parentis and the driver education instructor. The minor shall then be allowed to take the vision and written exams.

- ij) The instruction permit shall be issued to a minor for a period of 24 months upon successful completion of the written and vision exams. If an instruction permit has expired prior to the applicant completing the road test, a second fee established for instruction permits in IVC Section 6-118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]~~ must be submitted and the written and vision exams must be successfully completed. The applicant shall present another application to the Secretary of State signed by the parent, guardian, or person in loco parentis. The driver education instructor shall also sign the application unless the applicant presents a certificate of completion.
- jk) An Illinois instruction permit issued to a minor may be ~~canceled~~ cancelled if the student is certified as a chronic or habitual truant or has dropped out of school. The report shall be received from the Illinois State Board of Education in a form acceptable to the Secretary of State.
- kl) Applicants who are not minors shall also be issued instruction permits by the Secretary of State. The permit shall be issued for 12 months upon successful completion of the written and vision exams.
- lm) Applicants whose driving privileges have been canceled based upon receipt by the Department of a medical report indicating the applicant has a medical condition that impairs the applicant's ability to safely operate a motor vehicle may apply for an instruction permit. The Department shall receive a favorable medical report from a competent medical specialist describing the applicant's needs to undergo a driving evaluation with a driver rehabilitation specialist. The Department shall issue to the applicant an authorization for examination to appear at a Driver Services ~~Facility~~ facility to take the written ~~test and examination~~, vision test and submit the ~~required fee~~ required by IVC as provided in Section 6-118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]~~. Upon successful completion of the written and vision tests, the applicant shall be issued, if not otherwise prohibited, an instruction permit that shall be canceled upon receipt of a written statement from a competent medical specialist that the instruction permit holder has failed to successfully complete the driving evaluation or is otherwise unable to safely operate a motor vehicle. A medical restriction card shall be issued by the Department and must be carried with the instruction permit. Upon successful

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completion of the driving evaluation, the rehabilitation institution and a competent medical specialist shall notify the Department. The Department shall send the applicant an authorization form instructing the applicant to appear at a Driver Services ~~Facility~~facility to take the drive portion of the ~~test~~examination. Upon the applicant's successful completion of the drive examination, a driver license shall be issued.

- ~~m#~~) An applicant must be at least 16 years old to obtain a Class L instruction permit and must possess a certificate of completion at the time of application.
- ~~n#~~) A Class M instruction permit may be issued by the Secretary of State to an applicant 18 or older for a period of 12 months. A Class M instruction permit may be issued for a period of 24 months to applicants 16 or 17 years old who have obtained a certificate of completion at the time of application and have completed a motorcycle training course approved by the Illinois Department of Transportation ~~as provided by (see 92 Ill. Adm. Code 455)~~. A certificate of completion card issued by the Illinois Department of Transportation must be furnished to the Secretary of State's Office before an instruction permit ~~will~~shall be issued.
- ~~o#~~) An applicant who is 17 years and 3 months of age or older may obtain an Illinois instruction permit without being enrolled in a driver education course, provided the applicant has successfully completed the vision and written exams.
- ~~p#~~) Prior to renewing a commercial driver instruction permit, an applicant is required to successfully complete the appropriate CDL knowledge tests specific to ~~the~~that classification of permit being renewed.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.70 Driver's License Testing/Vision Screening

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

~~"Applicant"—any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.~~

~~"Binocular visual acuity"—a visual reading obtained utilizing both eyes at the same time.~~

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

~~"Current vision specialist report"—any vision specialist report completed for a driver which has been completed within 6 months prior to receipt by the Department and is signed and dated by a vision specialist.~~

~~"Denial"—any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].~~

~~"Department"—the Department of Driver Services of the Office of the Secretary of State.~~

~~"Driver"—any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.~~

~~"Driver Services facility representative"—an employee of the Department of Driver Services of the Office of Secretary of State.~~

~~"Favorable vision specialist report"—a current vision specialist report which has been completed in its entirety which does not require additional information and/or clarification. A favorable vision specialist report contains a monocular or binocular acuity reading of 20/70 or better and a peripheral field of 140° binocular or 70° temporal and 35° nasal monocular and a release signed by the driver.~~

~~"Incomplete vision specialist report"—a vision specialist report which has not been completed in its entirety. Examples of an incomplete vision specialist report include, but are not necessarily limited to: a vision specialist report which does not include the name, address, signature or professional license number of the vision specialist or the report is not dated, or contains illegible information, or fails to answer any of the questions contained within the report.~~

~~"Monocular vision acuity"—visual acuity readings obtained utilizing individual~~

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~~eye.~~

~~"Nasal vision reading"—field of vision 35° from the straight ahead.~~

~~"Peripheral vision"—vision from the outside line of direct sight toward the temporal area.~~

~~"Rescind order"—a removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.~~

~~"Restriction"—requirements or conditions added on a driver's license which must first be met by the driver before he/she may legally operate a motor vehicle.~~

~~"Temporal vision reading"—field of vision 70° from the straight ahead.~~

~~"Termination order"—the ending of an order canceling or medically denying the issuance of a driver's license to a person.~~

~~"Unfavorable vision specialist report"—a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity readings do not meet Illinois standards in accordance with this Section, or the peripheral vision readings do not meet Illinois standards in accordance with this Section or the driver would not accept or has refused the recommended correction and his/her vision readings without this correction are not favorable.~~

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

~~"Vision specialist"—a doctor licensed to practice medicine in optometry or a person licensed to test eyesight, prescribe eye lenses and perform glaucoma examinations, such as an optometrist.~~

~~"Vision specialist report"—a confidential vision questionnaire designed by the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a vision specialist containing the same information as the form designed by the Department. The report shall be directed to the Department and contain the date the vision specialist completed the report and the name, address, signature and professional license number of the vision specialist. The~~

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~~report must also contain the name, address, date of birth and driver's license number, if known, of the driver.~~

b) An applicant for an initial or renewal ~~driver's~~ license who is required to take a vision test shall comply with the following provisions:

- a) The ~~Driver Services~~ Department shall administer the vision examination to any applicant who is required to take a vision screening. However, applicants who ~~want~~ desire to use any vision aid arrangement, other than standard eye glasses, or contact ~~lenses~~ lens(es) shall submit a vision specialist report form, or in lieu of ~~that~~ such form, an ophthalmologist or optometrist statement may be submitted. Any applicant using a telescopic lens arrangement must meet the requirements ~~of as indicated in~~ Section 1030.75 ~~of this Part~~.
- b) An applicant who is required to take a vision screening must obtain a binocular (both eyes) acuity reading of 20/40 or better before being issued a ~~driver's~~ license without vision restrictions. If an applicant utilizes corrective eye glasses, contact lenses or a combination thereof in order to obtain an acceptable acuity reading, a driver's license issued to this applicant shall be restricted to operating a motor vehicle while using the corrective lenses.
- c) An applicant who obtains a binocular (both eyes) visual acuity reading of 20/41 to 20/70 inclusive may be issued a ~~driver's~~ license restricting ~~the said~~ applicant to ~~operating~~ operate a motor vehicle during daylight only.
- d) An applicant who uses eye glasses or contact lenses in binocular (both eyes) screening and has an acuity reading of 20/41 to 20/70 inclusive shall be issued a ~~driver's~~ license restricting ~~the said~~ applicant to ~~operating~~ operate a motor vehicle while wearing ~~the said~~ eye glasses or contact lenses during daylight only.
- e) A screening will be administered for ~~each individual eye~~ individual eyes to determine the need for an outside ~~rearview~~ rear view mirror.
- f) An applicant who obtains a monocular (individual eye) acuity reading ~~that, which~~ is ~~not better than~~ 20/100 with or without standard eye glasses or contact ~~lenses~~ lens(es) shall be restricted to ~~operating a motor vehicle equipped with both left and right rearview mirrors~~ a ~~outside rear view mirror(s)~~.
- g) An applicant who is required to take a vision screening must demonstrate a ~~total~~ peripheral field of at least 140° binocular or 70° ~~temporal~~ horizontal and 35° nasal

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monocular. If, an applicant only qualifies monocularly, ~~the individual~~he/she will be restricted to operating a motor vehicle equipped with both ~~a~~left and right ~~rearview mirrors~~rear-view mirror. ~~An~~Any applicant who cannot meet the minimum peripheral field of vision requirements may submit a vision specialist report ~~or in lieu of the report form, a statement from a physician, ophthalmologist, or optometrist may be submitted as indicated in subsection (b)(14) of this Section.~~

- ~~h~~8) If the applicant is wearing contact ~~lenses~~lens(es), ~~the individual~~such applicant shall not be required to remove ~~those lenses~~such lens(es) to take the vision screening.
- ~~i~~9) If the applicant ~~wants~~desires to remove the contact ~~lenses~~lens(es) in order to obtain an unrestricted license, ~~the~~said applicant may do so.
- ~~j~~10) If the applicant does not have his/her eye glasses or contact ~~lenses~~lens(es) in his/her possession~~with said applicant~~, he/she may proceed with the vision screening. If the applicant does proceed, but subsequently fails without ~~said applicant's~~eye glasses or contact ~~lenses~~lens(es), ~~the individual~~said applicant may return at a later date with the eye glasses or contact ~~lenses~~lens(es), to retake the vision screening.
- ~~k~~11) If an applicant obtains a reading without correction ~~that~~which would restrict ~~the~~said applicant to daylight driving only and/or left outside ~~rearview~~rear-view mirror, the applicant shall be issued a license or instruction permit with ~~restrictions~~a restriction, if ~~the~~said applicant has satisfied all other requirements for the issuance of a ~~driver's~~drivers license or an instruction permit. If the applicant wishes to have the license or instruction permit issued on the basis of a vision specialist's report rather than the Secretary of State's vision screening, the applicant may ~~submit a completed vision specialist report form to the Department~~exercise the option of visiting a vision specialist for an independent vision screening.
- ~~l~~12) If the applicant returns at a later date with corrective glasses or contact ~~lenses~~lens(es) ~~and with which the applicant~~ successfully meets the vision standard, the restriction will be removed.
- ~~m~~13) The appropriate fee will be required to change a restriction if the permanent ~~driver's~~drivers license has been or is in the process of being issued. If the applicant has not yet successfully completed the ~~written or~~ road test portion of the

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examination, no fee is required to change the restriction.

- n+4) An applicant may submit a current and favorable vision specialist report form if ~~the individual~~he/she fails the vision screening or ~~he/she~~ does not wish to accept a certain driving restriction.
- 1A) If the vision specialist has indicated a different acuity reading or peripheral field reading from the reading obtained at the facility, the vision specialist report will supersede the facility readings, even if it means the addition or deletion of restrictions.
- 2B) The vision specialist may indicate the driver's eyesight condition is deteriorating or warrants monitoring by recommending periodic re-examination of the driver's eyesight on the vision specialist report form. The Department must follow ~~the~~this recommendation of the vision specialist. Routine vision examinations requested by the vision specialist will not alone be ~~a, in itself~~, basis for ~~the~~this Department to request follow-up reports from the driver.
- 3C) The Department shall notify the driver of the requirement to submit an updated vision specialist report to be completed by the vision specialist and ~~the~~ driver. The driver must ~~then~~ submit the completed vision specialist report to the Department within 60 days from the date of the Department's request.
- Ai) If a current and favorable vision specialist report is not received by the Department within the ~~above~~-specified time, the driver's licensed driver shall be canceled or the driver shall be medically denied ~~a driving privileges~~driver's license pursuant to IVC Sections 6-103(8) and 6-201(a)(5) ~~of the Illinois Vehicle Code [625 ILCS 5/6-103(8) and 6-201(a)(5)]~~.
- Bi) If a driver's licensed driver is canceled pursuant to this subsection ~~(b)~~(14)(C) and a favorable vision specialist report is subsequently received, the cancellation shall be rescinded, provided an unfavorable report is not received ~~in the interim~~.
- 4D) If, ~~pursuant to this Section~~, the Department receives an unfavorable vision specialist report, the Department shall cancel or medically deny driving

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~~privilege the driver~~ pursuant to IVC Sections 6-103(8) and 6-201(a)(5) ~~of the Illinois Vehicle Code [625 ILCS 5/6-103(8) and 6-201(a)(5)]~~.

Ai) The cancellation order shall remain in effect until the driver submits a favorable vision specialist report to the Department.

Bi) Upon the termination of a cancellation under this subsection ~~(n)(b)(414)(D)~~, the person may reapply for a driver's license as outlined in IVC Section 6-106 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106]~~.

5E) ~~If, pursuant to this Section,~~ the Department receives an incomplete vision specialist report, a request shall be made for the necessary information required to process the report.

i) ~~If the Department requests additional information from the vision specialist and the Department does not receive this information, a written request shall be made to the driver.~~

Aii) If the Department does not receive this information ~~requests additional information from the driver, and the Department does not receive this information~~ within 45 days after the request, the Department shall cancel or deny the issuance or renewal of the person's driving privileges ~~driver's license~~ pursuant to IVC Sections 6-103.8 and 6-201 ~~of the Illinois Vehicle Code [625 ILCS 5/6-103.8 and 6-201]~~. Examples of an incomplete vision specialist report include, but are not limited to, omission of the name, address, signature or professional license number of the vision specialist or the date, or contains illegible information.

Biii) If a driver's license ~~driver~~ is canceled pursuant to this subsection ~~(n)(b)(514)(E)~~ and the information requested is received that which makes the vision specialist report acceptable ~~favorable~~, the cancellation shall be rescinded, provided an unacceptable ~~unfavorable~~ report is not received ~~in the interim~~.

015) Every person who has a valid driver's ~~drivers~~ license may be required to be re-examined at the discretion of the Secretary of State, as provided ~~for~~ in Section 1030.15 and IVC Section 6-109 ~~of this Part~~, to determine if the licensee meets ~~the~~

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minimum vision standards ~~as set forth in this rule.~~

- p16) The Department shall require a driver to appear at a Driver Services Facility~~facility~~ to receive a corrected driver's license if the visual acuity or visual peripheral readings warrant a change, ~~or~~ the vision specialist recommends a driver's license restriction, ~~or~~ the facility representative issued a driver's license based on the vision specialist report with the wrong restriction pursuant to Section 1030.92 ~~of this Part.~~
- q17) The Department shall provide two written notifications to the driver at the~~his/her~~ last known address ~~as~~ indicated on the Department's driving record file. The final notice shall state that failure to comply ~~with either request~~ will result in the driver's license/privileges being canceled~~driver being cited into a driver's license facility~~ in accordance with Section 1030.15 and IVC Section 6-109(a)(5)~~of this Part~~, provided a subsequent vision specialist report is not received from the same vision specialist indicating the restriction is no longer necessary.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses

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

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

~~"Current telescopic lens vision specialist report"—any vision specialist report completed for a telescopic lens user which has been completed within 6 months prior to receipt by the Department and is signed and dated by a licensed vision specialist.~~

~~"Denial"—an entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].~~

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~~"Department"—the Department of Driver Services of the Office of the Secretary of State.~~

~~"Driver"—any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.~~

~~"Driver Service facility representative"—an employee of the Department of Driver Services of the Office of the Secretary of State.~~

~~"Favorable telescopic lens vision specialist report"—a current telescopic lens vision specialist report which has been completed in its entirety which does not require additional information and/or clarification. A favorable telescopic lens vision specialist report contains a professional opinion that the applicant is safe to operate a motor vehicle, the monocular or binocular acuity reading through the telescopic lenses is 20/40 or better in both eyes, monocular or binocular acuity readings through the carrier lenses is 20/100 or better in both eyes, the peripheral readings meet Illinois vision standards, in accordance with Section 1030.70 of this Part, and with the lens arrangement in place and without the use of field enhancements, the applicant has had and been using the telescopic lenses at least 60 days prior to the date the examination is completed by the licensed vision specialist and the power of the telescopic lenses does not exceed 3.0 X wide angle or 2.2 X standard.~~

~~"Incomplete telescopic lens vision specialist report"—a telescopic lens vision specialist report which has not been completed in its entirety. Examples of an incomplete telescopic lens vision specialist report include, but are not necessarily limited to: a telescopic lens vision specialist report which does not include the name, address, signature or professional license number of the vision specialist or the report is not dated or contains illegible information or fails to answer any of the questions contained within the report.~~

~~"Licensed vision specialist"—a doctor licensed to practice medicine.~~

~~"Nighttime drive"—a road test administered during the hours of dusk to dawn.~~

~~"Nighttime driving"—The operation of a motor vehicle using a telescopic lens arrangement during the hours of dusk to dawn.~~

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~~"Nighttime driving privileges"—a privilege granted to licensed drivers to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.~~

~~"Peripheral vision"—the area of vision from the outside line of direct sight toward the temporal area.~~

~~"Rescind order"—the removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.~~

~~"Restrictions"—requirements or conditions added on a driver's license that must first be met by the license holder before he/she may legally operate a motor vehicle.~~

~~"Telescopic lens arrangement"—a non-standard adaptive device that aids in improving vision deficits.~~

~~"Telescopic lens vision specialist report"—a confidential vision questionnaire designed by the Department and approved by the Illinois Medical Advisory Board. The report shall be directed to the Department and contain the date the licensed vision specialist completed the report and the name, address, signature and professional license number of the licensed vision specialist. The report must also contain the name, address, date of birth and driver's license number of the driver, if known.~~

~~"Traffic environmental screening"—a screening designed by the Department which shall consist of the driver demonstrating the ability to recognize actual traffic conditions while using the telescopic lens arrangement while riding with and being evaluated by a Driver Services facility representative. This traffic environmental screening shall consist of 4 parts and shall be as follows: stationary driver identifying a stationary object, stationary driver identifying a moving object, moving driver identifying a stationary object and a moving driver identifying a moving object.~~

~~"Unfavorable telescopic lens vision specialist report"—a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates his/her professional opinion that the driver is not capable of safely operating a motor vehicle or the monocular or binocular acuity readings do not meet Illinois standards in accordance with this Section or the peripheral vision readings do not~~

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~~meet Illinois standards in accordance with Section 1030.70 or the power of the telescopic lenses does not meet Illinois standards in accordance with this Section.~~

- ab) A vision specialist report form, when submitted by an applicant who ~~uses~~wishes to use a prescription spectacle mounted telescopic lens arrangement, shall contain the following statement:
- 1) ~~The A statement that the~~ applicant has been fitted for a prescription spectacle mounted telescopic lens arrangement ~~that which~~ the applicant has ~~had~~ in his possession at least 60 days prior to the current application date for a ~~driver's~~drivers license.
 - 2) ~~The A statement that the~~ applicant has clinically demonstrated the ability to~~he can~~ locate stationary objects within the telescopic field by aligning the object directly below the telescopic lens and ~~simultaneously then~~ moving his or her head down and ~~his~~ eyes up ~~simultaneously~~.
 - 3) ~~The A statement that the~~ applicant has clinically demonstrated the ability to locate~~locating~~ a moving object in a large field of vision by anticipating future movement, ~~so that~~ by moving the head and eyes in a ~~coordinated~~coordinate fashion ~~and he~~ is able to locate the moving object within the telescopic field.
 - 4) ~~The A statement that the~~ applicant has clinically demonstrated the ability to recall what was~~recalling what he has~~ observed after a brief exposure, with the duration of the exposure progressively diminished to simulate reduced observation time while driving.
 - 5) ~~The A statement that the~~ applicant has clinically experienced levels of illumination ~~that which~~ may be encountered during inclement weather, or when driving from daylight into areas of shadow or artificial light, and the applicant is visually able to successfully adjust to such changes.
 - 6) ~~The A statement that the~~ applicant has experienced both being a driver and a passenger in a motor vehicle, so that he/she has practical experience of motion while objects are changing position.
- be) A driver, for an initial or renewal driver's license, who ~~uses~~desires to use a telescopic lens arrangement or other vision aid other than standard eye glasses or contact lenses, must submit a current and favorable telescopic lens vision

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specialist report to the Department.

- 1) A favorable telescopic lens vision specialist report contains a professional opinion that the applicant is safe to operate a motor vehicle, the monocular or binocular acuity reading through the telescopic lenses is 20/40 or better in both eyes, monocular or binocular acuity readings through the carrier lenses is 20/100 or better in both eyes, the peripheral readings meet Illinois vision standards, in accordance with Section 1030.70, and with the lens arrangement in place and without the use of field enhancements, the applicant has had and been using the telescopic lenses at least 60 days prior to the date the examination is completed by the licensed vision specialist and the power of the telescopic lenses does not exceed 3.0 X wide angle or 2.2 X standard.
- 24) If a current and favorable telescopic lens vision specialist report is submitted, and the driver has satisfactorily completed the written requirements and has at least ~~three~~3 years of licensed driving experience prior to the date of application, with or without the use of a telescopic lens arrangement, the driver must complete a road test accompanied by a Driver Services ~~Facility~~facility representative designated by the Department with the telescopic lens arrangement in place. Upon successful completion of the road test, a driver's license with the proper restrictions will be issued in accordance with Section 1030.92-~~of this Part~~.
- 32) If a current and favorable telescopic lens report is submitted and the driver has satisfactorily completed the written requirements and does not have at least ~~three~~3 years licensed driving experience prior to the date of application, with or without the use of a telescopic lens arrangement, the driver must complete a traffic environmental screening with the telescopic lens arrangement in place. This traffic environmental screening shall consist of four parts as follows: stationary driver identifying a stationary object; stationary driver identifying a moving object; moving driver identifying a stationary object; and moving driver identifying a moving object. Upon successful completion of the traffic environmental screening, an instruction permit shall be issued with the proper restrictions in accordance with Section 1030.92-~~of this Part~~. At the end of the six-month period following the date the instruction permit was issued, the driver's driving record will be reviewed. If the record is void of any suspensions, revocations or cancellations, either in effect or pending, a

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road test by a Drivers Services ~~Facility~~facility representative will be administered. Upon successful completion of the road test, a driver's license will be issued. If the record reflects any suspensions, revocations, or cancellations, either in effect or pending, the driver will not be eligible for a road test until ~~the his/her~~ driving privileges have been reinstated.

- 43) If the telescopic lens vision specialist report is incomplete or not current, a request shall be made to the driver for the necessary information required to process the report.
- A) If the Department requests additional information from the driver and the Department does not receive this information within 45 days after the request, the Department shall cancel or deny the issuance or renewal of the person's driver's license/privileges pursuant to IVC Sections 6-103(8) and 6-201~~6-201 and 6-103(8) of the Illinois Vehicle Code [625 ILCS 5/6-201 and 6-103(8)]~~.
- B) If a cancellation order is entered based upon an incomplete telescopic lens report or one ~~that~~which is not current and a favorable telescopic lens vision specialist report is subsequently received, a rescind order shall be entered, provided an unfavorable report is not received ~~in the interim~~.
- 54) If the Department receives an unfavorable telescopic lens report, the Department shall cancel or medically deny the driver's license/privileges~~driver~~ pursuant to IVC Sections 6-103(3) and 6-201(a)(5)~~of the Illinois Vehicle Code~~.
- A) If the Department receives a subsequent favorable telescopic lens vision specialist report, the Department shall rescind the unfavorable telescopic lens report cancellation order and allow the driver to make application for a new driver's license pursuant to IVC Sections 1-110, 6-106 and 6-109~~of the Illinois Vehicle Code [625 ILCS 5/6-110, 6-106 and 6-109]~~.
- B) Drivers who qualify to drive with the use of a telescopic lens arrangement shall be restricted to the following:
- i) Driving during daylight hours only;

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- ii) ~~Eligible~~Eligibility for a Class "D" driver's license only;
 - iii) ~~Having his/her driving record periodically reviewed by the Department~~Periodic review of the driving record by the Department in accordance with IVC Section 6-109-~~of the Illinois Vehicle Code [625 ILCS 5/6-109]~~.
- C) ~~Drivers who wish to qualify to drive with the use of a telescopic lens arrangement during nighttime hours shall be restricted to the following:~~
- i) ~~Possess a valid Class D driver's license and have operated a motor vehicle during daylight hours for a period of 12 months with a telescopic lens arrangement;~~
 - ii) ~~Have a driving record that does not include any traffic accidents that occurred during nighttime hours, in which the driver has been found at fault, during the 12 months immediately prior to application for the special restricted license;~~
 - iii) ~~As a driver who has been issued a restricted license, as defined by this Part, whose privileges to be driving during nighttime hours has not been suspended due to an accident at which the driver was found at fault, occurring during nighttime hours.~~
- 65) A current telescopic lens vision specialist report shall be submitted annually.
- A) If a current report is not received by the last day of the month the updated report is due, the driving privileges~~driver~~ shall be canceled or ~~denied~~ a driver's license denied.
 - B) If driving privileges ~~area~~ ~~driver is~~ canceled pursuant to this subsection and a current report is subsequently received, the cancellation shall be rescinded, provided an unfavorable report is not received ~~in the interim~~.

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- 76) A driver requesting nighttime driving privileges who has been driving with telescopic lenses for a period of one year and who ~~wants~~desires to use a telescopic lens arrangement to operate a motor vehicle during nighttime hours must submit a current and favorable telescopic lens specialist report or a statement provided in lieu of that form to the Department. The vision specialist form shall contain a statement from the licensed vision specialist that the driver is safe to operate a motor vehicle during nighttime hours while using a telescopic lens arrangement.
- 87) A telescopic lens driver requesting nighttime driving privileges for the first time must:
- A) Possess a valid Class D driver's license with the proper restrictions and have operated a motor vehicle during daylight hours for a period of 12 months immediately prior to making application while using vision aid arrangements other than standard eyeglasses or contact lenses, ~~with a restriction appearing on the license.~~
 - B) Have a driving record that does not include any traffic accidents that occurred during nighttime hours for which the driver has been found to be at fault during the 12 months before applying for the special restricted license.
 - C) Successfully complete a road test administered during nighttime hours.
- 98) A telescopic lens driver ~~wanting to renew~~wishing to renew his/her nighttime driving privileges must:
- A) Have a driving record that does not include any traffic accidents that occurred during nighttime hours for which the driver has been found to be at fault during the 12 months before applying for the special restricted license.
 - B) Successfully complete a road test administered during nighttime hours. If the renewal applicant refused to submit to a nighttime drive test, the applicant's nighttime driving privileges shall be ~~canceled~~cancelled.

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109) If a driver with nighttime telescopic driving privileges is found to be at fault in an accident that occurred between dusk and dawn, the nighttime telescopic driving privileges will be ~~cancelled~~.

1140) If a driver's license with the appropriate restriction is ~~cancelled pursuant to this subsection~~ and the driver submits to the drive test, the cancellation shall be rescinded.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.80 Driver's License Testing/Written Test

Any applicant for an initial or renewal driver's license who is required to take a written test pursuant to IVC Section 6-109 shall comply with the following provisions:

- a) Classification of licenses is established in Sections ~~1030.30-1030.20~~ through 1030.40 ~~of this Part~~.
- b) An applicant for a ~~Class~~ D license shall be required to take a written test consisting of not more than 35 questions, of which 80% percent must be answered correctly in order to be eligible for a ~~Class~~ D license.
- c) An applicant for a ~~Class~~ C, B, A, or L-M license shall be required to take the written test as set forth in subsection (b) ~~above~~. The applicant shall also take a written ~~test~~ examination established by the Secretary of State for the classifications and/or endorsements applied for. The number of questions required to be answered is dependent upon the classifications and/or endorsements applied for. Each written classification and/or endorsement ~~test~~ examination shall consist of not more than 35 questions, of which 80% percent must be answered correctly in order for the applicant to be eligible for the classifications and/or endorsements applied for.
- d) The written ~~test~~ examinations set forth in subsections (b) and (c) ~~of this Section~~ shall be in the English language, and may be in any other languages deemed necessary by the Secretary of State, based upon an identifiable demand.
- e) An applicant who is illiterate ~~may~~ shall be given the written ~~test~~ examination orally.

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- f) An applicant who cannot read or write in the English language, or other available foreign language, shall be eligible to take the written test~~exam~~. The Driver Services Facility~~driver facility~~ supervisor, ~~his/her assistant~~ or designee, may provide or recommend use of an interpreter for the applicant's language if an interpreter is readily available. If an interpreter is not readily available, it will be the responsibility of the applicant to obtain the services of an interpreter. The CDL~~commercial driver's license~~ knowledge test shall ~~only~~ be administered only in the English language. An interpreter shall not be ~~used~~ allowed when the applicant is attempting to complete the CDL~~commercial driver's license~~ knowledge tests.
- g) An applicant shall demonstrate ~~the~~his/her ability to read and understand official traffic control devices.
- h) Any licensee who ~~wants~~desires to change ~~a~~his/her classification and/or endorsements prior to renewal of ~~a~~such license shall be required to take the written test~~examination~~ for the classification or classifications and/or endorsements the applicant wants~~desires~~ to obtain.
- i) Prior to obtaining a commercial driver instruction permit, an applicant must successfully complete the appropriate CDL knowledge tests specific to the instruction permit classification.
- j) An applicant for a permit to operate a school bus must have in his/her possession an application for Illinois School Bus Driver's Permit Letter of Intent (Illinois State Board of Education Form 42.49, Illinois Secretary of State SB 2 Form) or its superseding form. The applicant shall be given a special test consisting of not more than 24 questions, of which 22 or 90% must be answered correctly in order to be eligible for ~~such~~ a permit.
- k) Any person found cheating on any portion of a written test will be deemed to have failed that portion of the test. In addition, that person will be prohibited from retaking the written test for a period of 30 days. For purposes of this subsection, "cheating" shall be defined as receiving or using unauthorized assistance in the taking of any portion of a test. This includes, but is not limited to, the use of any notes, books, or written information.

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- 1) All persons with a valid out-of-state CDL applying for an Illinois CDL shall be required to successfully complete the written tests set forth in subsections (b) and (c), pursuant to IVC Section 6-508(a)(1).

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.81 Endorsements

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

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

~~"Commercial Motor Vehicle"—a motor vehicle, used in commerce, having a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicles being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.~~

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

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

~~"Hazardous Materials"—means any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 (2003) or any quantity of a material listed as a select agent or toxin in 42 CFR 73 (2003).~~

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~~"Representative Vehicle"—a motor vehicle which represents the type that a driver applicant operates or expects to operate.~~

~~"School Bus"—a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school sponsored events. School bus does not include a bus used as a common carrier.~~

~~"Tanker-type Vehicle"—any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle. However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.~~

b) To obtain any of the following endorsements, a CDL~~commercial driver's license~~ holder must correctly answer 80% of the questions comprising a written knowledge test based on the Illinois Vehicle Code and the federal Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704):

- ~~a1)~~ (T) Double or triple trailers (20 questions).
- ~~b2)~~ (P) Passenger carrying vehicles (16 or more passengers, including the driver) (20 questions). A skills test in a representative vehicle is required.
- ~~c3)~~ (N) Tank vehicles (20 questions).
- ~~d4)~~ (H) Any vehicle carrying hazardous materials ~~that~~which requires placarding (30 questions).
- ~~e5)~~ (X) Combination tank vehicle and hazardous materials endorsement. A knowledge test for tank vehicles (N) and hazardous materials (H) must both be successfully completed prior to obtaining this endorsement (20 questions).
- ~~f6)~~ (C) Charter bus driver endorsement. Successfully complete a knowledge test on transporting students ~~grade~~Grade 12 or below to and from school related functions (20 questions).
- ~~g7)~~ (S) School bus. Successful completion of a written test (20 questions) and a skills test in a representative vehicle is required. However, current CDL holders who meet the requirements set forth in 49 CFR 383.123 (~~2007~~2004) are exempt from

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the written and skills tests for this endorsement.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.82 Charter Bus Driver Endorsement Requirements

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

~~"Cancellation"—cancellation of a CDL holder with a charter bus driver endorsement—the annulment or termination by formal action of the Secretary of State of a person's charter bus driver endorsement because of some error or defect in the endorsement, because the endorsement holder is no longer entitled to such endorsement, refusal or neglect of the person to submit to an alcohol and drug evaluation or submit to or failure to successfully complete the examination, in accordance with Sections 1-110, 6-508 and 6-207 of the Illinois Vehicle Code [625 ILCS 5/1-110, 6-508 and 6-207].~~

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

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

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

~~"Denial"—to prohibit or disallow the privilege to obtain a charter bus driver endorsement—and/or the privilege to operate a charter bus in accordance with Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508].~~

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~~"Disqualification"—a withdrawal of the privilege to drive a commercial motor vehicle [625 ILCS 5/1-115.3].~~

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

~~"Employer"—any individual, corporation, partnership or association who employs charter bus drivers licensed pursuant to Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508].~~

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

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

~~"Miscellaneous Suspension"—a safety and financial responsibility violation suspension, unsatisfied judgment, auto emissions violation suspension, penalty for parking violation, failure to appear, failure to pay toll (Type Action 07, Reason Code 03), and all suspensions that are rescinded and are no longer in effect.~~

~~"Repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic"—for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)].~~

~~"Repeatedly involved as a driver in motor vehicle collisions"—for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(4) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4)].~~

~~"Rescind Order"—a removal by formal action of an order canceling, suspending or denying issuance of a charter (CDL) bus endorsement to a person.~~

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~~"Review of Driving Habits"—a review of the driver applicant's driving record maintained by the Office of the Secretary of State or documentation from another licensing jurisdiction that has been certified within 30 days prior to the date of application, to insure that the requirements pursuant to Sections 6-104 and 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-104 and 6-508].~~

~~"Serious Traffic Violation"—a conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CDL, of: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation relating to reckless driving; or a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-501 of the Illinois Vehicle Code, relating to having multiple driver's licenses; or a violation of subsection (a) of Section 6-507 of the Code relating to the requirement to have a valid CDL; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.~~

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

~~"Suspension of Driver's License"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Suspension of a CDL with a charter bus driver endorsement"—the temporary withdrawal by formal action by the Secretary of a person's endorsement that grants and specifies limited privileges to operate a charter bus on the public highways, for a period specifically designated by the Secretary.~~

- ab) Requirements of Driver Applicants for a Charter Bus Driver Endorsement
In order for the Department Secretary of State to issue a charter bus driver endorsement, all driver applicants must:

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- 1) Be 21 years of age or older;
- 2) Possess a valid and properly classified driver's license issued by the ~~Department~~ Secretary of State;
- 3) Submit to and successfully pass an Illinois specific criminal background check and Federal Bureau of Investigation criminal background check with current and future information through an approved vendor- (A consent form must be signed by the driver applicant/CDL holder that allows the ~~Department Illinois Secretary of State~~ to release the ~~driver applicant's~~ fingerprint information to the driver applicant's his/her employer.);
- 4) Pass a written test on charter bus operation, charter bus safety, and special traffic laws relating to charter buses and submit to a review of the driver applicant's driving habits by the ~~Department Secretary of State~~ at the time the written test is given;
- 5) Demonstrate the ability to exercise reasonable care in the operation of the charter bus pursuant to the requirements of IVC Section 6-508 ~~of the Illinois Vehicle Code [625 ILCS 5/6-508]~~;
- 6) ~~Be physically able to safely operate a charter bus.~~ A driver applicant ~~for a charter bus driver endorsement~~ must demonstrate physical fitness to safely operate charter buses by undergoing a medical examination in accordance with the provisions of IVC Section 5/6-508 ~~of the Illinois Vehicle Code [625 ILCS 5/6-508]~~;
- 7) Affirm under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for ~~the an~~ endorsement;
- 8) Not have been convicted of committing or attempting to commit any one or more of the following offenses:
 - A) ~~those~~ offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,

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11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1 and 33A-2, and in Section 12-4(a) and (b)(1) of the Criminal Code of 1961 [720 ILCS 5];

- B) ~~those~~ offenses defined in the Cannabis Control Act [720 ILCS 550] except those offenses defined in Sections 4(a) and (b) and 5(a) of the Cannabis Control Act ~~[720 ILCS 550/4(a) and (b) and 5(a)]~~;
- C) ~~those~~ offenses defined in the Illinois Controlled Substances Act [720 ILCS 570] and/or the Methamphetamine Control and Community Protection Act [720 ILCS 646] pursuant to IVC Section 6-508;
- D) ~~offenses any offense~~ committed or attempted in any other state or against the laws of the United States that if committed or attempted in Illinois could be punishable as one or more of the ~~foregoing~~ offenses listed in subsections (a)(8)(A) through (c);
- E) ~~the~~ offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act [720 ILCS 150/4.1 and 5.1]; and
- F) ~~those~~ offenses defined in Section 6-16 of the Liquor Control Act of 1934 [235 ILCS 5/6-16].

be) Endorsement Application Process

- 1) A driver applicant ~~seeking desiring~~ employment as a charter bus driver must obtain from the prospective employer ~~an and complete the following: A) Application/Certification form for Illinois charter bus driver endorsement and then complete both the form and the fingerprint process; B) Fingerprint process.~~
- 2) The driver applicant shall then submit the completed Charter Bus Application/Certification form for the charter bus driver endorsement and the appropriate fee to the Driver Services Facility ~~Secretary of State's driver's license or driver services facility.~~

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- 3) The ~~Department Secretary of State~~ shall review the driver applicant's driving history to determine if it is acceptable pursuant to IVC under the provisions of this Part and Sections 6-104 and 6-508 ~~of the Illinois Vehicle Code [625 ILCS 5/6-104 and 6-508]~~. The driver applicant must:
 - A) ~~must~~ pass a written ~~test examination~~ administered by the ~~Department Secretary of State's Office~~ in accordance with IVC Section 6-508(c-1)(2) ~~of the Illinois Vehicle Code [625 ILCS 5/6-508(c-1)(2)]~~.
 - B) ~~must~~ successfully complete a road test, if applicable, administered by the ~~Department Secretary of State's Office~~ or a licensed third-party tester in the class of vehicle to be used in accordance with IVC Section 6-508(a)(1) ~~of the Illinois Vehicle Code [625 ILCS 5/6-508(a)(1)]~~. These tests must be successfully completed within three ~~in 3~~ attempts.
 - 4) On renewal/reapplication for a charter bus driver endorsement, the driver applicant shall be required to submit an Application/Certification form for the Illinois charter bus driver endorsement verifying the completion of all requirements. On renewal/reapplication for the charter bus driver endorsement, the driver applicant will not be subject to the fingerprint process.
- cd) Denial, Cancellation, or Suspension of a CDL ~~Holder~~ with a Charter Bus Driver Endorsement
- 1) The ~~Department Secretary of State~~ shall deny or cancel a CDL holder's charter bus driver endorsement:
 - A) If the criminal background investigation discloses the individual that he/she is noncompliant not in compliance with any of the provisions of IVC Section 6-104 or 6-508 ~~of the Illinois Vehicle Code [625 ILCS 5/6-104 or 6-508]~~;
 - B) Upon receiving notice that the endorsement holder failed ~~fails~~ to comply with any provision of this Part;

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- C) Upon receiving notice that the endorsement holder's ~~restricted commercial driving permit or~~ commercial driving privileges are withdrawn or otherwise invalidated.
- 2) The ~~Department~~ Secretary of State shall deny a driver applicant for a charter bus driver endorsement upon an indication on a driving record ~~of the failure that he/she has failed~~ to pay any fines, costs or fees that deny the renewal or reissuance of a driver's license or any other indication on a driving record that denies the renewal or reissuance of a driver's license.
- 3) A cancellation of a CDL with a charter bus driver endorsement shall remain in effect pending the outcome of a hearing pursuant to IVC Section 2-118 ~~of the Illinois Vehicle Code [625 ILCS 5/2-118]~~.
- 4) An order may be rescinded provided the cause is removed and the driver applicant or CDL holder continues to meet the requirements ~~as~~ outlined in IVC Sections 6-104 and 6-508 ~~of the Illinois Vehicle Code [625 ILCS 5/6-104 and 6-508]~~.
- de) Employer Responsibility
It shall be the responsibility of a prospective or current employer of a driver applicant or CDL holder of a charter bus driver endorsement to:
- 1) Request an employer seven digit assigned number by faxing to the ~~Department Secretary of State's Office~~ a request on company letterhead indicating a contact person and telephone/fax number.
- 2) Distribute charter bus driver endorsement applications.
- 3) ~~Ensure~~ Insure that driver applicants submit to a fingerprint based criminal background investigation.
- 4) Certify ~~in writing~~ to the ~~Department in writing~~ Secretary of State that a driver applicant has successfully completed all employment conditions.
- 5) Notify, ~~in writing~~, the ~~Department in writing~~ Secretary of State that the employer has certified the removal from service of the CDL holder with the charter bus driver endorsement whose endorsement has been

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withdrawn by the ~~Department~~Secretary of State, prior to the start of that CDL holder's next work shift.

- 6) Notify, ~~in writing~~, the ~~Department in writing~~Secretary of State that the CDL holder with the charter bus driver endorsement is no longer employed as a charter bus driver by the reporting employer.
- 7) Notify, ~~in writing~~, the ~~Department in writing~~ Secretary of State that, while holding a previously issued valid charter bus driver endorsement, the CDL holder has now been accepted as a charter bus driver for the reporting employer.
- 8) Immediately upon receipt of a positive drug test, notify, ~~in writing~~, the ~~Department in writing~~ Secretary of State of such result. This information shall be privileged and maintained for the use of the ~~Department~~Office of the Secretary of State.
- 9) Maintain records of certifications that must be available for inspection by the Secretary of State.

ef) Notice

The ~~Department~~ Secretary of State shall notify ~~in writing~~ the driver applicant or the CDL holder and his/her current employer in writing that he/she:

- 1) is ineligible ~~under this Part~~ based on information provided by an ISP or FBI criminal background investigation; or
- 2) is no longer eligible for a charter bus driver endorsement; or
- 3) has of any related cancellations, suspensions, or denials of the applicant's charter bus driver endorsement.

fg) Hearings

- 1) Upon~~The Secretary of State shall conduct a hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118]~~ upon the request of a driver applicant or CDL holder whose charter bus driver endorsement has been denied, canceled or suspended, the Secretary of State shall conduct a hearing pursuant to IVC Section 2-118.

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- 2) The petition requesting a hearing shall be in writing and ~~shall~~ contain the reason the driver applicant or CDL holder believes he/she is entitled to a charter bus driver endorsement.
- 3) The scope of the hearing shall be limited to the issuance criteria contained in IVC Sections 6-104 and 6-508 ~~of the Illinois Vehicle Code [625 ILCS 5/6-104 and 6-508]~~.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.83 Hazardous Material Endorsement

a) ~~Section 1030.83 Definitions~~

~~"Adjudicate" = to make an administrative determination of whether an applicant meets the standards in this Part based on the merits of the issues raised.~~

~~"Applicant" = an individual who is applying for a new, renewal, or transfer Hazardous Material Endorsement.~~

~~"Authorized Secretary of State Employee" = a Secretary of State Driver Services Facility employee.~~

~~"Cancellation" = cancellation of a CDL with a HME = the annulment or termination by formal action of the Secretary of State of an applicant's CDL with a HME who is no longer entitled to such license in accordance with a notification from the Transportation Security Administration (TSA) that the endorsement holder poses a security threat warranting denial of a Hazardous Material Endorsement.~~

~~"Commercial Driver's License" or "CDL" = a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual that authorizes the individual to operate a class of commercial motor vehicle.~~

~~"Commercial Motor Vehicle" = a motor vehicle, used in commerce, having a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of~~

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~~State; or any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicles being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.~~

~~"Commercial Instruction Permit" or "CIP"—a permit issued pursuant to 625 ILCS 5/6-508.~~

~~"Day"—a calendar day.~~

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

~~"Driver"—any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a CDL.~~

~~"Driver License Facility"—facility operated by the Secretary of State where driving examinations are administered and driver's licenses are issued.~~

~~"Final Determination of Threat Assessment"—a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.~~

~~"Hazardous Material"—means any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 or any quantity of a material listed as a select agent or toxin in 43 CFR 73 (see 49 CFR 383.5).~~

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

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

~~"Secretary of State"—Illinois Secretary of State.~~

~~"Rescind Order"—a removal by formal action to annul or void a cancellation or denial of a Commercial Driver's License.~~

~~"Threat Assessment Fee"—the fee required to pay for the cost of TSA adjudicating security threat assessments, appeals, and waivers under 49 CFR 1572.~~

~~"Transportation Security Administration" or "TSA"—a division of the Department of Homeland Security to administer provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act); Public Law 107-56, October 25, 2001, 115 Stat. 272.~~

~~"Vendor"—an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the Federal Bureau of Investigation (FBI) for a security threat assessment.~~

- ~~ab)~~ The ~~Department~~Secretary of State must notify a holder of ana HME at least ~~90~~60 days, as currently required by 49 CFR 1572.13, before the expiration date of the HME that the applicant must initiate a security threat assessment from the TSA as soon as possible, but no later than 30 days before the expiration of the applicant's HME, and that the applicant's HME cannot be renewed if ~~the~~ TSA has not issued to the ~~Department~~Secretary of State a Determination of No Security Threat. The ~~Department~~Secretary of State must require that ana HME be renewed no more than five years after issuance.
- ~~be)~~ In order for the ~~Department~~Secretary of State to issue ana HME, all applicants must successfully comply with the following:
- 1) possess a valid and properly classified driver's license with a CIP or a CDL issued by the ~~Department~~Secretary of State;

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- 2) ~~pay all related application and fingerprinting fees as established by 49 CFR 1572 and submit the fingerprints to the authorized TSA vendor who will transmit fingerprint data to the Federal Bureau of Investigation for a fingerprint-based criminal history background record check for a threat assessment. submit the TSA application and a \$34 threat assessment fee to the authorized Secretary of State employee indicating he/she intends to apply for the TSA fingerprint based criminal history record check;~~
 - 3) ~~effective January 31, 2005, the Department shall not issue a new HME in compliance with subsection (c) until the Department has received a Determination of No Security Threat from TSA. pass a written test administered by the Secretary of State on the transporting of hazardous materials;~~
 - 4) ~~upon the receipt of the Determination of No Security Threat from TSA, the Department will notify the driver in writing of an indication on the driving record authorizing the applicant to apply for the written HME test. submit his/her fingerprints and pay all fees for taking and processing of the fingerprints to an authorized vendor who will transmit fingerprint data to ISP to be forwarded to the FBI for a fingerprint based criminal history background record check for a threat assessment;~~
 - 5) ~~passes a written test administered by the Department on the transporting of hazardous materials. pay all related application and fingerprinting fees as established by 49 CFR 1572, including, but not limited to, the amounts established by the FBI and the TSA;~~
 - 6) affirm under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for the HME.
- d) ~~Upon receipt of Determination of No Security Threat from TSA on an applicant that does not currently hold a HME on his/her CDL, the Secretary of State shall place a tag on the driving record and notify the applicant in writing of the Determination of No Security Threat from TSA and direct the applicant to return to a driver license facility to complete the requirements for the issuance of a HME.~~
- ce) Upon receipt of an Initial or Final Determination of Threat Assessment from TSA on an applicant that does not currently hold ana HME on his/her CDL, the

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~~Department~~Secretary of State shall place ~~an indicationa tag~~ on the driving record of the applicant indicating he/she is not eligible for ~~ana~~ HME. Correspondence notifying the applicant of the failed threat assessment shall be sent by TSA directly to the applicant, along with information regarding the applicant's right to due process.

- ~~df)~~ Upon receipt of Determination of No Security Threat from TSA on an applicant that currently holds a CDL with ~~ana~~ HME, the ~~Department~~Secretary of State shall place ~~an indicationa tag~~ on the driving record and notify the applicant in writing of the Determination of No Security Threat from TSA and direct the applicant to return to a driver license facility to complete the requirements to renew or transfer from another state his/her CDL with ~~ana~~ HME.
- ~~eg)~~ Upon receipt of an Initial or Final Determination of Threat Assessment from TSA on an applicant that currently holds a CDL with ~~ana~~ HME, ~~Department~~the Secretary of State shall place a tag on the driving record and send written notice to the applicant explaining that he/she has failed the Threat Assessment and, therefore, must appear at a driver license facility to have the HME removed from his/her CDL. The applicant will be given at least ~~five~~5 days, but no more than 15 days, from the date of the notice, to appear at a driver license facility and have the HME removed from his/her CDL. A corrected CDL will then be issued without the HME at no charge to the driver.
- ~~fh)~~ Refusal or neglect of an applicant to have the HME removed and obtain a corrected CDL, pursuant to subsection ~~(eg) of this Section~~, shall result in the cancellation of the driver's CDL ~~privileges~~ pursuant to IVC Sections 6-201(a)(11) and 6-207~~625 ILCS 5/6-201(a)(6) and 6-207~~. An applicant whose CDL ~~privileges were canceled~~~~was cancelled~~ may request an administrative hearing to contest the cancellation. The scope of the hearing shall be limited to the reason for the cancellation and shall not address the Threat Assessment conducted by TSA.
- ~~gi)~~ If, after a driver's CDL ~~privileges have~~has been ~~canceled~~~~cancelled~~ pursuant to subsection ~~(fh)~~ for failing to have the HME removed from the license after the ~~Department~~SOS received an Initial or Final Determination of Threat Assessment from TSA as set forth in subsection ~~(eg)~~, the ~~Department~~Secretary receives a Determination of No Security Threat from TSA on the driver, an order rescinding the cancellation shall be entered and the driver's CDL ~~privileges~~ and the HME will be valid.

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- hj) An applicant who obtains a corrected CDL shall be deemed to be in compliance with the ~~Department's Secretary of State's~~ request and shall be allowed to retain ~~his/her~~ CDL driving privileges.
- ik) If the ~~Department Secretary of State~~ receives a Determination of No Security Threat after a driver has previously been deemed a ~~security threat Security Threat~~ by TSA and has had the HME removed from ~~the his/her~~ CDL in compliance with subsection (eg), the ~~Department Secretary of State~~ shall send written notice to the driver that he/she is now eligible to have the HME added back to his/her CDL. The written notice shall advise the driver ~~to that he/she may~~ visit a driver license facility to have a corrected CDL issued reflecting the HME at no cost ~~to the driver~~.
- l) ~~Effective January 31, 2005, the SOS shall not issue a new HME in compliance with subsection (d) until the Secretary of State has received a Determination of No Security Threat from TSA.~~
- jm) ~~An Effective March 31, 2005, an~~ applicant who possesses a CDL with ~~ana~~ HME and who will be applying ~~for renewal of the to renew his/her~~ CDL-HME after May 31, 2005 may complete the TSA ~~process as defined in subsection (b) application, pay all associated fees and submit his/her fingerprints to an authorized vendor.~~ An applicant who possesses a CDL with an HME and who will be applying for renewal of the CDL-HME after May 31, 2005 may complete the TSA process as defined in subsection (b). Effective May 31, 2005, the ~~Department Secretary of State~~ shall not renew or transfer from another state ~~ana~~ HME in compliance with subsection (d~~f~~) until the Secretary of State has received a Determination of No Security Threat from TSA. However, the Secretary of State may extend the expiration date of the time for 90 days if TSA has not provided a Determination of No Security Threat or a Final Determination of Threat Assessment before the expiration date of the HME. Any additional extension must be approved in advance by the Director of the Department of Homeland Security.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.84 Vehicle Inspection

- a) ~~For the purposes of this Section, terms shall be defined as follows:~~
- ~~"Examiner"—employee of the Secretary of State who is qualified to administer a~~

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~~road test.~~

~~"First Division Vehicle"—those motor vehicles that are designed to carry not more than ten persons.~~

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

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

~~any combination of vehicles with a GCWR of 26,001 pounds or more provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or~~

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

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

~~"Gross Combination Weight Rating" or "GCWR"—the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit.~~

~~"Gross Vehicle Weight Rating" or "GVWR"—the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle.~~

~~"Hazardous Materials"—substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce (49 USCA 1802).~~

~~"Mandatory Insurance"—requirement of insurance as provided by Article 6 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 7, Art. VI].~~

~~"Mandatory Liability Insurance Policy"—a liability insurance policy issued in~~

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~~amounts no less than the minimum amounts set for bodily injury or death and for destruction of property pursuant to Section 7-203 of the Illinois Vehicle Code [625 ILCS 5/7-203], and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. The definition does not include vehicles subject to the provisions of Chapters 18 or 18a, Article III, or Section 7-609, 12-606, or 12-707.01 of the Illinois Vehicle Code; vehicle required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self insurance pursuant to Section 7-502 of the Illinois Vehicle Code; vehicles owned by the United States Government, State of Illinois, or any political sub-division, municipality or local mass transit district; implements of husbandry, other vehicles complying with laws which require insurance in amounts meeting or exceeding the minimum amounts required under the Illinois Vehicle Code; and inoperable or stored vehicles that are not operated.~~

~~"Motorcycle"—every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.~~

~~"Pedalcycle"—motor driven cycle whose speed attainable in 1 mile is 30 miles per hour or less, which is equipped with a motor that produces 2 brake horse power or less.~~

~~"Proof of Insurance"—~~

~~*Illinois insurance card [625 ILCS 5/7-602(a)];*~~

~~*the combination of proof of purchase of the motor vehicle within the previous 60 days and a current insurance card issued for the motor vehicle replaced by such purchase [625 ILCS 5/7-602(b)];*~~

~~*a current declarations page of a liability insurance policy [625 ILCS 5/7-602(c)];*~~

~~*liability insurance binder, certificate of liability insurance or receipt for payment to an insurer or its authorized representative for a liability insurance premium, provided such document contains all information the Secretary of State by rule or regulation may require [625 ILCS 5/7-602(d)];*~~

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~~a current rental agreement [625 ILCS 5/7-602(e)];~~

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

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

~~"Registration sticker"—a device issued by the Secretary of State to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period of time.~~

~~"Religious Organization Bus"—any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182], which is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of such organization.~~

~~"Second Division Vehicle"—vehicles that are designed for carrying more than 10 persons, those designed or used for living quarters, those vehicles that are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.~~

~~"Secretary of State"—the Secretary of State of Illinois.~~

~~"Senior Citizen Transportation Vehicle"—any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, that is exclusively owned and operated by a senior citizen organization and is used primarily in conducting the official activities of such organization.~~

- ab) An applicant, who is required to take the road test, as defined in Section 1030.85 of this Part, must provide a representative vehicle for the test. The vehicle will be safety inspected by an examiner prior to the road test. A vehicle that is not properly equipped or that does not have equipment in safe operating order will be

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rejected for use in the road test. The following equipment shall be safety inspected as required for the type of representative vehicles being used to administer the road test:

- 1) Registration plates shall be attached or affixed to the motor vehicle pursuant to IVC Section 3-413 ~~of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/3-413]~~. The owner of a vehicle who does not have registration plates and/or a registration sticker shall present proper documentation, pursuant to IVC Section 3-407 ~~of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/3-407]~~, showing that proper registration has been applied for, prior to use of the vehicle for road test.
- 2) When lighted lamps are required pursuant to IVC Section 12-201(b) ~~of the Illinois Vehicle Equipment Law~~ for the road test, motor vehicles shall have mounted, exhibit and operate such lamps pursuant to IVC Sections 12-201, 12-202, 12-204, 12-205, 12-207, 12-208, 12-209, 12-210 and/or 12-215 ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-201, 12-202, 12-204, 12-205, 12-207, 12-208, 12-209, 12-210 and/or 12-215]~~. A motorized pedalcycle must have mounted and display a lamp and reflector as required in IVC Section 11-1507.1 ~~of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-1507.1]~~.
- 3) When windshield wipers are required pursuant to IVC Section 12-503(d) ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-503(d)]~~, they must be in proper operating condition ~~as defined in the same statute~~.
- 4) The horn must be in proper working order pursuant to IVC Section 12-601 ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-601]~~. Horns do not include a siren, whistle, or bell.
- 5) No person shall drive a motor vehicle with any sign, poster, window application, reflective material or nonreflective material upon the front windshield, sidewings, or side windows immediately adjacent to each side of the driver ~~that which~~ materially obstructs, obscures or impairs the view from ~~both~~ within or without the vehicle. No person shall drive a motor vehicle with any objects placed or suspended between the driver and the

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front windshield or rear window ~~that which~~ materially ~~obstruct~~~~obstructs~~ the driver's view. No person shall drive a motor vehicle when the windshield ~~or~~, side or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, side or rear. A vehicle equipped with an unobstructed rearview mirror will be deemed to be in compliance in the event the rear window of the vehicle is materially obscured ~~(see IVC Section 12-503). [625 ILCS 5/12-503]~~

- 6) No vehicle may be used for the road test if one or more tires are unsafe as defined in ~~IVC Section 12-405 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-405]~~. A vehicle equipped with metal studded tires may not be used for the road test.
- 7) The service brakes, foot or hand operated, must be in a condition ~~that which~~ allows activation with one movement of the activating device. All First and Second Division vehicles must be equipped with an operable emergency brake. A Class M motorcycle shall have two methods of braking. A Class L motor-driven cycle or pedalcycle shall have at least one method of braking.
- 8) Each driver and front seat passenger of a 1965 or later model motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt pursuant to ~~IVC Section 12-603.1 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-603.1]~~. Such requirements shall not apply to a driver possessing a written statement from a physician that ~~the such a~~ person is unable, for medical or physical reasons, to wear a seat safety belt, or to certain motor vehicles that are not required to be equipped with seat safety belts under ~~Federal Law (49 CFR 393.93)~~. A retractable lap seat belt shall be provided for the driver of a school bus and must be used by the driver at all times while the bus is being operated, as required by ~~IVC Section 12-807 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-807]~~.
- 9) Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of ~~the such~~ motor vehicle. A rectangular rearview mirror shall be located on the right and left sides of each Second Division school bus forward of the driver's seat. The mirrors shall have a minimum

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horizontal dimension of ~~five~~ 5 inches and a minimum vertical dimension of 10 inches.

- 10) The seat for the person giving the ~~test examination~~ must be securely affixed in a location that assures the examiner's safety and allows the examiner to perform proper scoring of the road test pursuant to Section 1030.85 ~~of this Part~~. The seat must be free from excessive soil ~~or~~, grease, and should have no protruding springs. Vehicles must not have loose objects on the seats or floors ~~that which~~ could pose a danger to the driver or examiner.
- 11) The steering wheel must not be broken or have any part missing. The steering wheel when worked back and forth shall not have more than 5-10 degrees of free play (approximately 2" at the rim of a 20" steering wheel). Vehicles that have excessive free play (more than 10 degrees) in the steering mechanism shall be rejected as unsafe. Free play is the degree of movement the steering wheel must have before the front wheels move.
- 12) Both front vehicle doors must be operable from the inside and outside of the vehicle with the standard latching mechanism. Doors may not be wired or strapped shut.
- 13) Every motor vehicle of a width or design ~~that which~~ would not allow hand signals to be adequately visible from the front and rear, shall be equipped with an electric turn signal device that indicates the intention of the driver to turn to the right or to the left. ~~The Such~~ signaling device shall be in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made, mounted on the same level and as widely spaced laterally as practicable. Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.
- 14) Any motor vehicle or combination vehicle that operates with air brakes must have air brake hoses that are free from breaks, leaks or bulges that may prevent or hinder the safe operation of the vehicle braking system. Any motor vehicle or combination vehicle that operates with air brakes will not be permitted to be used for the road test if the air pressure gauge reading fails to maintain 95 pounds per square inch pressure during normal pressure buildup.

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- 15) Three safety flags, flares, fuses or reflectors shall be provided in all Second Division vehicles as described in IVC Section 12-702 ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-702]~~.
- 16) An operating speedometer shall be mounted in all vehicles designated as a school bus in ~~such~~ a manner that it is readable to the seated driver.
- 17) The emergency doors at the front and the rear of a designated school bus should open from the inside. The latch must be in operable condition. An alarm system that is visible and audible to the driver must be activated when the engine is running and the emergency door is unlatched.
- 18) One fire extinguisher shall be located in a position readily accessible to the driver of a school bus pursuant to IVC Section 12-808 ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-808]~~.
- 19) A school bus shall carry a removable and readily identifiable first aid and bodily fluid kit, mounted in full view of and readily accessible to the driver as required by ~~pursuant to~~ IVC Section 12-809 ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-809]~~.
- 20) All school buses shall be equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as required by ~~pursuant to~~ IVC Section 12-805 ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-805]~~. Each signal lamp shall be a sealed beam at least 5½ inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.
- 21) All Second Division vehicles, as required by IVC Section 12-202 ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-202]~~, shall have mounted and properly display clearance, identification and side marker lamps. The ~~Such~~ lamps shall be illuminated

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for the road test, during periods when headlamps are required ~~by pursuant to IVC Section 12-201 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-201].~~

- 22) A stop arm shall be placed on the driver's side of each Second Division school bus and may be operated either manually or mechanically. The design of this stop arm shall comply with ~~IVC Section 12-803 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-803].~~
- 23) The tailpipes of each Second Division school bus should extend beyond the rear end of the chassis frame at least one inch, but not beyond the rear of the bumper.
- 24) A religious organization bus or senior citizen transportation vehicle may be of any color and have any markings designating its purpose other than those required for school buses pursuant to ~~IVC Sections 12-801, 12-802, 12-804 and 12-806 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-801, 12-802, 12-804 and 12-806].~~ A road test, for a religious organization bus or senior citizen transportation vehicle restriction, may be administered in any vehicle of the proper representative type for the license restriction ~~requested~~ (see ~~Section 92 Ill. Adm. Code 1030.92~~).
- 25) No person shall operate any motorcycle, motor-driven cycle or pedalcycle for the road test with handlebars higher than the height of the shoulders of the operator when seated in the upright driving position.
- 26) The operator of a motorcycle, motor-driven cycle or pedalcycle, used for the road test shall be protected by glasses, goggles or a transparent shield pursuant to ~~IVC Section 11-1404 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-1404].~~
- 27) Second Division vehicles or medical transport vehicles shall display a certificate of safety then in effect pursuant to ~~IVC Sections 13-111 and 13-114 of the Illinois Vehicle Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13-111 and 13-114],~~ except that those vehicles displaying a Department of Transportation federal census number on the side of the vehicle shall not ~~require the~~ be subject to such certificate.

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- be) Prior to taking a road test, as defined in Section 1030.85 ~~of this Part~~, each applicant shall execute an affirmation stating that the vehicle to be used for the road test:
- 1) Is insured pursuant to, and in compliance with, IVC Chapter 7, Article VI ~~the Illinois Mandatory Insurance Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 7, Art. VI]~~ (the applicant shall provide proof of insurance); or
 - 2) Falls within one of the stated exempted categories.
- cd) If the applicant refuses to execute or fails to comply with this Section, then no road test shall be given to the applicant in that vehicle until such time as the applicant complies.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.85 Driver's License Testing/Road Test

- a) ~~For the purposes of this Section, terms shall be defined as follows:~~
- ~~"Commercial Driver's License" or "CDL"—a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383 (2003), to an individual, which authorizes the individual to operate a class of a commercial motor vehicle.~~
- ~~"Dangerous Action"—an act by the applicant which could endanger a person or property.~~
- ~~"Driver Services Facility Manager"—employee designated by the Secretary to oversee the operations of the driver services facility personnel (Public Service Representatives and Public Service Clerks).~~
- ~~"Driving Skills"—ability of applicant to perform maneuvers that will be demonstrated during drive test.~~
- ~~"Examiner"—employee of the Secretary of State who is authorized to administer the road test.~~

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~~"First Division Vehicles"—those motor vehicles which are designed to carry not more than ten persons as defined in Section 1-217 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.~~

~~"Foreign Speaking Applicant"—any applicant unable to understand the oral directions given by the examiner using the English language.~~

~~"Religious Organization Vehicle Restriction"—authority to operate a religious organization bus as described in Section 6-106.2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.~~

~~"Road Test"—an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.~~

~~"School Bus Driver Permit"—permit issued to school bus drivers by the Secretary of State pursuant to 625 ILCS 5/6-106.1.~~

~~"Second Division Vehicles"—vehicles designed to carry more than ten persons; those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses as defined in Section 1-217 of the Illinois Vehicle Code.~~

~~"Secretary of State"—the Secretary of State of Illinois.~~

~~"Violation"—any traffic related act for which a motor vehicle driver may be arrested and ticketed.~~

- ab) Classification of licenses is established in SectionSections 1030.20 and 1030.30 of this Part.
- be) Persons applying for a Class class-C, or Class class-D (CDL or Non-CDL) driver's license, a religious organization restriction, for-profit ridesharing arrangement restriction, or senior citizen transportation restriction in a First Divisionfirst division vehicle; who are required by IVC Section 6-109 to must complete a road test; shall be evaluated on the following driving skills: start, posture, use of mirrors, steering, lane observance, right-of-way, left and right turns (signal, speed,

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lane, turn), attention (distraction level), following (too closely), speed (too fast/too slow), parking (up and/or down hill), starting (up and/or down hill), final park, signal (pulling into and away from curb, changing lanes), stop signs, other signs (yield, school, railroad, regulatory, warning, special), traffic lights, backing, turn about, and use of clutch or automatic transmission.

cd) In addition to those maneuvers listed in subsection ~~(be) of this Section~~, persons applying for a Class class A or B driver's license (CDL ~~or Non-CDL~~); shall also be evaluated on the following: ~~use of gears, railroad crossing, dock parking, trailer parking, straight line backing, stop at marked line, and predetermined right turn.~~

- 1) Pre-Trip Inspection – the applicant shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:
 - A) locate and verbally identify air brake operating controls and monitoring devices;
 - B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;
 - C) inspect low pressure warning devices to ensure they will activate in emergency situations;
 - D) ascertain, with the engine running, that the system contains an adequate supply of compressed air;
 - E) determine that the required minimum air pressure build up at the time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and
 - F) operationally check the brake system for proper performance.
- 2) Vehicle skills test that shall include dock parking, straight line backing, stop at marked line, and predetermined right turn.

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- 3) Additional road test driving skills of use of gears, railroad crossing, expressway, bridge and underpass.
- d) In addition to those maneuvers listed in subsection (b), persons applying for a Class A or B driver's license (non-CDL) shall also be evaluated on straight line backing.
- e) In addition to those maneuvers listed in subsection (c) ~~of this Section~~, persons applying for a school bus driver permit, must complete a road test in a representative vehicle, which shall consist of the following: use of gears, railroad crossing (stop and observation), curb bus (simulate loading/unloading passengers), use of stop arm, and use of flasher lights.
- f) Applicants for a ~~Class~~class L or ~~Class~~class M driver's license, who are required to complete a road test, shall be evaluated by using of the following drive tests: ALMOST – ~~(Alternate Motorcycle Operator Skill Test)~~; ~~MiniMOST (Space-Modified ALMOST)~~; 5 dot test; and Offstreet Illinois Department of Transportation Motorcycle Operator Skill Test.
- 1) Test exercises for the ALMOST ~~(Alternate Motorcycle Operator Skill Test)~~, ~~MiniMOST~~ and Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test, for both ~~Class~~class L and ~~Class~~class M, shall consist of the following: stalling, ~~shifting~~, (improper shift, failure to shift), sharp turn (path, foot down), normal stop (skid, position), cone weave (skips, hits, foot down), U-Turn (path, foot down), quick stop (distance), obstacle turn (path), slow drive (time, path, foot down).
- 2) Test exercises for the 5 dot test, for both ~~Class~~class L and ~~Class~~class M, shall consist of the following: knowledge of controls, figure U Walk (walk vehicle without engine running), start from rest, slow drive, gear shifting skill, figure 8 ride, serpentine ride (balanced cone weave), posture, mounting/dismounting.
- g) Test exercises and skills are evaluated on a point system. When the applicant commits an error, ~~he/she is assessed~~ a point or points are assessed based upon the severity of the error. Applicants for a CDL or Non-CDL ~~Class~~class A, B, C, or D ~~classified~~ license or a religious organization vehicle restriction, for-profit ridesharing arrangement restriction or senior citizen transportation restriction are allowed 36 points. Applicants for a ~~Second Division~~second division school bus

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permit are allowed 40 points. Applicants for a ~~First Division~~first division school bus permit are allowed 36 points. Applicants for a ~~Class~~class-L or M license taking the ALMOST ~~, Mini~~MOST, or Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test evaluation, shall be allowed 11 ~~15~~ points. Applicants for an L or M license taking the 5 dot test shall be allowed seven ~~10~~ points.

- h) The following acts will result in immediate disqualification: violation in ~~which~~where an applicant receives a ticket; dangerous action; lack of cooperation or refusal to perform; or letting the cycle fall or falling off a cycle.
- i) A road test will be considered incomplete for the following reasons: the applicant becomes ill or disabled and is unable to continue the road test; the vehicle develops mechanical problems after the road test has begun; weather conditions make the continuation of the road test hazardous; or; an accident occurs for which the applicant does not receive a ticket.
- j) No persons are allowed to accompany the applicant and examiner on the road test. When necessary, exceptions may be made for any ~~foreign speaking~~ applicants who may require a translator and for the training and evaluation of facility personnel.
- k) Any applicant who is suspected by a Driver Services Facility~~driver services facility~~ employee of having consumed alcohol and/or drugs must seek the approval of a Driver Services Facility~~driver services facility~~ manager prior to being administered the road test. If a Driver Services Facility~~driver services facility~~ manager has ~~a~~ reasonable cause to believe that an applicant has consumed alcohol and/or drugs, the applicant shall not be administered the road test. Evidence of alcohol and/or drug consumption shall include, but not be limited to, one or more of the following conditions:
 - 1) the applicant admits he/she has consumed alcohol and/or drugs;
 - 2) the applicant has a strong odor of alcohol on his/her breath;
 - 3) the applicant's eyes are red and the pupils are dilated;
 - 4) the applicant's speech is slurred; or

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5) the applicant is unsteady when walking.

1) All persons applying for a CDL, with the exception of those persons renewing their Illinois CDL, shall be required to successfully complete the examinations set forth in subsections (c) and (d) pursuant to IVC Section 6-508(a)(1).

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.86 Multiple Attempts – Written and/or Road Tests

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

~~"Applicant"—person applying for or renewing an Illinois driver's license.~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Competent Medical Specialist"—a person licensed under the Medical Practice Act of 1987 [225 ILCS 50], or similar law of another jurisdiction, to practice medicine in all of its branches.~~

~~"Road Test"—an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-109].~~

~~"Waiting Period"—that period for which an individual is ineligible to make an application for an Illinois driver's license or commercial driver's license.~~

~~"Written Test"—as defined in Sections 1030.80 and 1030.81 of this Part.~~

ab) The fee to obtain a driver's license required by IVC Section 6-118 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118]~~ shall entitle a person to a total of three 3 ~~attempts~~ to pass the written and/or road tests within a one 1 ~~year~~ period starting from the date of the first attempt. The first attempt is counted as one of the three 3 ~~attempts~~ as provided for in IVC Section 6-106 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-106]~~.

be) An applicant for an Illinois ~~commercial driver's license (CDL)~~ who that fails the

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written and/or road tests after a third attempt shall be prohibited from re-testing ~~re-examination~~ for a period of 30 days~~1 month~~.

- cd) An applicant for a an Illinois commercial driver's license (CDL) who that submits a new application after the 30-day ~~1 month~~ waiting period specified in subsection (be) of this Section shall be allowed three~~3~~ attempts to successfully complete the written and/or road tests. Failure to successfully pass the written and/or road tests shall result in a waiting period of 90 days~~3 months~~.
- de) An applicant for a an Illinois commercial driver's license (CDL) who that submits a new application after the 90-day~~3 months~~ waiting period specified in subsection (cd) of this Section shall be allowed three~~3~~ attempts to successfully complete the written and/or road tests. Failure to successfully pass the written and/or road tests shall result in a waiting period of one~~1~~ year from the date of the first fail.
- ef) An applicant for an Illinois driver's license may be allowed to attempt the written and/or road tests a second time after a failure in the same day during normal business hours of the Driver Services Facility after failing if he/she fails the first attempt to pass the written and/or road tests. However, if the applicant demonstrates a danger to public safety during the his first attempt to pass a written and/or road tests, he/she will not be allowed a second attempt during the same day will not be allowed. An applicant will not be allowed to make a third attempt to pass a road test on the same day in which he/she failed the previous attempt was failed. If an applicant fails the road test six ~~6~~ times, the individual he/she will not be permitted to attempt the road test a seventh time until a current favorable completed medical report form is submitted to the Department pursuant to IVC ~~he/she submits to the Department a medical report from a competent medical specialist stating that he/she is physically and mentally able to safely operate a motor vehicle as provided for in Sections 6-103(8) and 6-109(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-103(8) and 5/6-109(b)]~~. An applicant shall be exempt from the requirement of filing a medical report if, he/she has within the previous 90 days, 3 months ~~filed~~ a favorable medical report has been filed with the Department.
- fg) The provisions of this Section do apply to applicants who are upgrading their driver's license classification.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

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Section 1030.88 Exemption of Facility Administered Road Test

- a) ~~The Secretary of State shall adopt the following definitions for the terms listed as follows:~~

~~"Approved Driver Education Course"—a course of instruction in the use and operation of cars, including instruction in the safe operation of cars, and rules of the road and the law of this State relating to motor vehicles, which meets the minimum requirements of the Driver Education Act (Ill. Rev. Stat. 1989, ch. 122, par. 27-24 et seq.) and the rules adopted by the State Board of Education and has been approved by the State Board of Education as meeting such requirements.~~

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

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

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

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

~~"Instruction Permit"—permit to operate a motor vehicle, issued for a period of twelve months by the Secretary of State to a student enrolled in a driver education course.~~

~~"Motor Driven Cycle"—every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement including motorized pedalecycles as defined in Section 1-148 of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95½, par. 1-148).~~

~~"Motorcycle"—every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but~~

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~~excluding a tractor as defined in Section 1-147 of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95½, par. 1-147).~~

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

~~"Secretary of State"—the Secretary of State of Illinois.~~

- ~~a~~b) The Department shall exempt a high school student from a facility-administered road test if the student has earned a grade of A or B for an approved high school driver education course, passed a road test, administered by a Department certified high school driver education instructor, and ~~has~~ received an authorization form signed by the driver education instructor exempting the student from the facility-administered road test.
- ~~b~~e) Commercial driver training schools licensed pursuant to IVC Section 6-401 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95½, par. 6-401)~~ shall not be allowed to participate in the cooperative driver testing program.
- ~~c~~d) Each local board of education ~~that wants which desires~~ to participate in the cooperative driver testing program must submit an application to the Field Services Bureau, Department of Driver Services of the Secretary of State's Office, 2701 S. Dirksen Parkway, Springfield, Illinois 62723. The application shall consist of the "Cooperative Driver Testing Program Intent to Participate" form and also a "Compliance Affidavit" for each participating driver education instructor. The application shall include the name and address of the high school and the names of the driver education instructors who will participate in the program. The application shall also include a statement that the schools and instructors listed for participation in the program shall administer a road test. The application shall be submitted once per calendar year. The Department shall accept all "Intent to Participate" forms that are accurate and complete and signed by the district superintendent. The Department shall accept all "Compliance Affidavits" ~~that which~~ are accurate and complete and ~~that which~~ show compliance with subsection (e) Section 1030.88(f).

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- de) Each instructor shall submit a compliance affidavit ~~that which~~ shows ~~that~~ the instructor is an accredited driver education teacher with the Illinois State Board of Education pursuant to 23 Ill. Adm. Code 1.730(q), possesses either a valid Illinois driver's license or a valid and properly classified out-of-state driver's license with submission annually of an acceptable, certified out-of-state driving abstract ~~on an annual basis~~, and shall have attended an initial certification clinic offered by the ~~Department~~Secretary of State.
- ef) The exemption from the facility ~~testing examination~~ will expire on the same day as the student's current instruction permit. The student shall be required to obtain a valid driver's license prior to the expiration date of the permit in accordance with the program. After the expiration date, the student shall complete a facility-administered road test. No extension of the exemption from facility testing beyond the expiration date of the instruction permit shall be allowed.
- fg) The Department shall ~~spot-check~~ a sample of the exempted driver population. The Field Services Bureau of the Department shall choose the sample to be tested based on the applicant's birthday. Three calendar days per month shall be designated for the testing, and an applicant whose birthday is on one of the selected days shall be required to successfully complete a facility-administered drive test. The selected dates shall be altered every three months.
- gh) The exemption authorization form shall be designated in a manner prescribed by the Department. The student shall submit the authorization form to a Driver Services Facility employee of the Department when applying for a driver's license.
- hi) The Department shall exempt an applicant for a Class class "M" or Class class "L" driver's license ~~as provided in (see Section 1030.30) of this Part~~, which allows ~~for the~~ operation of a motorcycle and/or motor-driven cycle, from a facility-administered road test if the applicant~~all of the following circumstances are met~~:
- 1) ~~the applicant~~ is 18 years of age or older;
 - 2) ~~the applicant~~ possesses a valid Illinois driver's license to operate any other classification of motor vehicle; and,
 - 3) shows acceptable proof of completion of a motorcycle rider safety training course ~~the applicant shows proof acceptable to the Department that he/she~~

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~~has successfully completed a Motorcycle Rider Safety Training Course~~ approved by the Illinois Department of Transportation stating the individual and the Department which states that he/she is qualified to operate a motorcycle and/or motor-driven cycle with the cubic centimeter piston displacement that which correlates to the classification of driver's license applied for. Successful completion of the motorcycle rider safety training course~~Motorcycle Rider Safety Training Course~~ shall be evidenced by a Student Completion Card issued by the Illinois Department of Transportation not more than one year prior to the date of application and dated on or after March 1, 1989.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits

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

~~"Applicant"—a person applying for a driver's license or an instruction permit.~~

~~"Driver Services Facility Representative"—a Secretary of State employee at a Driver Services Facility.~~

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

ab) The ~~Department~~ Secretary of State shall issue a temporary driver's license or instruction permit to an applicant who is not otherwise ineligible for a driver's license or instruction permit; if the Driver Services Facility ~~representative~~ Representative is unable to produce a driver's license or instruction permit due to an equipment failure or the facility lacks the equipment needed to produce a driver's license or instruction permit, or if a required drive ~~test~~ examination at the time of renewal cannot be completed due to adverse road conditions that would make administration of the examination more difficult or unsafe, as determined by the ~~facility manager~~ Facility Manager. A temporary driver's license is also issued by a Driver Services Facility ~~representative~~ Representative if the applicant does not wish a photo to be taken at the time the license is obtained or renewed due to facial disfigurement, or if the applicant is waiting for a non-photo driver's license application to be processed.

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- be) A temporary driver's license or instruction permit shall ~~also~~ be issued to applicants who are not otherwise ineligible for a driver's license or instruction permit, if the Secretary of State is processing an application for a special religious number as described in Section 1030.63, or completing an investigation into the applicant's eligibility to receive ~~the such~~ license or permit pursuant to IVC Section 6-105(c) ~~of the Illinois Vehicle Code [625 ILCS 5/6-105(c)]~~.
- cd) Temporary License or Permit upon Application by Driver
- 1) Persons who submit an application as required by IVC Section 6-106 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106]~~ and a fee as required by IVC Section 6-118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]~~ to the Driver Services Department of the Office of Secretary of State, 2701 South Dirksen Parkway, Springfield, Illinois 62723, and are not otherwise ineligible for a driver's license or instruction permit under the provisions of IVC Section 6-103, ~~of the Illinois Vehicle Code [625 ILCS 5/6-103]~~ shall be issued a temporary driver's license or instruction permit if the applicant under the following circumstances:
 - A) ~~the applicant~~ loses a his/her valid Illinois driver's license while out-of-state; ~~or~~
 - B) ~~the applicant~~ is temporarily out-of-state and unable to return to Illinois to renew the driver's license; ~~or~~
 - C) ~~the applicant has~~ surrendered a his/her valid Illinois driver's license in compliance with a terminated suspension notice and has a revocation or second or subsequent suspension pending; ~~or~~
 - D) ~~the applicant~~ has a pending suspension or revocation of driving privileges that which will be effective in 60 days or less and wishes to renew driving his/her privileges prior to the effective date of the suspension or revocation.
 - 2) The applicant shall be issued a temporary driver's license or instruction permit that is valid for up to 90 days. No extension past the expiration date shall be allowed. If the applicant has not returned to Illinois by the date of expiration of the temporary driver's license, arrangements must be

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made for the applicant ~~him/her~~ to take the necessary test or tests at an out-of-state facility.

- de) All applicants who receive a temporary driver's license or instruction permit in lieu of a driver's license or instruction permit must show proof of legal name, a valid social security number, zip code, date of birth, gender sex and residence address as described in IVC Section 6-106 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106]~~. The applicant shall affirm that all information set forth on the application is true and correct and bears the applicant's signature.
- ef) Temporary driver's licenses or instruction permits shall be issued for a period of time not to exceed 90 days and shall be valid only when in the possession of the driver.
- fg) A temporary driver's license or instruction permit shall be invalid after the person receives his/her driver's license, has been refused a driver's license or has had ~~his/her~~ driving privileges suspended, revoked or canceldecancelled.
- gh) A temporary driver's license or instruction permit shall not be valid for identification purposes and shall so state on the license or permit itself.
- hi) The temporary driver's license or instruction permit shall be issued only for the time period that the temporary license or instruction permit is actually needed, but shall not be issued for more than 90 days.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License

- a) Application
Every driver's license issued pursuant to IVC Section 6-110 ~~of the Illinois Vehicle Code~~ shall include, as an integral part of the license, a head and shoulder, full-faced color photograph of the driver to whom the driver's license is being issued. A full-faced photograph must be taken without any obstruction of the applicant's facial features or any items covering any portion of the face. Prescription glasses and religious head dressings not covering any areas of the open face may be allowed. The driver's license shall be a photographically generated document that also includes the required information pertaining to the driver, the driver's

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signature, and other special security features to reduce the possibility of alteration and/or illegal reproduction. The driver's license must utilize a photograph taken of the driver at a Driver Services Facility that is produced by equipment specifically designed for this purpose.

b) Exceptions

Exceptions may be made in the best interest of individual Illinois drivers as follows:

1) Established Religious Convictions.

- A) A driver will not be required to submit to a photograph ~~if where~~ sufficient justification is provided by the driver to establish that a photograph would be in violation of or contradictory to the driver's religious convictions. ~~If Where~~ a driver declares that the use of a photograph is against his/her religious convictions, the driver will be given an Affidavit to be completed. This Affidavit contains designated areas for a detailed written explanation of the reasons why a photograph is against the driver's religious convictions, a place for the driver's signature and date, the designation of the religious sect or denomination involved, space for a minister or other religious leader to apply his/her signature attesting to the explanation the driver has offered, along with the date and official title of the minister or religious leader.
- B) ~~The Such~~ Affidavit ~~shall be is~~ forwarded by the driver to the Driver Services Department Central Office in Springfield where a review and a decision ~~will be is~~ made by the Director of the Driver Services Department relative to the issuance or non-issuance of a valid driver's license without photograph. To assist the Director in ~~this his~~ decision, a committee of three administrative personnel ~~will be is~~ appointed by the Director. Each Affidavit ~~will be is~~ reviewed by each member of the committee, and each individual recommendation ~~will be is~~ made to the Director for his final decision.
- C) A non-photo temporary driver's license, not to exceed 90 days in duration, shall be issued to allow for driving privileges during the interim period while ~~the this~~ Affidavit ~~will be is~~ reviewed and a

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decision will be made by the Director.

- D) Upon approval by the Director, a valid driver's license without a photograph will be issued from the Central Office utilizing an application ~~and data card previously~~ signed by the driver. The driver's license will be mailed to the driver's home address.

2) Facial Disfigurements.

- A) ~~When~~Where a driver requests a driver's license without a photograph because the driver states that it is embarrassing or distasteful to submit to a photograph because of a facial disfigurement caused by disease, trauma, or congenital condition, the ~~requirement of a photograph may be waived~~driver may be excused from the photograph. The Supervisor of the Driver Services Facility in which the driver appears shall make a decision, based upon the extent of ~~the~~such facial disfigurement, regarding the issuance of a driver's license without a photograph. Should the Supervisor approve the issuance of a driver's license without a photograph, ~~the~~such driver's license will be issued from the Central ~~central~~ Office utilizing an application ~~and data card previously~~ signed by the driver. The driver's license will be mailed to the driver's home address.
- B) Should the Supervisor not approve the issuance of a driver's license without a photograph, the Supervisor will forward a written statement from the driver, along with a statement from ~~the~~ Supervisor~~such supervisor~~ providing detailed information to the Director of the Driver Services Department regarding the extent of the disfigurement and the ~~Supervisor's~~supervisor's justification for disapproval. The Director of the Driver Services Department may obtain further information and/or professional opinions to support an objective decision regarding whether ~~or not~~ a valid driver's license without the photograph may be issued.
- C) A non-photo temporary driver's license, not to exceed 90 days in duration, shall be issued to allow driving privileges during the interim period while the driver's license is being issued, or the statements relating to disapproval are being reviewed and a

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decision is being made.

- D) Upon approval by the Director, a valid driver's license without a photograph will be issued from the Central Office utilizing an application ~~and data card previously~~ signed by the driver. The driver's license will be mailed to the driver's home address.

3) Out-of-State.

- A) Drivers who are temporarily residing outside the State of Illinois and/or who are temporarily absent from the State at the expiration date of ~~the~~ driver's license may apply for a valid driver's license without photograph and signature because of their inability to appear at an Illinois Driver Services Facility. If an Illinois driver declares, in writing, that he/she is out-of-state at the time ~~the~~ driver's license must be renewed, and submits this information with the properly completed application and renewal fee, a driver's license may be issued without the driver's photograph and signature.
- B) However, ~~the~~ driver will be informed that he/she must appear at a Driver Services Facility within 45 days upon returning to Illinois; and exchange this valid driver's license without photograph and signature for a driver's license containing the driver's photograph and signature. This replacement driver's license is issued without additional charge to the driver. If the driver does not return to Illinois and obtain a replacement driver's license with the photograph and signature, the driver's license without the photograph and signature may not be renewed upon expiration; unless the driver submits an affidavit attesting to the fact that he/she has not returned to the State of Illinois during the term of the driver's license without the photograph and signature.
- C) A non-photo temporary driver's license may be issued to those drivers who plan to return to Illinois within a 90-day period. If a driver's license renewal examination is required, this examination must be taken and will not be waived. In those cases in ~~which~~ reciprocal agreements exist with driver's licensing entities in other jurisdictions, the Illinois examination shall be

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administered by a qualified representative of ~~thesuch~~ jurisdiction, and the results reported to and accepted by the Illinois ~~Driver Services~~ Department.

- c) Hearings
Should the Director deny the issuance of a driver's license without photograph and/or signature, the individual may appeal that decision by requesting in writing a hearing pursuant to IVC Section 2-118 ~~of the Illinois Vehicle Code~~.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.91 Disabled Person/~~Handicapped~~ Identification Card

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

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

~~"Department"—Driver Services Department within the Office of the Secretary of State.~~

~~"Handicapped Identification Card"—a standard identification card defined in Section 4(a) of the Illinois Identification Card Act [15 ILCS 335/4(a)] issued for no fee to persons who meet the definition of handicapped as defined in Section 1-159.1 of the Illinois Vehicle Code [625 ILCS 5/1-159.1] or who have a handicap so severe that it precludes him/her from obtaining an Illinois driver's license.~~

~~"Illinois Disabled Person Identification Card"—identification card issued pursuant to Section 4(b) of the Illinois Identification Card Act.~~

- ab) If a person wishes to obtain an Illinois Disabled Person Identification Card pursuant to Section 4(b) of the Illinois Identification Card Act [15 ILCS 335/4(b)], the individual shall complete ~~he/she shall fill out~~ an application form provided by the Department.

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- be) The Disabled Person Identification Card application shall include the person's legal name, address, social security number, gender, height, weight, hair color, eye color and date of birth. The applicant's ~~competent~~ medical professional specialist shall certify the type of disability that the person has as ~~either~~ physical, developmental, visual, hearing, or mental and the classification of the disability to be Class 1, Class 1a, Class 2, or Class 2a as defined in Section 4(a) of the Illinois Identification Card Act. The ~~competent~~ medical professional specialist shall sign the application and also print or type his/her name, business address and business phone number.
- d) ~~If a person does not qualify for a Disabled Person Identification Card, he/she may apply for a Handicapped Identification Card and he/she shall complete an application as provided in subsections (b) and (c) except for the competent medical specialist's certification as to the type of disability. The applicant must sign an affidavit contained on the application form stating that he/she meets the definition of a handicapped person as defined in Section 1-159.1 of the Illinois Vehicle Code or that his/her handicap is so severe that it precludes him/her from obtaining an Illinois driver's license.~~
- ce) The application forms shall not be accepted by the Department unless all portions of the form are completely filled out. Failure to complete the application properly shall result in the applicant's request being denied.
- df) If an applicant for a ~~Disabled Person Handicapped~~ Identification Card indicates on the his/her application that the individual he/she has a disabilityhandicap so severe that it precludes the applicant him/her from obtaining an Illinois driver's license, and it is determined that the applicant he/she has a valid Illinois driver's license, a ~~Disabled Person Handicapped~~ Identification Card shall be issued. The and the case shall be forwarded by the facility to the Driver Analysis Division Section of the Department for review and possible cancellation of the driver's license pursuant to (92 Ill. Adm. Code 1040.80).

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.92 Restrictions

- a) ~~For purposes of this Section, the following definitions shall apply:~~
- ~~"Armed Forces" the United States Army, Navy, Air Force, Marine Corps, Coast~~

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~~Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USCA 106) shall also be considered service in the Armed Forces of the United States.~~

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

~~"Commercial Driver's License" or "CDL"—a driver's license issued by the State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles. [625 ILCS 5/1-111.6]~~

~~"Commercial Driver License Information System" or "CDLIS"—the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 CFR 383), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.~~

~~"Commercial Motor Vehicle"—a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations (49 CFR 383); or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicles being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles as defined in Section 1-169 of the Illinois Vehicle Code [625 ILCS 5/1-169] when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.~~

~~"Department"—the Department of Driver Services of the Office of the Secretary of State.~~

~~"Driver Services Facility Representative"—an employee of the Secretary of State.~~

~~"Gross Combination Weight Rating" or "GCWR"—the GVWR of the power unit plus the GVWR of the towed units or the combined registered weight of the power unit plus the towed unit, whichever is greater.~~

~~"Gross Vehicle Weight Rating" or "GVWR"—the value specified by the manufacturers as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.~~

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~~"Hazardous Materials"—substance or material in a quantity and form that may pose an unreasonable risk to health and safety or property when transported in commerce. (See 49 USCA 1802.)~~

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

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

~~"Monocular Vision Acuity"—a visual acuity reading obtained utilizing an individual eye.~~

~~"No Photo or Signature—Administrative Approval License"—a driver's license issued without a photograph and/or signature to a driver who having his/her photograph taken is against his/her religious convictions or who has a serious facial disfigurement caused by disease, trauma, or congenital condition.~~

~~"No Photo or Signature—Military or Military Dependent"—a driver's license issued without a photograph or signature at the expiration of the driver's license of the licensee, spouse, and dependent children who are living with the licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.~~

~~"No Photo or Signature—Out of Country at Renewal"—a driver's license issued without a photograph or signature of the licensee to a driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license.~~

~~"No Photo or Signature—Out of State at Renewal"—a driver's license issued without a photograph or signature of the licensee to a driver who is temporarily absent from the State of Illinois at the expiration date of his/her driver's license.~~

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

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~~"Prosthesis"—an artificial limb such as an arm or leg.~~

~~"Religious Organization Bus"—a vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of such organization.~~

~~"Restrictions"—the requirements or conditions added on a driver's license that must first be met by the license holder before he/she may legally operate a motor vehicle.~~

~~"Secretary of State"—the Secretary of State of Illinois.~~

~~"Senior Citizen Transportation Vehicle"—a vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, that is exclusively owned and operated by a senior citizen organization and is used primarily in conducting the official activities of the organization.~~

~~"Valid License"—a driver's license that has not expired or been cancelled, suspended or revoked in accordance with Sections 1030.70 and 1030.75.~~

~~"Visual Acuity Standards"—the minimum vision standard in accordance with Sections 1030.70 and 1030.75.~~

~~"Visual Peripheral Standards"—the minimum vision standards in accordance with Sections 1030.70 and 1030.75.~~

- ab) A driver services facility representative shall have the authority to determine license restrictions. No restriction shall be added until the driving test is given unless the restriction is due to a vision or hearing defect.
- be) If a change in a person's physical and/or visual condition is discovered by a facility representative, the representative has the authority to add, delete, or change the restrictions.
- cd) A Type B restriction requires corrective eye lenses. This restriction is added when a person needs corrective eye lenses to meet visual acuity standards as provided in Section Part 1030.70. This restriction includes eye glasses and contact lenses in one or both eyes, pursuant to Section 1030.75.

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- de) A Type C restriction requires the driver to use one or more mechanical aids (e.g., hand operated brake, gearshift extension, shoulder harness, ~~or~~ foot operated steering wheel) to assist with the proper and safe operation of the vehicle.
- ef) A Type D restriction requires the driver to use one or more prosthetic aids (e.g., artificial legs, artificial hands, hook on right or left arm, ~~or~~ brace on each leg) while operating a motor vehicle.
- fg) A Type E restriction requires automatic transmission. An automatic transmission restriction is added when a driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs.
- gh) A Type F restriction requires left and right outside rearview mirrors when a driver is hearing impaired, ~~or~~ has a monocular visual acuity reading of 20/100 or worse in either eye, ~~or~~ requires a right outside rearview mirror because ~~of he/she has~~ problems turning ~~the his/her~~ head while backing, ~~and/or~~ cannot meet the peripheral vision requirements of Section 1030.70(ag), and/or takes the road test in a right hand-driven vehicle with the steering wheel on the right side. A driver may be restricted to both left and right rearview mirrors if minimum peripheral standards are met by the use of only one eye in accordance with Sections 1030.70 and 1030.75.
- hi) A Type G restriction requires the driver to drive only in the daylight. This restriction is added when a driver has binocular visual acuity that does not meet the 20/40 minimum in accordance with Section 1030.70(ab), but is not worse than 20/70. People who ~~want wish~~ to drive utilizing a non-standard lens arrangement pursuant to Section 1030.75 are restricted to daylight driving only ~~in accordance with Section 1030.85~~.
- ij) A Type J restriction with appropriate numerical indicators includes other restrictions not listed in this Section. These Type J restrictions and numerical indicators are as follows:
- 1) J01 Driver has been issued an Illinois Medical Restriction Card, which must be carried in addition to a valid Illinois driver's license/permit.
 - 2) J02 Driver authorized to operate a religious organization bus ~~Religious~~

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~~Organization Bus~~ within classification, as provided in IVC Section 6-106.2 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.2]~~.

- 3) J03 Driver authorized to operate a religious organization bus~~Religious Organization Bus~~ or van~~Van~~ within Class D only. The driver took the religious organization bus~~Religious Organization Bus~~ test in a Class D vehicle, but may hold a Class A, B, or C license.
- 4) J04 Driver authorized to operate a religious organization bus~~Religious Organization Bus~~ or van~~Van~~ within Class C or a lesser classification vehicle only. The driver took the religious organization bus~~Religious Organization Bus~~ test in a Class C vehicle, but may hold a Class A or B license.
- 5) J05 Driver authorized to operate a senior citizen transportation vehicle~~Senior Citizen Transportation Vehicle~~ within classification. The driver operates a vehicle that is utilized solely for the purpose of providing transportation for senior citizens, as provided in IVC Section 6-106.3 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.3]~~.
- 6) J06 Driver authorized to operate a senior citizen transportation vehicle~~Senior Citizen Transportation Vehicle~~ within Class D only. The driver took the senior citizen transportation vehicle~~Senior Citizen Transportation Vehicle~~ test in a Class D vehicle, but may hold a Class A, B, or C license.
- 7) J07 Driver authorized to operate a senior citizen transportation vehicle ~~within~~~~Senior Citizen Transportation Vehicle~~ written Class C vehicle, or a lesser classification vehicle only. The driver took the senior citizen transportation vehicle~~Senior Citizen Transportation Vehicle~~ test in a Class C vehicle, but may hold a Class A or B license.
- 8) J08 Driver authorized to operate a commuter van in a for-profit ridesharing arrangement within classification, as provided in IVC Section 6-106.4 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.4]~~.
- 9) J09 Driver who is 16 or 17 years of age authorized to operate either Class L motor-driven cycles or Class M motorcycles, as provided in

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~~IVC Section 6-103(2) of the Illinois Vehicle Code [625 ILCS 5/6-103(2)].~~

- 10) J10 Driver restricted to the operation of a vehicle with a GVWR of 16,000 pounds or less.
- 11) J11 Indicates the driver took the road test on a three-wheel motorcycle (Class M) or three-wheel motor-driven cycle (Class L) and is restricted to a three-wheel cycle of the proper class.
- 12) J12 Driver authorized to operate Class B or lesser classification vehicle for the passenger endorsement.
- 13) J13 Driver authorized to operate Class C classification vehicle for the passenger endorsement.
- 14) J14 Restricted to the use of a non-standard lens arrangement pursuant to Section 1030.75 when operating a motor vehicle. (Lens arrangement may be designed for monocular or binocular vision.)
- 15) J15 Special Restrictions – An applicant may have special restrictions applied specifically to the vehicle ~~the applicant~~ he/she is operating at the time a road test is being administered by a facility examiner. These special restrictions may apply only when the applicant is operating that particular motor vehicle. This J15 restriction only applies to variations of C, D or E restrictions. To remove a special restriction or to operate another motor vehicle would require the applicant to be administered another road test in the new vehicle.
- 16) J16 Pedalcycle Only – Authorizes an applicant holding a Class L license to operate a ~~pedacycle~~ Pedaleyele only".
- 17) J33 Driver authorized to operate a Class D vehicle using a non-standard lens arrangement, pursuant to Section 1030.75, during nighttime hours.
- 18) J48 Allows a person to use commercial privileges only for driving school buses to transport students for school-related activities.

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- 19) J50 Farm waived ~~non~~NON-CDL (Class A only) – Allows farmers or a member of the farmer's family who is 21 years of age or older and has completed all of the applicable exams (core, combination, air brake, and all three parts of the road test) to drive a farm waived non-CDL (Class A only) vehicle. Those eligible may operate the truck/tractor semi-trailer to transport farm products, equipment or supplies to or from a farm, if used within 150 air miles of the farm, and not used in the operations of a common or contract carrier.
- 20) J71 No photo or signature – out of state at renewal – license issued to driver who is temporarily absent from State of Illinois at expiration date of his/her driver's license.
- 21) J72 No photo or signature – out of country at renewal – license issued to driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license.
- 22) J73 No photo or signature – military or military dependent – license issued at the expiration of the driver's license of the licensee, spouse, and dependent children who are living with the licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.
- 23) J74 Military deferral card issued at the expiration of the driver's license to extend the expiration while in the military of the licensee, spouse, and dependent children who are living with the licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.
- 24) J75 No photo or signature – administrative approval license to driver who having his/her photograph taken is against his/her religious convictions or has a serious facial disfigurement.
- 25) J88 [Deaf/Hard of Hearing – requires alternative forms of communication.](#)
- 2625) J99 This restriction appears on the license if more than two J restrictions are placed on the driver.

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- ~~jk~~) A ~~Typetype~~ K restriction indicates the driver is authorized to operate a commercial motor vehicle intrastate only.
- ~~kl~~) A ~~Typetype~~ L restriction indicates that the person is not authorized to operate vehicles equipped with air brakes.
- ~~lm~~) ~~An~~ ~~if an applicant who wants~~ ~~individual wishes~~ to appeal a type of restriction that has been added to ~~a~~ ~~his/her~~ driver's license, ~~he/she~~, depending on the type of restriction, shall:
- 1) For Type B, C, D, E, F, G, J01, or any other medical restriction that has been added to ~~the~~ ~~his/her~~ driver's license pursuant to the restrictions contained in subsection (~~ij~~), follow the manner prescribed by this Part.
 - 2) For any other ~~types type~~ of restrictions ~~that which~~ have been added to ~~the~~ ~~his/her~~ driver's license pursuant to this Section, appeal to the Department of Administrative Hearings pursuant to ~~IVC~~ Section 2-118 ~~of the Illinois Vehicle Code [625 ILCS 5/2-118]~~.
 - 3) Further review of ~~any and~~ all restrictions shall be conducted by the courts pursuant to ~~the~~ Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.93 Restricted Local Licenses

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

~~"Applicant"—person applying for a restricted local license.~~

~~"Facility"—Secretary of State's driver services facility.~~

~~"Public Service Representative"—employee of the Secretary of State.~~

~~"Regional Manager"—employee of the Secretary of State.~~

~~"Restricted Local License"—a special restricted driver's license issued under the authority of Section 6-113 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1985, ch. 95½, par. 6-113) intended to enable a person to drive specific route.~~

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- ~~a~~b) An applicant for a restricted local license shall reside in a locality with a population of 3500 or less. The initial application for a restricted local license must be accompanied by a special restricted license request form. The request form shall include the applicant's full name and address, including the county. It shall also include the applicant's gendersex, height, weight, hair color, eye color, birth date, and driver's license number. The applicant shall supply the reason why ~~he/she needs~~ a restricted local license is necessary.
- ~~b~~e) At a facility, the applicant must pass the vision test ~~as~~ found in Section 92 III. Adm. Code 1030.70 and the written test if it is required by IVC Section 6-109(c) of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1985, ch. 95½, par. 6-109(e)). ~~The~~ In addition, the applicant shall pay the statutory fee required in IVC Section 6-118 of the Illinois Driver Licensing Law.
- ~~c~~d) A person who has failed a road test for a driver's license, but has passed the other ~~tests exams~~ referred to in subsection Subsection (b), is eligible to apply for a restricted local license.
- ~~d~~e) Applications for restricted local licenses that comply with Section 1030.93(~~a~~b) and (~~b~~e) shall be approved by the Driver Analysis Division Section of the Driver Services Department of the Secretary of State's Office. An authorization will be provided is then mailed to the Regional Manager or designee in the area in which the applicant resides. The of the applicant and the Regional Manager or designee will assign assigns the road test to the facility closest to the applicant's home or the facility that made the initial request. The applicant will be is then contacted by the Regional Manager or designee to set up a convenient date and time to administer the restricted local license road test.
- ~~e~~f) The Regional Manager or designee will go public service representative goes to the applicant's home to map and maps out a route the applicant ~~declares he/she~~ wishes to use. The road test will be administered utilizing the same route that has been use the same route that has been mapped out and will test the basic driving skills provided of driving as found in Section 1030.85.
- ~~f~~g) If the applicant passes the ~~testexam~~, the ~~aforementioned~~ Driver Analysis Division Section shall mail the applicant ~~the his/her~~ restricted local license. The restricted local license shall will restrict the driver person to the route that was used on the road test.

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- gh) ~~A person shall renew his/her restricted local license every four (4) years. Approximately three (3) weeks before the driver person is due to renew the his/her restricted local license, the Driver Analysis Division Section shall send the applicant a letter to the driver stating the expiration date of the license and renewal requirements informing him/her when it will expire and what he/she shall be required to do in order to renew it. The applicant shall present the letter to a facility employee public service representative and take the required tests vision test and written test, pursuant to IVC if it is required by Section 6-109(c) of the Illinois Driver Licensing Law. Upon successful completion of the test or tests, the facility employee public service representative shall submit a request for the road test portion of the testing examination.~~

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.94 Duplicate or Corrected Driver's License or Instruction Permit

- a) ~~For the purposes of this Section, the following definitions shall apply:~~
- ~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~
- ~~"Driver Services Facility"—offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.~~
- ~~"Instruction Permit"—driving permit issued pursuant to Section 6-105 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-105).~~
- ab) A duplicate driver's license or instruction permit shall be issued by the Department ~~when in cases where~~ a driver's license or instruction permit has been lost, stolen, or mutilated.
- be) Upon an applicant's request or the Department's determination that an error was made ~~or the license or permit was mutilated~~, a corrected driver's license or instruction permit shall be issued by the Department if a change of information is necessary on a driver's license or instruction permit ~~that which~~ is being surrendered. The license or permit shall indicate that it has been corrected by

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displaying "COR" ~~the word corrected~~ as the type of license.

- cd) When there is no driver's license or instruction permit to be surrendered to the Department, the license or permit issued shall be a duplicate. This shall be indicated on the license or permit, by displaying "DUP" ~~the word duplicate~~ as the type of license.
- de) The applicant shall pay a fee in accordance with IVC Section 6-118 ~~of the Illinois Driver's Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-118)~~ for either a duplicate driver's license, or ~~corrected driver's license or instruction permit.~~ For a six ~~(6)~~ month period after the issuance of a driver's license or permit, there shall be no fee charged to correct an error made by personnel at the Driver Services Facility ~~facility which made a corrected license or permit necessary~~. There shall be no fee charged for a duplicate if the license or permit was lost by the Department. If a license or permit is lost by a state, local, or federal law enforcement agency or state or federal court, there shall be no fee charged for a duplicate upon written notification from that such ~~that such~~ agency or court. Pursuant to IVC Section 6-118(a), there ~~There~~ shall be no fee charged for a duplicate license or permit issued to any person age 60 or older who presents the Department with a police report showing that the his/her ~~the his/her~~ license was stolen. ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-118(a))~~
- ef) In order to obtain a duplicate or corrected license or permit, an application form provided by the Department as described in IVC Section 6-106(b) ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-106(b))~~ shall be completed by a Driver Services Facility ~~facility~~ employee. The applicant shall answer the first two questions on the application as listed in (see Appendix A) of this Part and the appropriate fee shall be paid, if required. After the form has been completed and the fee paid if required, the applicant, if necessary, shall have his/her ~~his/her~~ photograph taken if necessary as provided in Section 1030.90 ~~which concludes the process~~.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.96 Seasonal Restricted Commercial Driver's License

- a) For purposes of this Part, the following definitions shall apply:
- "Agri-chemical business" ~~any individual, partnership, corporation, or~~

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~~association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing service of application of these substances in this State.~~

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

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

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

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

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

~~"Class C vehicle"—any single vehicle with a GVWR of 16,001 or more pounds but less than 26,001 pounds GVWR or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; or any vehicle less than 26,001 pounds GCWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials which requires the vehicle to be placarded; or any vehicle less than 26,001 pounds GCWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials which requires the vehicle to be placarded, towing a vehicle with a GVWR of 10,000 pounds or less or with a GCWR of less than 26,001 pounds. Holders of a Class C license may operate all vehicles within Class C and D, but are not authorized to operate motorcycles or motor driven cycles. A Class C license is~~

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~~not required to operate rental vehicles when transporting an individual's own personal property or that of an immediate family member for non-business purposes within this State, if the individual has successfully completed a safety course regarding safe operation of the vehicle.~~

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

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

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

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

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

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

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

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

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

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

~~"Department"—the Department of Driver Services within the Office of the Secretary of State.~~

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

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

~~"Driver applicant"—an individual who applies to a state to obtain, transfer, upgrade, or renew a CDL.~~

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

~~"Farm retail outlet and/or supplier"—any individual, partnership, corporation, or association engaged in a business operation for the purpose of selling or~~

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~~distributing agricultural commodities.~~

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

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

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

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

~~"Hazardous materials" means any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 (2003) or any quantity of a material listed as a select agent or toxin in 42 CFR 73 (2003).~~

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

~~"Livestock"—cattle, sheep, swine, buffalo, carabao, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, and goats.~~

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

~~"Motor vehicle"—every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not~~

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~~operated upon rails except vehicles moved solely by human power and motorized wheelchairs.~~

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

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

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

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

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

- ab) In order to be eligible for a seasonal restricted CDL ~~commercial driver's license~~, the driver applicant must meet the following ~~qualification~~ standards:
- 1) The driver applicant must be employed by one or more of the following farm-related services:

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- A) Farm retail outlet and/or supplier;
 - B) Agri-chemical business;
 - C) Custom harvester;
 - D) Livestock feeder;
- 2) The driver applicant must have held a valid driver's ~~any motor vehicle operator's~~ license for at least a period of a one year prior to the date of application for a seasonal restricted CDL;
 - 3) The driver applicant must have a valid Illinois non-CDL Class B driver's license;
 - 4) The driver applicant shall not have more than one driver's license;
 - 5) The driver applicant's driving privileges must not have been suspended, revoked, canceled or disqualified in this State or any other state within two years prior to application for a restricted CDL;
 - 6) The driver applicant must not have been convicted of a "serious traffic violation" in any class of motor vehicle within two years prior to application for a restricted CDL;
 - 7) The driver applicant's driving record shall not contain ~~applicant shall not have~~ any convictions for accident-related ~~accident-connected traffic law violations~~ or ~~and no record of~~ at-fault accidents in any class of motor vehicle within two years prior to the application for a restricted CDL;
 - 8) The driver applicant must submit with the ~~his/her~~ initial application for a restricted CDL a letter from the ~~his/her~~ initial employer verifying that the driver applicant is employed in one of the required farm-related services. The driver applicant must also ~~and~~ complete the safety checklist on the application regarding the safe operation of the vehicle ~~he/she will be operating~~.
- A) The safety checklist shall include ~~consist of~~ a demonstration and discussion, by the employer with the employee/driver applicant, of

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the following features for the safe operation of a commercial motor vehicle:

- i) parking (hand) brake;
- ii) headlights;
- iii) parking lights;
- iv) emergency (hazard) lights;
- v) brake lights;
- vi) tires;
- vii) horn;
- viii) turn signals;
- ix) windshield wipers;
- x) rear/side vision mirrors;
- xi) gear shift;
- xii) safety belts.

- B) The employee/driver applicant must be informed by the employer:
- i) that trucks require a commercial motor vehicle requires more turning area than cars ~~car and to watch when making turns~~;
 - ii) that trucks require greater not to tailgate since the weight of the truck requires stopping distance distances (at least one vehicle length for every 10 MPH between you truck and the vehicle ahead of you);
 - iii) to allow more time for acceleration when pulling out into

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traffic;

- iv) to obey weigh station scale signs;
- v) to obey the posted ~~observe truck~~ speed limits;
- vi) to cautiously approach low overheads such as gas station and motel canopies, bridges, toll booths; and drive-throughs ~~cautiously~~;
- vii) to avoid backing up the truck, but, if necessary, ~~to have someone another person~~ guide you/him/her;
- viii) to drive and park cautiously on hills.

be) Prior to the issuance of a restricted CDL, the ~~Department Secretary of State~~ shall perform a records check through the Commercial Driver's License Information System (CDLIS) ~~and enter each restricted CDL holder's record into CDLIS~~.

cd) All driver applicants issued a restricted ~~CDL commercial driver's license~~ shall be allowed to operate the kind and type of vehicles as follows:

- 1) Class B: Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. Holders of a Class B license may operate all vehicles of Classes B, C, and D, but are not authorized to operate motorcycles or motor-driven cycles.
- 2) In order to transport hazardous materials intrastate, a restricted CDL holder must be at least 18 years of age.
- 3) In order to transport hazardous materials interstate, a restricted CDL holder must be at least 21 years of age.
- 4) A restricted CDL holder may transport only the following hazardous materials:
 - A) 1,000 gallons or less of diesel fuel;
 - B) 3,000 gallons or less of liquid fertilizer; or

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- C) Solid fertilizers that are not mixed with any organic substance.
- de) A restricted CDL shall be issued for either a 180-day period or two 90-day periods in any 12-month period. In no event shall the second 90-day period exceed the expiration of the 12-month period. If the driver applicant elects the two 90-day periods, the applicant he/she will receive a two separate restricted CDL CDLs prior to each period. Prior to the issuance of the second restricted CDL, the Department shall review the driver applicant's driving record for any violation as outlined in subsections (ab)(5) through (ab)(7). The driver applicant shall be issued the second restricted CDL if the driver applicant provided he/she is not otherwise ineligible for the same.
- ef) A restricted CDL shall be valid only within 150 air miles from the farm or farm-related business being served. The holder of a restricted CDL shall, at all times while employed by a farm-related service and operating a commercial motor vehicle, have in his/her possession verification of his/her employment that includes the location of the his/her employer's farm or farm-related business.
- fg) All fees shall be as required by IVC Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118]. A restricted CDL may be revalidated without fee for up to four years from the date of issuance of the first restricted CDL.
- gh) A restricted CDL shall be invalidated and/or further action shall be taken against the individual's driving privileges if any of the following is received by the Department occurs:
- 1) Reliable The Secretary of State receives reliable written evidence that the individual is no longer employed by one of the required farm-related services;
 - 2) Reliable The Secretary of State receives reliable written evidence that the individual has not held a motor vehicle driver's operator's license for at least one year prior to the date of application for a restricted CDL;
 - 3) Reliable The Secretary of State receives reliable written evidence that the individual no longer has a valid non-CDL Class B Illinois driver's license;

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- 4) ~~Reliable The Secretary of State receives reliable~~ written evidence that the individual's driving privileges have been suspended, revoked, canceled or disqualified in this State or any other state;
 - 5) ~~Reliable The Secretary of State receives reliable~~ written report of a conviction of a "serious traffic violation" in any class of motor vehicle;
 - 6) ~~Reliable The Secretary of State receives reliable~~ written report for a conviction of an accident-~~related~~~~connected~~ traffic law violation and/or at-fault accident;
 - 7) ~~Reliable The Secretary of State receives reliable~~ written evidence of any violation of this Part.
- hi) An individual whose restricted CDL has been invalidated shall not be eligible to apply for another restricted CDL until the expiration of two years from the effective date of ~~the his/her~~ invalidation.
- ij) An individual who possesses a restricted CDL shall be subject to the disqualification provisions of IVC Section 6-514 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-514]~~.
- jk) An individual who possesses a restricted CDL shall be subject to the prohibitions against driving a commercial motor vehicle while having any alcohol, other drug, or both in the person's such individual's system as outlined in IVC Section 6-515 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-515]~~.
- kl) An individual who possesses a restricted CDL shall be subject to the implied consent requirements for commercial motor vehicle drivers ~~as~~ outlined in IVC Section 6-516 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-516]~~.
- lm) An individual who possesses a restricted CDL shall be subject to the implied consent warning as outlined in IVC Section 6-517 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-517]~~.
- mn) An individual whose restricted CDL has been disqualified and/or invalidated who wishes to have a hearing shall follow the procedures ~~as~~ outlined in IVC Section 6-

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~~520 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-520].~~

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege

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

~~"Driver Remedial Education Course"—an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended minor drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or 9 hours of instruction.~~

~~"Invalidation"—the withdrawal, by consent, court order, death of the holder or the holder's failure to complete a driver remedial education course, of the validation of a person's license, permit and/or driving privilege in accordance with Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I].~~

~~"Law Enforcement"—a police officer, sheriff, coroner, municipal prosecutor, or state's attorney.~~

~~"Secretary of State Employee"—the personnel within the Department of Driver Services of the Office of the Secretary of State who are authorized to invalidate driver's licenses, permits and/or driving privileges.~~

ab) The Department~~Secretary of State~~ shall invalidate a driver's license, permit and/or driving privileges~~privilege~~:

- 1) When the holder voluntarily surrenders the license or permit and declares the~~his/her~~ intention to do so in writing to the Department~~Secretary~~; ~~or~~
- 2) When the Department~~Secretary~~ receives a certified court order indicating the holder is to refrain from driving; ~~or~~
- 3) Upon the death of the holder; or

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- 4) Upon the entry of a suspension of a driver under the age of 18 pursuant to IVC Section 6-206(a)(4), (11), (16), (21), (31), (33), (34, prior to 7/30/98), (36) or, (43) and/or IVC Section 11-501.8 ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4), (11), (16), (21), (31), (33), (34, prior to 7/30/98), (36), (43) and/or 11-501.8].~~
- be) A driver's license or permit invalidated based upon a voluntary surrender under this Section may be reinstated in the same manner as prescribed by IVC Sections 6-114 and 6-115 ~~of the Illinois Vehicle Code [625 ILCS 5/6-114 and 6-115].~~
- cd) A driver's license or permit invalidated under this Section shall nullify the holder's driving privileges.
- de) A license or permit invalidated upon the death of the holder may be released to a relative of the decedent, provided the actual license or permit bears a readily identifiable designation evidencing invalidation. To invalidate a license or permit, a hole shall be punched through the issuance date and the expiration date of the license or permit by an employee of the Secretary of State or; a law enforcement ~~official officer, or a coroner.~~
- ef) The Secretary of State employee or; a law enforcement ~~official officer, or coroner~~ who invalidates a license or permit upon the death of the holder shall make a report of the matter to the Secretary of State on a form provided or approved by the Secretary of State.
- fg) Driving privileges invalidated based upon a court order may be reinstated upon receipt of a court order granting reinstatement or an order from the court terminating probation, conditional discharge or court supervision.
- gh) A driver whose driving privileges are invalidated pursuant to subsection (b)(4), and whose driving privileges are suspended for ~~six~~6 months or longer, may be reinstated upon successful completion of a driver remedial education course, the payment of all reinstatement fees and re-testing under IVC Section 6-109 ~~of the Illinois Vehicle Code [625 ILCS 5/6-109] if the suspension period is 6 months or longer.~~
- hi) A driver whose driving privileges are invalidated pursuant to subsection ~~(ab)~~(4) ~~of this Section~~, and whose driving privileges are suspended for less than ~~six~~6 months, may be reinstated upon successful completion of a driver remedial

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education course and the payment of all reinstatement fees.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.98 School Bus Commercial Driver's License

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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~~school bus route.~~

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

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

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

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

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

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

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

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

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

- ~~a~~b) In order to be eligible for a school bus CDL~~commercial driver's license~~, the driver applicant must:
- 1) be eligible and have applied for an Illinois school bus permit pursuant to IVC Section 6-106.1 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.1]~~ and 92 Ill. Adm. Code 1035;
 - 2) pass ~~the required~~a written school bus core knowledge and passenger endorsement written tests;
 - 3) pass the skills test in a representative vehicle.
- ~~b~~e) In order to be eligible for a school bus commercial ~~driver~~ instruction permit, the driver applicant must pass the written school bus core knowledge test.
- ~~c~~d) The Secretary of State shall issue a school bus CIPCDIP in accordance with Section 1030.65 ~~of this Part~~ and IVC Section 6-105 ~~of the Illinois Vehicle Code [625 ILCS 5/6-105]~~.
- ~~d~~e) The ~~Department~~Secretary of State shall deny issuance of a school bus CDL and/or school bus CIPCDIP:
- 1) for failure to meet the ~~qualification~~ standards contained in IVC Section 6-508 ~~of the Illinois Vehicle Code [625 ILCS 5/6-508]~~;
 - 2) for failure to meet any eligibility requirements contained in this Section.
- ~~e~~f) Prior to the issuance of a school bus CDL and school bus CIPCDIP, the ~~Department~~Secretary of State shall perform a records check through the Problem Driver Pointer System (PDPS) and ~~the Commercial Driver's License Information System (CDLIS)~~, meet all requirements as outlined in 49 CFR 384 ~~(2007)(2003)~~, and enter each school bus CDL holder's record into CDLIS pursuant to IVC Section 6-513~~[625 ILCS 5/6-513]~~.
- ~~f~~g) A person applying for and operating on a school bus CIPCDIP shall be exempt

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from obtaining and holding an Illinois school bus driver permit, but must be accompanied by an individual holding the proper license classification and a school bus driver permit.

gh) All driver applicants issued a Class B or C school bus CDL~~commercial driver's license with a Type J48 restriction as well as P and S endorsements~~ shall have their commercial motor vehicle operation limited to the same or lesser classification of a school bus as defined in IVC Section 1-182(a) and their~~but may operate~~ non-commercial motor vehicle operation limited to non-commercial motor vehicles ~~with requiring the same classification or of a lesser classification of license.~~

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

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

ik) The fees for a school bus CDL/CIP~~commercial driver's license~~ shall be as follows:

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

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

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- ~~lm~~) A driver applicant who possesses a school bus CDL/~~or school bus CIP~~CDIP shall be subject to the prohibitions against driving a commercial motor vehicle while having any alcohol, ~~other drugs or both~~ in ~~the applicant's~~ ~~such person's~~ system as outlined in IVC Section 6-515 ~~of the Illinois Vehicle Code [625 ILCS 5/6-515]~~.
- ~~mn~~) A driver applicant who possesses a school bus CDL/~~or school bus CIP~~CDIP shall be subject to the implied consent requirements for commercial motor vehicle drivers ~~as~~ outlined in IVC Section 6-516 ~~of the Illinois Vehicle Code [625 ILCS 5/6-516]~~.
- ~~no~~) A driver applicant who possesses a school bus CDL/~~or school bus CIP~~CDIP shall be subject to the implied consent warnings ~~as~~ outlined in IVC Section 6-517 ~~of the Illinois Vehicle Code [625 ILCS 5/6-517]~~.
- ~~op~~) A driver applicant whose school bus CDL/~~or school bus CIP~~CDIP has been canceled or withdrawn may contest the sanction by requesting a hearing pursuant to IVC ~~pursuant to the procedures as outlined in Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118]~~. The cancellation or withdrawal of a school bus CDL/CIP shall remain in effect pending the outcome of ~~the~~that hearing.
- ~~pq~~) A driver applicant who possesses a school bus CDL/~~or school bus CIP~~CDIP shall be subject to the cancellation provisions of IVC Section 6-201 ~~of the Illinois Vehicle Code [625 ILCS 5/6-201]~~.
- ~~qr~~) A driver applicant who possesses a school bus CDL/~~or school bus CIP~~CDIP shall be subject to all provisions of IVC Chapter 6, Article V ~~the Uniform Commercial Drivers License Act [625 ILCS 5/Ch. 6, Art. V]~~.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.110 Emergency Medical Information Card

- a) Every licensee who carries an Emergency Medical Information Card may place a sticker or decal, ~~in appropriate language,~~ on the~~his/her~~ driver's license indicating ~~the~~that said licensee carries an Emergency Medical Information Card.
- b) The sticker or decal shall be in a form approved by the Department~~Secretary of~~ State and shall be placed on the reverse side of the driver's license in an area ~~so~~

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designated ~~on the license~~ by the Secretary of State.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.115 Change-of-Address

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

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

~~"Department"—Driver Services Department within the Office of the Secretary of State.~~

~~"Driver's License File"—file maintained by the Secretary of State on each driver in Illinois as provided in Section 6-117 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1985, ch. 95½, par. 6-117).~~

~~"Immediate Family Member"—parent, child, or spouse.~~

~~"Judicial Driving Permit"—a judicial driving permit is issued to grant a driver limited driving privileges as provided in 6-206.1 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1985, ch. 95½, par. 6-206.1).~~

~~"Secretary of State"—Secretary of State of Illinois.~~

~~ab) Pursuant to IVC Section 6-116~~Pursuant to Section 6-116 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1985, ch. 95½, par. 6-116), a person who changes ~~his/her~~ address must inform the Secretary of State in writing within ~~ten (10)~~ days after the change. After proper notification of ~~a~~ change of address, the address shall be changed on the driver's license file.

~~be)~~ To notify the Department of an address change, an individual may go to a [Driver Services Facility](#)~~driver service's facility~~ and the address change will be made to the driver's license file at that time. Address changes may also be completed electronically on the Secretary of State's official website.

~~cd)~~ Certain documents will be considered acceptable for notification of an address change if mailed to the Department. Correspondence from the person, [the](#)

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~~individual's~~~~his/her~~ attorney, or an immediate family member will be acceptable documentation. The Department shall also change the address on the driver's license file if one of the following is received: ~~;~~ post office change-of-address card, Secretary of State change-of-address card, court documents with "new address" written on them, certificates of insurance with a different address, Illinois Environmental Protection Agency Auto Emission postcards, a judicial driving permit order, or money orders reflecting new address.

- ~~de)~~ Documents ~~which are~~ not acceptable as notification to the Department of an address change ~~shall~~ include the following: conviction reports; failure to appear notices; ~~;~~ statutory summary suspension sworn reports (unless there is an out-of-state address indicated on the statutory summary suspension sworn report ~~that~~~~which~~ corresponds with the out-of-state address reported to the Department when the driver's license was surrendered out-of-state and returned to Illinois); ~~;~~ court transcripts (unless "new address" is written on documents); ~~;~~ accident reports; or addresses on checks unless "new address" is specified.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.120 Issuance of a Probationary License

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

~~"Cleared Miscellaneous Suspension"—suspensions for safety responsibility, financial responsibility, unsatisfied judgments, warrant parking/traffic, auto emissions, failure to appear, or curfew which are no longer in effect.~~

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

~~"Probationary License"—a special license granting full driving privileges during a period of suspension; the license is issued upon successful completion of a driver improvement course.~~

~~"Suspension of Driving Privileges"—the temporary withdrawal by formal action by the Secretary to operate a motor vehicle on public highways for a period~~

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~~specifically designated by the Secretary. See Section 1-204 of the Illinois Vehicle Code.~~

~~"Valid Driver's License"—a license issued by the Illinois Secretary of State which is not currently expired, suspended, invalidated, revoked, or canceled.~~

- ~~ab)~~ A person whose driving privileges have been suspended under IVC Section 6-206(a)(2) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206 (a)(2)]~~ for conviction of not less than three ~~(3)~~ offenses committed within a ~~twelve~~ (12)-month period against traffic regulations governing the movement of vehicles shall qualify for a probationary license if the individual meets the following requirements:
- 1) ~~Is~~The person is not less than ~~21~~ 18 years of age.
 - 2) ~~Offenses~~The offenses for which the person was suspended do not exceed ~~seventy-four~~ (74) points as determined by the Illinois Offense Table (92 Ill. Adm. Code 1040.20).
 - 3) ~~Driving~~The individual's driving privileges have not been suspended or revoked within the past seven ~~(7)~~ years, excluding cleared miscellaneous suspensions.
 - 4) ~~Has~~The individual has not previously or currently been arrested for an offense ~~that~~which requires mandatory revocation upon conviction, as stated in IVC Section 6-205 ~~of the Illinois Vehicle Code [625 ILCS 5/6-205]~~.
 - 5) ~~Must~~The individual must have been issued or ~~have~~ qualified for a valid Illinois driver's license prior to the ~~suspension's~~ effective date of the suspension and have no outstanding reinstatement fee, failure to pay requirements or invalidation by voluntary surrender entered to the driving record.
 - 6) ~~Has~~The individual has successfully completed a driver remedial education~~improvement~~ course.
 - 7) ~~Completes~~The individual completes an application and submits the required fees, including the \$8-~~00~~ probationary license fee, and surrenders ~~the~~his current driver's license or provides a notarized, signed affidavit of

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Inability to Surrender form.

- 8) Has a driver's~~The individual's driver's~~ license that has~~is~~ not been~~been~~ invalidated by a No Driving Order~~no driving order~~ from the court.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.130 Grounds for Cancellation of a Probationary License

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

~~"Cancellation of License"—the annulment or termination by formal action of the Secretary because the licensee is no longer entitled to such a license. [625 ILCS 5/1-110]~~

~~"Cleared Miscellaneous Suspensions"—suspensions for safety responsibility, financial responsibility, unsatisfied judgments, warrant parking/traffic, auto emissions, failure to appear, or curfew that are no longer in effect.~~

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

~~"Probationary License"—a special license granting full driving privileges during a period of suspension; the license is issued upon successful completion of a driver improvement course.~~

~~"Suspension of Driving Privileges"—the temporary withdrawal by formal action by the Secretary to operate a motor vehicle on public highways for a period specifically designated by the Secretary. [625 ILCS 5/1-204]~~

~~"Valid Driver's License"—a license issued by the Illinois Secretary of State that is not currently expired, suspended, revoked, or cancelled.~~

- ab) A probationary license as defined in Section 1030.120 ~~of this Part~~ shall be ~~canceledeaneulled~~ and/or further action taken against the individual's driving privileges if the Department receives~~one of the following situations occurs~~:

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- 1) ~~Evidence~~~~The Secretary of State receives evidence~~ that the individual is less than ~~21~~~~18~~ years of age.
- 2) ~~Evidence~~~~The Secretary of State receives evidence~~ that traffic convictions ~~which were~~ committed prior to the effective date of the suspension entered pursuant to ~~IVC~~ Section 6-206(a)(2) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)]~~ will result in the total points assessed against the individual's driving record ~~exceeding to exceed~~ 74 points within a 12-month period, as determined by the Illinois Offense Table (92 Ill. Adm. Code 1040.20).
- 3) ~~Evidence~~~~The Secretary of State receives evidence that~~ the individual's driving privileges have been suspended or revoked within the past ~~seven~~~~7~~ years, excluding cleared miscellaneous suspensions.
- 4) ~~Evidence~~~~The Secretary of State receives evidence~~ indicating that the individual has been arrested, or previously arrested for, an offense ~~that which~~ would require mandatory revocation upon conviction pursuant to ~~IVC~~ Section 6-205 ~~of the Illinois Vehicle Code~~.
- 5) ~~Evidence~~~~The Secretary of State receives evidence that~~ the individual did not attend or failed to complete the driver ~~remedial education~~~~improvement~~ course.
- 6) ~~A~~~~The Secretary of State receives a~~ report of a traffic offense, excluding those listed in ~~IVC~~ Section 6-204(a)(2) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)]~~, ~~that which~~ was committed during the effective period of the probationary license.
- 7) ~~Evidence~~~~The Secretary of State receives evidence that~~ a traffic conviction was committed on or after the effective date of a suspension and prior to the effective date of the probationary driver's license.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

Section 1030.140 Use of Captured Images

- a) ~~Definitions. As used in this Section, the following definitions shall apply:~~

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

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

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

~~"LEADS" means the Illinois Law Enforcement Agencies Data System.~~

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

- ab) The Secretary of State shall maintain a file of all images captured in the process of issuing a driver's license or identification card.
- 1) No other entity shall maintain a file of all or any subset of images, or store them as part of a database or separately established collection, unless explicitly authorized by law or this Section.
 - 2) Images may be retained in hard copy or electronic format only as part of a case record by a criminal justice agency, as required to complete an investigation, to provide evidence or other documentation for the investigation, or as required for any subsequent law enforcement action. The images must remain confidential, be available only to criminal justice agencies, and be disposed of in accordance with established record retention policies pertaining to criminal justice records.
 - 3) Images retrieved for the sole purpose of secondary dissemination shall not be stored by the disseminating agency, except for the purposes of transmission.

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- 4) Illinois State Police may store images retrieved for the purpose of verification and issuance of Firearm Owner Identification Cards and for use on their Sex Offender Registry.
 - 5) Upon the request of the individual, the Secretary of State may maintain a captured image as part of its Lobbyist Registration database, which is available for access by the general public.
- be) The images shall not be publicly displayed or accessed by or distributed to persons other than those authorized by this Section, unless otherwise explicitly allowed by law.
- 1) The images shall be confidential and shall not be disclosed, except to the following persons and for the following reasons:
 - A) The individual upon written request;
 - B) A family member or estate executor of a deceased individual, upon written request and; submission of a copy of the death certificate or other proof of death; and other information, at the discretion of the Department, including but not limited to the deceased individual's driver's license number, State issued ID number, social security number, date of birth, date of death and or last address, at the discretion of the Department of Driver Services;
 - C) Police officers and employees of the Secretary of State who have a need to have access to the stored images to:
 - i) issue or control driver's licenses and identification cards;
 - ii) conduct an investigation into fraudulent activities;
 - iii) conduct hearings regarding the cancellation, suspension or revocation of a driver's license or identification card; or
 - iv) register individuals under the Lobbyist Registration Act [25 ILCS 170];

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- D) Illinois and federal criminal justice agencies for lawful civil or criminal law enforcement investigations;
 - E) Criminal justice agencies from other states or jurisdictions for the purpose of lawful civil or criminal law enforcement investigations;~~or~~
 - F) For use and display by the Illinois State Police in their Sex Offender Registry maintained by law and for display in the Secretary of State Lobbyist Registry; or-
 - G) Other jurisdictions that issue official State driver's licenses and identification cards to ensure that an individual has a valid driver's license or identification card, is not fraudulently using identity information, is not fraudulently attempting to obtain or use a driver's license or identification card, or for similar investigations by a jurisdiction that are related to the issuance and control of driver's licenses and identification cards.
- 2) Broad secondary dissemination to the public or to persons other than those authorized by this Section can occur if the law enforcement entity responsible for the investigation for which the image was requested deems further dissemination of the image to be necessary for locating a suspect or crime victim or for protecting public or officer safety in the course of a criminal investigation, and if:
- A) No other suitable image is available;
 - B) Additional methods of verification of the person's identity and image have been completed;
 - C) The following disclaimer language is included:
"Only for use as authorized by 625 ILCS 5/6-110.1 and 92 Ill. Adm. Code 1030.140. This information and image cannot be certified to be anything other than the information and image of the individual who presented himself or herself to the Secretary of State's Office with the required forms of identification."; and

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- D) It is approved in advance in writing by the Secretary of State Department of Police.
- 3) Only images of a suspect in the investigation for which the image was requested shall be used in any line-up or photo array. ~~Other images (e.g., photo linked to a fingerprint or family or school photo) can only be used in a photo line-up or array if the individual has provided express written consent in advance.~~
- cd) Recipients of images from the Secretary of State may not disseminate images further, except criminal justice agencies may disseminate images to other eligible criminal justice agencies for the purposes of the investigation for which the image was originally requested.
- 1) The Secretary of State shall establish procedures for electronic and hard copy dissemination of images that ensure secure transmission and adherence with all established law and rules regarding images.
- 2) Any agency that secondarily disseminates an image must have the ability to identify other eligible entities and provide records of dissemination, and must have the ability to ensure that the secondary recipient/requestor meets the definition of criminal justice agency. Secondary dissemination will require verification of the recipient's LEADS certification or similar level of verification if LEADS certification is not applicable, and may require other levels of verification defined by the Secretary of State that are necessary to ensure secure and legal distribution and use of images.
- 3) Methods of requesting and disseminating the images must include a provision that the request for and subsequent receipt of the images serves as an agreement to keep the images confidential and to adhere to all established law and rule regarding the images, and must include any disclaimers required by the Secretary of State.

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

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Section 1030.APPENDIX A Questions Asked of a Driver's License Applicant

The following questions shall appear on or be provided with an application for a driver's license:

If you are applying for an Identification (ID) Card review questions 1 and 2; for a Driver's License, review questions 1 through 7; for a Commercial Driver's License, review questions 1 through 10 and question 13; or for a Temporary Visitor's Driver's License, review questions 1 through 7, 11 and 12.

- 1) Is your driver's license or IDidentification card or privilege to obtain a license or ID card suspended, revoked, canceled or refused in any state under this or any other name? (If yes, a letter of clearance~~Letter of Clearance~~ is required.)
- 2) Do you presently hold a valid driver's license or IDidentification card in this or any other state?
- 3) Is your driver's license being held by a court in lieu of bail?
- 4) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court order and/or physician's statement will be required.)
- 5) Do you have any condition that might cause a temporary loss of consciousness? (If yes, a physician's statement and a signed medical agreement are required.)
- 6) Do you have any mental or physical condition that might interfere with safe driving? (If yes, a physician's statement ~~is required~~ and a signed medical agreement ~~are may be~~ required.)
- 7) Do you use any drugs, including prescription medication, or alcohol to an extent that they impair your driving ability? (If yes, a physician's statement ~~is required~~ and a signed medical agreement may be required.)
- 8) Are your commercial driver's license~~Commercial Driver's License~~ privileges currently disqualified or subject to an out-of-service order?
- 9) Do you certify that you meet the "Qualifications of Driver's" portion of

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Part 391 of the Federal Motor Carrier Safety Regulations ~~general qualifications of drivers outlined in 49 CFR 391.11 (2000)~~? If no, indicate why you are not subject to these qualifications. _____

- 10) Do you certify that you meet the hearing requirements outlined in 49 CFR 391.41(b)(11) ~~(2000)~~?

I understand that my social security number will be disclosed to other states pursuant to the Commercial Motor Vehicle Safety Act of 1986 (applies only to CDL applicants) ~~(49 USC 2706)~~.

- 11) Do you certify that you temporarily reside in Illinois and are ineligible for a social security number?
- 12) Do you certify that you are authorized by the U.S. Citizenship and Immigration Services to be legally present in this country and authorize the Secretary of State's Office to verify that such information?
- 13) Have you been licensed in any other state in the last 10 years?

(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

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Section 1030.APPENDIX B Acceptable Identification Documents

- a) An applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B, C, and D as outlined in subsection (f) ~~of this Section~~.
- b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A, B and D to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying ~~their~~ social security numbers. Instead, they shall submit a letter on Social Security Administration letterhead, issued within 90 days prior to the date of application for a temporary visitor's driver's license, verifying ineligibility for a social security number. Acceptance of documents not listed in Groups A, B, and D ~~below~~ must be approved through the Division Administrator.
- c) An applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A, and at least one form from ~~either~~ Group B, C, or D, as outlined in subsection (f) ~~of this Section~~. An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.
- d) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A, B, and D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. Acceptance of documents not listed in Groups A, B, and D ~~below~~ must be approved through the Division Administrator.
- e) Applicants renewing ~~at~~ their current Illinois driver's license or identification card need only present ~~at~~ their current valid license or ID card. If they do not have ~~at~~ their current driver's license or ID card, they must present one form of identification from Group A and at least one form from ~~one of~~ Group B, C, or D, as outlined in subsection (f) ~~of this Section~~.

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- f) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed ~~below~~ by group. Photocopies will not be accepted.

1) GROUP A (Written Signature)

Canceled Check (w/in 90 days)

Cooperative Driver Training Program (CDTP) Certification Form

Court Order

Credit Card – Major Brand

Driver Education Certificate (~~Blue Slip~~)

Government Driver's License

Government Identification Card

Illinois Driver's License – "current"

Illinois Identification Card – "current"

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

I-551 (Alien Registration Card)

I-688 (Temporary Resident Card)

I-688A (Employment Authorization Card)

I-688B (Employment Authorization Card)

I-766 (Employment Authorization Card)

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

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

Military Driver's License – US

Military Identification Card – US

Military Service Record – DD214

Mortgage or Installment Loan Documents

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

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Official Grade/High School Transcript

Illinois Driver's License – "current"

Illinois Identification Card – "current"

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

I-551 (Alien Registration Card)

I-571 (Refugee Travel Document)

I-688 (Temporary Resident Card)

I-688A (Employment Authorization Card)

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I-688B (Employment Authorization Card)

I-766 (Employment Authorization Card)

I-797 (Notice of Action Status Change)

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

Military Driver's License – US

Military Identification Card – US

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record

Illinois Identification Card Record

Military Driver's License – US

Military Identification Card – US

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

4) GROUP D (Residency/Personal Data)

Examples of residency may be, but are not limited to, the following:

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Utility Bill

Vehicle Registration Card

Voter Registration Card

Lease Agreement

- g) Current forms of identification with an Illinois street address that do not appear on the list of unacceptable identification may also be used to verify residency. Any document listed in Group A, B, or C, as outlined in subsection (f) ~~of this Section~~, and other forms of identification not listed as unacceptable may be used to verify personal data.
- h) For a name change, the identification must be a document that provides a link to the established [driver's license/ID Card](#) ~~DL/ID~~ file.
- i) Group B documents, as outlined in subsection (f) ~~of this Section~~, must contain the applicant's full name and date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories, or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign birth certificates are accepted as "proof" if accompanied with any other item listed in Group B.
- j) After review of all identification presented, [Driver Services or Secretary of State](#) management has the right to accept or refuse any document.
- k) Unacceptable identification documents are:
- Bond Receipt or Bond Card
- Business Cards
- Check Cashing Cards

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Club or Fraternal Membership Cards

College or University Identification Cards

Commercially ~~Produced~~ (non-State or unofficial) ID ~~Cardseards~~

Firearms Owner ID

Fishing License

[HFS \(Healthcare and Family Services\) Cards](#)

Handwritten ID or Employment Cards

Hunting License

~~[IDPA \(Public Aid\) Cards](#)~~

Instruction Permit/Receipts

Insurance and/or Bail Bond Cards

Library Card

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Verification by family members other than father, mother or legal guardian

Verification by non-family members other than high school driver education instructor or Secretary of State personnel

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

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(Source: Amended at 33 Ill. Reg. 2391, effective January 21, 2009)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Admin. Code 1040
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1040.1	New Section
1040.10	Amendment
1040.20	Amendment
1040.25	Amendment
1040.28	Amendment
1040.29	Amendment
1040.30	Amendment
1040.31	Amendment
1040.32	Amendment
1040.33	Amendment
1040.34	Amendment
1040.35	Amendment
1040.36	Amendment
1040.37	Amendment
1040.38	Amendment
1040.40	Amendment
1040.41	Amendment
1040.42	Amendment
1040.43	Amendment
1040.46	Amendment
1040.48	Repeal
1040.50	Amendment
1040.52	Amendment
1040.55	Amendment
1040.60	Amendment
1040.65	Amendment
1040.66	Amendment
1040.70	Amendment
1040.80	Amendment
1040.100	Amendment
1040.101	Amendment
1040.102	Amendment
1040.105	Amendment
1040.107	Amendment

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1040.108	Amendment
1040.109	Amendment
1040.110	Amendment
1040.111	Amendment
1040.115	Amendment
1040.116	New Section

- 4) Statutory Authority: 625 ILCS 5/6-521
- 5) Effective Date of Amendments: January 22, 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) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 11347; July 25, 2008
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary of Purpose of Amendments: This rulemaking, pursuant to an agreement with JCAR, combines all the definitions from Part 1040 into a new Section 1040.1. In addition, this rulemaking repeals Section 1040.48 in accordance with the enactment of Public Act 94-848 (HB 4314), effective January 1, 2008, which rescinds the imposing of a driver's license suspension for non-compliance with federal safe air requirements relating to motor vehicles. The rulemaking also includes non-technical and grammatical changes to Part 1040.

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

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

217-557-4462

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

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

Section

- [1040.1](#) [Definitions](#)
- 1040.10 Court to Forward Licenses and Reports of Convictions
- 1040.20 Illinois Offense Table
- 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
- 1040.28 [Suspension or Revocation for](#) Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
- 1040.29 [Suspension or Revocation for Two~~2~~](#) or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21 ~~Years~~
- 1040.30 [Suspension or Revocation for Three or~~3~~ Or](#) More Traffic Offenses Committed Within 12 Months
- 1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation
- 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
- 1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
- 1040.34 [Suspension or Revocation for](#) Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
- 1040.35 Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
- 1040.36 Suspension for Violation of Restrictions on Driver's License
- 1040.37 Suspension for Violation of Restrictions on Instruction Permit
- 1040.38 Commission of a Traffic Offense in Another State
- 1040.40 [Suspension or Revocation for](#) Repeated Convictions or Collisions
- 1040.41 Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
- 1040.42 [Suspension or Revocation for](#) Fleeing and Eluding
- 1040.43 [Suspension or Revocation for](#) Illegal Transportation
- 1040.46 [Suspension or Revocation for](#) Fatal Accident and Personal Injury Suspensions or Revocations
- 1040.48 Vehicle Emission Suspensions [\(Repealed\)](#)

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1040.50	Occupational Driving Permit
1040.52	Driver Remedial Education Course
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
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1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.109	<u>Suspension for</u> Two or More Convictions for Railroad Crossing Violations
1040.110	Bribery
1040.111	Suspension for Violation of 625 ILCS 5/11-908(a-1) for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
1040.115	Suspension for Theft of Motor Fuel
<u>1040.116</u>	<u>Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings</u>

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

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153,

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effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective January 22, 2009.

Section 1040.1 Definitions

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

"Alcohol Related Suspension" – a suspension in accordance with Sections 6-206(a)(6), (a)(17), (a)(23) and (a)(33), 11-501.1, 11-501.6 (only when the driver has a positive test for alcohol or drugs) and 11-501.8 of the Illinois Vehicle Code.

"Amnesty" – a sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986 (P.L. 99-603).

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

"Authority" – Illinois State Toll Highway Authority.

"Authorized Holder" – an individual issued a disability license plate pursuant to Section 3-616 of the Illinois Vehicle Code or an individual issued a parking decal or device pursuant to Section 11-1301.2 of the Illinois Vehicle Code or an individual issued a disabled veteran's license plate pursuant to Section 3-609 or 3-609.01 of the Illinois Vehicle Code.

"Authorized Personnel" – the Director, a manager or administrator of the Driver Services Department or an instructor, Secretary of State Police or Inspector General.

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code.

"Automated Traffic Law Violation Suspension" – a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for five or more automated traffic law violations.

"Bankruptcy Debtor" – a debtor under any chapter of the federal Bankruptcy Code (11 USC).

"Bribe" – any item or thing of value, payment, or other personal advantage that an employee of the Office of the Secretary of State, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other

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individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is not authorized by law or administrative rule to accept, knowing or reasonably believing that the item, thing of value, payment or advantage was promised or tendered with the intent to influence or change the performance of any act or duty related to the issuance of a driver's license.

"Bribery" – the solicitation or accepting of any bribe or improper offering.

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to the license or permit.

"Chapter 13 Plan" – an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Clean File" – an electronic file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.

"Clearance Letter" – any document received from another state dated within 30 days prior to the current process date verifying that an individual has had his/her driving privileges restored in that state.

"Cleared Suspension or Revocation" – a suspension or revocation of driving privileges that has terminated.

"Commercial Driver's License" or "CDL" – a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a class of commercial motor vehicle as defined in Section 1-111.6 of the Illinois Vehicle Code.

"Commercial Driver License Information System" or "CDLIS" – the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 USC 2701 et seq.), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers [625 ILCS 5/1-111.7].

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

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

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

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

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

"Commercial Vehicle" – any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially [625 ILCS 5/1-111.8].

"Concurrent Actions Requiring Reinstatement Fees" – a situation in which a driver has either two or more suspensions, except miscellaneous suspensions, or two or more revocations or a combination of suspensions and revocations, on the driving record that were in effect at the same time.

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].

"Conviction – CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge

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is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. [625 ILCS 5/6-500(8)]

"Creditor" – a person to whom a debt is owed by another.

"Curfew" – the hours by which any person under 17 years of age may not lawfully be present at or upon any public assembly, building, place, street or highway as provided in Section 1 of the Child Curfew Act [720 ILCS 555/1].

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code.

"Debtor" – a person who owes a debt.

"Delayed Search" – the NDR will perform a delayed search of its Pointer File periodically for a duration of at least 104 days following an original inquiry. This search is done in order to insure that if an action occurs following an inquiry, that action will be sent to the SOI in the form of a Delayed Search Response (see 23 CFR 1325 and 1327).

"Deletion" – the permanent removal of an entry from a driving record.

"Denial of Driver's License" – to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instruction permit and limiting privileges to that of an instruction permit, if a driver's license has previously been issued in accordance with Sections 6-107(c) and 6-107(d) of the Illinois Vehicle Code.

"Denial of Driving Privilege" – to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Sections 6-107(c) and 6-108.1 of the Illinois Vehicle Code.

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

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

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

"Disability License Plate or Parking Decal or Device-Making Implement" – any implement specially designed or primarily used in the manufacture, assembly or authentication of a disability license plate or parking decal or device, or a license plate issued to a disabled veteran under Section 3-609 or 3-609.01 of the Illinois Vehicle Code issued by the Secretary of State or a unit of local government [625 ILCS 5/11-1301.6(a)].

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled as defined in Section 1-159.1 of the Illinois Vehicle Code or who have a disability so severe that it precludes him/her from obtaining an Illinois driver's license (see Section 4A(b)).

"Disqualification" – the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance; any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations); a determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial vehicle under 49 CFR 391 [625 ILCS 5/1-115.3].

"Disqualified" – the denial of the issuance of a license or permit or the invalidation of any license or permit.

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

"Driver's License or Permit" – a document that permits a person to legally operate a motor vehicle, including a restricted driving permit, judicial driving permit, instruction permit, traffic ticket issued when the person's driver's license is deposited in lieu of bail, suspension notice in which the suspension is not yet

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effective, duplicate or corrected driver's license, temporary instruction permit, temporary driver's license, temporary visitor instruction permit, temporary visitor driver's license, or probationary driver's license.

"Driver History Record" – a standardized form of limited information obtained from the SOR when an SOI makes a history request.

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

"Driver Status" – the current status of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes a request to an SOR.

"Facility Administered Test" – an actual demonstration of the driver's license applicant's ability to successfully pass a vision, written and/or drive test administered by a Driver Services Facility employee or individual or entity approved by the Department to administer such tests.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Failure to Pay" – an indication on a driving record that an individual has failed to pay fines and costs in full on a traffic ticket, which prohibits the renewal, reissuance, or reinstatement of driving privileges (see Section 6-306.6 of the Illinois Vehicle Code).

"False Information" – any information concerning the legal name, sex, date of birth, social security number or any photograph that falsifies all or in part the actual identity of the individual issued the license, permit or identification card [625 ILCS 5/6-301.1(a)(2) and 15 ILCS 335/14A(a)(2)].

"False Information – Disability Plate or Parking Placard Decal or Device" – any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other

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information required on the Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to disabled veterans pursuant to Section 3-609 or 3-609.01 of the Illinois Vehicle Code that falsifies the content of the application.

"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 of the Illinois Vehicle Code.

"Farm Tractor" – every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry that is self-propelled, excluding all-terrain vehicles and off-highway motorcycles [625 ILCS 5/1-120].

"Fictitious Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that contains false information concerning the identity of the individual issued the license or permit [625 ILCS 5/6-301.1(a)(1)].

"Fictitious Disability License Plate or Parking Decal or Device" – any issued disability license plate or parking decal or device, or any license plate issued to a disabled veteran under Section 3-609 or 3-609.01 of the Illinois Vehicle Code, that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application [625 ILCS 5/11-1301.5(a)].

"Fictitious Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, or any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card [15 ILCS 335/14A(a)(1)].

"Financial Responsibility Suspension" – a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code.

"Fraudulent Disability License Plate or Parking Decal or Device" – any disability license plate or parking decal or device that purports to be an official disability

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license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government [625 ILCS 5/11-1301.6(a)].

"Fraudulent Documents" or "Falsified Documents" – any documents submitted by or on behalf of a petitioner to the Secretary that purport or are represented to be prepared or composed by another person, agency or entity that did not actually prepare or compose the documents, or documents that were prepared for a person acting as the petitioner.

"Fraudulent Driver's License or Permit" – any license or permit that purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction [625 ILCS 5/1-123.4].

"Fraudulent Identification Card" – any identification card that purports to be an official identification card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization. For the purpose of this definition, any identification card that resembles an official identification card in size, color, photograph location, or design, or uses the word "official", "State", "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card. [15 ILCS 335/1A]

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

"Hospital" – an institution that provides medical or surgical care and treatment for the sick and injured.

"Identification Card" – any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization that, when completed with information concerning the individual, is

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of a type intended or commonly accepted for the purpose of identification of an individual [15 ILCS 335/14A(a)(5)].

"Illinois Vehicle Code" or "Code" or "IVC" means the Illinois Vehicle Code [625 ILCS 5].

"Implement of Husbandry" – every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds shall be included under this definition [625 ILCS 5/1-130].

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of Section 6-105 or 6-107.1 of the Illinois Vehicle Code.

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

"Judicial Driving Permit" – a driving permit issued to grant a driver limited driving privileges as provided in Section 6-206.1 of the Illinois Vehicle Code.

"Law Enforcement Officials" – police agencies, state's attorneys' offices or court officials.

"Law Enforcement Sworn Report" – a confirmation of correctness and truth by an affidavit, oath or deposition, or a verification by certification, executed by a police officer in accordance with Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109] and pursuant to Section 11-501.1(d) of the Illinois Vehicle Code.

"License Classification" – a notation on a driver's license or permit indicating the type of vehicle a person is qualified to operate.

"Like Period of Time" – an equal amount of time as the original suspension specified.

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code.

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"Materially Altered Documents" – any documents submitted by or on behalf of a petitioner to the Secretary that have been physically altered or changed by someone other than the author of the documents.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Motor Carrier" – any person engaged in the transport of property or passengers, or both, for hire, over the public roads of this State, by motor vehicle [625 ILCS 5/18C-1104(19)].

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) of the Illinois Vehicle Code.

"Night Time Driving Restriction Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code.

"Notice of Automatic Stay" – any notice received by the Department that indicates a debtor has filed a petition in bankruptcy, which automatically stays any proceedings against him or her pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 USC 362).

"Notice of Meeting of Creditors" – a notice from the United States Bankruptcy Court informing the entities that have a claim against the debtor that the debtor has filed bankruptcy.

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

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"Office" means the Office of the Secretary of State.

"Open Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is in effect.

"Open Suspension or Revocation" – a suspension or revocation that appears on the driving record and is in effect.

"Parking Suspension" – a suspension imposed for failure to pay fines or penalties for standing or parking violations pursuant to Section 6-306.5 of the Illinois Vehicle Code.

"Pending Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is not yet in effect.

"Pending Suspension or Revocation" – a suspension or revocation that appears on the driving record and is not yet in effect.

"Petition for Discharge Filed in Bankruptcy" – an order by a United States Bankruptcy Court relieving an individual from all of his/her debts that are provable in bankruptcy, except those excluded by the federal Bankruptcy Code.

"Petition in Bankruptcy" – a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the federal Bankruptcy Code.

"Petitioner" – any person or party who is the subject of an administrative hearing before the Secretary under the provisions of the Illinois Vehicle Code (see 92 Ill. Adm. Code 1001).

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Probationary License" – a conditional license granting full driving privileges during a period of suspension [625 ILCS 5/1-164.1].

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is

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maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Record of Judgment" – an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.

"Reinstatement Fee" – the fee required by Section 6-118(b) of the Illinois Vehicle Code to restore a person's driving privileges after driving privileges have been suspended or revoked.

"Request" – the written application upon the designated form, an approved electronic format, or an acceptable alternative for obtaining a driving abstract and supervision history record.

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

"Restricted Driving Permit" or "RDP" – a document that grants and specifies limited privileges to drivers of motor vehicles who have had their full driving privileges suspended, revoked or cancelled [625 ILCS 5/1-173.1].

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

"Returned Check" – a check delivered to the Office of the Secretary of State as payment of any fee when the check is not honored due to non-sufficient funds.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation [625 ILCS 5/1-176].

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"Safety Responsibility Suspension" – a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code.

"Schedule A-3" – a schedule of liabilities.

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

"State of Inquiry" or "SOI" – a licensing jurisdiction that originated the inquiry for a driver history record or driver status.

"State of Record" or "SOR" – a licensing jurisdiction that originally took action against a problem driver and reported that driver to the NDR.

"Statutory Summary Suspension" – a withdrawal of a person's license or privilege to operate a motor vehicle on the public highways due to refusal to submit to or failure to complete or pass a chemical test or tests following an arrest for driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, for the periods provided in Section 6-208.1 of the Illinois Vehicle Code.

"Stricken on Leave" or "SOL" – stricken from court docket with permission for charges to be reinstated at a later date.

"Supervision" – a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered [730 ILCS 5/5-1-21].

"Supervision History Record" – a record kept by the Department of Driver Services on each driver containing supervision disposition information provided in accordance with Section 6-204(d) of the Illinois Vehicle Code.

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

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"Suspension or Revocation in Effect" – a suspension or revocation that appears on the driving record and has not terminated.

"Terminated Suspension or Revocation" – a suspension or revocation that appears on the driving record and is no longer in effect.

"Tollway Suspension" – a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for five or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries that require the injured party to be carried from the scene.

"Trustee Report of No Assets" – a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

"Unlawfully Altered Disability License Plate or Parking Permit or Device" – any disability license plate or parking permit or device, or any license plate issued to a disabled veteran under Section 3-609 or 3-609.01 of the Illinois Vehicle Code, issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device [625 ILCS 5/11-1301.5(a)].

"Unlawfully Altered Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that has been physically altered or changed in such a manner that false information appears upon the license or permit [625 ILCS 5/6-301.1(a)(3)].

"Unlawfully Altered Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card [15 ILCS 335/14A(a)(3)].

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"Unsatisfied Judgment Suspension" – a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code.

"Vacate" – to set aside, annul, rescind, render void, or cancel an order.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not been invalidated, denied, canceled, revoked, suspended, disqualified or used after curfew or during a night time driving restriction.

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.6 of the Illinois Vehicle Code or for failure to pay a fine or penalty for 10 or more standing, parking or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

(Source: Added at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.10 Court to Forward Licenses and Reports of Convictions

- a) The Secretary of State, in order to fully utilize conviction reports filed with the Office~~him~~ by the courts of this State and other states~~States~~, shall promulgate a point system as a standard in determining whether to suspend or revoke driving privileges and to determine the period of suspension or revocation. The point system may take into consideration:
- 1) the severity of the offense and conviction;
 - 2) the total number of offenses and convictions of a driver;
 - 3) the penalty imposed by the court;
 - 4) the recommendations, if any, of the court; and
 - 5) prior suspensions or revocations.

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- b) ~~The Point System~~ shall act as a standard for the Secretary of State in determining the fitness or unfitness of any person to safely operate any motor vehicle in a manner conducive to the public safety and welfare, and in determining whether ~~the such~~ person has due respect for traffic laws and the safety of other persons upon the highway.
- cb) The ~~Point System is outlined in Section 1040.20~~ Point System shall be filed as a ~~Rule~~ and shall be subject to the Driver License Compact.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.20 Illinois Offense Table

- a) The conviction report furnished to the Driver Services Department by the court where a person was convicted of a traffic violation shall be entered upon the driving record by classification (~~Type Action~~type action) and used as a source of information. In the absence of ~~statutory amendment~~Statutory Amendment, ~~this Section~~the following rules shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out ~~in subsections (c) and (d)~~herein.
- 1) Classification for convictions of traffic offenses:
 - Type ~~Action~~action 68: Record ~~history item only~~History Item Only
 - Type ~~Action~~action 82: Conviction
 - Type ~~Action~~action 83: Immediate action (no points assigned)
 - Type ~~Action~~action 85: Conviction (no points assigned)
 - Type ~~Action~~action 87: Conviction (points assigned)
 - Type ~~Action~~action 89: Withdrawal (no points assigned)
 - Type ~~Action~~action 93: Immediate action bond forfeiture (no points assigned)
 - Type ~~Action~~action 94: Immediate action conviction (no points assigned)
 - Type ~~Action~~action 95: Bond forfeiture (no points assigned)
 - Type ~~Action~~action 96: Conviction (no points assigned)
 - Type ~~Action~~action 97: Bond forfeiture (points assigned – moving violation)
 - Type ~~Action~~action 99: Conviction (points assigned – moving violation)
 - 2) Description of Offense: The code used to describe the offense is

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composed of the ~~Chapter~~chapter and/or Section number ~~of the Illinois Rules of the Road~~ of the Illinois Vehicle Code [625 ILCS 5/~~Ch. 11-1-100~~], the Municipal Code of the City of Chicago (Municipal Code of Chicago, ch. 27), the Criminal Code of 1961 [720 ILCS 5/~~1-1~~], the Cannabis Control Act [720 ILCS 550/~~1~~], the Illinois Controlled Substances Act [720 ILCS 570/~~100~~], the Liquor Control Act of 1934 [235 ILCS 5/~~Art. VI-16(a)~~], or the Illinois Identification Card Act [15 ILCS 335]. Preceding the Section number for these codes, with the exception of those listed in subsection (a)(1), will be a single digit code to identify the specific law ~~that~~which will be as follows:

- 0 – Criminal Code, Cannabis Control Act, Illinois Controlled Substances Act, the Liquor Control Act of 1934, or the Illinois Identification Card Act
- 1 – Illinois Vehicle Code
- 2 – Local ordinance (all municipal ordinance convictions), or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code Violations with the exception of the first digit ~~that~~which shall be a "2"
- 4 – Motor Vehicle Theft Law of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/~~Ch. 4, Art. I4-100~~]
- 6 – The Illinois Driver Licensing Law
- 7 – Chicago Municipal Ordinance
- 8 – Foreign state and other (all out-of-state convictions to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit, which shall be an "8")

NOTE: The position for the single digit codes 1, 2, 6, or 8, will be symbolized by a # throughout the point table set out in this Part.

- 3) Any one of the last positions of the offense code may be used to indicate the paragraph of the Section violated, or refer to the number of miles per hour (in code form) the driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out in this Part).

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4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of IVC Section 6-206(a)(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)], as well as the number of points that should be assigned to those convictions, which in turn determines the length and/or type of such action.

- A) A thorough review of literature relating to the general concept of point systems utilized by other states.
- B) A specific review of point systems and ranges of point assignments utilized by other states.
- C) An exhaustive and detailed review of the current Illinois point system.
- D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed, and agreed upon by the consensus of the group.

b) Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act. The following violations of the Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act will not be assigned points but will be entered on the record as Type Action ~~type action~~ - 93- ~~bond~~Bond forfeiture immediate action; or Type Action ~~type action~~ -94- conviction immediate action.

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
3-707(c-1)	707301	3 707 C1	Convicted of driving without liability insurance

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4-102	102000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor [625 ILCS 5/4-100]
4-103	103000	4 103 00	Motor Vehicle Anti-Theft Law, felony [625 ILCS 5/ Ch. 4, Art. 14-100]
4-103.1	103100	4 103 01	Motor Vehicle Anti-Theft Law, conspiracy [625 ILCS 5/ Ch. 4, Art. 14-100]
6-101	101000	# 101 00	Operating a motor vehicle without a valid license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-104(a)	104001	# 104 01	Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)
6-104(b)	104002	# 104 02	Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(c)	104003	# 104 03	Violation of classification for transporting property for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(d)	104004	# 104 04	Violation of school bus driver permits (a serious traffic violation if committed in a commercial motor vehicle)
6-104(e)	104005	# 104 05	Violation of religious bus driver endorsement (a serious traffic violation if committed in a

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			commercial motor vehicle)
6-104(f)	104006	# 104 06	Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle)
6-105	105000	6 105 00	Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)
6-107.1(a)	107110	6 107.1A	Violation of instruction permit
6-107.1(b)	107120	6 107.1B	Violation of curfew law (prior to 1-1-08)
6-107.1(b)	107102	6 107.1B	Violation of nighttime driving restrictions – under the age of 18 (effective 1-1-08)
6-110(a)	110000	6 110 00	Violation of curfew law – under age of 17 (Child Curfew Act [720 ILCS 555/1 and 2])
6-110(a-1)	110101	6 110 A-1	Violation of nighttime driving restrictions (effective 1-1-08)
6-113(e)	113501	# 113 E1	Violation of driver's license restriction (a serious traffic violation if committed in a commercial motor vehicle)
6-113(e)	113502	# 113 E2	Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-205(a)3	205103	# 205 A3	Any felony under the laws of any state or federal government in the

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			commission of which a vehicle was used
6-205(a)5	205105	6 205 A5	Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act [705 ILCS 405/1-8] that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
<u>6-206.2(a)</u>	<u>206201</u>	<u>6 206.2 A</u>	<u>Operating a vehicle without interlock device when one is required</u>
<u>6-206.2(a-5)</u>	<u>206215</u>	<u>6 206.2 A-5</u>	<u>Allowing an unauthorized person to blow into an interlock device</u>
6-210(1)	210001	# 210 01	Driving during the period of suspension/revocation
6-210(2)	210002	# 210 02	Driving during the period of suspension/revocation
6-301(1)	301001	# 301 01	To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit

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6-301(2)	301002	# 301 02	To lend his license or permit to any other person or knowingly allow the use thereof by another
6-301(3)	301003	# 301 03	To display or represent as his own any license or permit issued to another
6-301(4)	301004	# 301 04	To fail or refuse to surrender to the Secretary of State or his agent or any peace officer, upon his lawful demand, any license or permit that <u>which</u> has been suspended, revoked or cancelled
6-301(5)	301005	# 301 05	To allow any unlawful use of a license or permit issued to him
6-301(6)	301006	# 301 06	To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person
6-301.1(b)1	301121	# 301121	Possess fictitious altered driver's license or permit
6-301.1(b)2	301122	# 301122	Possess/display altered fictitious driver's license or permit
6-301.1(b)3	301123	# 301123	Possess fictitious altered driver's license or permit
6-301.1(b)4	301124	# 301124	Possess fictitious altered driver's license or permit
6-301.1(b)5	301125	# 301125	Possess fictitious altered driver's

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			license or permit
6-301.1(b)6	301126	# 301126	Possess fictitious altered driver's license or permit
6-301.1(b)7	301127	# 301127	Issue fictitious driver's license or permit
6-301.1(b)8	301128	# 301128	Alter/attempt to alter driver's license or permit
6-301.1(b)9	301129	# 301129	Provide ID for obtaining fictitious driver's license or permit
6-301.1(b)10	301120	# 301120	To knowingly use any fictitious or unlawfully altered driver's license or permit to purchase or attempt to purchase any ticket for, or to board or attempt to board any common carrier
6-301.1(b)11	011211	# 3011211	To knowingly possess any fictitious or unlawfully altered driver's license or permit if the person has, at the time, a different driver's license issued by the Illinois Secretary of State or other driver's license agency in another jurisdiction that is suspended or revoked
6-301.2(b)1	301221	# 301221	Possess fraudulent driver's license or permit
6-301.2(b)2	301222	# 301222	Possess/display fraudulent driver's license or permit
6-301.2(b)3	301223	# 301223	Possess fraudulent driver's license or permit

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6-301.2(b)4	301224	# 301224	Possess fraudulent driver's license or permit
6-301.2(b)5	301225	# 301225	Possess fraudulent driver's license or permit
6-301.2(b)6	301226	# 301226	Possess fraudulent driver's license or permit
6-301.2(b)7	301227	# 301227	Possess driver's license making implement
6-301.2(b)8	301228	# 301228	Possess stolen driver's license making implement
6-301.2(b)9	301229	# 301229	Duplicate/sell fraudulent driver's license or permit
6-301.2(b)10	301220	# 301220	Advertise or distribute fraudulent driver's license or permit
6-301.2(b)11	012211	# 3012211	To knowingly use a fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier as used in this Section
6-301.2(b)12	012212	# 3012212	To knowingly possess any fraudulent driver's license or permit if the person has, at the time, a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked
6-301.2(b-1)	301201	# 3012b-1	Possess, use, or allow to be used any material to obtain information from

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			the bar code or magnetic strip of an official Illinois Driver's License issued by the Secretary of State (P.A. 94-930, eff. 6-26-06)
6-302(a)1	302101	# 302101	Present false information in an application. For driver's license/permit
6-302(a)2	302102	# 302102	Accept false information/ID in an application for driver's license/permit
6-302(a)3	302103	# 302103	Make false affidavit swear or affirm falsely
6-303(a)1	303101	# 303 A1	Driving during a suspension or revocation
6-303(a)2	303102	# 303 A2	Driving during a revocation or suspension
6-303(d)	303400	# 303 D0	Second conviction of driving during revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)2	303402	# 303 D2	Third conviction of driving during a revocation or violations of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)3	303403	# 303 D3	Fourth or subsequent conviction of driving during revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road

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			and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)4	303404	6-303(D-4)	Tenth through fourteenth conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 of the Illinois Rules of the Road or Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)5	303405	6-303(D-5)	Fifteenth or subsequent conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 of the Illinois Rules of the Road or Section 9-3 of the Criminal Code or a similar provision of a local ordinance
6-507(a)2	507102	# 507 A2	Driving a commercial motor vehicle (CMV) without obtaining a commercial driver's license (CDL) (P.A. 94-307, eff. 10-1-05)
6-507(a)3	507103	# 507 A3	Driving without the proper commercial driver's license classification or endorsements (P.A. 94-307, eff. 10-1-05)
6-507(b)	507200	6 507 B0	No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, canceled, nor while subject to disqualification or while subject to or in violation of an "out-of-service" order
6-507(b)1	507201	# 507 B1	No person may drive a commercial

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			motor vehicle while driving privileges, license, or permit is suspended, revoked, canceled or disqualified
6-507(b)2	507202	# 507 B2	No person may drive a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of- service order
6-507(b)3	507203	# 507 B3	No person may drive commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of- service order and while transporting passengers or hazardous materials
8-101	008000	8000	Failure to show proof of financial responsibility – persons who operate motor vehicles in transportation of passengers for hire
11-204	020400	# 0204 00	Fleeing or attempting to elude a peace officer
11-204.1	020401	# 0204 01	Aggravated fleeing or eluding a peace officer
11-401	040100	# 0401 00	Leaving scene or failure to report an accident involving death or personal injury
11-402(b)	040202	# 0402 02	Leaving the scene of an accident involving damage to a vehicle in excess of \$1000
11-406(a)	040610	# 0406 A0	Failure to make report of vehicle accident

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11-406(b)	040620	# 0406 B0	Failure to make report of school bus accident
11-501(a)1	050111	# 0501 A1	Driving with a blood alcohol concentration above the legal limit
11-501(a)2	050112	# 0501 A2	Driving while under the influence of alcohol
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any other drug or combination of drugs (prior to 1-1-99)
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any intoxicating compound or combination of intoxicating compounds (effective 1-1-99)
11-501(a)4	050114	# 0501 A4	Driving under the combined influence of alcohol and other drug or drugs (prior to 1-1-99)
11-501(a)4	050114	# 0501 A4	Driving while under the influence of any other drug or combination of drugs (effective 1-1-99)
11-501(a)5	050115	# 0501 A5	Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act (prior to 1-1-99)
11-501(a)5	050105	# 0501 A5	Driving while under the combined influence of alcohol and other drug or

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			drugs or intoxicating compound or compounds (effective 1-1-99)
11-501(a)6	050106	# 0501 A6	Driving while there is any amount of a drug, substance or compound in the person's breath, blood or urine resulting from the unlawful use or consumption of cannabis, a controlled substance or an intoxicating compound (effective 1-1-99)
11-501(b)	501200	# 11-0501 B	Initial conviction of violating Section 11-501- subsection (b)
11-501(b-3)	050123	# 0501 B-3	Second conviction of violating Section 11-501(a) or a similar provision committed within 5 years of a previous violation of Section 11-501(a) or similar provision (P.A. 93-800, eff. 1-1-05)
11-501(b-4)	050124	# 0501 B-4	Third or subsequent violation committed within 5 years of a previous violation of Section 11-501(a) or a similar provision (P.A. 93-800, eff. 1-1-05)
11-501(c)	501300	# 11-0501 C	A violation of Section 11-501 subsection (c)
11-501(c-1)1	501311	# 0501 C11	Driving under the influence while revoked for driving while under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1

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11-501(c-1)2	501312	# 0501 C12	Third violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-1)3	501313	# 0501 C13	Fourth or subsequent violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-4)1	501341	# 0501 C41	Convicted of violating Section 11-501(a) for first time when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)2	501342	# 0501 C42	Second conviction within 10 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)3	501343	# 0501 C43	Third conviction within 20 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a

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			child under the age of 16. This is considered a Class 4 felony
11-501(c-4)4	501344	# 0501 C44	Fourth or subsequent conviction for violating Section 11-501(a) when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16. This is considered a Class 2 felony
11-501(c-5)1	501351	# 0501 C5(1)	Violation of Section 11-501(a) while transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)2	501352	# 0501 C5(2)	Second violation of Section 11-501(a) and at the time of the violation the person was transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)3	501353	# 0501 C5(3)	Second violation of Section 11-501(a) or a similar provision within 10 years and at the time of the violation the person was transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)4	501354	# 0501 C5(4)	Second conviction of Section 11-501(a) or a similar provision within 5 years and at the time of the violation the person was transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)5	501355	# 0501 C5(5)	Third conviction for violating Section 11-501(a) or a similar provision and at the time of the

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			violation the person was transporting a person under the age of 16 (felony) (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)6	501356	# 0501 C5(6)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time the person was transporting a person under the age of 16 (felony) (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)7	501357	# 0501 C5(7)	Fourth or subsequent conviction for violating Section 11-501(a) or similar provision and at the time of the fourth or subsequent violation the person was transporting a person under age 16, 3 prior violations of transporting a person under age 16 or while BAC .16 or more (felony) (P.A. 93-1093, eff. 3-29-05)
11-501(c-6)1	501361	# 0501 C6(1)	Conviction of Section 11-501(a) or a similar provision and the alcohol concentration was .16 or more (P.A. 93-1093, eff. 3-29-05)
11-501(c-6)2	501362	# 0501 C6(2)	Second conviction of Section 11-501(a) or a similar provision within 10 years and at the time the BAC was .16 or more (P.A. 93-1093, eff. 3-29-05)
11-501(c-6)3	501363	# 0501 C6(3)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time of the violation the person's BAC was .16 or more (felony) (P.A. 93-1093, eff.

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11-501(c-6)4	501364	# 0501 C6(4)	Fourth or subsequent conviction for violating Section 11-501(a) or a similar provision and at the time of the fourth or subsequent violation the person's BAC was .16 or more, three prior convictions of transporting a person under the age of 16 or while BAC was .16 or more (felony) (P.A. 93-1093, eff. 3-29-05)
11-501(dD)	501400	# 0501 D	A violation of Section 11-501(dD)
11-501(d)1	050141	# 0501 D1	Such person committed a violation of Section 11-501(a) for the third or subsequent time
11-501(d)2	050142	# 0501 D2	Such person committed a violation of Section 11-501(a) while driving a school bus with children on board
11-501(d)3	050143	# 0501 D3	Such person in committing a violation of Section 11-501(a) was involved in a motor vehicle accident that which resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries
11-501(d)4	050144	# 0501 D4	Committed a violation of Section 11-501(a) of the Illinois Vehicle Code for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been

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			under the influence of alcohol or other drug as an element of the offense
11-501(d)1A	501411	# 0501D1A	Convicted of committing a violation of Section 11-501(a) of the Illinois Vehicle Code for the third or subsequent time
11-501(d)1B	501412	# 0501D1B	Such person committed a violation of of Section 11-501(a) of the Illinois Vehicle Code while driving a school bus with children on board
11-501(d)1C	501413	# 0501D1C	Such person, in committing a violation of Section 11-501(a) of the Illinois Vehicle Code , was involved in a motor vehicle accident that which resulted in great bodily harm or permanent disability or disfigurement to another when such violation was the proximate cause of such injuries
11-501(d)1D	501414	# 0501D1D	Committed a violation of Section 11-501(a A) of the Illinois Vehicle Code for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense or Section 11-501(d)(1)(C) or (F)
11-501(d)1E	501415	# 0501D1E	Committed a violation of Section 11-501(a) in a school zone when a 20 MPH speed limit was in effect

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			and was involved in an accident that resulted in bodily harm
11-501(d)1F	501416	# 0501D1F	Committed a violation of Section 11-501(a) and was involved in a motor vehicle, snowmobile, all-terrain vehicle or water craft accident that resulted in the death of another person when the violation of Section 11-501(a) was a proximate cause of death
11-501(d)1G	501417	# 0501D1G	Committed a violation of Section 11-501(a) and the driver did not possess a valid driver's license or permit (P.A. 94-329, eff. 1-1-06)
11-501(d)1H	501418	# 0501D1H	Committed a violation of Section 11-501(a) and the driver knew that the vehicle being driven was not covered by a liability insurance policy (P.A. 94-329, eff. 1-1-06)
<u>11-503(b)1</u>	<u>503201</u>	<u># 0503B1</u>	<u>Reckless driving, bodily harm to a child or school crossing guard</u>
11-503(c)	050303	# 050303	Aggravated reckless driving
<u>11-503(d)</u>	<u>050304</u>	<u># 0503 04</u>	<u>Aggravated reckless driving, great bodily harm to a child or school crossing guard</u>
11-504	050400	# 0504 00	Drag racing
11-506(a)	050601	#050601	Street racing
11-907(c)	090703	# 0907 03	Failure to yield the right-of-way or drive with due caution upon approaching a stationary emergency

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			vehicle
11-908(a)1	090811	1 908 A1	Failure to yield and proceed with due caution upon entering a construction zone when workers are present
11-1301 3a-1	301311	# 13013A1	Unauthorized use of handicap placard or device (P.A. 94-619, eff. 1-1-06)
11-1301.5(b)1	301521	1 13015B1	To knowingly possess any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device
11-1301.5(b)2	301522	1 13015B2	To knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)3	301523	1 13015B3	To knowingly alter any person-with-disabilities license plate or parking decal or device
11-1301.5(b)4	301524	1 13015B4	To knowingly manufacture, possess, transfer, or provide any documentation used in the application process, whether real or fictitious, for the purpose of obtaining, a fictitious person-with-disabilities license plate or parking decal or device

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11-1301.5(b)5	301525	1 13015B5	To knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device
11-1301.5(b)6	301526	1 13015B6	To knowingly transfer a person-with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to any authorized holder of a person-with-disabilities license plate or parking decal or device under this Code in the absence of the authorized holder
11-1301.6(b)1	301621	1 13016B1	To knowingly possess any fraudulent person-with-disabilities license plate or parking decal or device
11-1301.6(b)2	301622	1 13016B2	To knowingly possess without authority any implement to duplicate and/or manufacture any person-with-disabilities license plate or parking decal or device
11-1301.6(b)3	301623	1 13016B3	To knowingly duplicate, manufacture, sell, or transfer any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)4	301624	1 13016B4	To knowingly assist in the duplication, manufacturing, selling, or transferring of any fraudulent or stolen person-with-disabilities license plate or parking decal or

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CRIMINAL CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
			device
11-1301.6(b)5	301625	1 13016B5	To advertise or distribute a fraudulent person-with-disabilities license plate or parking decal or device
12-215(g)	221507	# 2215 07	Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-215] without lawful authority to stop
9-3	009003	9 03	Reckless homicide resulting from operation of a motor vehicle
11-15.1	011151	11 151	Conviction of soliciting for a juvenile prostitute
11-19.1	011191	11 191	Conviction of juvenile pimping
12-5	012005	12 05	Conviction of reckless conduct
12-13	012013	12 13	Conviction of criminal sexual assault
12-14	012014	12 14	Conviction of aggravated criminal sexual assault
12-15	012015	12 15	Conviction of criminal sexual abuse
12-16	012016	12 16	Conviction of aggravated criminal sexual abuse

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<u>16J-15</u>	<u>161015</u>	<u>16J-15</u>	<u>Conviction for violation of theft of motor fuel</u>
<u>16K-15</u>	<u>161115</u>	<u>16K-15</u>	<u>Conviction for violation of theft of motor fuel</u>
18-3	0018003	18 3	Conviction of vehicular hijacking
18-4	0018004	18 4	Conviction of aggravated vehicular hijacking
21-2	021002	21 02	Criminal trespass to motor vehicles
22-51	022051	22 51	Violation of the Hypodermic Syringes and Needles Act [720 ILCS 635/2] concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)7	241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)9	241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.2	241200	241 200	Conviction of aggravated discharge of a firearm
24-1.5(b)	241520	24 15B	Conviction of reckless discharge of

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NOTICE OF ADOPTED AMENDMENTS

a firearm

THE LIQUOR
CONTROL ACT
OF 1934

EDPM
OFFENSE
CODE

ABSTRACT
DESCRIPTION
CODE

DESCRIPTION OF OFFENSE

43-131(a)

431311

43 131A

Minor presents false ID to buy
alcoholic beverage—~~Liquor
Control Act of 1934~~

6-20

006020

6-20

Violation of Section 6-20-of the
~~Liquor Control Act of 1934 (P.A.
92-804, eff. 1-1-03)~~

6-20(a)

060201

6-20A

Violation of Section 6-20(a) of the
Liquor Control Act(~~P.A. 95-166,
eff. 1-1-08~~)

6-20(c)

060203

6-20C

Violation of Section 6-20(c) of the
Liquor Control Act(~~P.A. 95-166,
eff. 1-1-08~~)

6-20(d)

060204

6-20D

Violation of Section 6-20(d) of the
Liquor Control Act(~~P.A. 95-166,
eff. 1-1-08~~)

6-20(e)

060205

6-20E

Violation of Section 6-20(e) of the
Liquor Control Act(~~P.A. 95-166,
eff. 1-1-08~~)

CANNABIS
CONTROL
ACT

EDPM
OFFENSE
CODE

ABSTRACT
DESCRIPTION
CODE

DESCRIPTION OF OFFENSE

704(a)

070401

704 01

Conviction for violation of Section
4(a) ~~of the Cannabis Control Act~~
concerning the possession of not

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NOTICE OF ADOPTED AMENDMENTS

			more than 2.5 grams of any substance containing cannabis
704(b)	070402	704 02	Conviction for violation of Section 4(b) of the Cannabis Control Act concerning the possession of more than 2.5 grams but more than 10 grams of any substance containing cannabis
704(c) I	070403	704 03	Conviction for violation of Section 4(c) I of the Cannabis Control Act concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis
704(d)	070404	704 04	Conviction for violation of Section 4(d) of the Cannabis Control Act concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis
704(e)	070405	704 05	Conviction for violation of Section 4(e) of the Cannabis Control Act concerning the possession of more than 500 grams of any substance containing cannabis
705	00705	705 00	Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis
707	00707	707 00	Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult

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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1401(a)	140101	1401 01	Class X violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(b)	140102	1401 02	Class 1 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(c)†	140103	1401 03	Class 2 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(d)	140104	1401 04	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(e)	140105	1401 05	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(f)	140106	1401 06	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a

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			controlled substance
1401(g)	140107	1401 07	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1402(a)1	014201	1402 01	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing heroin
1402(a)2	014202	1402 02	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing cocaine
1402(a)3	014203	1402 03	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing morphine
1402(a)4	014204	1402 04	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing peyote
1402(a)5	014205	1402 05	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid

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1402(a)6	014206	1402 06	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine or methamphetamine
1402(a)7	014207	1402 07	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more, but less than 100 grams of any substance containing lysergic acid diethylamide (LSD)
1402(a)8	014208	1402 08	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine
1402(a)9	014209	1402 09	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone
1402(a)10	014210	1402 10	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP)

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1402(a)11	014211	1402 11	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II that which is not otherwise included in this subsection
1402(b)	014220	1402 20	Conviction for violation of Section 402(b) of the Controlled Substances Act concerning the possession of any other amount of a controlled or counterfeit substance
1407	014070	1407 00	Adult delivers controlled or counterfeit substances to minor
1407.1	014701	1407 01	Adult uses minor to deliver controlled/counterfeit substances
16J-15	161015	16J-15	Conviction for violation of theft of motor fuel (P.A. 94-700, eff. 6-1-06)
2103	021003	21 03	Violation of the Drug Paraphernalia Control Act [720 ILCS 600] concerning the sale of instruments used for illegal drug use or abuse
ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
335-14a1	014101	14A1	To possess, display, or cause to be displayed any canceled or revoked identification card

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335-14a2	014102	14A2	To display or represent as the person's own any identification card issued to another
335-14a3	014103	14A3	To allow any unlawful use of an identification card issued to another person
335-14a4	014104	14A4	To lend an identification card to another or knowingly allow the use thereof
335-14a5	014105	14A5	To fail or refuse to surrender to the Secretary of State, the Secretary's agent, or any peace officer upon lawful demand, any identification card that has been revoked or canceled
335-14a6	014106	14A6	To knowingly possess, use or allow to be used any materials, hardware or software specifically designed for or primarily used in the manufacture, assembly, issuance or authentication of an official Illinois identification card or Illinois disabled person identification card by the Secretary of State (P.A. 93-667, eff. 3-19-04)
335-14a7	014107	14A7	To knowingly possess, use or allow to be used a stolen identification card making implement (P.A. 94-239, eff. 1-1-06)
335-14(A-1)	014011	14-A-1	Possess or use materials to obtain information from an identification

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			card (P.A. 94-239, eff. 1-1-06)
335-14ab1	014121	14AB1	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card
335-14ab2	014122	14AB2	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card for the purpose of obtaining any account, credit, credit card, or debit card from a bank, financial institution, or retail mercantile establishment
335-14ab3	014123	14AB3	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this state or any law of any other jurisdiction
335-14ab4	014124	14AB4	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided

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335-14ab5	014125	14AB5	To knowingly possess any fictitious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
335-14ab6	014126	14AB6	To knowingly possess any fictitious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document
335-14ab7	014127	14AB7	To knowingly issue or assist in the issuance of any fictitious identification card
335-14ab8	014128	14AB8	To knowingly alter or attempt to alter any identification card
335-14ab9	014129	14AB9	To knowingly manufacture, possess transfer, or provide any identification document for the purpose of obtaining a fictitious identification card
335-14ab10	0141210	14AB10	To make application for the purpose of obtaining a fictitious identification card for another person
335-14ab11	0141211	14AB11	To obtain the services of another person to make application for the purpose of obtaining a fictitious identification card
335-14bb2	014221	14BB2	To knowingly possess, display or cause to be displayed any

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			fraudulent identification card
335-14bb1	014222	14BB1	To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment
335-14bb3	014223	14BB3	To knowingly possess any fraudulent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction
335-14bb4	014224	14BB4	To knowingly possess any fraudulent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
335-14bb5	014225	14BB5	To knowingly possess any fraudulent identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
335-14bb6	014226	14BB6	To knowingly possess any fraudulent identification card with the intent to use the identification

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			card to acquire any other identification document
335-14bb7	014227	14BB7	To knowingly possess without authority any identification card making implement (P.A. 93-895, eff. 1-1-05)
335-14bb8	014228	14BB8	To knowingly possess any stolen implement for duplicating or manufacturing an identification card
335-14bb9	014229	14BB9	To knowingly duplicate, manufacture, sell or transfer any fraudulent identification card
335-14bb10	0142210	14BB10	To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card
335-14cal	014311	14CA1	Present false information in application for identification card
335-14ca2	014312	14CA2	Accept false information in application for identification card
335-14ca3	014313	14CA3	Make false affidavit, swear or affirm falsely

- c) Illinois Vehicle Code
 The following point assigned violations will be entered on the driving record as Type Action ~~type action~~ -97- Bond forfeiture or Type Action ~~type action~~ -99- conviction

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
6-107(e)	107005	6 107 05	Violation of Graduated Driver's License (GDL) restrictions on passengers	10
6-107(f)	107006	6 107 06	Violation of GDL restrictions on passenger seat belt/child restraints	10
6-107(g)	107007	6 107 07	Violation of GDL restrictions on number of passengers	10
6-501	501000	6 501 00	Violation of more than one driver's license (a serious traffic violation if committed in a commercial motor vehicle)	50
6-507(a)(1)	507101	6 507 A1	Driving without a commercial driver's license (CDL) in possession (P.A. 94-307, eff. 9/30/05)-(a serious traffic violation if committed in a commercial motor vehicle)	50
11-203	020300	# 0203 00	Failure to obey lawful order of authorized officer	10
11-305	030500	# 0305 00	Disregarding official traffic control device	20
11-306	030600	# 0306 00	Disregarding traffic control light	20

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11-308	030800	# 0308 00	Disregarding lane control signal (a serious traffic violation if committed in a commercial motor vehicle)	20
11-309	030900	# 0309 00	Disregarding flashing traffic signal	20
11-402(a)	040201	# 0402 01	Collision involving damage to vehicles only – failure to stop, exchange information and make report	25
11-403	040300	# 0403 00	Failure to stop and exchange information after motor vehicle collision property damage only	25
11-403	040370	# 0403 G0	Failure to stop and exchange information or give aid after motor vehicle collision – personal injury involved	50
11-403	040380	# 0403 H0	Failure to stop and exchange information or give aid after motor vehicle collision – fatality	50
11-404	040400	# 0404 00	Failure to notify owner after collision with unattended vehicle or other property	15
11-502(a)	050201	# 0502 01	Illegal transportation, of any alcoholic liquor within the passenger area of any motor vehicle	25
11-503	050300	# 0503 00	Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)	55

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11-505	050500	# 0505 00	Squealing or screeching tires	10
11-601(a)	060100	# 0601 00	Speeding too fast for conditions or failure to reduce speed to avoid an accident (a serious traffic violation if committed in a commercial motor vehicle)	10
11-601(b)	060101	# 0601 01	1-10 MPH above limit	5
11-601(b)	060103	# 0601 03	11-14 MPH above limit	15
11-601(b)	060105	# 0601 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
11-601(b)	060107	# 0601 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
11-601(b)	060108	# 0601 08	26-29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601(b)	060109	# 0601 09	Over 29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601.5	060109	# 0601 09	Driving 40 MPH or more in excess of the applicable speed limit (a serious violation if committed in a commercial motor vehicle)	50
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious	20

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			traffic violation if committed in a commercial motor vehicle)	
11-605(a)	060501	# 0605 01	Exceeding the maximum speed limit in a school zone (a serious violation in a commercial motor vehicle)	20
11-605(b)	060502	# 060502	Exceeding the maximum speed limit through a highway construction or maintenance zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605.1	060510	# 0605 1	Exceeding the maximum speed limit in a construction zone (P.A. 93-955, eff. 8-19-04)	20
11-605.3b	060532	# 0605 3b	Exceeding the maximum speed limit on a park zone street (P.A. 94-808, eff. 5-26-06)	20
11-605.3c	060533	# 0605 3c	Failure to obey stop sign or red light on a park zone street (P.A. 94-808, eff. 5-26-06)	20
11-606(a)	060601	# 0606 01	Driving below minimum speed limit	5
11-606(b)	060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	20
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	10
11-701	070100	# 0701 00	Failure to drive on right side of roadway (a serious traffic	20

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			violation if committed in a commercial motor vehicle)	
11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(a)	070301	# 0703 01	Improper passing on left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(b)	070302	# 0703 02	Failure to yield right-of-way to vehicle passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(c)	070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-703(d)	070304	# 0703 04	Improper passing of bicycle or pedestrian	20
11-704	070400	# 0704 00	Improper passing on the right (a serious traffic violation if committed in a commercial motor vehicle)	20
11-705	070500	# 0705 00	Improper passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-706	070600	# 0706 00	Driving on left side of roadway where prohibited (a serious traffic violation if committed in	20

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			a commercial motor vehicle)	
11-707(b)	070702	# 0707 02	Driving on left side of roadway in a no passing zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(d)	070704	# 0707 04	No passing in unincorporated area where there exists a school speed zone as defined in Section 11-605 (a serious traffic violation if committed in a commercial motor vehicle)	10
11-708	070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island (a serious traffic violation if committed in a commercial motor vehicle)	5
11-709(a)	070901	# 0709 01	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(b)	070902	# 0709 02	Improper center lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(c)	070903	# 0709 03	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(d)	070904	# 0709 04	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20

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11-709.1	070911	# 0709 11	Passing on shoulder while merging into traffic (a serious traffic violation if committed in a commercial motor vehicle)	20
11-710	071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commercial motor vehicle)	25
11-711(a)	071101	# 0711 01	Improper entry or exit from controlled access roadway	10
11-711(b)	071102	# 0711 02	Operating an improper vehicle on a controlled access roadway	10
11-801	080100	# 0801 00	Improper turn at intersection	10
11-802	080200	# 0802 00	Improper U-turn	20
11-803	080300	# 0803 00	Unsafe movement of vehicle from parked position	15
11-804	080400	# 0804 00	Failure to give stop or turn signal	15
11-805	080500	# 0805 00	Improper stop or turn signal	15
11-806	080600	# 0806 00	Improper arm signal	15
11-901	090100	# 0901 00	Failure to yield right-of-way at intersection	15
11-901.1	090101	# 901 01	Failure to yield right-of-way at T intersection	15
11-902	090200	# 0902 00	Improper left turn with oncoming traffic	25

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11-903	090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or crosswalks with traffic control devices	20
11-904	090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20
11-905	090500	# 0905 00	Improper merging into traffic	20
11-906	090600	# 0906 00	Failure to yield right-of-way upon emerging from private road or roadway	20
11-907	090700	# 0907 00	Failure to yield right-of-way to emergency vehicle	15
11-908(a)	090801	# 0908 01	Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any highway construction or maintenance area	15
11-908(b)	090802	# 0908 02	Failure to yield right-of-way to authorized vehicle displaying flashing lights engaged in work upon a highway	15
11-908(c)	090803	# 0908 03	Failure to stop at highway construction sign	15
11-1002(a)	100201	# 1002 01	Failure to yield right-of-way to pedestrians at crosswalks without traffic control devices	20
11-1002(d)	100204	# 1002 04	Passing vehicle stopped for pedestrian (a serious traffic violation if committed in a commercial motor vehicle)	20

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11-1002(e)	100205	# 1002 05	Failure to yield right-of-way to pedestrian at an intersection	20
<u>11-1002.5</u>	<u>100250</u>	<u># 1002 50</u>	<u>Failure to yield to a pedestrian at crosswalk in school zone</u>	<u>20</u>
11-1003.1	100301	# 1003 01	Failure to exercise due care for pedestrian or bicyclist	10
11-1004	100400	# 1004 00	Failure to yield right-of-way to a blind or hearing impaired pedestrian	20
11-1008	100800	# 1008 00	Failure to yield to a pedestrian on a sidewalk	20
11-1101	110100	# 1101 00	Improper passing of street car on the left	10
11-1102	110200	# 1102 00	Improper passing on the right or failure to stop for a street car	20
11-1103	110300	# 1103 00	Obstructing street car traffic	5
11-1104	110400	# 1104 00	Driving through safety zone	20
11-1201	120100	# 1201 00	Failure to stop for approaching railroad train or signal	20
11-1201(a)	120110	# 1201 A	For drivers who are not always required to stop, failing to stop before reaching the railroad crossing, if tracks are not clear (serious traffic violation if committed in a commercial motor vehicle)	20

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11-1201(a)2(a- 2)	120112	# 1201 A2	Failing to obey a traffic control device or the directions of an enforcement official at the railroad crossing	20
11-1201(a-5)	120115	# 1201 A5	For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching train (serious traffic violation if committed in a commercial motor vehicle)	20
11-1201(d-1)	120141	# 1201 D1	For all drivers, failing to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance (serious traffic violation if committed in a commercial motor vehicle)	20
11-1202	120200	# 1202 00	Failure to stop at railroad grade crossing	20
11-1202	120020	# 1202	Failure to stop before driving onto crossing	20
11-1203	120300	# 1203 00	Improper movement of heavy equipment across railroad grade crossing	5
11-1204	120400	# 1204 00	Disregarding stop or yield sign at an intersection	20
11-1205	120500	# 1205 00	Failure to yield right-of-way upon emerging from alley or driveway	20
11-1402(a)	140201	# 1402 01	Limitations on backing	10

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11-1402(b)	140202	# 1402 02	Limitations on backing upon controlled access highway	20
11-1403	140300	# 1403 00	Motorcycle operating violation or passenger equipment violation	5
11-1403.1	140301	# 1403 01	Motorized pedalcycle operating violation	5
11-1403.2	140302	# 1403 02	Operation of motorcycle on one wheel – reckless driving	55
11-1404	140400	# 1404 00	Motorcycle glasses, goggles or shield violation	5
11-1405	140500	# 1405 00	Motorcycle equipment violation	5
11-1412.1	141201	# 1412 01	Driving upon sidewalk (a serious traffic violation if committed in a commercial motor vehicle)	20
11-1414(a)	141401	# 1414 01	Passing school bus receiving or discharging children (a serious traffic violation if committed in a commercial motor vehicle)	25
11-1418	141800	# 1418 00	Illegal operation of farm tractor upon highway	10
11-1425(b)	142520	# 1425 B	For all drivers, failing to have sufficient space to drive completely through the railroad crossing without stopping (serious traffic violation if committed in a commercial motor vehicle)	20

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11-1505	150500	# 1505 00	Improper position of motorized pedalcycles on roadway	10
11-1505.1	150501	# 1505 01	Riding motorized pedalcycle more than two abreast on roadways	10
11-1507.1	150701	# 1507 01	Violation of lamps on motorized pedalcycles	10
11-1510(b)	151020	# 1510 B0	Improper left turn on pedalcycle	10
12-201(b)	220102	# 2201 02	Head, tail or side light violation	10
12-208(a)	220801	# 2208 01	No stop lights	5
12-208(b)	220802	# 2208 02	No turn signal lights	5
12-208(c)	220803	# 2208 03	No turn signal lights on trailers or semi-trailers	5
12-301	230100	# 2301 00	Defective brakes	20
12-610.1b	261012	# 2610 1B	Driver under age 18 using a wireless phone (P.A. 94-240, eff. 7-15-05)	10
12-610.1b	261010	# 2610 1b	Driving under age 19 using a wireless phone (P.A. 95-166, eff. 1-1-08)	
12-804	280400	# 2804 00	School bus identification and warning light violation	5
15-106	510600	# 5106 00	Failure to fasten or secure any protruding component of a vehicle	15

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15-109	510900	# 5109 00	Spilling or unsafe load	15
15-110	511000	# 5110 00	Improper towing of a vehicle	10
15-114	511400	# 5114 00	Improper pushing of another vehicle	10

- d) City of Chicago Traffic Regulations – Chapter 27 of the Municipal Code of Chicago
 The following point assigned violations will be entered on the driving record as [Type Actiontype action -97-](#) ~~bond~~Bond forfeiture or [Type Actiontype action -99-](#) conviction

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-201	201000	7 201 00	Disregarding official traffic control device	20
7-202	202000	7 202 00	Disregarding traffic control light	20
7-203	203000	7 203 00	Disregarding flashing traffic signal	20
7-204	204000	7 204 00	Disregarding lane control light	20
7-205	205000	7 205 00	Avoiding official traffic control device	20
7-210	210000	7 210 00	Driving motor-driven cycle on access roadway	10
7-211	211000	7 211 00	Improper traffic lane usage	20

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7-212	212000	7 212 00	Speeding too fast for conditions	10
7-212.01	212001	7 212 01	1-10 MPH above limit	5
7-212.03	212003	7 212 03	11-14 MPH above limit	15
7-212.05	212005	7 212 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
7-212.07	212007	7 212 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
7-213	213000	7 213 00	Driving below minimum speed limit	5
7-214	214000	7 214 00	Improper turn at intersection	10
7-215	215000	7 215 00	Improper or illegal turn on red signal light	20
7-216	216000	7 216 00	Improper U-turn	10
7-217	217000	7 217 00	Improper U-turn in Loop district	10
7-218	218000	7 218 00	Disobeying no-turn sign	10
7-219	219000	7 219 00	Driving wrong way on one-way street	5

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7-220	220000	7 220 00	Driving wrong way on one-way street – restrictive period	5
7-221	221000	7 221 00	Disregarding stop sign at intersection	20
7-222	222000	7 222 00	Failure to yield right-of-way at stop intersection	20
7-223	223000	7 223 00	Failure to yield right-of-way upon emerging from alley or driveway	20
7-224	224000	7 224 00	Entering intersection when traffic is obstructed	20
7-225	225000	7 225 00	Failure to observe yield right-of-way	20
7-226	226000	7 226 00	Failure to stop for approaching railroad train or signal	20
7-227	227000	7 227 00	Failure to observe bridge signal	20
7-228	228000	7 228 00	Failure to yield right-of-way to emergency vehicles	15
7-229	229000	7 229 00	Failure to yield right-of-way to pedestrian at intersection	20
7-230	230000	7 230 00	Failure to yield right-of-way at intersection	15
7-231	231000	7 231 00	Failure to yield right-of-way to pedestrian	20
7-232	232000	7 232 00	Failure to yield right-of-way to equestrian	20

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7-233	233000	7 233 00	Failure to yield right-of-way to blind person	20
7-236(a)	236001	7 236 01	Improper passing on the left	20
7-236(b)	236002	7 236 02	Failure to yield right-of-way to vehicle passing on the left	20
7-237	237000	7 237 00	Improper passing on the right	20
7-238	238000	7 238 00	Improper passing on the left	20
7-239	239000	7 239 00	Failure to drive on right side of roadway	5
7-240	240000	7 240 00	Passing stopped school bus receiving or discharging children	25
7-241	241000	7 241 00	Passing vehicle stopped for pedestrian	20
7-244	244000	7 244 00	Failure to obey lawful order or authorized officer	10
7-247	247000	7 247 00	Driving in area designated as play street	20
7-248	248000	7 248 00	Driving on sidewalk or parkway	20
7-249	249000	7 249 00	Driving through safety zone	20
7-250	250000	7 250 00	Driving in bus lane	20
7-251	251000	7 251 00	Driving on left side of roadway where prohibited	20

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7-252	252000	7 252 00	Improper backing	10
7-253	253000	7 253 00	Improper entry or exit from controlled access roadway	10
7-255	255000	7 255 00	Negligent driving	10
7-256	256000	7 256 00	Following too closely	25
7-257	257000	7 257 00	Failure to exercise due care for pedestrian	10
7-260	260000	7 260 00	Unsafe movement of vehicle from parked position	15
7-261	261000	7 261 00	Failure to give stop or turn signal	15
7-262	262000	7 262 00	Improper stop or turn signal	15
7-266	266000	7 266 00	Improper towing or pushing of vehicle	10
7-270	270000	7 270 00	Failure to drive within bus lane – bus drivers	20
7-271	271000	7 271 00	Failure to observe mass transportation vehicle regulations	20
7-278	278000	7 278 00	Illegal operation of motorcycle or motor driven cycle	10
7-342	342000	7 342 00	Defective brakes	20
7-346	346000	7 346 00	Head, tail, or side light violation	10

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7-359	359000	7 359 00	Towing vehicles without bar or other safety device	10
7-369	369000	7 369 00	Failure to notify owner after collision with unattended vehicle	25
7-402(c)	402003	7 402 03	Restricted turn signs – prohibited right or left turn	10

e) Illinois Vehicle Code
 The following violations will be entered on the driving record as Type Action ~~type action~~ -95- ~~bond~~ Bond forfeiture or Type Action ~~type action~~ -96- conviction with no point value:

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
11-407(a)	040710	# 0407 A0	Failure of driver to give notice of accident
11-407(b)	040720	# 0407 B0	Failure of passenger to give notice of accident
11-506(b)	050602	# 0506 B	Vehicle owner permitting street racing
11-1412	141200	# 1412 00	Crossing fire hose
11-1420	142000	# 1420 00	Funeral procession violation
12-201(c)	220103	# 2201 03	Registration light violation
12-203	220300	# 2203 00	Lamps on parked vehicle
12-207	220700	# 2207 00	Spot light or auxiliary light violation
12-209	220900	# 2209 00	Other light violation
12-211(a)	221101	# 2211 01	Headlight violation

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12-211(b)	221102	# 2211 02	Front light violation
12-212	221200	# 2212 00	Front red or flashing light violation
12-214	221400	# 2214 00	Special lighting equipment on rural mail delivery vehicle
12-603.1	260301	# 2603 01	Violation of the seat belt act
12-604.1	260401	# 260401	Driving while using prohibited video devices (P.A. 94-185, eff. 1-1-06)
12-613(a)	261301	# 2613 A	Violation of possession and use of radar or laser jamming devices (P.A. 94-594, eff. 1-1-06)
12-714(a)	271401	# 2714 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-715(a)	271501	# 2715 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
1104	001104	# 01104 00	Violation of the Child Passenger Protection Act [625 ILCS 25] – child under age 4
1104(a)	101104	# 01104 10	Violation of the Child Passenger Protection Act [625 ILCS 25] – child age 4 but under age 6
25/4	250400	25 04	Violation of the Child Passenger Protection Act [625 ILCS 25] – child under age 4
25/4a	250401	25 04A	Violation of the Child Passenger Protection Act [625 ILCS 25] – child age 4 but under age 16

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25/4b 250402 25 04B Unrestrained – age 8 but under age 19 [625 ILCS 25]

- f) City of Chicago Traffic Regulations – Chapter 27 of ~~the~~The Municipal Code of Chicago
 The following violations will be entered on the driving record as ~~Type Action~~type action -95- ~~bond~~Bond forfeiture or ~~Type Action~~type action -96- conviction with no point value:

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-235	235000	7 235 00	Driving through a funeral procession
7-246	246000	7 246 00	Crossing fire hose
7-274	274000	7 274 00	Driving in a funeral procession
7-342.1	342001	7 342 01	Violation of seat belt ordinance act
7-347	347000	7 347 00	Spotlight violation
7-348	348000	7 348 00	Other light violation
7-349	349000	7 349 00	Front red or flashing light

- g) Case Review
 - 1) After each case is entered to the appropriate driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension, revocation, or disqualification by automated computer programs using criteria set forth in ~~this Part~~92 Ill. Adm. Code 1040.
 - 2) Driver control action shall be entered upon the driver's record by classification (~~Type Action~~type action).

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A) Classification for driver control actions:

- Type ~~Action~~action 01 Mandatory Revocation
- Type ~~Action~~action 02 Discretionary Revocation
- Type ~~Action~~action 03 Discretionary Suspension
- Type ~~Action~~action 04 Safety Responsibility Suspension
- Type ~~Action~~action 05 Financial Responsibility Suspension
- Type ~~Action~~action 06 Unsatisfied Judgment Suspension
- Type ~~Action~~action 07 Mandatory Suspension
- Type ~~Action~~action 08 Cancellation of License
- Type ~~Action~~action 09 Mandatory Suspension
- Type ~~Action~~action 17 Statutory Summary Suspension
- Type ~~Action~~action 18 Vehicle Emissions Suspension
- Type ~~Action~~action 45 Cancellation/Suspension/Denial of School Bus Permit
- Type ~~Action~~action DN Denial of License and/or Privileges
- Type ~~Action~~action DQ Discretionary/Mandatory Disqualification
- Type ~~Action~~action FR Family Financial Responsibility Suspension
- Type ~~Action~~action IV Invalidation of License
- Type ~~Action~~ Action MC Mandatory Conviction Suspension
- Type ~~Action~~action OS Out of Service Law Enforcement History Item
- Type ~~Action~~action ZT Zero Tolerance Suspension

B) Description of driver control action:

The code used to describe the action is composed of the Chapter and/or Section number of the Illinois Vehicle Code ~~that~~which provides the Secretary of State with the authority to take such action.

h) Mandatory Revocation – Type Action 01

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-205(a)1	205101	6 205 A1	Reckless homicide

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6-205(a)2	205102	6 205 A2	Driving while under the influence of alcohol, other drug, or combination thereof
6-205(a)3	205103	6 205 A3	Felony involving the use of a motor vehicle
6-205(a)4	205104	6 205 A4	Leaving the scene of a traffic accident involving death of personal injury – violation of Section 11-401 of the Illinois Vehicle Code
6-205(a)5	205105	6 205 A5	Perjury under oath relating to ownership or operation of a motor vehicle
6-205(a)6	205106	6 205 A6	Three convictions of reckless driving committed within a 12-month period
6-205(a)7	205107	6 205 A7	Conviction of motor vehicle theft as defined in Section 4-102
6-205(a)8	205108	6 205 A8	Conviction of drag racing under Section 11-504 of the Illinois Vehicle Code
6-205(a)9	205109	6 205 A9	Violation of financial responsibility in operation of a motor vehicle for the purpose of hire (Chapter 8) or for rent (Chapter 9)
6-205(a)10	205110	6 205 A10	Reckless conduct, Section 12-5 Illinois Criminal Code of 1961
6-205(a)11	205111	6 205 A11	Conviction of aggravated fleeing or eluding a peace officer
6-205(a)12	205112	6 205 A12	Violation of Section 6-507(b) or a similar law of another state relating to the unlawful operation of a commercial motor vehicle
6-205(a)13	205113	6 205 A13	A second or subsequent violation of Section 11-502(a) of the Illinois Vehicle Code or a

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similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

6-205(a)14	205114	6 205 A14	Conviction of Section 11-506(a) of the Illinois Vehicle Code or a similar provision of a local ordinance relating to street racing
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act, that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of the Illinois Vehicle Code
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
<u>6-205(b)3</u>	<u>205203</u>	<u>6 205 B3</u>	<u>Committing a gang-related offense involving a motor vehicle or driver's license</u>
6-205(c)	205300	6 205 C0	Revocation of a restricted driving permit

i) Discretionary Revocations and Suspensions – Type Action 02 or 03

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-113(d)	113400	6 113 D0	Violation of a restriction on a license or permit
6-206(a)1	206101	6 206 A1	Has committed an offense requiring revocation upon conviction
6-206(a)2	206102	6 206 A2	Three or more convictions of moving traffic violations committed within a 12-month

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			period
6-206(a)3	206103	6 206 A3	Habitually been in violation of vehicle laws
6-206(a)4	206104	6 206 A4	Accident resulting in death or injury
6-206(a)5	206105	6-206 A5	Permitted unlawful or fraudulent use of license, ID card or permit
6-206(a)6	206106	6 206 A6	Conviction of an offense in another state requiring a suspension or revocation in this State including authorization contained in Section 6-203.1
6-206(a)7	206107	6 206 A7	Refused or failed to submit to an examination
6-206(a)8	206108	6 206 A8	Ineligible for license or permit under Section 6-103.
6-206(a)9	206109	6 206 A9	False statement or knowingly concealed a material fact in application for license, ID card or permit
6-206(a)10	206110	6 206 A10	Has displayed or attempted to fraudulently use any driver's license, ID card or permit not issued to such person
6-206(a)11	206111	6 206 A11	Driving while license or permit has been revoked
6-206(a)12	206112	6-206 A12	Obtained the services of another person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)13	206113	6 206 A13	Violation of Curfew Act (prior to 1-1-08)
6-206(a)13	206113	6 206 A13	Violation of nighttime driving restrictions

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(effective 1-1-08)

6-206(a)14	206114	6 206 A14	Unlawful use of license or permit under Section 6-301 of the Illinois Vehicle Code or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335]
6-206(a)15	206115	6 206 A15	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 [725 ILCS 5/100-1]
6-206(a)16	206116	6 206 A16	Violation of Section 11-204, fleeing from a peace officer
6-206(a)17	206117	6 206 A17	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)18	206118	6 206 A18	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-206(a)19	206119	6 206 A19	Has violated Section 6-101 – driving without a valid license
6-206(a)20	206120	6 206 A20	Has violated Section 6-104 – driving without a proper classification on a driver's license
6-206(a)21	206121	6 206 A21	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1000
6-206(a)22	206122	6 206 A22	Has used a motor vehicle in violation of Section 24-1(a)(3), (4), (7), or (9) of the Criminal Code of 1961
6-206(a)23	206123	6 206 A23	Has been convicted of violating Section 11-502(a) for a second or subsequent time

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			within one year
6-206(a)24	206124	6 206 A24	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense that <u>which</u> is the same or similar to an offense specified under Section 6-205 or 6-206
6-206(a)25	206125	6 206 A25	Has permitted any form of identification to be used by another in the application process in order to obtain a license, identification card or permit
6-206(a)26	206126	6 206 A26	Has altered or attempted to alter a license or has possessed an altered license, identification card or permit
6-206(a)27	206127	6 206 A27	Has violated Section 6-16 of the Liquor Control Act of 1934
6-206(a)28	206128	6 206 A28	Conviction for the illegal possession of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act while operating a motor vehicle
6-206(a)29	206129	6 206 A29	Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse while operating a motor vehicle
6-206(a)30	206130	6 206 A30	Conviction of a second or subsequent time of a sex offense and/or an offense against drug

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			laws while operating a motor vehicle as enumerated in Section 6-206(a)(29)
6-206(a)31	206131	6 206 A31	Refused to submit/failed testtest(s) as required by Section 11-501.6
6-206(a)32	206132	6 206 A32	Has used a motor vehicle in violation of Section 24-1.2 of the Criminal Code of 1961
6-206(a)33	206133	6 206 A33	A violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
6-206(a)34	206134	6 206 A34	Two or more convictions of moving traffic violations committed within a 24-month period (Type Action 02 prior to 8-8-98) (Type Action 03 prior to 8-11-98)
6-206(a)34	206134	6 206 A34	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 of the Illinois Vehicle Code (effective 8-8-98)
6-206(a)35	206135	6 206 A35	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 of the Illinois Vehicle Code (prior to 8-8-98)
6-206(a)35	206135	6 206 A35	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 of the Illinois Vehicle Code (effective 8-8-98)
6-206(a)36	206136	6 206 A36	Use of fraudulent person-with-disabilities license plate or parking decal or device as

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			defined in Section 11-1301.6 of the Illinois Vehicle Code (prior to 8-8-98)
6-206(a)36	206136	6 206 A36	Two or more convictions of moving traffic violations committed within a 24 month period (Type Action 02 effective 8-8-98) (Type Action 03 effective 8-11-98)
6-206(a)37	206137	6 206 A37	Has been convicted of a violation of Section 11-907(c) that resulted in property damage, personal injury, or death
6-206(a)38	206138	6 206 A38	Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 (P.A. 92-874, eff. 1-1-03)
6-206(a)39	206139	6 206 A39	Has committed a second or subsequent violation of Section 11-1201 of the Illinois Vehicle Code (P.A. 92-814, eff. 1-1-03)
6-206(a)40	206140	6 206 A40	Failure to yield and proceed with due caution upon entering a construction zone when workers are present (P.A. 93-667, eff. 3-19-04)
6-206(a)41	206141	6 206 A41	Committed a second or subsequent violation of Section 11-605.1 of the Illinois Vehicle Code within 2 years of the date of the previous violation (P.A. 93-955, eff. 8-19-04)
6-206(a)42	206142	6 206 A42	Has committed a violation of Section 11-1301.3(a-1) (P.A. 94-930, eff. 6-26-06)
6-206(a)43	206143 <u>206144</u>	6 206 A43	Has been convicted of a moving violation after having previously been suspended or revoked pursuant to Section 6-206(a)36 of the Illinois Vehicle Code

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6-206(a)43	206143	6 206 A43	Supervision for violation of Section 6-20 of the Liquor Control Act (P.A. 95-166, eff. 1-1-08)
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<u>6-206(a)43</u>	<u>206145</u>	<u>6 206 A43</u>	<u>Committed perjury or submitted false documents at a formal hearing</u>
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6-206(c)3	206303	6 206 C3	Conviction of an offense while holding a Restricted Driving Permit
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j) Discretionary or Mandatory – Suspension – Type Action 03, 07, 09, 17, or 18, or ZT

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(c)	205300	6 205 C0	Suspension of a Restricted Driving Permit
6-205.2	205002	6 205 02	Theft of motor fuel (P.A. 94-700, eff. 6-1-06)
6-303(b)	303200	6 303 B0	Driving while license or permit has been revoked or suspended
6-306.3	306003	6 306 03	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail
6-306.5	306005	6 306 05	Failure to pay fines – parking violations or automated traffic law violations
6-306.7	306007	6 306 07	Failure to pay fines – Illinois State Toll Highway Authority
11-406(e)	040650	1 0406 E0	Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406

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11-501.1	050101	1 0501 01	Statutory Summary Suspension
11-501.8	050108	1 0501 08	Zero Tolerance Suspension
11-1414(f)	141460	1 1414 F0	Failure to stop for school bus when loading or discharging passengers
13A 112(b)	311122	13A 112 B	Vehicle Emissions Suspension
13B 55(b)	132552	13B 55B	Vehicle Emissions Suspension (P.A. 88-533, eff. 1-1-95)

k) Safety Responsibility Suspension – Type Action 04

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-201			Motor vehicle operator and/or owner of a vehicle involved in an accident in excess of \$500 without liability insurance coverage, with a reasonable possibility of a civil judgment being entered in court

l) Financial Responsibility Suspension – Type Action 05

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-305			Failure to maintain proof of financial responsibility (SR-22 insurance) for a designated period of time

UNIFIED CODE OF CORRECTIONS	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
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NOTICE OF ADOPTED AMENDMENTS

 730/5 5-6-3.1(m) Fail to file proof of financial responsibility after receiving supervision or three convictions for a mandatory insurance violation

m) Unsatisfied Judgment Suspension – Type Action 06

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
7-303			Failure to satisfy court judgment relating to property damage or personal injury resulting from the operation of any motor vehicle

n) Cancellation – Type Action 08

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-108(1)	108001	6 108 01	Request for withdrawal of consent
6-108(2)	108002	6 108 02	Death of person giving consent
6-108(3)	108003	6 108 03	Person giving consent no longer has legal custody
6-108(4)	108004	6 108 04	Reported to be a chronic or habitual truant as defined in Section 26-2a of the School Code [105 ILCS 5/26-2a] (P.A. 94-916, eff. 7-1-07)
6-113(d)	113400	6 113 D0	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction
6-201(a)1	201101	6 201 A1	Not entitled to the issuance of the license or

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NOTICE OF ADOPTED AMENDMENTS

			permit
6-201(a)2	201102	6 201 A2	Failed to give the required or correct information
6-201(a)3	201103	6 201 A3	Failed to pay fees or taxes due
6-201(a)4	201104	6 201 A4	Committed any fraud in the making of such application
6-201(a)5	201105	6 201 A5	Ineligible therefore under the provisions of Section 6-103
6-201(a)6	201106	6 201 A6	Has refused or neglected to submit to examination or re-examination as required under this Code
6-201(a)7	201107	6 201 A7	Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle
6-201(a)8	201108	6 201 A8	Failed to notify Secretary of State of a medical condition that which is likely to cause loss of consciousness or loss of ability to safely operate a motor vehicle within 10 days after becoming aware of the condition
6-201(a)9	201109	6 201 A9	Convicted of a sex offense as defined in the Sex Offender Registration Act (P.A. 94-993, eff. 1-1-07)
<u>6-201(a)11</u>	<u>201111</u>	<u>6 201 A11</u>	<u>Refused or neglected to appear at a driver services facility to have a license corrected</u>
6-205(c)	205300	6 205 C0	Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205
6-206(c)3	206303	6 206 C3	Cancellation of a permit subsequent to a

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NOTICE OF ADOPTED AMENDMENTS

discretionary revocation or suspension
pursuant to Section 6-206

ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
335 13(b)1	013201	335-13 B1	Not entitled to the issuance of an identification card
335 13(b)2	013202	335-13 B2	False statement or knowingly concealed a material fact in your application for an identification card
335 13(b)3	013203	335-13 B3	Displayed or represented as your own an identification card not issued to you
335 13(b)4	013204	335-13 B4	Permitted an unlawful use of your identification card by allowing another person to use your identification card
335 13(b)5	013205	335-13 B5	Signature of the applicant or the signature on the identification card is a forgery
335 13(b)6	013206	335-13 B6	Identification card has been used for an unlawful or fraudulent purpose
335 13(b)7	013207	335-13 B7	Identification card has been altered or defaced
335 13(b)8	013208	335-13 B8	Identification card has been duplicated for any purpose
335 13(b)9	013209	335-13 B9	Identification card was utilized for counterfeit purposes
335 13(b)10	013210	335-13 B10	Not a disabled person as defined in Section 4A of the Illinois Identification Card Act

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NOTICE OF ADOPTED AMENDMENTS

~~(effective 7-1-85)~~

335 13(b)11 013211 335-13 B11 The holder failed to appear at a Driver Services Facility for the re-issuance of an identification card ~~(P.A. 93-895, eff. 1-1-05)~~

o) Discretionary/Mandatory Cancellation/Suspension/Denial of School Bus Driver Permit – Type Action 45

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
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6-106.1	106001	6 106 01	Discretionary/mandatory suspension/cancellation/denial of a school bus driver permit pursuant to Section 6-106.1 of the Illinois Vehicle Code
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6-106.1(a)	106011		Zero tolerance cancellation of school bus driver permit
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p) Denial – Type Action DN

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
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<u>6-103(18)</u>			<u>Denial of driver's license and/or driving privileges pursuant to Section 6-103(18)</u>
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6-107(c)			Denial of driver's license and/or driving privileges pursuant to Section 6-107(c) of the Illinois Vehicle Code
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6-107(d)			Denial of driver's license pursuant to Section 6-107(d) of the Illinois Vehicle Code
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6-108.1			Denial of driver's license pursuant to Section
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NOTICE OF ADOPTED AMENDMENTS

6-108.1 ~~of the Illinois Vehicle Code~~

q) Discretionary/Mandatory Disqualification –Type Action DQ

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-514(a)1	514101	6 514 A1	Refusal to submit/failure to complete chemical test
6-514(a)2	514102	6 514 A2	Operating commercial motor vehicle/non-commercial motor vehicle with alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act
6-514(a)3I	514131	6 514 A31	Driving under influence of alcohol/other drugs
6-514(a)3II	514132	6 514 A32	Leaving scene of accident while operating commercial motor vehicle
6-514(a)3III	514133	6 514 A33	Driving commercial motor vehicle while committing any felony
6-514(b)	514200	6 514 B	Second conviction of violation Section 6-514(a)
6-514(c)	514300	6 514 C	Conviction of felony drug offenses using commercial motor vehicle
6-514(e)	514500	6-514 E	Conviction of 2 or more serious traffic violations within 3 years

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6-514(i)1	514901	6-514 I1	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)2	514902	6 514 I2	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)3	514903	6 514 I3	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)4	514904	6 514 I4	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)5	514905	6 514 I5	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)6	514906	6 515 I6	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(j)2i	514021	6 514 J2i	Convicted for a first violation of railroad-

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			highway grade crossing
6-514(j)2ii	514022	6 514 J2ii	Convicted for a second violation of railroad-highway grade crossing within a three-year period
6-514(j)2iii	514023	6 514 J2iii	Convicted of a third or subsequent violation of railroad-highway grade crossing within a three-year period
6-514(k)	514110	6 514 K	Notification of a disqualification of a driver's CMV privileges imposed by USDOT, Federal Motor Carrier Safety Administration, in accordance with 49 CFR 383.52, the Secretary of State shall immediately record the notice of disqualification and confirm the action to the driver
6-514(a)3iv	514134	6 514 A3iv	Driving a CMV when, as a result of prior violations committed while operating a CMV, the driver's CDL is revoked, suspended, disqualified or cancelled
6-514(a)3v	514135	6 514 3v	Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide

r) Family Financial Responsibility Suspension – Type Action FR

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-702	702000	7 702 00	Individuals who are 90 days or more delinquent in court ordered child support payments and have been found in contempt by the court

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NOTICE OF ADOPTED AMENDMENTS

7-703

Individuals who are 90 days or more delinquent in court ordered child support payment

s) Invalidation – Type Action IV

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****

6-301.3

Invalidation of driver's license or permit pursuant to Section 6-301.3 ~~of the Illinois Vehicle Code~~

t) Out-Of-Service – Law Enforcement Sanction History Item – Type Action OS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****

6-515

515000

6 515

24 hour out-of-service order

u) The following violations will not be assigned points but will be entered on the driving record as ~~Type Action~~ ~~type action~~ -68- record history item conviction. In the following Table, ACD means AAMVANet Code Dictionary.

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A24	Driving under the influence of medication not intended to intoxicate
A33	Illegal possession of drugs (controlled substances)
A41	Driver violation of ignition interlock or immobilization device
A60	Underage conviction of drinking and driving at .02 or higher BAC

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NOTICE OF ADOPTED AMENDMENTS

- A61 Underage Administrative Per Se – drinking and driving at .02 or higher BAC
- B63 Failed to file future proof of financial responsibility
- B64 Failed to file insurance certification
- B65 Failed to file medical/certification disability information
- D02 Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
- D16 Present or use improperly driver's license (includes DL, CDL, and Instruction Permit)
- D35 Failure to comply with financial responsibility law
- D36 Failure to maintain required liability insurance
- D37 Failure to pay for damages or make installment payment
- D38 Failure to post security or obtain release from liability
- D39 Unsatisfied judgment
- D51 Failure to make required payment of child support
- D72 Inability to control vehicle
- D74 Operating a motor vehicle improperly due to drowsiness
- D75 Operating a motor vehicle improperly due to physical or mental disability
- E03 Operating without HAZMAT safety equipment as required by law
- E04 Operating without HAZMAT placards/markings as required by law
- E33 Defective HAZMAT safety devices
- E37 Defective tires

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NOTICE OF ADOPTED AMENDMENTS

- E50 Failure to use equipment as required
- E53 Failure to use HAZMAT safety devices as required
- E54 Failure to use headlight dimmer as required
- E57 Failure to use snow tires or chains as required
- E70 Equipment used improperly or obstructed
- F05 Carrying unsecured passengers in open area of vehicle
- F06 Improper operation of or riding on a motorcycle
- F34 Stopping, standing or parking: obstructing or impeding traffic
- F66 Unsafe condition of vehicle (no specified component)
- M02 Failure to obey barrier
- M03 Failure to obey construction or maintenance zone markers
- M04 Failure to obey flagger
- M09 Failure to obey railroad crossing restrictions
- M13 Failure to obey school crossing guard
- M32 Following emergency vehicle unlawfully
- M33 Following fire equipment unlawfully
- M33 Following fire equipment unlawfully
- M43 Ran off road
- M47 Improper lane or location – in bicycle lane

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NOTICE OF ADOPTED AMENDMENTS

- M55 Improper lane or location – on rail or streetcar tracks
- M81 Careless driving
- M82 Inattentive driving
- M83 Negligent driving
- N02 Failure to yield right of way to animal rider or animal-drawn vehicle
- N41 Failure to cancel directional signals
- N44 Giving wrong signal
- N80 Coasting (operating with gears disengaged)
- N84 Unsafe operation
- S97 Operating at erratic or suddenly changing speeds
- U02 Resisting arrest
- U04 Using a motor vehicle in connection with a misdemeanor (not a traffic offense)
- U05 Using a motor vehicle to aid and abet a felon
- U06 Vehicular assault
- U21 Illegal operation of emergency vehicle

v) The following violations will not be assigned points but will be entered on the driving record as Type Action~~type-action~~ -82- conviction immediate action:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A04	Driving under the influence of alcohol with BAC at or over .04

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NOTICE OF ADOPTED AMENDMENTS

- A08 Driving under the influence of alcohol with BAC at or over .08
- A10 Driving under the influence of alcohol with BAC at or over .10
- A11 Driving under the influence of alcohol with BAC at or over _____ (detailed field required)
- A12 Refuse to submit to test for alcohol – Implied Consent Law
- A20 Driving under the influence of alcohol or drugs
- A21 Driving under the influence of alcohol
- A22 Driving under the influence of drugs
- A23 Driving under the influence of alcohol and drugs
- A25 Driving while impaired
- A26 Drinking alcohol while operating a vehicle
- A90 DUI at .10 Admin
- A94 DUI at .04 Admin
- A98 DUI at .08 Admin
- B21 Driving while license barred
- B22 Driving while license cancelled
- B23 Driving while license denied
- B27 Driving while license out-of-service order is in effect (for violations not covered by B19)
- D06 Misrepresentation of identify or other facts to obtain alcohol

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NOTICE OF ADOPTED AMENDMENTS

- D07 Possess multiple driver's licenses (including DL, CDL, and Instruction Permit) (Serious violation)
- D10 Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
- D27 Violate limited license conditions (Serious violation)
- D29 Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
- S95 Speed contest (racing) on road open to traffic

w) ~~A TA 68 or TA 82 for the following offenses, additional information will be required from the reporting state to determine if the violation if committed in Illinois would result in a immediate action points assigned or, non points assigned. The TA 68 or TA 82 will be converted to the applicable offenses of subsection b, or 8 of this Section, respectively.x)~~ The following violations will not be assigned points but will be entered on the driving record as Type Action~~type action~~ -83- conviction immediate action:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
<u>A41</u>	<u>Driver violation of ignition interlock or immobilization device</u>
A50	Motor vehicle used in the commission of a felony involving manufacturing, distribution, or dispensing a controlled substance
B06	Leaving scene of an accident before police arrive – fatal accident
B07	Leaving scene of an accident before police arrive – personal injury accident
B19	Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard
B20	Driving while license withdrawn

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NOTICE OF ADOPTED AMENDMENTS

- B24 Driving while license disqualified
- B25 Driving while license revoked
- B26 Driving while license suspended
- B41 Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
- B51 Expired or no driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
- B56 Driving a CMV without obtaining a CDL (Serious violation)
- B91 Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
- D78 Perjury about the operation of a motor vehicle
- U01 Fleeing or evading police or roadblock
- U03 Using a motor vehicle in connection with a felony (not traffic offense)
- U07 Vehicular homicide
- U08 Vehicular manslaughter (Serious violation)
- U09 Negligent homicide while operating a CMV
- U10 Causing a fatality through the negligent operation of a CMV

xy) The following violations will not be assigned points but will be entered on the driving record as Type Action~~type action~~ -85- conviction:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B61	Failed to file accident report

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NOTICE OF ADOPTED AMENDMENTS

- D70 Driver's view obstructed
- E01 Operating without equipment as required by law
- E23 Use of radar or laser detector prohibited by law
- E34 Defective lights
- E54 Failure to use headlight dimmer as required
- F02 Child or youth restraint not used properly as required
- F04 Seat belt not used properly as required
- M30 Following improperly
- M56 Improper lane or location – on fire hose
- M80 Reckless, careless, or negligent driving
- N05 Failure to yield right of way to funeral procession, procession or parade

yz) The following point assigned violations will be entered on the driving record as Type Actiontype action -87- conviction:

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
A26	Drinking alcohol while operating a vehicle	25
A31	Illegal possession of alcohol	25
A35	Possession of open alcohol container	25
B01	Hit and run – failure to stop and render aid after accident	25
B02	Hit and run – failure to stop and render aid after accident – fatal accident	50

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NOTICE OF ADOPTED AMENDMENTS

B02	Hit and run – failure to stop and render aid after accident – fatal accident	50
B03	Hit and run – failure to stop and render aid after accident – personal injury accident	50
B04	Hit and run – failure to stop and render aid after accident – property damage accident	25
B05	Leaving scene of accident before police arrive	25
B08	Leaving scene of accident before police arrive – property damage accident	25
B14	Failure to reveal identity after fatal or personal injury accident	50
E02	Operating without brakes as required by law	20
E05	Operating without lights as required by law	10
E06	Operating without school bus equipment as required by law	5
E31	Defective brakes	20
E36	Defective school bus equipment	5
E51	Failure to use brakes	20
E55	Failure to use lights as required	10
E56	Failure to use school bus safety equipment as required	5
E71	Brakes used improperly	20
F03	Motorcycle safety equipment not used properly as required	5
M05	Failure to obey land markings or signal	20
M08	Failure to obey police or peace officer	10

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M10	Failure to obey railroad gates, signs, or signals	20
M11	Failure to obey restricted lane (Serious violation)	20
M12	Failure to obey safety zone	20
M14	Failure to obey sign or traffic control device	20
M15	Failure to obey stop sign	20
M16	Failure to obey traffic signal or light	20
M17	Failure to obey traffic sign	20
M18	Failure to obey warning light or flasher	20
M19	Failure to obey yield sign, or when entering roadway	20
M20	Failure to slow down to check tracks are clear of approaching train	20
M21	Failure to stop at crossing if track not clear	20
M22	Failure to stop before driving onto crossing	20
M23	Fail to have space to drive through crossing	20
M24	Fail to manage crossing, insufficient clearance	20
M25	Failure to obey yield sign	20
M31	Failure to leave sufficient distance for overtaking by other vehicles (Serious violation)	20
M34	Following too closely (Serious violation)	20
M40	Improper lane or location (Serious violation)	20

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M41	Failure to keep in proper lane (Serious violation)	20
M42	Improper or erratic (unsafe) lane changes (Serious violation)	20
M44	Improper lane or location – crossover (Serious violation)	20
M45	Improper lane or location – crosswalk (Serious violation)	20
M46	Improper lane or location – entrance/exit ramp or way	10
M48	Improper lane or location – in occupied lane (Serious violation)	20
M49	Improper lane or location – in human occupant violator or restricted lane (Serious violation)	20
M50	Improper lane or location – limited access highway	10
M51	Improper lane or location – median (Serious violation)	20
M57	Improper lane or location – oncoming traffic lane (Serious violation)	20
M58	Improper lane or location – road shoulder, ditch, or sidewalk (Serious violation)	20
M60	Improper lane or location – slower vehicle lane	20
M61	Improper lane or location – straddling center line(s) (Serious violation)	20
M62	Improper lane or location – traveling in turn (or center) lane (Serious violation)	20
M70	Improper passing	10
M71	Passing in violation of posted sign or pavement marking (Serious violation)	20

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M72	Passing in violation of opposite directions restrictions	10
M73	Passing on wrong side (Serious violation)	20
M74	Passing on hill or curve (Serious violation)	20
M75	Passing school bus displaying warning not to pass	25
M76	Passing where prohibited (Serious violation)	20
M77	Passing with insufficient distance or visibility (Serious violation)	20
M84	Reckless driving (Serious violation)	55
N01	Failure to yield right of way	20
N03	Failure to yield right of way to cyclist	10
N04	Failure to yield right of way (i.e., ambulance, fire equipment, police, etc.)	15
N06	Failure to yield right of way to other vehicle	20
N07	Failure to yield right of way to overtaking vehicle (Serious violation)	20
N08	Failure to yield right of way to pedestrian (includes handicapped or blind)	20
N09	Failure to yield right of way to school bus	20
N20	Failure to yield right of way at crosswalk	20
N21	Failure to yield right of way at rotary	20
N22	Failure to yield right of way at stop sign	20
N23	Failure to yield right of way at traffic sign	20

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N24	Failure to yield right of way at traffic signal	20
N25	Failure to yield right of way at unsigned intersection	15
N26	Failure to yield right of way at yield sign	20
N30	Failure to yield right of way when warning displayed on other vehicle	15
N31	Failure to yield right of way when turning	20
N40	Failure to use or improper signal	15
N42	Failure to signal intent to pass	15
N43	Failure to signal lane change or turn	15
N50	Improper turn	10
N51	Improper method of turning	10
N52	Improper position for turning	10
N53	Making improper left turn	10
N54	Making improper right turn	10
N55	Making improper turn around (not U turn)	10
N56	Making improper U turn	20
N60	Driving wrong way (Serious violation)	5
N61	Driving wrong way at rotary intersection	5
N62	Driving wrong way on divided highway (Serious violation)	5
N63	Driving wrong way on one way street or road (Serious	5

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	violation)	
N70	Driving on wrong side (Serious violation)	20
N71	Driving on wrong side of divided highway (Serious violation)	20
N72	Driving on wrong side of undivided street or road (Serious violation)	20
N82	Improper backing	10
N83	Improper starting	15
S01	01-05 mph over speed limit (detail optional)	5
S06	06-10 mph over speed limit (detail optional)	5
S15	Speeding 15 mph or more over the speed limit (detail optional) (Serious violation)	20
S16	16-20 mph over speed limit (detail optional) (Serious violation)	20
S21	21-25 mph over speed limit (detail optional) (Serious violation)	20
S26	26-30 mph over speed limit (detail optional) (Serious violation)	50
S31	31-35 mph over the speed limit (detail optional) (Serious violation)	50
S36	36-40 mph over the speed limit (detail optional) (Serious violation)	50
S41	41 mph or more over the speed limit (detail optional) (Serious violation)	50
S51	01-10 mph over speed limit (detail optional)	5

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S71	21-30 mph over speed limit (detail optional) (Serious violation)	20
S81	31-40 mph over speed limit (detail optional) (Serious violation)	50
S91	41 mph or more over speed limit (detail optional) (Serious violation)	50
S92	Speeding – speed limit and actual speed (detail required)	10
S93	Speeding	10
S94	Prima facie speed violation or driving too fast for conditions (Serious violation)	10
S96	Speed less than minimum	5
S98	Speeding on freeway (wasting fuel)	10
U31	Violation resulting in fatal accident (Serious violation)	20

zaa) The following withdrawals will not be assigned points but will be entered on the driving record as Type Action~~type-action~~ -89- withdrawal:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A04	Driving under the influence of alcohol with BAC at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over _____ (detail field required)
A12	Refused to submit to test for alcohol-Implied Consent Law

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NOTICE OF ADOPTED AMENDMENTS

- A20 Driving under the influence of alcohol or drugs
- A21 Driving under the influence of alcohol
- A22 Driving under the influence of drugs
- A23 Driving under the influence of alcohol and drugs
- A24 Driving under the influence of medication not intended to intoxicate
- A25 Driving while impaired
- A26 Drinking alcohol while operating a vehicle
- A31 Illegal possession of alcohol
- A33 Illegal possession of drugs (controlled substances)
- A35 Possession of open alcohol container
- A41 Driver violation of ignition interlock or immobilization device
- A50 Motor vehicle used in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance
- A60 Underage convicted of drinking and driving at .02 or higher BAC
- A61 Underage Administrative Per Se – drinking and driving at .02 or higher BAC
- A90 DUI at .10 Admin
- A94 DUI at .04 Admin
- A98 DUI at .08 Admin
- B01 Hit and run – failure to stop and render aid after accident
- B02 Hit and run – failure to stop and render aid after accident – fatal accident

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NOTICE OF ADOPTED AMENDMENTS

- B03 Hit and run – failure to stop and render aid after accident – personal injury accident
- B04 Hit and run – failure to stop and render aid after accident – property damage accident
- B05 Leaving accident scene before police arrive
- B06 Leaving accident scene before police arrive – fatal accident
- B07 Leaving accident scene before police arrive – personal injury accident
- B08 Leaving accident scene before police arrive – property damage accident
- B14 Failure to reveal identity after fatal or personal injury accident
- B19 Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver and/or transporting hazardous materials that require a placard
- B20 Driving while license withdrawn
- B21 Driving while license barred
- B22 Driving while license canceled
- B23 Driving while license denied
- B24 Driving while license disqualified
- B25 Driving while license revoked
- B26 Driving while license suspended
- B27 Driving while license out of service order is in effect
- B41 Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID

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NOTICE OF ADOPTED AMENDMENTS

- B51 Expired or no driver's license (includes DL, CDL, and Instruction Permit)
- B56 Driving a CMV without obtaining a CDL
- B61 Failed to file accident report
- B63 Failed to file future proof of financial responsibility
- B64 Failed to file insurance certification
- B65 Failed to file medical certification/disability information
- B91 Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit)
- D02 Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
- D06 Misrepresentation of identity or other facts to obtain alcohol
- D07 Possess multiple driver's licenses (includes DL, CDL, and Instruction Permit)
- D10 Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
- D16 Present or use improperly – driver's license (includes DL, CDL and Instruction Permit)
- D27 Violate limited license conditions
- D29 Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit)
- D35 Failure to comply with financial responsibility law
- D36 Failure to maintain required liability insurance

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NOTICE OF ADOPTED AMENDMENTS

- D37 Failure to pay for damages or make installment payment
- D38 Failure to post security or obtain release from liability
- D39 Unsatisfied judgment
- D45 Failure to appear for trial or court appearance
- D51 Failure to make required payment of child support
- D53 Failure to make requirement payment of fine and costs
- D56 Failure to answer a citation, pay fines, penalties and/or costs related to the original violation
- D70 Driver's view obstructed
- D72 Inability to control vehicle
- D74 Operating a motor vehicle improperly because of drowsiness
- D75 Operating a motor vehicle improperly due to physical or mental disability
- D78 Perjury about the operation of a motor vehicle
- E01 Operating without equipment as required by law
- E02 Operating without brakes as required by law
- E03 Operating without HAZMAT safety equipment as required by law
- E04 Operating without HAZMAT placards/markings as required by law
- E05 Operating without lights as required by law
- E06 Operating without school bus equipment as required by law
- E23 Use of radar or laser detector prohibited by law

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NOTICE OF ADOPTED AMENDMENTS

- E31 Defective brakes
- E33 Defective HAZMAT safety devices
- E34 Defective lights
- E36 Defective school bus equipment
- E37 Defective tires
- E50 Failure to use equipment as required
- E51 Failure to use brakes
- E53 Failure to use HAZMAT safety devices as required
- E55 Failure to use lights as required
- E56 Failure to use school bus safety equipment as required
- E57 Failure to use snow tires or chains as required
- E70 Equipment used improperly or obstructed
- E71 Brakes used improperly
- F02 Child or youth restraint not used properly as required
- F03 Motorcycle safety equipment not used properly as required
- F04 Seat belt not used properly as required
- F05 Carrying unsecured passengers in open area of vehicle
- F06 Improper operation of or riding on a motorcycle
- F34 Stopping, standing, or parking: obstructing or impeding traffic
- F66 Unsafe condition of vehicle (no specified component)

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NOTICE OF ADOPTED AMENDMENTS

- M02 Failure to obey barrier
- M03 Failure to obey construction or maintenance zone markers
- M04 Failure to obey flagger
- M05 Failure to obey lane markings or signal
- M08 Failure to obey police or peace officer
- M09 Failure to obey railroad crossing restrictions
- M10 Failure to obey railroad gates, signs, or signals
- M11 Failure to obey restricted lane
- M12 Failure to obey safety zone
- M13 Failure to obey school crossing guard
- M14 Failure to obey sign or traffic control device
- M15 Failure to obey stop sign
- M16 Failure to obey traffic signal or light
- M17 Failure to obey traffic signal
- M18 Failure to obey warning light or flasher
- M19 Failure to obey yield sign
- M20 Failure to slow down to check if tracks are clear
- M21 Fail to stop at crossing if tracks not clear
- M22 Failure to stop before driving onto crossing

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NOTICE OF ADOPTED AMENDMENTS

- M23 Fail to have space to drive through crossing
- M24 Fail to manage crossing, insufficient clearance
- M25 Failure to stop; basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.
- M30 Following improperly
- M31 Failure to leave sufficient distance for overtaking by other vehicles
- M32 Following emergency vehicle unlawfully
- M33 Following fire equipment unlawfully
- M34 Following too closely
- M40 Improper lane or location
- M41 Failure to keep in proper lane
- M42 Improper or erratic (unsafe) lane changes
- M43 Ran off road
- M44 Improper lane or location – crossover
- M45 Improper lane or location – crosswalk
- M46 Improper lane or location – entrance/exit ramp or way
- M47 Improper lane or location – in bicycle lane
- M48 Improper lane or location – in occupied lane
- M49 Improper lane or location – in human occupant violator or restricted lane
- M50 Improper lane or location – limited access highway

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NOTICE OF ADOPTED AMENDMENTS

M51	Improper lane or location – median
M55	Improper lane or location – on rail or streetcar tracks
M56	Improper lane or location – on fire hose
M57	Improper lane or location – oncoming traffic lane
M58	Improper lane or location – road shoulder, ditch or sidewalk
M60	Improper lane or location – slower vehicle lane
M61	Improper lane or location – straddling center line(s)
M62	Improper lane or location – traveling in turn (or center) lane
M70	Improper passing
M71	Passing in violation of posted sign or pavement marking
M72	Passing in violation of opposite directions restriction
M73	Passing on wrong side
M74	Passing on hill or curve
M75	Passing school bus displaying warning not to pass
M76	Passing where prohibited
M77	Passing with insufficient distance or visibility
M80	Reckless, careless, or negligent driving
M81	Careless driving
M82	Inattentive driving
M83	Negligent driving

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NOTICE OF ADOPTED AMENDMENTS

- M84 Reckless driving
- N01 Failure to yield right of way
- N02 Failure to yield right of way to animal rider or animal drawn vehicle
- N03 Failure to yield right of way to cyclist
- N04 Failure to yield right of way to emergency vehicle (i.e., ambulance, fire equipment, police, etc.)
- N05 Failure to yield right of way to funeral procession, procession or parade
- N06 Failure to yield right of way to other vehicle
- N07 Failure to yield right of way to overtaking vehicle
- N08 Failure to yield right of way to pedestrian (includes handicapped or blind)
- N09 Failure to yield right of way to school bus
- N20 Failure to yield right of way at crosswalk
- N21 Failure to yield right of way at rotary
- N22 Failure to yield right of way at stop sign
- N23 Failure to yield right of way at traffic sign
- N24 Failure to yield right of way at traffic signal
- N25 Failure to yield right of way at unsigned intersection
- N26 Failure to yield right of way at yield sign
- N30 Failure to yield right of way when warning displayed on other vehicle
- N31 Failure to yield right of way when turning

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NOTICE OF ADOPTED AMENDMENTS

- N40 Failure to use signal or improper signal
- N41 Failure to cancel directional signals
- N42 Failure to signal intention to pass
- N43 Failure to signal lane change or turn
- N44 Giving wrong signal
- N50 Improper turn
- N51 Improper method of turning
- N52 Improper position for turning
- N53 Making improper left turn
- N54 Making improper right turn
- N55 Making improper turn around (not U turn)
- N56 Making improper U turn
- N60 Driving wrong way
- N61 Driving wrong way at rotary intersection
- N62 Driving wrong way on divided highway
- N63 Driving wrong way on one way street or road
- N70 Driving on wrong side
- N71 Driving on wrong side of divided highway
- N72 Driving on wrong side of undivided street or road

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NOTICE OF ADOPTED AMENDMENTS

N80	Coasting (operating with gears disengaged)
N82	Improper backing
N83	Improper starting
N84	Unsafe operations
S01	01-05 mph above speed limit (detail optional)
S06	06-10 mph above speed limit (detail optional)
S15	Speeding 15 mph or more above speed limit (detail optional)
S16	16-20 mph above speed limit (detail optional)
S21	21-25 mph above speed-limit (detail optional)
S26	26-30 mph above speed limit (detail optional)
S31	31-35 mph above speed limit (detail optional)
S36	36-40 mph above speed limit (detail optional)
S41	41 mph or more above speed limit (detail optional)
S51	01-10 mph above speed limit (detail optional)
S71	21-30 mph above speed limit (detail optional)
S81	31-40 mph above speed limit (detail optional)
S91	41 mph or more above speed limit (detail optional)
S92	Speeding; speed limit and actual speed (detail required)
S93	Speeding
S94	Prima facie speed violation or driving too fast for conditions

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NOTICE OF ADOPTED AMENDMENTS

- S95 Speed contest (racing) on road open to traffic
- S96 Speed less than minimum
- S97 Operating at erratic or suddenly changing speeds
- S98 Speeding or freeway (wasting fuel)
- U01 Fleeing or evading police or roadblock
- U02 Resisting arrest
- U03 Using motor vehicle in connection with a felony (not traffic offense)
- U04 Using a motor vehicle in connection with a misdemeanor (not traffic offense)
- U05 Using a motor vehicle to aid and abet a felon
- U06 Vehicular assault
- U07 Vehicular homicide
- U08 Vehicular manslaughter
- U09 Negligent homicide while operating a CMV
- U10 Causing a fatality through the negligent operation of a CMV
- U21 Illegal operation of emergency vehicle
- U31 Violation resulting in fatal accident
- W00 Withdrawal, non-ACD violation
- W01 Accumulation of convictions (including point systems and/or being judged a habitual offender or violator)

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W09	Failure to surrender hazmat endorsement as required by the USA Patriot Act
W13	Parental consent withdrawn
W14	Physical or mental disability
W15	Physician's or specialist's report recommended
W20	Unable to pass DL test(s) or meet qualifications
W30	2 serious violations within 3 years
W31	3 serious violations within 3 years
W40	The accumulation of two or more major offenses
W41	An additional major offense after reinstatement
W50	The accumulation, within 10 years, of two out-of-service general violations
W51	The accumulation of two out-of-service order violations within 10 years while transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard
W52	The accumulation of three or more out-of-service order violations within 10 years
W60	Accumulation of two railroad-highway grade crossing violations within a three year period
W61	Accumulation of three or more railroad-highway grade crossing violations in a three year period
W70	Imminent hazard

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License

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NOTICE OF ADOPTED AMENDMENTS

a) ~~For purpose of this Section, the following definitions shall apply:~~

~~"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~

~~"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations [625 ILCS 5/6-306.5].~~

~~"Cleared Suspension or Revocation"—a suspension or revocation of driving privileges which has terminated.~~

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Failure to Appear Suspension"—a suspension for failing to pay fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-7-3 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].~~

~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

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NOTICE OF ADOPTED AMENDMENTS

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Night Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].~~

~~"Night Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].~~

~~"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

~~"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-~~

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~~303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].~~

~~"Valid Driver's License or Permit"—a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not been invalidated, denied, canceled, revoked, suspended or used after curfew or night time driving restriction.~~

~~"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

- ~~a~~b) When considering prior convictions, only convictions for driving without a valid driver's license within seven~~7~~ years prior to the arrest date of the incoming conviction shall be considered.
- ~~b~~e) Only those suspensions or revocations cleared within seven~~7~~ years prior to the effective date of the forthcoming suspension or revocation shall be considered as prior suspensions or revocations. Cleared miscellaneous suspensions shall not be considered prior suspensions for purposes of this Section.
- ~~c~~d) Miscellaneous suspensions that have not been cleared shall be counted as a prior suspension if the arrest date of the conviction for driving without a valid license occurred after the effective date of the miscellaneous suspension and if the miscellaneous suspension is in full force and effect upon entry of the suspension or revocation for driving without a valid driver's license.
- ~~d~~e) A person shall have his/her driving privileges suspended or revoked by the Department if he/she is convicted of driving without a valid driver's license and has not been issued a valid Illinois driver's license on or prior to the date of conviction for the violation of driving without a valid license.
- ~~e~~f) If a person has no prior suspensions~~suspension(s)~~ or revocation~~revocation(s)~~ and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE

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NOTICE OF ADOPTED AMENDMENTS

Convictions	Action
1 st Conviction	2-month Suspension
2 nd Conviction	4-month Suspension
3 rd Conviction	6-month Suspension
4 th Conviction	12-month Suspension
5 th or subsequent Conviction	Revocation

- fg)** If a person has one prior suspension or revocation (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE

Convictions	Action
1 st Conviction	4-month Suspension
2 nd Conviction	6-month Suspension
3 rd Conviction	12-month Suspension
4 th or subsequent Conviction	Revocation

- gh)** If a person has two prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE

Convictions	Action
1 st Conviction	6-month Suspension
2 nd Conviction	12-month Suspension
3 rd or subsequent Conviction	Revocation

- hi)** If a person has three prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE

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Convictions	Action
1 st Conviction	12-month Suspension
2 nd or subsequent Conviction	Revocation
<u>ij</u>)	If a person has <u>four</u> 4 or more prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall enter an order of revocation.
<u>jk</u>)	If a conviction for driving without a valid driver's license shows an arrest date during a period of revocation <u>that</u> which is in effect, the revocation shall be extended for <u>one</u> + year from the date of the conviction or <u>one</u> + year from the latest projected eligibility date on record whichever is the longer period of time. If a conviction for driving without a valid driver's license shows an arrest date during a period of suspension (excluding all miscellaneous suspensions except curfew and night time driving restriction suspensions) that is still in effect, the suspension shall be extended for the same amount of time as the originally imposed suspension in accordance with <u>IVC</u> Section 6-303 of the Illinois Vehicle Code [625 ILCS 5/6-303] .
<u>kl</u>)	If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that is in effect, has no prior suspensions or revocations and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

ACTION TABLE

Convictions	Action
1 st Conviction	4-month Suspension
2 nd Conviction	6-month Suspension
3 rd Conviction	12-month Suspension
4 th or subsequent Conviction	Revocation
<u>lm</u>)	If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that is in effect, has <u>one</u> + prior suspension or revocation and a conviction for driving without a valid driver's license, with an

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arrest date during the miscellaneous suspension, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	6-month Suspension
2 nd Conviction	12-month Suspension
3 rd or subsequent Conviction	Revocation

- m#) If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that is in effect, has two prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	12-month Suspension
2 nd or subsequent Conviction	Revocation

- ne) If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that is in effect, has three or more prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall enter an order of revocation.
- op) If a person has a suspension in effect pursuant to IVC Section 6-206(a)(19) or (a)(6) of the Illinois Vehicle Code [~~625 ILCS 5/6-206(a)(19) or 6-206(a)(6)~~] and receives a subsequent conviction for driving without a valid driver's license, the suspension shall be amended in accordance with the guidelines of this Section.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.28 Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29

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NOTICE OF ADOPTED AMENDMENTS

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

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Open Suspension or Revocation"—a suspension or revocation that appears on the driving record that is in effect.~~

~~"Pending Suspension or Revocation"—a suspension or revocation that appears on the driving record that is not yet in effect.~~

~~"Terminated Suspension or Revocation"—a suspension or revocation that is no longer in effect.~~

- b) When a person has been convicted of a point assigned traffic violation and the arrest date was prior to the age of 21, the Department shall take the following action:

- ~~a1)~~ If a person's driving record indicates one or more terminated suspensions in accordance with IVC Section 6-206(a)(36) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36)]~~ and an additional conviction is received, a six month suspension shall be entered to the driving record in accordance with IVC Section 6-206(a)(43) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(43)]~~.
- ~~b2)~~ If a person's driving record indicates one open, pending or terminated suspension in accordance with IVC Section 6-206(a)(43) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(43)]~~ and an additional conviction is received, a 12-month suspension shall be entered to the driving record in accordance with Section 6-206(a)(43).
- ~~c3)~~ If a person's driving record indicates two open, pending or terminated suspensions in accordance with IVC Section 6-206(a)(43) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(43)]~~ and an additional conviction is received, a revocation shall be entered to the driving record in accordance with Section 6-206(a)(43) .

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- d4) If a person's driving record indicates one or more, pending or terminated revocations in accordance with IVC Section 6-206(a)(43) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(43)]~~ and an additional conviction is received, a revocation shall be entered to the driving record in accordance with Section 6-206(a)(43).
- e5) If a person's driving record indicates one or more terminated revocations in accordance with IVC Section 6-206(a)(36) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36)]~~ and an additional conviction is received, a revocation shall be entered to the driving record in accordance with IVC Section 6-206(a)(43).

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.29 Suspension or Revocation for Two~~2~~ or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21~~Years~~

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

~~"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 13B].~~

~~"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations.~~

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Curfew Violation Suspension"—a suspension of a minor for operating a vehicle on a highway during a prescribed hour without an adult or as otherwise provided in accordance with Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

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~~"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Financial Responsibility Suspension"—a suspension in accordance with Sections 7-304 and 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-305].~~

~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Night Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].~~

~~"Night Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].~~

~~"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].~~

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"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension"—a suspension in accordance with Sections 7-303 and 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations, in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

b) A person who has been convicted of two or more points assigned traffic offenses, as listed in Section 1040.20 of this Part (Type Action 87, 97 or 99), excluding any conviction previously used as a basis for suspension/revocation action, that which were committed on or after January 1, 1998, while the person was under the age of 21, within a 24-month period, shall be identified by the Department for review for possible driver's license and driving privilege suspension or revocation pursuant to IVC Section 6-206(a)(36) (prior to 7/30/1998 authority was 6-206(a)(34)) of the Illinois Vehicle Code, [625 ILCS 5/6-206(a)(36)] provided no more than six6 months have elapsed between the effective date of the suspension or revocation and the last conviction date.

- a) If a person's driving record indicates no prior suspensions, excluding miscellaneous suspensions or revocations within a seven-7-year period from the effective date of the suspension or revocation, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

POINT TABLENumber of PointsAction

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0 through 9	No Action
10 through 34	1-month Suspension
35 through 49	3-month Suspension
50 through 64	6-month Suspension
65 through 79	12-month Suspension
Over 79	Revocation

- b2) If the person has had one prior suspension or one prior revocation within a seven-year period from the effective date of the suspension or revocation, excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 9	No Action
10 through 34	2-month Suspension
35 through 49	6-month Suspension
50 through 70	12-month Suspension
Over 79	Revocation

- c3) If the person has had two or more prior suspensions or revocations within a seven-year period from the effective date of the suspension or revocation, excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record;

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 9	No Action
10 through 79	12-month Suspension
Over 79	Revocation

- d4) If the person has in effect a suspension for safety responsibility, financial

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responsibility, family financial responsibility or an unsatisfied judgment and at least ~~one~~¹ of the ~~two~~² or more convictions referenced in subsection (~~a~~^b) were committed after the effective date of the suspension for safety responsibility, financial responsibility, family financial responsibility or an unsatisfied judgment, the following point table shall be used in computing whether an order of suspension or revocation is to be entered to the driving record:

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 9	No Action
10 through 79	12-month Suspension
Over 79	Revocation

- ~~e~~⁵) Notice of suspension or revocation will be given pursuant to IVC Sections 6-209 and 2-114 ~~of the Illinois Vehicle Code [625 ILCS 5/6-209 and 2-114].~~

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.30 Suspension or Revocation for Three or~~3~~³ Or More Traffic Offenses Committed Within 12 Months

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

~~"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~

~~"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations.~~

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise~~

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~~provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Failure to Appear Suspension"—a suspension for failing to pay fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Night Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].~~

~~"Night Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].~~

~~"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.~~

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

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~~Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

~~"Unsatisfied Judgement Suspension"—a suspension in accordance with Sections 7-303 and 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].~~

~~"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

b) A person who has been convicted of three or more points assigned traffic offenses as listed in Section 1040.20 of this Part (Type Action type action 97 or 99), excluding any conviction previously used as a basis for action, ~~that~~ which were committed within a 12-month period shall be identified by the Department for review for possible driver's license and driving privilege suspension or revocation pursuant to IVC Section 6-206(a)(2) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)]~~, provided no more than six months has elapsed between the effective date of the suspension or revocation and the last conviction date.

- a4) If a person's driving record indicates no prior suspensions excluding miscellaneous suspensions or revocations within a seven-year period from the effective date of the suspension or revocation, the following point table shall be used in computing whether an order of suspension, the length of a suspension or whether a revocation is to be entered and recorded to the driving record.

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POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 14	No Action
15 through 44	A -2-month suspension
45 through 74	A -3-month suspension
75 through 89	A -6-month suspension
90 through 99	A -9-month suspension
100 through 109	A -12-month suspension
110 or more	Revocation

- b2) If the person has had one prior suspension or one prior revocation within a seven-year period from the effective date of the suspension or revocation excluding action taken pursuant to IVC Section 6-206(a)(3) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)]~~ and excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension, the length of a suspension or whether a revocation is to be entered and recorded to the driving record.

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 14	No Action
15 through 44	A -4-month suspension
45 through 74	A -6-month suspension
75 through 109	A -12-month suspension
110 or more	Revocation

- c3) If the person has in effect, a suspension for safety responsibility, financial responsibility or an unsatisfied judgment and at least one of the three or more convictions for offenses was committed after the effective date of the suspension for safety responsibility, financial responsibility or an unsatisfied judgement, the following point table shall be used in computing whether an order of suspension or revocation is to be entered to the driving record:

POINT TABLE

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<u>Number of Points</u>	<u>Action</u>
0 through 14	No Action
15 through 109	A -12-month suspension
110 or more	Revocation

- d4) Notice of suspension or revocation will be given pursuant to IVC Sections Section 6-209 and Section 2-114 of the Illinois Vehicle Code [625 ILCS 5/6-209 and 2-114].

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation

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

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Driving During a Period of Suspension or Revocation"—any person who drives or is in actual physical control of a motor vehicle on any highway at a time when such person's driver's license, permit or privilege to drive is revoked or suspended.~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Judicial Driving Permit"—a driving permit issued to grant a driver limited driving privileges as provided in Section 6-206.1 of the Illinois Vehicle Code [625 ILCS 5/6-206.1].~~

~~"Like Period of Time"—an equal amount of time as the original suspension specified.~~

~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-~~

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~~707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Probationary License"—a conditional license granting full driving privileges during a period of suspension, as defined in Section 1-164.1 of the Illinois Vehicle Code [625 ILCS 5/1-164.1].~~

~~"Restricted Driving Permit"—a document which grants and specifies limited privileges to drivers of motor vehicles who have had their full driving privileges suspended, revoked or cancelled, as defined in Section 1-173.1 of the Illinois Vehicle Code [625 ILCS 5/1-173.1].~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Suspension or Revocation in Effect"—a suspension or revocation that has not terminated.~~

~~"Terminated Suspension or Revocation"—a suspension or revocation that is no longer in effect.~~

~~"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

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~~"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

- ab) Pursuant to IVC Section 6-303 ~~of the Illinois Vehicle Code [625 ILCS 5/6-303]~~, when the Department is notified that a person has been convicted of any violation committed while operating a motor vehicle upon a highway, except violations of IVC Section 12-603.1 ~~of the Illinois Vehicle Code [625 ILCS 5/12-603.1]~~ and Section 7-342.1 of the Chicago Traffic Code while driving privileges were suspended, excluding miscellaneous suspensions, and the person does not possess a valid restricted driving permit, judicial driving permit or probationary license at the time of arrest, the period of suspension shall be extended for an additional like period of time as the original suspension if the suspension is in effect at the time the conviction is recorded to the driving record. The Department shall suspend for a like period of time as the original suspension if the suspension has terminated at the time the conviction is recorded to the driving record.
- be) If a person is convicted of driving while driving privileges are suspended in violation of IVC Section 6-303(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-303(a)]~~ and possesses a valid probationary license at the time of the arrest, no suspension action will be taken by the Department.
- cd) If a person is convicted of driving while driving privileges are suspended in violation of IVC Section 6-303(a) or ~~Section 6-113 of the Illinois Vehicle Code [625 ILCS 5/6-303(a) or 6-113]~~ and at the time of arrest the person had in his/her possession a valid restricted driving permit or valid judicial driving permit, the period of suspension shall be extended for an additional like period of time as the original suspension if the suspension is in effect at the time the conviction is recorded to the driving record. If the suspension has terminated at the time the conviction is recorded to the driving record the Department shall suspend for a like period of time as the original suspension.
- de) If a person is convicted of driving while driving privileges are revoked in violation of IVC Section 6-303(a) or ~~Section 6-113 of the Illinois Vehicle Code [625 ILCS 5/6-303(a) or 6-113]~~, and at the time the conviction is recorded to the driving record, a revocation is in effect, the person shall not be eligible to apply

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for reinstatement of driving privileges for an additional one year period from the date of conviction or the latest projected eligibility date on record regardless of whether or not the person possesses a valid restricted driving permit. If the period of revocation has terminated at the time the conviction is recorded to the driving record, the Department shall suspend the person's driving privileges for 12 months.

- ef) If a person is convicted of any violation committed while operating a motor vehicle upon a highway during a period of suspension, excluding miscellaneous suspensions, and possesses a valid restricted driving permit or valid judicial driving permit at the time of arrest, a determination shall be made whether or not the person was in violation of a restriction on the permit based on, but not limited to, the person's driving record, the ticket issued, and the restriction on the permit. If a violation of a restriction on the permit exists, the period of suspension shall be extended for an additional like period of time as the original suspension, provided the suspension is in effect at the time the conviction is recorded to the driving record. If the suspension has terminated at the time the conviction is recorded to the driving record, the Department shall suspend for a like period of time as the original suspension. Convictions of the following violations shall be excluded from this subsection: IVC Sections~~Section~~ 6-303(a) and ~~Section 6-113 of the Illinois Vehicle Code [625 ILCS 5/6-303(a) and 6-113]~~, Section 7-342.1 of the Chicago Traffic Code and IVC Section 12-603.1 ~~of the Illinois Vehicle Code [625 ILCS 5/12-603.1]~~.
- fg) If a person is convicted of any violation committed while operating a motor vehicle upon a highway during a period of revocation and possesses a valid restricted driving permit at the time of arrest, a determination shall be made, whether or not the person was in violation of a restriction imposed on the permit based on, but not limited to, the person's driving record, the ticket issued, and the restrictions on the permit. If a violation of a restriction on the permit exists, the person shall not be eligible to apply for reinstatement of driving privileges for an additional one year period or longer as provided in IVC Section 6-208 ~~of the Illinois Vehicle Code [625 ILCS 5/6-208]~~ from the date of conviction or the latest projected eligibility date on record provided the revocation is in effect at the time the conviction is recorded to the driving record. If the period of revocation has terminated at the time the conviction is recorded to the driving record, the Department shall suspend the person's driving privileges for 12 months. Convictions of the following violations shall be excluded from this subsection: IVC Sections~~Section~~ 6-303(a) and ~~Section 6-113 of the Illinois Vehicle Code~~

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~~[625 ILCS 5/6-303(a) and 6-113]~~, Section 7-342.1 of the Chicago Traffic Code and IVC Section 12-603.1 ~~of the Illinois Vehicle Code [625 ILCS 5/12-603.1]~~.

- gh) If a person is convicted of any violation committed while operating a motor vehicle upon a highway during a period of suspension, excluding miscellaneous suspensions, or during the period of revocation and possesses a valid restricted driving permit or valid judicial driving permit at the time of arrest, a determination shall be made whether or not a violation of any restriction on the permit exists, based on, but not limited to, the person's driving record, the ticket issued, and the restrictions on the permit. If no violation of a restriction on the permit is found to exist, the Department shall take no action pursuant to IVC Section 6-303(b) ~~of the Illinois Vehicle Code [625 ILCS 5/6-303(b)]~~. Convictions of the following violations shall be excluded from this subsection: IVC Sections 6-303(a) and 6-113 ~~of the Illinois Vehicle Code [625 ILCS 5/6-303(a) and 6-113]~~, Section 7-342.1 of the Chicago Traffic Code and IVC Section 12-603.1 ~~of the Illinois Vehicle Code [625 ILCS 5/12-603.1]~~.
- hi) If a person is convicted of any violation of driving during a miscellaneous suspension, the Department will take no action pursuant to IVC Section 6-303(b) ~~of the Illinois Vehicle Code [625 ILCS 5/6-303(b)]~~.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently

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

~~"Amnesty"—A sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986 (P.L. 99-603).~~

~~"Department"—Driver Services Department within the Office of the Secretary of State.~~

~~"Driver's License or Permit"—Document that permits a person to legally operate a motor vehicle. Includes a restricted driving permit, judicial driving permit, instruction permit, traffic ticket issued where the person's driver's license is~~

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~~deposited in lieu of bail, suspension notice in which the suspension is not yet effective, duplicate or corrected driver's license, temporary instruction permit, temporary driver's license, temporary visitor instruction permit, temporary visitor driver's license, or probationary driver's license.~~

~~"False Information"—Any information concerning the legal name, sex, date of birth, social security number or any photograph that falsifies all or in part the actual identity of the individual issued the license, permit or identification card [625 ILCS 5/6-301.1(a)(2) and 15 ILCS 335/14A(a)(2)].~~

~~"Fictitious Driver's License or Permit"—Any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which contains false information concerning the identity of the individual issued the license or permit.~~

~~"Fictitious Identification Card"—Any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, or any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card [15 ILCS 335/14A(a)(1)].~~

~~"Fraudulent Driver's License or Permit"—Any license or permit that purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction [625 ILCS 5/1-123.4].~~

~~"Fraudulent Identification Card"—Any identification card that purports to be an official identification card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization. For the purpose of this definition, any identification card that resembles an official identification card in either size, color, photograph location, or design, or uses the word "official", "state", "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card [15 ILCS 335/1A].~~

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~~"Identification Card"—Any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization which, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual [15 ILCS 335/14A(a)(5)].~~

~~"Open Revocation"—a revocation that appears on the driving record that is in effect.~~

~~"Pending Revocation"—a revocation that appears on the driving record that is not yet in effect.~~

~~"Revocation"—The termination by formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Suspension"—The temporary withdrawal by a formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Unlawfully Altered Driver's License or Permit"—Any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which has been physically altered or changed in such a manner that false information appears upon the license or permit [625 ILCS 5/6-301.1(a)(3)].~~

~~"Unlawfully Altered Identification Card"—Any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card [15 ILCS 335/14A(a)(5)].~~

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ab) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that the person has committed one or more of the following offenses listed in IVC Section 6-206 ~~of the Illinois Vehicle Code [625 ILCS 5/6-206]~~.

- 1) If any person has permitted an unlawful use of a driver's license, identification card, or permit by allowing another person to use any license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(5) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(5)]~~:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 2) If any person has made a false statement or made any false affidavit or has knowingly concealed or affirmed falsely to a material fact or used false information or identification in an application for a driver's license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(9) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(9)]~~:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense with open or pending revocation	Revocation
2 nd or subsequent Offense	Revocation; or

- 3) If any person has possessed, displayed or attempted to fraudulently use any driver's license, identification card, or permit not issued to that person, the Department shall take the following action pursuant to IVC Section 6-206(a)(10) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(10)]~~:

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ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 4) If any person has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a driver's license, identification card or permit for some other person, the Department shall take the following action pursuant to IVC Section 6-206(a)(12) of the Illinois Vehicle Code [625 ILCS 5/626(a)(12)]:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 5) If any person has violated IVC Sections 6-301, 6-301.1 or 6-301.2 of the Illinois Vehicle Code [625 ILCS 5/6-301, 6-301.1 or 6-301.2] or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335/14, 14A or 14B], the Department shall take action appropriate for the violation committed pursuant to IVC Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206].

- A) Unlawful use of driver's license, permit or identification card: If any person has displayed or caused to be displayed or had in his possession any cancelled, revoked or suspended driver's license, permit or identification card; allowed unlawful use of driver's license, permit or identification card; lent his driver's license, permit or identification card to any other person or knowingly allowed the use thereof by another; or displayed or represented as his own any driver's license, permit or identification card issued to another, the Department shall take the following action pursuant to

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IVC Section 6-301 ~~of the Illinois Vehicle Code [625 ILCS 5/6-301]~~ or Section 14 of the Illinois Identification Card Act ~~[15 ILCS 335/14]~~:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- B) Fictitious or unlawfully altered driver's license, identification card or permit: If any person has knowingly possessed or displayed any fictitious or unlawfully altered driver's license, identification card or permit; knowingly issued or assisted in the issuance of a fictitious driver's license, identification card or permit; or knowingly manufactured, possessed, transferred or provided any identification document for the purpose of obtaining a fictitious driver's license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-301.1 ~~of the Illinois Vehicle Code [615 ILCS 5/6-301.1]~~ or Section 14 of the Illinois Identification Card Act ~~[15 ILCS 335/14]~~:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- C) Fraudulent driver's license or permit: If any person has knowingly possessed, displayed or caused to be displayed any fraudulent driver's license, identification card or permit; knowingly possessed without authority any driver's license-making implement; or knowingly duplicated, manufactured, sold or transferred any fraudulent driver's license, identification card or permit, the Department shall take the following action pursuant to IVC

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Section 6-301.2 ~~of the Illinois Vehicle Code [625 ILCS 5/6-301.2]~~
or Section 14 of the Illinois Identification Card Act ~~[15 ILCS 335/14]~~:

ACTION TABLE

Offenses	Action
1 st or subsequent Offense	Revocation; or
6) If any person has permitted another person to use any form of that person's identification in the application process to obtain a driver's license, identification card, or permit, the Department shall take the following action pursuant to <u>IVC</u> Section 6-206(a)(25) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(25)] :	

ACTION TABLE

Offenses	Action
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or
7) If any person has unlawfully altered or attempted to alter or possessed an altered driver's license, identification card, or permit, the Department shall take the following action pursuant to <u>IVC</u> Section 6-206(a)(26) of the Illinois Vehicle Code [ILCS 5/6-206(a)(26)] :	

ACTION TABLE

Offenses	Action
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or
8) If any person has violated Section 6-16 of the Liquor Control Act of 1934 [235 ILCS 5/6-16], the Department shall take the following action pursuant to <u>IVC</u> Section 6-206(a)(27) of the Illinois Vehicle Code [625	

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~~ILCS 5/6-206(a)(27)~~:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 9) If any person has been convicted of violating Section 6-20(c) of the Liquor Control Act of 1934 ~~[235 ILCS 5/6-20(e)]~~, the Department shall take the following action pursuant to IVC Section 6-206(a)(38) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(38)]~~:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	12-month Suspension
1 st Conviction (with open or pending revocation)	Revocation
2 nd or subsequent Conviction	Revocation.

- be) The sources of acceptable proof of the offenses described in subsection (ab) are court documents, driver services facility applications, government entity documents, and law enforcement correspondence/reports.
- cd) Persons who have applied for federal amnesty pursuant to the Immigration Reform and Control Act of 1986 (P.L. 99-603) shall not be suspended or revoked under subsection (ab) ~~of this Section~~ if they show proof to the Department that they have applied for federal amnesty, unless they are otherwise ineligible to be licensed as drivers or granted a permit, as provided by IVC Section 6-103 ~~of the Illinois Vehicle Code [625 ILCS 5/6-103]~~. Proof shall be the application documents for federal amnesty issued by the U.S. Citizenship and Immigration Services ~~Immigration and Naturalization Service~~ verifying that the individual has applied for federal amnesty. If an individual seeking federal amnesty has previously been found by the Department to be in violation of this Section or if the Department receives a report from individuals or agencies listed in subsection (be) ~~of this Section~~ that a person applying for federal amnesty has been convicted

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of committing a criminal act involving the use of their identification card, driver's license or permit in violation of the Criminal Code of 1961 [720 ILCS 5], his or her driving privileges shall be suspended or revoked by the Department in accordance with subsection ~~(ab) of this Section~~.

- ~~de)~~ The Director of the Department shall rescind a suspension or revocation or reduce the period of a suspension for fraudulent activity if the ~~Secretary's~~ Office of the Inspector General provides the Director ~~of the Department of Driver Services~~ with sufficient evidence demonstrating the person has cooperated in the course of an official investigation regarding the sale, manufacture, issuance or receipt of a fraudulent or fictitious driver's license, permit or identification card. Sufficient evidence of cooperation will be shown by a written statement to the Director signed by the supervising official of the Office of the Inspector General. Whether the person cooperated in an investigation will be determined by the Office of the Inspector General.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device

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

~~"Authorized holder"—An individual issued a disability license plate under Section 3-616 of the Illinois Vehicle Code [625 ILCS 5/3-616] or an individual issued a parking decal or device under Section 11-1301.2 of the Illinois Vehicle Code [625 ILCS 5/11-301.2] or an individual issued a disabled veteran's license plate under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-609].~~

~~"Department"—Driver Services Department within the Office of the Secretary of State.~~

~~"False information"—Any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information required on the Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to disabled veterans under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-~~

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~~609] that falsifies the content of the application.~~

~~"Fictitious disability license plate or parking decal or device"—Any issued disability license plate or parking decal or device, or any license plate issued to a disabled veteran under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-609], that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application.~~

~~"Fraudulent disability license plate or parking decal or device"—Any disability license plate or parking decal or device that purports to be an official disability license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government [625 ILCS 5/11-1301.6(a)].~~

~~"Disability license plate or parking decal or device making implement"—Any implement specially designed or primarily used in the manufacture, assembly or authentication of a disability license plate or parking decal or device, or a license plate issued to a disabled veteran under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-609] issued by the Secretary of State or a unit of local government [625 ILCS 5/11-1301.6(a)].~~

~~"Open Revocation"—A revocation that appears on the driving record that is in effect.~~

~~"Pending Revocation"—A revocation that appears on the driving record that is not yet in effect.~~

~~"Revocation"—The termination by formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Suspension"—The temporary withdrawal by a formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary pursuant to Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

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~~"Unlawfully altered disability license plate or parking permit or device"—Any disability license plate or parking permit or device, or any license plate issued to a disabled veteran under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-609], issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device [625 ILCS 5/11-1301.5(a)].~~

~~ab)~~ The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that ~~thesueh~~ person has committed one or more of the following offenses listed in IVC Section 6-206 of ~~the Illinois Vehicle Code [625 ILCS 5/6-206]~~:

- 1) If ~~thesueh~~ person has knowingly possessed any fictitious or unlawfully altered disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(1) ~~of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(1)]~~, the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 authority was IVC Section 6-206(a)(35)) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)]~~:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 2) If ~~thesueh~~ person has knowingly issued or assisted in the issuance of, by the Secretary of State or unit of local government, any fictitious disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(2) ~~of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(2)]~~, the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was IVC Section 6-206(a)(35)) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)]~~:

ACTION TABLE

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Offenses	Action
1 st Offense	12- month months Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 3) If ~~the~~such person has knowingly altered any disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(3) ~~of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(3)]~~, the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was IVC Section 6-206(a)(35)) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)]~~:

ACTION TABLE

Offenses	Action
1 st Offense	12- month months Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 4) If ~~the~~such person manufactures, possesses, transfers, or provides any documentation used in the application process whether real or fictitious, for the purpose of obtaining a fictitious disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(4) ~~of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(4)]~~, the Department shall take the following action pursuant to IVC Section 6-206(a)(34) (prior to 7/30/98 the authority was IVC Section 6-206(a)(35)) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)]~~:

ACTION TABLE

Offenses	Action
1 st Offense	12- month months Suspension
1 st Offense (with open or pending revocation)	Revocation

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license plate or parking decal or device in violation of IVC Section 11-1301.6(b)(1) ~~of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(1)]~~, the Department shall take the following action pursuant to IVC Section 6-206(a)(35) (prior to 7/30/98 the authority was IVC Section 6-206(a)(36)) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(35)]~~:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12- month months Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 8) If ~~the~~such person has knowingly possessed without authority any disability license plate or parking decal or device-making implement in violation of IVC Section 11-1301.6(b)(2) ~~of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(2)]~~, the Department shall take the following action pursuant to IVC Section 6-206(a)(35) (prior to 7/30/98 the authority was IVC Section 6-206(a)(36)) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(35)]~~:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12- month months Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 9) If ~~the~~such person knowingly duplicates, manufactures, sells or transfers any fraudulent or stolen disability license plate or parking decal or device in violation of IVC Section 11-1301.6(b)(3) ~~of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(3)]~~, the Department shall take the following action pursuant to IVC Section 6-206(a)(35) (prior to 7/30/98 the authority was IVC Section 6-206(a)(36)) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(35)]~~:

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ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12- month months Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 10) If ~~the~~such person has knowingly assisted in the duplication, manufacture, sales or transfer of any fraudulent or stolen disability license plate or parking decal or device in violation of IVC Section 11-1301.6(b)(4) ~~of Illinois Vehicle Code [625 ILCS 5/11-1301(b)(4)]~~, the Department shall take the following action pursuant to IVC Section 6-206(a)(35) (prior to 7/30/98 the authority was IVC Section 6-206(a)(36)) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(35)]~~:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12- month months Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 11) If ~~the~~such person has advertised or distributes a fraudulent disability license plate or parking decal or device in violation of IVC Section 11-1301.6(b)(5) ~~of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(5)]~~, the Department shall take the following action pursuant to IVC Section 6-206(a)(35) (prior to 7/30/98 the authority was IVC Section 6-206(a)(36)) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(35)]~~:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12- month months Suspension

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1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation.

- be) If ~~thesuch~~ person has been convicted of violating~~committed a violation of IVC Section 11-1301.3(a-1) of the Illinois Vehicle Code [625 ILCS 5/11-1301.3(a-1)]~~ for the use of a disabled decal or device, who is not the holder or is not transporting the holder or the person who uses the decal or device for privileges granted, the Department shall take the following action pursuant to IVC Section 6-206(a)(42)~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)42]~~:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	1-month Suspension <u>(arrest date prior to 6/1/08)</u>
1 st Conviction (with open or pending revocation)	<u>No Action</u> <u>(arrest date 6/1/08 or after)</u> Revocation
2 nd Conviction	6-months Suspension
2 nd Conviction (with open or pending revocation)	Revocation
3 rd or subsequent Conviction	Revocation

- cd) The sources of acceptable proof of the offenses described in subsections (ab) and (be) are court documents, Department of Vehicle Services applications, Driver Services facility applications, government entity documents and law enforcement correspondence/reports.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.34 Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21

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

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~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Open Revocation"—a revocation that appears on the driving record that is in effect.~~

~~"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~b) If any person has been convicted of violating Section 6-20(a), (d) or (e) of the Liquor Control Act of 1934 [235 ILCS 5/6-20(a), (d) or (e)], the Department shall take the following action pursuant to IVC Section 6-206(a)(38) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(38)]:~~

ACTION TABLE

Convictions	Action
1 st Conviction	6-month Suspension
1st Conviction (with open or pending revocation)	Revocation
2 nd Conviction	12-month Suspension
2 nd Conviction (with open or pending revocation)	Revocation

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3rd or Subsequent Conviction

Revocation

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.35 Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction

- a) Local ordinance conviction. A person who has been convicted of a local ordinance violation that is similar to any of those offenses in IVC Section 6-205 or 6-206 ~~of the Illinois Vehicle Code [625 ILCS 5/6-205 or 6-206]~~ shall have his/her driving privileges revoked or suspended in the same manner as if he/she had been convicted of an offense contained within the Illinois Vehicle Code. An offense would be similar if the same elements were necessary to prove a local ordinance offense as are necessary to prove the offense as stated in the Illinois Vehicle Code.
- b) Administrative Revocation
 - 1) When the Secretary of State has received sufficient evidence that a person has committed one or more of the following offenses or similar provisions of a local ordinance and these offenses, currently awaiting court disposition, resulted in great bodily harm or death, the driving record of the individual shall be reviewed for possible driver's license revocation by the Department: ~~of Driver Services.~~
 - A) ~~driving~~Driving under the influence of alcohol, other drugs or a combination thereof pursuant to IVC. ~~See Section 11-501 of the Illinois Vehicle [625 ILCS 5/11-501];~~
 - B) ~~reckless~~Reckless homicide resulting from the operation of a motor vehicle pursuant to. ~~See Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3];~~
 - C) ~~leaving~~Leaving the scene of a traffic accident involving death or personal injury pursuant to IVC. ~~See Section 11-401 of the Illinois Vehicle Code [625 ILCS 5/11-401];~~
 - D) ~~drag~~Drag racing pursuant to IVC. ~~See Section 11-504 of the~~

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~~Illinois Vehicle Code [625 ILCS 5/11-504];~~

- E) ~~aggravated~~Aggravated reckless driving pursuant to IVC.—~~See Section 11-503(c) of the Illinois Vehicle Code [625 ILCS 5/11-503(e)];~~
- F) ~~any~~Any felony under the laws of this or any other state~~State~~ or the federal government in the commission of which a motor vehicle was used pursuant to IVC an instrument of the offense.—~~See Section 6-205(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-205(a)(3)];~~
- G) ~~street racing~~Street Racing pursuant to IVC.—~~See Section 11-506(a) of the Illinois Vehicle Code [625 ILCS 5/11-506(a)].~~
- 2) In determining whether action should be taken, the driving record and other sufficient evidence showing that the person has committed an offense listed in subsection (b)(1)~~such an offense~~ shall be examined. "Sufficient evidence" shall be defined as copies of court documents showing the person has been charged with one or more of the named offenses in subsection (b)(1)~~of this Section~~ and:
- A) documentation or copies of documentation, of coroner's activities describing an incident where great bodily harm or death resulted from a motor vehicle accident where one or more of the named offenses in subsection (b)(1)~~of this Section~~ was charged; or
- B) statements of eye witnesses and others with first hand knowledge concerning the matter that indicate that great bodily harm or death resulted from a motor vehicle accident where one or more of the named offenses in subsection (b)(1)~~of this Section~~ was charged; or
- C) any other competent evidence. Examples of what would constitute other competent evidence include but are not limited to laboratory reports, accident reports and other documentation deemed important and probative by the state's attorney.
- 3) This information shall be provided with a letter of transmittal from the appropriate state's attorney.

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- 4) "Great bodily harm" shall include but not be limited to any of the following:
 - A) bodily injury that involves a substantial risk of death;
 - B) unconsciousness;
 - C) extreme physical pain;
 - D) protracted or permanent disfigurement;
 - E) protracted or permanent loss or impairment of the function of a bodily member, organ, or mental faculty;
 - F) bone fractures;
 - G) distorted extremity or extremities;
 - H) severely bleeding wound.
- 5) If sufficient evidence is received from the state's attorney and indicates that a person has committed one or more of the named offenses in subsection (b)(1)-~~of this Section~~, and that these offenses, currently awaiting court disposition, involved a motor vehicle accident that caused great bodily harm or death, the driving privileges of the individual shall be revoked.
- 6) If the individual whose driving privileges have been revoked under this Section is adjudicated "guilty" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall stand. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.
- 7) If the individual whose driving privileges have been revoked under this Section is adjudicated "not guilty" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall be rescinded. This action does not preclude further

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suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.

- 8) If the individual whose driving privileges have been revoked under this Section is granted a disposition of "court supervision" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.
 - 9) If the charges against an individual whose driving privileges have been revoked under this Section are reduced or altered in any manner so that the offenses for which the individual is convicted do not require a mandatory revocation under IVC Section 6-205 ~~of the Illinois Vehicle Code~~, the revocation previously entered on his/her driving record in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.
- c) Administrative Hearing. An individual whose driving privileges have been revoked or suspended under this Section may request an administrative hearing pursuant to IVC Section 2-118 ~~of the Illinois Vehicle Code~~ [625 ILCS 5/2-118] and 92 Ill. Adm. Code 1001.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.36 Suspension for Violation of Restrictions on Driver's License

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

~~"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~

~~"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.~~

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction~~

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~~after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Curfew Violation Suspension"—a suspension for operating a vehicle on a highway during prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Driver's License Restriction"—the notation on a driver's license indicating requirements deemed applicable to the licensee by the Secretary of State to assure safe operation of a motor vehicle.~~

~~"Failure to Appear Suspension"—a suspension for failing to pay fines or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].~~

~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Night Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].~~

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~~"Night Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].~~

~~"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application or a new license may be presented and acted upon by the Secretary after the expiration of at least 1 year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

~~"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].~~

~~"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

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- ab) A person who is convicted of operating a motor vehicle in violation of the restrictions imposed on a driver's license shall have his/her driving privileges suspended by the Department. If a corrected driver's license that removes the restriction that was violated at the time of arrest is issued on or prior to the conviction date of the incoming conviction for a first offense of a driver's license restriction violation, no action shall be taken against the individual by the Department.
- be) Miscellaneous suspensions shall not be considered prior suspensions for the purpose of this Section.
- cd) When considering prior convictions, only convictions for operating a motor vehicle in violation of restrictions on a driver's license within seven7 years prior to the arrest date of the incoming conviction shall be considered.
- de) Only those suspensions currently in effect or pending or suspensions or revocations cleared within seven7 years prior to the forthcoming suspension's effective date shall be considered as prior suspensions or revocations.
- ef) If a person has no prior suspensions or revocations of any kind and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	2-month Suspension
2 nd Conviction	4-month Suspension
3 rd Conviction	6-month Suspension
4 th or subsequent Conviction	12-month Suspension

- fg) If a person has one+ prior suspension or revocation and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
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1 st Conviction	4-month Suspension
2 nd Conviction	6-month Suspension
3 rd or subsequent Conviction	12-month Suspension

- gh) If a person has two prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	6-month Suspension
2 nd or subsequent Conviction	12-month Suspension

- hi) If a person has three prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st or subsequent Conviction	12-month Suspension

- ij) If a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license shows an arrest date during a period of revocation that is in effect, the revocation shall be extended for one year from the date of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license shows an arrest date during a period of suspension (including curfew and night time driving restriction suspensions) that is still in effect, the suspension shall be extended the same amount of time as the originally imposed suspension in accordance with IVC Section 6-303 ~~of the Illinois Vehicle Code [625 ILCS 5/6-303]~~.
- jk) If a person has a suspension in effect pursuant to IVC Section 6-113(d) ~~of the~~

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~~Illinois Vehicle Code [625 ILCS 5/6-113(d)]~~ and receives a subsequent conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the suspension shall be amended in accordance with the guidelines of subsections ~~(ef)~~ through ~~(hi)~~ ~~of this Part~~.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.37 Suspension for Violation of Restrictions on Instruction Permit

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

~~"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~

~~"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations [625 ILCS 5/6-306.5].~~

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Curfew Violation Suspension"—a suspension of a minor for operating a vehicle on a highway during the prescribed hours without an adult or as otherwise provided in accordance with Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

~~"Denial of Driver's License"—to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instruction permit and limiting privileges to that of an instruction permit, if a driver's license has previously been issued in accordance with Sections 6-107(e) and 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(e) and 6-107(d)].~~

~~"Denial of Driving Privilege"—to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107(e) of the Illinois Vehicle Code [625 ILCS 5/6-107(e)].~~

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~~"Department"—the Department of Driver Services within the Office of the Secretary of State.~~

~~"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].~~

~~"Instruction Permit"—a driving permit issued pursuant to Sections 6-105 or 6-107.1 of the Illinois Vehicle Code [625 ILCS 5/6-105 or 6-107.1].~~

~~"Instruction Permit Restriction"—a limitation imposed on an instruction permit that limits the holder to the operation of a motor vehicle only when accompanied by a parent, legal guardian, family member, or person in loco parentis who is 21 years of age or more who has a license classification to operate such vehicle, who has at least one year of driving experience, and who is occupying the seat beside the driver.~~

~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Night Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].~~

~~"Night Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as~~

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~~otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].~~

~~"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least 1 year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

~~"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].~~

~~"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

- ab) A person who is convicted of operating a motor vehicle in violation of the restrictions imposed on an instruction permit shall have his/her driving privileges suspended by the Department. If a new driver's license is issued on or prior to the

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conviction date of the incoming conviction for a first offense of an instruction permit restriction violation, no action shall be taken against the individual by the Department.

- be) A person who is arrested for a traffic offense prior to the initial issuance of a driver's license and is subsequently convicted of the offense shall be returned to instruction permit status. If the person is subsequently convicted of operating a motor vehicle in violation of the restrictions of the instruction permit, he or she shall have his or her driving privileges suspended by the Department. If the person has returned to driver's license status when the Department receives the incoming conviction for a first offense of an instruction permit restriction violation, no action shall be taken against the individual by the Department.
- cd) Miscellaneous suspensions shall not be considered prior suspensions for the purpose of this Section.
- de) When considering prior convictions, only convictions for operating a motor vehicle in violation of restrictions on an instruction permit within seven7 years prior to the arrest date of the incoming conviction shall be considered.
- ef) Only those suspensions currently in effect or pending or suspensions or revocations cleared within seven7 years prior to the forthcoming suspension's effective date shall be considered as prior suspensions or revocations.
- fg) If a person has no prior suspension or revocation of any kind and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	2-month Suspension
2 nd Conviction	4-month Suspension
3 rd Conviction	6-month Suspension
4 th or subsequent Conviction	12-month Suspension

- gh) If a person has one1 prior suspension or revocation and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit,

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the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	4-month Suspension
2 nd Conviction	6-month Suspension
3 rd or subsequent Conviction	12-month Suspension

- hi) If a person has two prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	6-month Suspension
2 nd or subsequent Conviction	12-month Suspension

- ij) If a person has three or more prior suspensions or revocations or any combination thereof and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st or subsequent Conviction	12-month Suspension

- jk) If a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit shows an arrest date during a period of revocation that is in effect, the revocation shall be extended for one year from the date of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit shows an arrest date during a period of suspension (including curfew and night time driving

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restriction suspensions) that is still in effect, the suspension shall be extended for the same amount of time as the originally imposed suspension in accordance with IVC Section 6-303 ~~of the Illinois Vehicle Code [625 ILCS 5/6-303]~~.

- ~~k)~~ If a person has a suspension in effect pursuant to IVC Section 6-113(d) ~~of the Illinois Vehicle Code [625 ILCS 5/6-113(d)]~~ and receives a subsequent conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the suspension shall be amended in accordance with the guidelines of subsections ~~(fg)~~ through ~~(ij)~~ ~~of this Section~~.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.38 Commission of a Traffic Offense in Another State

- a) A person who has been convicted of a traffic offense in another state, that, which if committed in this State, would be grounds for mandatory revocation pursuant to IVC ~~under~~ Section 6-205 ~~of the Illinois Vehicle Code [625 ILCS 5/6-205]~~ shall have his/her driving privileges revoked.
- b) A person who has been convicted of a traffic offense in another state, that, which if committed in this State, would be grounds for suspension or revocation pursuant to IVC ~~under~~ Section 6-206 ~~of the Illinois Vehicle Code [625 ILCS 5/6-206]~~, shall have his/her driving privileges reviewed, and shall be subject to the same action as if the offense had occurred within this State.
- c) A person who has been convicted of a traffic offense in another state, that, which if committed in this State, would be grounds for denial pursuant to IVC ~~under~~ Section 6-107(c) or ~~6-107(d)~~ ~~of the Illinois Vehicle Code [625 ILCS 5/6-107(c) or 6-107(d)]~~, shall have his/her driving privileges reviewed and shall be subject to the same action as if the offense had occurred within this State.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.40 Suspension or Revocation for Repeated Convictions or Collisions

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

~~"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code~~

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~~{625 ILCS 5/Ch.13B}.~~

~~"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.~~

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hour without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].~~

~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

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~~"Night Time Driving Restriction" — the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].~~

~~"Night Time Driving Restriction Suspension" — a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].~~

~~"Prior Suspension or Revocation" — a suspension or revocation or extension of a suspension or revocation which appears on the driving record.~~

~~"Revocation" — the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least 1 year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Safety Responsibility Suspension" — suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].~~

~~"Suspension" — the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Tollway Suspension" — a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

~~"Unsatisfied Judgment Suspension" — a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].~~

~~"Warrant Parking/Traffic Suspension" — a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in~~

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~~accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

- ~~a~~b) A person who has been repeatedly involved as a driver in motor vehicle accidents or repeatedly convicted of traffic offenses to a degree that indicates the lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle, or whose record indicates disrespect for traffic laws and the safety of other persons on the highway, shall be reviewed by the Department for possible driver's license and/or driving privilege suspension or revocation pursuant to IVC Section 6-206(a)(3) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)]~~. Upon review, if a determination is made by the Department that additional convictions accumulating 90 or more points have been received after the effective date of a 12-month suspension or revocation entered under Section 1040.30 ~~of this Part~~, or under this Section and the 90 or more additional or accumulated points were a result of convictions occurring during the same period of time as the convictions used for the 12-month suspension, the person's driving privileges shall be revoked ~~pursuant to IVC under~~ Section 6-206(a)(3) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)]~~.
- ~~b~~e) A person who has been convicted of ~~three~~3 or more point assigned traffic violations committed within a 12-month period as listed in Section 1040.20 ~~of this Part (Type Action type action~~ 87, 97 or 99), excluding any conviction previously used as a basis for action, shall be identified for review for possible driver's license and/or driving privilege suspension or revocation pursuant to IVC Section 6-206(a)(3) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)]~~.
- 1) If a person's driving record indicates ~~one~~1 or more prior suspensions or revocations ~~pursuant to IVC under~~ Section 6-206(a)(3) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)]~~ within a ~~seven~~7-year period from the effective date of the revocation, the following point table shall be used to enter an order of revocation and shall be recorded to the driving record:

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 14	No Action
15 or more	Revocation

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- 2) If a person's driving record indicates ~~two~~² or more prior suspensions or revocations within a ~~seven~~⁷-year period from the effective date of the suspension or revocation, excluding miscellaneous suspensions and suspensions or revocations ~~pursuant to IVC under~~ Section 6-206(a)(3) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)]~~, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 14	No Action
15 through 109	12-month Suspension
110 or more	Revocation

- 3) If a person has a point total ~~that~~^{which} exceeds 109 and more than ~~six~~⁶ months has elapsed between the time of the last conviction date and the effective date of the order of revocation, an order of revocation shall be entered and recorded to the driving record.
- 4) Notice of suspension or revocation will be given pursuant to IVC Sections ~~2-114 and 6-209~~^{2-114 and 6-209} ~~and 2-114 of the Illinois Vehicle Code [625 ILCS 5/2-114 and 6-209]~~.
- cd) An order of revocation shall be entered and recorded to the driving record pursuant to IVC Section 6-206(a)(3) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)]~~ if:
- 1) The person has a 12-month suspension or revocation in effect pursuant to IVC Section 6-206(a)(36) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36)]~~; and
 - 2) During the same 24-month period, the person is convicted of ~~two~~² or more point-assigned traffic violations totaling 65 or more points (Type Action~~type action~~ 87, 97 or 99), excluding any conviction previously used as a basis for a suspension or revocation; and

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- 3) The person was under age 21 at the time the point-assigned traffic violations occurred.
- de) An order of revocation shall be entered and recorded to the driving record pursuant to IVC Section 6-206(a)(3) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)]~~ if:
- 1) The person is convicted of two~~2~~ or more points assigned traffic violations committed while the person was under the age of 21; and
 - 2) The point total for those convictions exceeds 79; and
 - 3) More than six~~6~~ months have elapsed between the latest conviction date and the effective date of the order of revocation.
- ef) If a person has been repeatedly involved as a driver in motor vehicle accidents or repeatedly convicted of traffic offenses to a degree that~~which~~ indicates the lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or his/her driving record indicates disrespect for traffic laws and the safety of other persons on the highway, that person shall be reviewed by the Department for possible driver's license and/or driving privilege revocation pursuant to IVC Section 6-206(a)(3) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)]~~. Upon review, if a determination is made by the Department that additional convictions accumulating 65 or more points have been received after the effective date of a 12-month suspension or revocation entered under Section 1040.29 ~~of this Part~~ and the 65 or more additional or accumulated points were a result of convictions occurring during the same period of time as the convictions used for the 12-month suspension or revocation, that person's driving privileges shall be revoked pursuant to~~under~~ Section 6-206(a)(3).

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.41 Suspension of Licenses for Curfew or Night Time Driving Restriction Violations

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

~~"Conviction"—A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as~~

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~~defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Curfew"—The hours by which any person under 17 years of age may not lawfully be present at or upon any public assembly, building, place, street or highway as provided in Section 1 of the Child Curfew Act [720 ILCS 555/1].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Night Time Driving Restriction"—The hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].~~

~~"Night Time Driving Restriction Suspension"—A suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].~~

- ~~ab)~~ A person who is under the age of 17 years is in violation of IVC Section 6-110(a) or 6-107.1(b) ~~of the Illinois Vehicle Code [625 ILCS 5/6-110(a) or 6-107.1(b)]~~ if he/she operates a motor vehicle on any highway during any time ~~thesuch~~ licensee is prohibited from being in a public place because of curfew.
- ~~be)~~ A person is in violation of IVC Section 6-107.1(b) or 6-110(a-1) ~~of the Illinois Vehicle Code~~ if he/she operates a motor vehicle on any highway during night time driving restriction ~~[625 ILCS 5/6-107.1(b) or 6-110(a-1)]~~.
- ~~cd)~~ The Department shall take the following action pursuant to IVC Section 6-206(a)(13) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)]~~ for curfew or night time driving restriction violation convictions:
- 1) 1st Conviction – 60-day suspension
 - 2) 2nd Conviction – 90-day suspension
 - 3) 3rd Conviction or more – 6-month suspension

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

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Section 1040.42 Suspension or Revocation for Fleeing and Eluding

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

~~"Auto Emissions Suspension"—a suspension for failing to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~

~~"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.~~

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Failure to Appear Suspension"—a suspension for failing to pay fines or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].~~

~~"Like Period of Time"—an equal amount of time as the original suspension specified.~~

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~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Night Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].~~

~~"Night Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 and/or Section 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 and/or 7-208].~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Suspension or Revocation in Effect"—suspension or revocation that has not terminated.~~

~~"Terminated Suspension" or "Terminated Revocation"—a suspension or revocation that is no longer in effect.~~

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~~"Tollway Suspension" – a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

~~"Unsatisfied Judgment Suspension" – a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].~~

~~"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

- ~~ab)~~ A person who has been convicted of fleeing or attempting to elude a peace officer in a motor vehicle shall have his/her driving privileges suspended or revoked by ~~the~~this Department.
- ~~be)~~ If the driving record contains no suspensions or revocations, the Department shall take the following action:

ACTION TABLE

Convictions	Action
1 st Conviction	6-month Suspension
2 nd Conviction	12-month Suspension
3 rd or subsequent Conviction	Revocation

- ~~cd)~~ If the driving record contains one or more suspensions and/or cleared revocations, excluding miscellaneous suspensions, the Department shall take the following action:

ACTION TABLE

Convictions	Action
1 st Conviction	6-month Suspension
2 nd Conviction	12-month Suspension
3 rd or subsequent Conviction	Revocation

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- de) If the driving record contains one or more open or pending revocation excluding miscellaneous suspensions, and the arrest date of the incoming conviction falls occurred prior to ~~the effective date~~~~commencement of the period~~ of revocation, the Department shall take the following action:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	No Action
2 nd Conviction	No Action
3 rd or subsequent Conviction	Revocation

- ef) If the driving record contains one or more open revocations, one of which may be concurrent with one or more open or pending suspensions, excluding miscellaneous suspensions, and the arrest date of the incoming conviction falls during the revocation, ~~then~~ the Department shall extend the projected eligibility date of the revocation one year from the conviction date or to the latest projected eligibility date on record. If the arrest date of the incoming conviction falls outside the period of revocation but within the period of an open suspension, ~~then~~ the Department shall extend the suspension for an additional like period of time.
- fg) Only prior suspensions or revocations terminating within seven~~7~~ years prior to the forthcoming suspension's effective date shall be considered.
- gh) When considering prior convictions, only convictions for fleeing or attempting to elude a peace officer with conviction dates within seven~~7~~ years prior to the forthcoming suspension's effective date shall be used.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.43 Suspension or Revocation for Illegal Transportation

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

~~"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations [625 ILCS 5/6-306.5].~~

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~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary or State.~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highway which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of the revocation as provided in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

~~"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued~~

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~~for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

- ab) If a person who is under 21 years of age at the time of arrest is convicted of illegal transportation of alcohol by a driver, the Department shall suspend his/her driving privileges for 12 months. Only arrests ~~that~~which occur on or after January 1, 1994 shall be considered.
- be) An individual who has two or more convictions, regardless of age at the time of arrest, and whose arrest dates fall within any 12-month period, for illegal transportation of alcohol as a driver, shall have his/her driving privileges suspended or revoked by the Department.
- 1) In reviewing an individual's driving record for illegal transportation convictions, only those illegal transportation convictions with arrest dates on or after January 1, 1986, shall be considered.
 - 2) If a person's record contains no prior suspensions or revocations and two convictions whose arrest dates fall within any 12-month period for illegal transportation, regardless of age at the time of arrest, the Department shall suspend his/her driving privileges for 12 months. A third ~~conviction~~ or subsequent conviction within the same 12-month period shall result in the person's driving privileges being revoked by the Department.
 - 3) If a person's record contains one or more prior suspensions or revocations, ~~(excluding miscellaneous suspensions or suspensions as a result of subsection (ab)),~~ within seven years from the effective date of the suspension or revocation, in addition to two convictions for illegal transportation, regardless of age at the time of arrest, and the arrest dates fall within any 12-month period, the Department shall revoke his/her driving privileges.
- cd) Excluding a suspension under subsection (ab), only convictions for arrests that occur on or after January 1986 will be considered. For the purpose of imposing a sanction pursuant to subsection (ab), only convictions for arrests that occur on or after January 1, 1994 shall be considered.

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(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

**Section 1040.46 Suspension or Revocation for Fatal Accident and Personal Injury
Suspensions or Revocations**

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

~~"Alcohol Related Suspension"—a suspension in accordance with Sections 6-206(a)(6), 6-206(a)(17), 6-206(a)(23) and 6-206(a)(33) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(6), 6-206(a)(17), 6-206(a)(23), 6-206(a)(33)] and Sections 11-501.1 and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.1 and 11-501.8].~~

~~"Auto Emissions Suspension"—a suspension for failing to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~

~~"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Failure to Appear Suspension"—a suspension for failing to pay fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 or 7-309 the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-309].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

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~~"Reckless Driving"—driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne, as defined in Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503].~~

~~"Safety Responsibility Suspension"—suspension for violation of Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 and 7-208].~~

~~"Type A Injury"—severely bleeding wounds, distorted extremities and injuries that require the injured party to be carried from the scene.~~

~~"Unsatisfied Judgment Suspension"—a suspension in accordance with Sections 7-303(a) and 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303(a) and 7-313].~~

~~"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

- ~~ab)~~ The Department shall review accidents in which a fatality or personal injury has occurred and an individual has been convicted of a traffic offense in accordance with Section 1040.20 ~~of this Part~~. No action shall be taken by the Department unless the traffic accident report completed by a law enforcement officer indicates a fatality or a personal injury that has been designated as a ~~Typetype~~ A injury and the injured party was transported to a hospital ~~(an institution that provides medical or surgical care and treatment for the sick and injured)~~. No action shall be taken in a personal injury case if the only ~~Typetype~~ A injury indicated was for the individual convicted of the traffic violation.
- ~~be)~~ Suspensions and revocations under these provisions shall be based on the number of points a person has accumulated and upon review of the individual's prior driving record, unless the conviction is an immediate action violation ~~for which~~ ~~wherein~~ no points are assigned. The points shall be assigned in the following manner:
- 1) Five points shall be added to a person's point total for a ~~Typetype~~ A injury

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to a maximum of four persons. Five additional points shall be assigned for each ~~Typetype~~ A injury for the fifth and each subsequent ~~Typetype~~ A injury. Fifteen points shall be added to a person's total for each fatality arising from the accident.

- 2) For the most serious conviction resulting from the accident, the same amount of points assigned to the conviction pursuant to Section 1040.20 ~~of this Part~~ shall be added to the person's point total.
 - 3) Ten points shall be added to the person's point total for each previous two-month suspension entered in accordance with IVC Section 6-206(a)(2) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)]~~. Fifteen points shall be added to the person's point total for any other previous non-alcohol related suspension and 20 points shall be added to the person's point total for any alcohol related suspension or any revocation within two years prior to or one year subsequent to the accident. Miscellaneous suspensions shall not be counted as prior or subsequent suspensions.
 - 4) Ten points shall also be added to the person's point total for each conviction of reckless driving in violation of IVC Section 11-503 ~~of the Illinois Vehicle Code [625 ILCS 5/11-503]~~, speeding in excess of 25 miles per hour over the speed limit in violation of IVC Section 11-601(b) ~~of the Illinois Vehicle Code [625 ILCS 5/11-601(b)]~~, or operating a motorcycle on one wheel in violation of IVC Section 11-1403.2 ~~of the Illinois Vehicle Code [625 ILCS 5/11-1403.2]~~ issued within two years prior to or one year subsequent to the accident.
 - 5) Five points shall be added to the person's point total for any traffic-related conviction issued within two years prior to or one year subsequent to the accident with the following exceptions:
 - A) No conviction associated with a previous suspension or revocation shall be used.
 - B) Only the most serious conviction resulting from the accident under review shall be used.
- cd) For accidents involving no fatality, if a person accumulates zero to 39 points the Department shall take no action. Forty to 49 points shall result in a three-month

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suspension. Fifty to 59 points shall result in a 6-month suspension and 60 to 74 points shall result in a 12-month suspension. Seventy-five or more points shall result in a revocation.

- de) For accidents involving a fatality, if a person accumulates zero to 29 points, the Department shall take no action. Thirty to 39 points shall result in a six-month suspension and 40 to 49 points shall result in a nine-month suspension. Fifty to 59 points shall result in a 12-month suspension. If a person accumulates 60 or more points, that person's driving privileges shall be revoked.
- ef) Any person whose driving privileges were suspended, revoked or cancelled at the time of the fatal or personal injury accident shall have his/her driving privileges revoked. Any person who, as a result of a fatal or personal injury accident, is convicted of passing a stopped school bus in violation of IVC Section 11-1414 ~~of the Illinois Vehicle Code [625 ILCS 5/11-1414]~~ shall have his/her driving privileges revoked.
- fg) In accordance with IVC Section 6-206(a)(4) ~~of the Illinois Vehicle Code [625 ILCS 6-206(a)(4)]~~, any suspension or revocation imposed shall start no later than six months after the conviction of the individual for violating a traffic ordinance related to the accident or no more than one year subsequent to the date of the accident involving a fatality or personal injury, whichever date occurs later.
- gh) Any person involved in a fatal accident who is convicted of an immediate action violation as defined in Section 1040.20 ~~of this Part~~ shall have his/her driving privileges revoked under the applicable IVC Section ~~of the Illinois Vehicle Code~~.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.48 Vehicle Emission Suspensions (Repealed)

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

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Driver's License Files"—files maintained by the Department of Driver Services on persons who have been issued a driver's license or nonlicensed persons who have received a traffic ticket or been involved in a vehicle collision.~~

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~~"Emissions Test"—test of vehicle's exhaust gas sample pursuant to Section 13A-106 of the Vehicle Emissions Inspection Law (Ill. Rev. Stat. 1985, ch. 95½, par. 13A-106).~~

- b) ~~If a vehicle has failed to comply with the Vehicle Emissions Inspection Law (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 13A-101 et seq.), the vehicle owner will first be sent two notices from the Illinois Environmental Protection Agency (I.E.P.A.) (See 35 Ill. Adm. Code 276.901-276.904).~~
- e) ~~A vehicle owner who still has not had his/her vehicle tested shall be sent two notices from the Department. The first notice shall be sent to the address provided to the Department by I.E.P.A.~~
- d) ~~The first notice shall inform the vehicle owner that he/she shall be suspended pursuant to Section 13A-112(b) of the Illinois Vehicle Emissions Inspection Law (Ill. Rev. Stat. 1985, ch. 95½, par. 13A-112(b)) in sixty days from the date on the notice if his/her vehicle has not passed an emissions test or received an exemption, extension, or waiver from I.E.P.A.~~
- e) ~~If the vehicle owner has not complied thirty days later, a second notice shall be sent to the address from the Department's driver's license files if the vehicle owner has a driver's license file. If the vehicle owner has no driver's license file, the second notice shall be sent to the same address that the first notice was sent.~~
- f) ~~The second notice will inform the vehicle owner that he/she shall be suspended pursuant to Section 13A-112(b) of the Illinois Vehicle Emissions Inspection Law (Ill. Rev. Stat. 1985, ch. 95½, par. 13A-112(b)) in thirty days from the date on the notice if his/her vehicle has not passed an emission test or received an exemption, extension, or waiver from the I.E.P.A.~~
- g) ~~If the vehicle owner fails to comply within thirty days after the second notice from the Department, he/she shall have his/her driving privileges suspended. The suspension notice shall be sent to the same address that the second notice was sent unless the Department has received notification of a change of address.~~
- h) ~~A vehicle owner who has complied with the Vehicle Emission Inspection Law will be issued a sticker by the I.E.P.A. to display in the vehicle's window (35 Ill. Adm. Code 276.304-276.308).~~

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- i) ~~A vehicle owner may request an administrative hearing pursuant to the Department of Administrative Hearings rules (92 Ill. Adm. Code 1001 et seq.) to contest a suspension.~~

(Source: Repealed at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.50 Occupational Driving Permit

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

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

~~"Commercial Driver's License" or "CDL"—a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual that authorizes the individual to operate a class of a commercial motor vehicle.~~

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

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

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

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

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

~~"Commercial Vehicle"—any vehicle operated for the transportation of persons or~~

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~~property in the furtherance of any commercial or industrial enterprise, for hire or not for hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially, as defined in Section 1-111.8 of the Illinois Vehicle Code [625 ILCS 5/1-111.8].~~

~~"Disqualification"—the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance; any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations); a determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial vehicle under 49 CFR 391, as defined in Section 1-115.3 of the Illinois Vehicle Code [625 ILCS 5/1-115.3].~~

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

~~"Farm Vehicle"—every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry that is self-propelled, excluding all-terrain vehicles and off-highway motorcycles, as defined in Section 1-120 of the Illinois Vehicle Code [625 ILCS 5/1-120].~~

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

~~"Implement of Husbandry"—every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds shall be included hereunder, as defined in Section 1-130 of the Illinois Vehicle Code [625 ILCS 5/1-130].~~

~~"Occupational Driving Permit"—the document that grants and specifies limited~~

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~~privileges to drivers of commercial vehicles as an occupation who have had their full driving privileges suspended. The occupational driving permit is valid only when in the immediate possession of the driver to whom it is issued.~~

~~"Open Cancellation" or "Open Disqualification"—a cancellation or disqualification that appears on the driving record that is in effect.~~

~~"Open Suspension" or "Open Revocation"—a suspension or revocation that appears on the driving record that is in effect.~~

~~"Pending Cancellation" or "Pending Disqualification"—a cancellation or disqualification that appears on the driving record that is not yet in effect.~~

~~"Pending Suspension" or "Pending Revocation"—a suspension or revocation that appears on the driving record that is not yet in effect.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least 1 year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Secretary of State"—the Secretary of State of Illinois.~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

ab) If the Secretary of State suspends the driver's license of a person pursuant to under IVC Section 6-206(a)(2) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)] and the person drives a commercial vehicle in connection with his/her regular occupation, the person may qualify for an occupational driving permit if:

- 1) the individual is at least 18 years of age; and
- 2) the individual has been issued or has qualified for a valid Illinois driver's license prior to issuance of the occupational driving permit; and

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- 3) there are no outstanding reinstatement fees or failure to pay notations on the Illinois driving record; and
 - 4) there are no open or pending suspensions, revocations, cancellations or disqualifications on the individual's Illinois driving record; and
 - 5) the suspension period does not exceed 12 months; and
 - 6) the suspension was the result of ~~three, four or five~~^{3, 4 or 5} offenses that were committed within a 12-month period. If ~~five~~⁵ offenses were committed, at least ~~two~~² of which occurred while operating a commercial vehicle in connection with the driver's regular occupation, the driver would not qualify for an occupational driving permit; and
 - 7) the individual's occupation is full time, and one that involves driving a commercial vehicle on a regular basis. Part-time employment or a person renting a commercial vehicle under a short term lease shall not qualify; and
 - 8) the individual successfully completes a Driver Remedial Education~~Improvement~~ Course prior to the issuance of the occupational driving permit; and
 - 9) the individual completes and signs an affidavit prescribed by the Secretary of State setting forth his/her eligibility as a driver of a commercial vehicle and such other information as required by the Secretary of State. The affidavit shall also be notarized by a Notary Public or signed by a Secretary of State Hearing Officer; and
 - 10) the individual submits a notarized letter from the employer, on the employer's letterhead, verifying employment; and
 - 11) the individual submits appropriate fee; and
 - 12) the individual surrenders his/her current Illinois driver's license.
- be) Operation of the following vehicles shall not be deemed to be the operation of a commercial vehicle:

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- 1) farm vehicle;
 - 2) implements of husbandry;
 - 3) road machinery temporarily on the highway;
 - 4) a farm tractor being operated between the home farm and adjacent or nearby farm.
- cd) If the permit holder's regular occupation changes, or if the original permit is lost or stolen, the driver is required to apply for a corrected or duplicate permit in order to continue driving. The driver must qualify by meeting the requirements outlined in subsection ~~(ab) of this Section~~ and shall submit an affidavit verifying the lost or stolen permit in order to be issued a duplicate permit, or surrender the original permit to obtain a corrected permit.
- de) Upon receipt by this Office of the ~~fourth~~^{5th} conviction within a 12-month period, if at least ~~two~~² of the convictions were issued for violations committed in his/her commercial vehicle, or a ~~sixth~~^{6th} conviction within a 12-month period was received and the permit was still valid, an Order of Cancellation shall be entered pursuant to ~~IVC Section 6-206(c)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(c)(3)]~~.
- ef) An occupational driving permit shall be cancelled if the Secretary of State receives reliable written evidence that the individual does not qualify for the permit as outlined in subsection ~~(ab) of this Section~~.
- fg) Any driver required to obtain a commercial driver's license pursuant to ~~IVC~~^{under} Section 6-507 ~~[625 ILCS 5/6-507]~~ may not be issued an occupational driving permit to operate a commercial motor vehicle while the individual's CDL is cancelled, revoked, suspended or disqualified pursuant to ~~IVC~~^{under} Sections 6-507(b) and 6-514 ~~[625 ILCS 5/6-507(b) and 6-514]~~.
- gh) Any person who falsely states any fact in the affidavit required by subsection ~~(ab)(9)~~ shall be guilty of perjury pursuant to ~~IVC~~^{under} Section 6-302 ~~of the Vehicle Code [625 ILCS 5/6-302]~~ and upon conviction shall have all driving privileges revoked without further rights.

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(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.52 Driver Remedial Education Course

- a) ~~For purposes of this Section the following definition shall apply:~~

~~"Driver Remedial Education Course"—an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended minor drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or 9 hours of instruction.~~

b) The Secretary of State shall require a driver under the age of 18, whose driving privileges have been suspended pursuant to IVC Section 6-206(a)(4), (11), (16), (21), (31), (33), (34 prior to 7/30/98), (36), (43) and/or 11-501.8) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4), (11), (16), (21), (31), (33), (34 prior to 7/30/98), (36), (43) and/or 11-501.8]~~ to successfully complete a driver remedial education course prior to the reinstatement of his/her driving privileges.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.55 Suspension or Revocation for Driver's License Classification Violations

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

~~"Auto Emissions Suspension" a suspension for failing to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~

~~"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.~~

~~"Cleared Suspension or Revocation"—a suspension or revocation of driving privileges which has terminated.~~

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

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~~"Curfew Violation Suspension" — a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

~~"Department" — Department of Driver Services within the Office of the Secretary of State.~~

~~"Failure to Appear Suspension" — a suspension for failing to pay fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Family Financial Responsibility Suspension" — a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Financial Responsibility Suspension" — a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].~~

~~"License Classification" — notation on a driver's license or permit indicating the type of vehicle a person is allowed to operate.~~

~~"Mandatory Conviction Suspension" — a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension" — a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Night Time Driving Restriction" — the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].~~

~~"Night Time Driving Restriction Suspension" — a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].~~

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~~"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].~~

~~"Suspension"—the temporary withdrawal by formal action by the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

~~"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].~~

~~"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

- ab) A person who is convicted of operating a motor vehicle without the proper license classification shall have his/her driving privileges suspended or revoked by the Department. If a new upgraded license has been issued for the proper classification of the vehicle being operated at the time of arrest~~If a new upgraded license that authorizes the operation of the vehicle that was being operated at the~~

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~~time of the arrest is issued~~ on or prior to the conviction date for a first offense of a license classification violation, no action shall be taken against the individual by the Department.

- be) Miscellaneous suspensions shall not be considered prior suspensions for the purpose of this Section.
- cd) When considering prior convictions, only convictions for operating a motor vehicle without the proper license classification within seven years prior to the arrest date of the incoming conviction shall be considered.
- de) Only those suspensions or revocations cleared within seven years prior to the effective date of the forthcoming suspension or revocation shall be considered as prior suspensions or revocations.
- ef) If a person has no prior suspensions or revocations of any kind and is convicted ~~of a conviction for~~ operating a motor vehicle in violation of license classification, the Department shall take action as follows:

TABLE

Convictions	Action
1 st Conviction	2-month Suspension
2 nd Conviction	4-month Suspension
3 rd Conviction	6-month Suspension
4 th Conviction	12-month Suspension
5 th or more Convictions	Revocation

- fg) If a person has one prior suspension or revocation and is convicted ~~of a conviction for~~ operating a motor vehicle in violation of license classification, the Department shall take action as follows:

TABLE

Convictions	Action
1 st Conviction	4-month Suspension
2 nd Conviction	6-month Suspension

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3 rd Conviction	12-month Suspension
4 th or more Convictions	Revocation

- gh) If a person has two prior suspensions or revocations or any combination thereof and ~~is convicted of a conviction for~~ operating a motor vehicle in violation of license classification, the Department shall take action as follows:

TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	6-month Suspension
2 nd Conviction	12-month Suspension
3 rd Conviction	Revocation

- hi) If a person has three prior suspensions or revocations or any combination thereof and ~~is convicted of a conviction for~~ operating a motor vehicle in violation of license classification, the Department shall take action as follows:

TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	12-month Suspension
2 nd or more Convictions	Revocation

- ij) If a person has four or more prior suspensions or revocations or any combination thereof and ~~is convicted of a conviction for~~ operating a motor vehicle in violation of license classification, the Department shall take action as follows:

TABLE

<u>Convictions</u>	<u>Action</u>
1 st or more Convictions	Revocation

- jk) If ~~a person convicted of a conviction for~~ operating a motor vehicle in violation of license classification ~~has~~ shows an arrest date during a period of revocation ~~that which~~ is in effect, the revocation shall be extended for one year from the date

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of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If ~~a person convicted~~~~a conviction~~ for operating a motor vehicle in violation of license classification ~~has~~~~shows~~ an arrest date during a period of suspension (including curfew and night time driving restriction suspensions) that is still in effect, the suspension shall be extended for the same amount of time as the originally imposed suspension, in accordance with IVC Section 6-303~~of the Illinois Vehicle Code [625 ILCS 5/6-303]~~.

- k) If a person has a suspension in effect pursuant to IVC Section 6-206(a)(20) or ~~Section 6-206(a)(6) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(20) and 6-206(a)(6)]~~ and receives a subsequent conviction for operating a motor vehicle in violation of license classification, the suspension shall be amended in accordance with the guidelines of subsections (l) through (j).

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.60 Release of Information Regarding a Disposition of Court Supervision

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

~~"Driving Abstract"—a record kept by the Department of Driver Services on each driver licensed by the State of Illinois, containing all information required by Section 6-106(b) of the Illinois Vehicle Code [625 ILCS 5/6-106(b)], and all records of each driver's violations of the traffic laws, and administrative actions pertaining to driving privileges.~~

~~"Law Enforcement Officials"—police agencies, state's attorneys' offices or court officials.~~

~~"Motor Carrier"—an operator of for hire vehicles pursuant to Subchapter 4 (Illinois Motor Carriers of Property) of the Illinois Commercial Transportation Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 18e, Subchapter 4].~~

~~"Request"—the written application upon the designated form, an approved electronic format, or an acceptable alternative for obtaining of a driving abstract and supervision history record.~~

~~"Supervision History Record"—a record kept by the Department of Driver Services on each person containing supervision disposition information provided~~

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~~in accordance with Section 6-204(d) of the Illinois Vehicle Code [625 ILCS 5/6-204(d)].~~

- ~~a)~~ Information pertaining to a driver's placement on court supervision for any offense as listed in Section 1040.20 ~~of this Part~~ shall not be released or made available to any source, except as expressly provided in subsection ~~(be) of this Section.~~
- ~~be)~~ Information pertaining to a driver's placement on court supervision for any offense shall be released to law enforcement officials, the driver, the parent or guardian of an under the age of 18 driver who holds an instruction permit or a graduated driver's license, his/her attorney, or the driver's licensing administrator of any state upon receipt of the proper request. This information shall also be released to motor carriers or prospective motor carriers after notification to the driver or prospective driver. The Office of the Secretary of State shall provide sufficient information on the driver's driving abstract and supervision history record to enable the requesting party to obtain specific details of the matter by contacting the court that has previously granted the disposition of supervision.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.65 Offenses Occurring on Military Bases

- a) Reports of Conviction
- 1) All convictions for traffic offenses committed by an Illinois driver on a military base in the State of Illinois, ~~by an Illinois driver~~ shall be reported to the Office of the Secretary of State by the ~~Office~~ of the Judge Advocate or other similar office from each base located in the State of Illinois on a form provided and prescribed by the Office of the Secretary of State.
 - 2) All convictions for traffic offenses committed on a military base in the State of Illinois by an Illinois driver who is a civilian or military dependent that are adjudicated in a federal district court or by the U.S. Magistrate shall be reported by the federal district court clerk to the Office of the Secretary of State on a form provided and prescribed by the Office of the Secretary of State.

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- 3) Reports of convictions received by the Office of the Secretary of State shall be entered upon the driver's record. Conviction shall mean that the case was disposed of or adjudicated by the U.S. District Court, the U.S. Magistrate, court-martial conviction, or non-judicial punishment pursuant to Article 15 of the Uniform Code of Military Justice (10 USC 810).
- b) Revocation or Suspension Action to be Imposed
- 1) A person, military or civilian, who has been convicted of an offense on a military base ~~that, which~~ if committed in this State, would be grounds for mandatory revocation, ~~pursuant to IVC under Section 6-205 of the Illinois Vehicle Code, [625 ILCS 5/6-205]~~ shall have his/her driving privileges revoked. However, the period of the sanction shall not be lessened by the return of driving privileges by the Armed Forces.
 - 2) A person, military or civilian, who has been convicted of an offense on a military base ~~that, which~~ if committed in this State, would be grounds for suspension or revocation ~~pursuant to IVC under Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206]~~, shall have his/her driving privileges reviewed and shall be subject to the same action as if the offenses had occurred within this State. However, the period of the sanction shall not be lessened by the return of driving privileges by the Armed Forces.
 - 3) A military person who has been convicted under the Uniform Code of Military Justice of an offense similar to ~~one of those listed in IVC under Section 6-205 of the Illinois Vehicle Code [625 ILCS 5/6-205]~~ shall have his/her driving privileges reviewed in accordance with ~~IVC Section 6-206(a)(24) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(24)]~~ and driving privileges may be suspended or revoked if the requirements of Section 6-206(a)(24) are met.
 - 4) A civilian person who has been convicted in a federal district court for an offense listed ~~in IVC under Section 6-205 or 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-205 or 6-206]~~ that would require suspension or revocation if committed in this State, shall have the same sanction imposed as if the offenses had been reported by a State court. This action shall be taken in accordance with ~~IVC Section 6-206(a)(6) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(6)]~~.

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(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.66 Invalidation of a Restricted Driving Permit

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

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

"Invalidate" ~~to render no longer valid for the purpose for which it was issued.~~

"Law Enforcement Sworn Report" ~~a confirmation of correctness and truth by an affidavit, oath, deposition or a verification by certification executed by a law enforcement officer as specified in Section 11-501.1(d) of the Illinois Vehicle Code [625 ILCS 5/11-501.1(d) and Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109].~~

"Restricted Driving Permit " or "RDP" ~~a document issued to drivers of motor vehicles who have had their full driving privileges suspended, revoked, or cancelled as defined in Section 1-173.1 of the Illinois Vehicle Code [625 ILCS 5/1-173.1].~~

b) Upon receipt of one or more of the following documents from a ~~circuit clerk's~~ Circuit Clerk's office or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate a Restricted Driving Permit (RDP) ~~RDP~~:

- a1) the RDP, when accompanied by evidence of a violation of any restrictions on the RDP; or
- b2) a copy of a charging document for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 ~~of the Illinois Vehicle Code~~, or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401 ~~of the Illinois Vehicle Code~~, drag racing in violation of IVC Section 11-504 ~~of the Illinois Vehicle Code~~, or street racing in violation of IVC Section 11-506 ~~of the Illinois Vehicle Code [625 ILCS 5/11-501, 11-401, 11-504 and 11-506]; or~~

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- ~~c3)~~ a law ~~enforcement officer's sworn report~~Enforcement Officer's Sworn Report; or
- ~~d4)~~ a report of any disposition of court supervision or convictions for driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 ~~of the Illinois Vehicle Code~~, or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401 ~~of the Illinois Vehicle Code~~, drag racing in violation of IVC Section 11-504 ~~of the Illinois Vehicle Code~~, or street racing in violation of IVC Section 11-506 ~~of the Illinois Vehicle Code~~ [625 ILCS 5/11-501, 11-401, 11-504 and 11-506].

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.70 Problem Driver Pointer System

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

~~"Applicant"—a person applying for an Illinois driver's license.~~

~~"Cancellation"—the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license since his/her driving privileges are withdrawn in another state.~~

~~"Clean File"—an electronic file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.~~

~~"Clearance Letter"—any document received from another state dated within 30 days of the current process date, and verifying that an individual has had his/her driving privileges restored in that state.~~

~~"Commercial Driver License Information System" or "CDLIS"—the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 USC 2701), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers, as defined in Section 1-111.7 of the Illinois Vehicle Code [625 ILCS 5/1-111.7].~~

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~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Delayed Search"—the planned, repeated checking of inquiries submitted to the NDR for a period of 104 days against any possible data changes that may affect the original inquiry.~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Driver History Record"—a standardized form of limited information obtained from the SOR when an SOI makes a history request.~~

~~"Driver Status"—the current status of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes an inquiry to an SOR.~~

~~"National Driver Register" or "NDR"—a computerized database of files on drivers maintained by the U.S. Department of Transportation National Highway Safety Administration.~~

~~"Open Revocation"—a revocation that appears on the driving record that is in effect.~~

~~"Pending Revocation"—a revocation that appears on the driving record that is not yet in effect.~~

~~"Problem Driver Pointer System" or "PDPS"—a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

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~~"Secretary"—Illinois Secretary of State.~~

~~"State of Inquiry" or "SOI"—a licensing jurisdiction that originated the inquiry.~~

~~"State of Record" or "SOR"—a licensing jurisdiction that originally took action against a problem driver and reported that driver to the NDR.~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Withdrawal"—The negating of valid driving privileges in a state as the result of sanctions taken against driving privileges.~~

- ~~a~~b) Before issuing or renewing a license for every non-CDL applicant, the Department shall make a request through the Problem Driver Pointer System (PDPS)~~PDPS~~ and the Commercial Driver License Information System (CDLIS)~~CDLIS~~ to determine the applicant's eligibility. When a probable match is a result of an inquiry search, the system points the inquiring licensing jurisdiction (State of Inquiry (SOI)) to the licensing jurisdiction that recorded the adverse action against the driver in question (State of Record (SOR)).
- ~~b~~e) Before issuing a commercial driver's license (CDL), the Department shall make a driver history record request through both PDPS and CDLIS for driving records from every state in which the applicant has been licensed in the last 10 years. The Secretary shall perform the record checks no earlier than 24 hours prior to issuance if the license is to be issued to a driver who does not currently possess a valid CDL from the State of Illinois and no earlier than 10 days prior to issuance for all other drivers. When a probable match is a result of an inquiry search, the system points the inquiring licensing jurisdiction (SOI) to the licensing jurisdiction that recorded the adverse action against the driver in question (SOR).
- ~~c~~d) If the applicant has been denied issuance of an Illinois license, certain information shall be required from the other state and/or applicant, and, upon review of the information, a determination of the applicant's eligibility for licensing in the State of Illinois will be made.

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- de) The Department will receive a daily report that will identify selected applicants issued an Illinois license to determine if the new applicant is eligible to retain his/her Illinois license and/or privilege. The Department shall then verify the validity of the applicant's driving status by contacting the SOR and/or the National Driver Register (NDR)~~SOR/NDR~~.
- ef) If it is determined from the review that the applicant is not eligible for an Illinois license due to the withdrawal of his/her driving privileges ~~by being withdrawn in~~ another state, the Department shall cancel the driving privileges pursuant to IVC Section 6-201(a)(5)~~of the Illinois Vehicle Code [625 ILCS 5/6-201(a)(5)]~~.
- fg) If an applicant has falsified information on an application for a driver's license, the applicant shall be suspended pursuant to IVC Section 6-206(a)(9)~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(9)]~~ for 12 months if it is the first offense. If it is the second offense or if the driving record contains an open or pending revocation, driving privileges shall be revoked pursuant to IVC Section 6-206(a)(9)~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(9)]~~.
- gh) After cancellation, full driving privileges shall not be restored until after restoration in the other state and a clearance letter or verification from that state is received and processed by the Department.
- hi) If a person's driving privileges have been suspended, his/her driving privileges shall be restored at the termination of the suspension and upon acceptance of the required reinstatement fee as provided for in IVC Section 6-118~~of the Illinois Vehicle Code [625 ILCS 5/6-118]~~. A person whose driving privileges have been revoked, is eligible to be considered for reinstatement of driving privileges after the successful completion of all necessary requirements of the Department pursuant to IVC Section 2-110~~of the Illinois Vehicle Code [625 ILCS 5/2-110]~~.
- ij) Upon receipt of a request from the driver licensing authority of another state for the driver history~~driving~~ record of a person applying for a CDL who is currently or previously licensed by Illinois, the Department shall provide the information to the requesting state within 30 days.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.80 Cancellation of Driver's License Upon Issuance of a Disabled Person Handicapped Identification Card

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

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Handicapped Identification Card"—a standard identification card as defined in Section 4(a) of the Illinois Identification Card Act (Ill. Rev. Stat. 1987, ch. 124, par. 4(a)) issued for no fee to persons who meet the definition of handicapped as defined in Section 1-159.1 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-159.1) or who have a handicap so severe that it precludes him/her from obtaining an Illinois driver's license (see subsection (c)).~~

- ~~ab)~~ If a ~~Disabled Person~~Handicapped Identification Card as provided in 92 Ill. Adm. Code 1030.91 is issued to someone who has a valid Illinois driver's license, the case shall be forwarded to the Driver Analysis Section of the Department for review and possible cancellation of the person's driver's license. If the person indicated on his/her ~~Disabled Person~~Handicapped Identification Card application via affidavit that he/she has a handicap so severe that it precludes him/her from obtaining an Illinois driver's license, the driver's license shall be cancelled unless proof is offered ~~that~~which indicates that the ~~Disabled Person~~Handicapped Identification Card was issued in error and should be cancelled.

- ~~be)~~ If the applicant holds a valid Illinois driver's license and indicates on his/her ~~Disabled Person~~Handicapped Identification Card application via affidavit that his/her handicap is so severe that it precludes him/her from obtaining an Illinois driver's license, the Department shall request that the person submit a medical report to the Driver Analysis Section of the Department. If the medical report is favorable and indicates that the individual can safely operate a motor vehicle, the ~~Disabled Person~~Handicapped Identification Card shall be cancelled. However, if the medical report indicates the individual cannot safely operate a motor vehicle, the Illinois driver's license will be cancelled ~~pursuant to IVC Section 6-201(5)(Ill. Rev. Stat. 1987, ch. 95½, par. 6-201(5))~~. If the person wishes to contest the Departmental decision, he/she may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001. If an individual does not submit the medical report after being requested to do so, his/her driver's license shall be cancelled, if one has previously been issued. This decision may also be contested in accordance with 92 Ill. Adm. Code 1001.

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(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.100 Rescissions

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

~~"Cancellation"—the annulment or termination by formal action of the Secretary of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation as defined in Section 1-110 of the Illinois Vehicle Code [625 ILCS 5/1-110].~~

~~"Denial of Driver's License"—to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instruction permit and limiting privileges to that of an instruction permit, if a driver's license has previously been issued in accordance with Sections 6-107(c) and 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and 6-107(d)].~~

~~"Denial of Driving Privilege"—to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107(e) of the Illinois Vehicle Code [625 ILCS 5/6-107(e)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Rescind"—to annul or void a suspension, revocation, cancellation or denial.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

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~~"Statutory Summary Suspension"—a withdrawal of a person's license or privilege to operate a motor vehicle on the public highways due to refusal to submit to or failure to complete or pass a chemical test or tests following an arrest for driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, as provided in Section 1-197.5 of the Illinois Vehicle Code [625 ILCS 5/1-197.5].~~

~~"Stricken on Leave"—stricken off call with leave to reinstate.~~

~~"Supervision"—a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered as defined in Section 5-1-21 of the Unified Code of Corrections [730 ILCS 5/5-1-21].~~

~~"Suspension"—the temporary withdrawal, by formal action of the Secretary, of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Vacate"—to set aside, annul, rescind, render void, or cancel an order.~~

~~"Warrant Parking/Traffic Suspensions"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

- ab) The Department shall rescind the following orders when the specified criteria are met:
- 1) Suspensions, revocations, disqualifications and denials of driver's license and/or driving privileges, except warrant parking/traffic suspensions, failure to appear suspensions (as applied to residents and non-residents) and statutory summary suspensions, upon receipt of certified court evidence reporting non-conviction, supervision, stricken on leave

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~~(SOLS.O.L.)~~, or a correction or an amendment stating there was an error that formed the basis of the suspension, the revocation, or the denial of driver's license/driving privilege and/or it has been vacated or that a previously submitted judgment has been reversed.

- 2) Cancellation of driver's license and/or driving ~~privileges~~ upon receipt by the Department of one of the following:
 - A) evidence from an instructor of a ~~driver education program~~ Driver Education Program indicating the driver has re-enrolled in the program; or
 - B) favorable physical or psychiatric report from a licensed medical specialist prior to the effective date of the cancellation or receipt of a second report completed by the licensed medical specialist showing the original report submitted was incorrect; or
 - C) evidence from a licensed medical specialist indicating that he/she failed to submit a favorable medical report for the driver within 90 days; or
 - D) evidence reversing a decision made by the Department that ~~two~~ driver's license records are for the same person; or
 - E) court evidence changing the disposition of a conviction previously reported upon which the cancellation was based; or
 - F) documentation from another state licensing agency that reverses an original report upon which the cancellation was based.
- 3) Failure to Appear Suspensions upon receipt of certified court evidence vacating the Failure to Appear or when the Department receives a compliance notice or court receipt prior to the effective date of the suspension indicating that the charges have been satisfied.
- 4) Statutory Summary Suspensions upon receipt of a Certified Hearing Disposition Notice or court order from the court of venue to rescind the suspension.

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- 5) Warrant/Parking Traffic Suspensions upon receipt of certified evidence from the court indicating the original report was in error or the person identified in the original report was the wrong defendant or the Department receives notice of final disposition prior to the effective date of the suspension.
- be) The Department shall rescind a suspension, revocation, or cancellation pursuant to a decision rendered by the Department of Administrative Hearings within the Office of the Secretary of State as provided in IVC Section 2-118 ~~of the Illinois Vehicle Code [625 ILCS 5/2-118]~~ and 92 Ill. Adm. Code 1001.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.101 Reinstatement Fees

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

~~"Concurrent Actions Requiring Reinstatement Fees"—a situation in which a driver has either 2 or more suspensions, except miscellaneous suspensions, or 2 or more revocations or a combination thereof, on the driving record that were in effect at the same time.~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Reinstatement Fees"—the fees required to restore a person's driving privileges after driving privileges have been suspended or revoked pursuant to any provision of the Illinois Vehicle Code, or Sections 11-501.1 and 11-501.8 of the Illinois~~

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~~Vehicle Code [625 ILCS 5/11-501.1, 11-501.8 and Ch. 6] as provided for in Section 6-118(b) of the Illinois Vehicle Code [625 ILCS 5/6-118(b)].~~

~~"Tollway Suspension" — a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

~~"Warrant Parking/Traffic Suspension" — a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

- ~~a~~) The fee collected by the Department for reinstatement of a driver's license following a suspension or revocation shall be as prescribed by IVC Section 6-118(b) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(b)]~~.
- b) The fee collected by the Department for concurrent actions requiring reinstatement fees shall be for the action requiring the highest fee that would be charged for a single action if each action were considered separately.
- c) If a suspension or revocation is rescinded, the Department shall not collect a reinstatement fee for that specific action.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

- a) ~~For purposes of this Section, the following definitions shall apply:~~
 - ~~"Bankruptcy Debtor" — a debtor under any chapter of the Federal Bankruptcy Code.~~
 - ~~"Cancellation" — the annulment or termination of a driver's license by formal action of the Secretary because the licensee is no longer entitled to such license.~~

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~~"Chapter 13 Plan"—an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.~~

~~"Creditor"—a person to whom a debt is owned by another.~~

~~"Debtor"—one who owes a debt.~~

~~"Deletion"—the permanent removal of an entry from a driving record.~~

~~"Department"—Department of Driver Services of the Office of the Secretary of State.~~

~~"Failure to Pay"—an indication on a driving record that an individual has failed to pay fines and costs in full on a traffic ticket which prohibits the renewal or reissuance of a driver's license.~~

~~"Notice of Automatic Stay"—any notice received by the Department that indicates a debtor has filed a Petition in Bankruptcy, which automatically stays any proceedings against him pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 U.S.C. Section 362).~~

~~"Notice of Meeting of Creditors"—a notice from the United States Bankruptcy Court informing the entities which have a claim against the debtor that the debtor has filed bankruptcy.~~

~~"Parking Suspension"—a suspension imposed for failure to pay fines or penalties for standing or parking violations pursuant to 6-306.5 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95½, par. 6-306.5) [625 ILCS 5/6-306.5].~~

~~"Petition for Discharge Filed in Bankruptcy"—an order by a United States Bankruptcy Court relieving an individual from all of his/her debts which are provable in bankruptcy, except those excluded by the Bankruptcy Code.~~

~~"Petition in Bankruptcy"—a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the Bankruptcy Code.~~

~~"Reseission"—to set aside, annul, render void, or cancel an order.~~

~~"Returned Check"—any check which is delivered to the Office of the Secretary of~~

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~~State as payment of any fee and such check is not honored by the bank on which it is drawn.~~

~~"Schedule A-3" — Schedule of Liabilities.~~

~~"Trustee Report of No Assets" — a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.~~

- ~~ab)~~ If a debtor's driving privileges have been or will be suspended for a parking suspension pursuant to IVC Section 6-306.5 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code~~, and if ~~thesaid~~ parking or standing tickets are issued prior to petition for discharge,; or, if a debtor's driving privileges have been or will be cancelled as a result of a returned check pursuant to IVC Section 6-201(a)(3) ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95½, par. 6-201(a)(3)) [625 ILCS 5/6-201(a)(3)]~~, proper notice to the Department shall result in the rescission of the suspension or cancellation from the driving record.
- ~~be)~~ If a debtor's privilege to renew or be reissued a driver's license has been or will be prohibited based upon a returned check pursuant to IVC Section 6-201(a)(3) ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code~~, or based upon a report of failure to pay traffic fines and court costs pursuant to IVC Section 6-306.6 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95½, par. 6-306.6) [625 ILCS 5/6-306.6]~~, proper notice to the Department shall result in the deletion of this indication from the driving record.
- ~~cd)~~ Proper notice shall consist of, but not be limited to, one of the following:
- 1) Petition in Bankruptcy
 - 2) Notice of meeting of Creditors
 - 3) Schedule A-3 or Schedule of Creditors
 - 4) Trustee Report of No Assets
 - 5) Petition for Discharge Filed in Bankruptcy
 - 6) Notice of Automatic Stay

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- 7) Chapter 13 Wage Earner Plan
- de) Any evidence documenting an event prior in time to actual petition for discharge shall be used by the Department to confirm a petition for discharge in bankruptcy has occurred.
- ef) The debtor shall notify the Department if the Petition in Bankruptcy has been dismissed or the debt has been discharged in bankruptcy.
- fg) Any previous action taken by the Department to rescind a suspension or prevent the renewal or reissuance of a driver's license or permit based upon proper notice of bankruptcy under this Section shall be reinstated when:
- 1) the Petition in Bankruptcy has been dismissed; or
 - 2) the United States Bankruptcy Court orders the debt nondischargeable; or
 - 3) a court of competent jurisdiction enters an order finding the debt upon which the action is based nondischargeable pursuant to applicable Sections of 11 ~~USC~~ U.S.C. Section 523(a) and Bankruptcy Rule 4007 as now or hereafter amended (~~11 U.S.C. Section 523(a) and Bankruptcy Rule 4007~~).

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.105 Suspension for Five or More Tollway Violations and/or Evasions

- a) ~~For purposes of this Section, the following definitions shall apply:~~
- ~~"Authority"—Illinois State Toll Highway Authority.~~
- ~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~
- ~~"Department of Administrative Hearings"—Department of Administrative Hearings within the Office of the Secretary of State.~~
- ~~"Rescind"—to annul or void a suspension.~~

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~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

- ~~a~~b) The Department shall suspend the driver's license and/or driving privileges of any person named on a certified report from the Authority notifying the Department of ~~five~~5 or more unsatisfied tollway violations, tollway evasions or any combination thereof.
- ~~b~~e) The Department shall terminate the suspension upon receipt of a certified report from the Authority indicating that the fines and penalties have been satisfied. Prior to the return of a driver's license or reissuance of a driver's license the person is required to pay a reinstatement fee pursuant to IVC Section 6-118(b) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(b)]~~.
- ~~c~~d) The Department shall rescind the suspension:
- 1) upon receipt of certified evidence from the Authority indicating the certified report was in error; or
 - 2) upon receipt of certified evidence indicating that the fines and penalties were satisfied prior to the effective date of the suspension; or
 - 3) upon receipt of a formal order from the Department of Administrative Hearings directing the Department to rescind the suspension.
- ~~d~~e) The Authority shall reimburse the Secretary of State~~Department~~ in the amount of \$20 per certification from the Authority to suspend the driver's license and/or driving privileges, in order to cover reasonable costs incurred by the Department~~Secretary~~.
- ~~e~~f) The Authority shall reimburse the Secretary of State~~Department~~ in the amount of

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\$5 per certification from the Authority to suspend the vehicle registration, in order to cover reasonable costs incurred by the Department of Vehicle Services~~Secretary~~.

- f) The Authority shall reimburse the Secretary of State~~Department~~ in the amount of \$50 dollars for each administrative hearing conducted by the Secretary in connection with the suspension of the driver's license and/or driving privileges or vehicle registration, in order to cover reasonable costs incurred by the Department of Administrative Hearings~~Secretary~~.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.107 Suspension for Violation of Improperly~~625 ILCS 5/11-907~~, Approaching a Stationary Emergency Vehicle

- a) ~~Defined Terms – For purposes of this Section, the following definitions shall apply:~~

~~"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~

~~"Automated Traffic Law Violation Suspension" – a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.~~

~~"Conviction" – a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

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~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].~~

~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Open Suspension" or "Open Revocation"—a suspension or revocation that appears on the driving record that is in effect.~~

~~"Pending Suspension" or "Pending Revocation"—a suspension or revocation that appears on the driving record that is not yet in effect.~~

~~"Prior Suspension" or "Prior Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.~~

~~"Record of Judgment"—an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration;~~

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~~except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

~~"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-303 or 7-313 the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].~~

~~"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

- ~~a)~~ If a person has no prior, open or pending suspensions or revocations and a conviction for IVC Section 11-907(c) ~~of the Illinois Vehicle Code [625 ILCS 5/11-907(c)]~~ is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.
- ~~b)~~ If a person has one or more open or pending revocations and a conviction for IVC Section 11-907(c) ~~of the Illinois Vehicle Code [625 ILCS 5/11-907(c)]~~ is

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received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

- ~~cd~~) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and a conviction for IVC Section 11-907(c) ~~of the Illinois Vehicle Code [625 ILCS 5/11-907(e)]~~ is received, the Department shall enter a 3-month suspension, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court for which the suspension would become effective upon the latest provisional or projected termination date of the suspension on record.
- ~~de~~) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and an open or pending revocation and a conviction for IVC Section 11-907(c) ~~of the Illinois Vehicle Code [625 ILCS 5/11-907(e)]~~ is received, the Department shall enter a 3-month suspension for the first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court for which the suspension would become effective upon the latest provisional or projected termination date of the suspension on record.
- ~~ef~~) If the provisional termination date of an open suspension is in the past, the Department shall enter a 3-month suspension for the first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations

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

~~"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

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~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Financial Responsibility Suspension"—a suspension in accordance with Sections 7-304 and 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-305].~~

~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].~~

~~"Suspension"—the temporary withdrawal by formal action by the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations,~~

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~~tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

~~"Unsatisfied Judgment Suspension"—a suspension in accordance with Sections 7-303 and 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].~~

~~"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

ab) A person who is convicted of violating IVC Section 11-406 ~~of the Illinois Vehicle Code [625 ILCS 5/11-406]~~ for failure to make a report of a vehicle accident shall have his/her driving privileges suspended by the Department.

be) When considering prior convictions, only those convictions for failure to make a report of a vehicle accident that have an arrest date within seven~~7~~ years prior to the arrest date of the incoming conviction shall be considered.

cd) Upon receipt of a report of conviction for failure to make a report of a vehicle accident, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	2-month Suspension
2 nd Conviction	4-month Suspension
3 rd or subsequent Conviction	6-month Suspension

de) If a conviction for failure to make a report of a vehicle accident shows an arrest date during a period of revocation that is in effect, the revocation shall be extended for one year from the date of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for failure to make a report of a vehicle accident shows an arrest date during a period of suspension (excluding miscellaneous suspensions) that is still in effect, the suspension shall be extended for the same amount of time as the originally

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imposed suspension in accordance with IVC Section 6-303 ~~of the Illinois Vehicle Code [625 ILCS 5/6-303]~~.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations

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

~~"Conviction"—A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Suspension"—The temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

b) An individual who has two or more convictions for violating IVC Section 11-1201 ~~of the Illinois Vehicle Code [625 ILCS 5/11-1201]~~ shall have his/her driving privileges suspended by the Department in accordance with IVC Section 6-206(a)(39) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(39)]~~.

a1) In reviewing an individual's driving record for convictions of violating IVC Section 11-1201 ~~[625 ILCS 5/11-1201]~~, only those convictions with arrest dates on or after January 1, 2003 shall be considered.

b2) If the driving record contains two or more convictions for violating IVC Section 11-1201 ~~of the Illinois Vehicle Code [625 ILCS 5/11-1201]~~, the following action shall be taken:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
<u>2nd Conviction</u>	<u>6-month Suspension</u>

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3rd or subsequent Conviction

12-month Suspension

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.110 Bribery

- a) ~~For the purposes of this Section, the following definitions shall apply:~~
- 1) ~~"Authorized Personnel"—Manager, Administrator, Instructor, Secretary of State Police, Director or Inspector General.~~
 - 2) ~~"Bribe"—Any item or thing of value, payment, or other personal advantage that an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is not authorized by law or administrative rule to accept, knowing or reasonably believing that such item, thing of value, payment or advantage was promised or tendered with the intent to influence or change the performance of any act or duty related to the issuance of a driver's license.~~
 - 3) ~~"Bribery"—The solicitation or accepting of any bribe or improper offering.~~
 - 4) ~~"Denial of Driver's License"—To prohibit or disallow the privilege to obtain a driver's license or permit.~~
 - 5) ~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~
 - 6) ~~"Disqualified"—The denial of the issuance of a license or permit or the invalidation of any license or permit.~~
 - 7) ~~"Facility Administered Test"—An actual demonstration of the driver's license applicant's ability to successfully pass a Vision, Written or Drive Test administered by a Driver Services Facility employee or individual or entity approved by the Department to administer such test.~~

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- 8) ~~"Invalidate" To render no longer valid any driver's license or permit for a specified period of time.~~
- ab) The Department shall, pursuant to IVC Section 6-103(16) ~~of the Illinois Vehicle Code [625 ILCS 5/6-103(16)]~~, deny for a period of 120 consecutive days the issuance of a driver's license and/or permit to any person who, with intent to influence any act related to the issuance of any driver's license or permit, promises or tenders to an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination any property or personal advantage that person is not authorized by law to accept.
- be) The Department shall, pursuant to IVC Section 6-103(16) ~~of the Illinois Vehicle Code [625 ILCS 5/6-103(16)]~~, invalidate for a period of 120 consecutive days the driver's license and/or permit of any person who, with intent to influence any act related to the issuance of any driver's license or permit, promises or tenders to an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination any property or personal advantage that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver's license or permit.
- cd) When any employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is tendered a bribe or a bribe has been attempted as defined in Section 1040.1 subsection (a)(2), the person bribed or attempted to be bribed shall immediately report the incident to authorized personnel, as defined in Section 1040.1 this Section. Authorized personnel shall immediately proceed in the following manner: complete the interview process; complete the designated bribery/attempted bribery form; and notify the appropriate staff of the bribery incident. All evidence collected from the incident shall be placed in a secure locked place. For purposes of this Section, the Department shall disqualify the individual for a designated time upon receipt of the prescribed bribery/attempted bribery form faxed by the authorized personnel.

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- de) The facility application for any facility administered test that was successfully completed prior to the termination of further testing due to bribery/attempted bribery shall be validated and a receipt shall be given to the individual for any statutory fees collected by an employee of the Secretary of State's Office.
- ef) Pursuant to IVC Section 2-118 ~~of the Illinois Vehicle Code [625 ILCS 5/2-118]~~, any person whose driver's license or permit has been disqualified under this Section may request an administrative hearing to contest the Department's action.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.111 Suspension ~~for Violation of 625 ILCS 5/11-908(a-1)~~ for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present

- a) ~~Defined Terms—For purposes of this Section, the following definitions shall apply:~~

~~"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~

~~"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.~~

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

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~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~

~~"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].~~

~~"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].~~

~~"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~

~~"Open Suspension" or "Open Revocation"—a suspension or revocation that appears on the driving record that is in effect.~~

~~"Pending Suspension" or "Pending Revocation"—a suspension or revocation that appears on the driving record that is not in effect.~~

~~"Prior Suspension" or "Prior Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.~~

~~"Record of Judgment"—an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration;~~

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~~except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

~~"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].~~

~~"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

- ~~a)~~ a) If a person has no open or pending suspensions or revocations and a conviction for violation of IVC Section 11-908(a-1) ~~of the Illinois Vehicle Code [625 ILCS 5/11-908(a-1)]~~ is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.
- ~~b)~~ b) If a person has one or more open or pending revocations and a conviction for violation of IVC Section 11-908(a-1) ~~of the Illinois Vehicle Code [625 ILCS 5/11-~~

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~~908(a-1)~~ is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

- ~~c~~) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and a conviction for a violation of IVC Section 11-908(a-1) ~~of the Illinois Vehicle Code [625 ILCS 5/11-908(a-1)]~~ is received, the Department shall enter a 3-month suspension, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court. The suspension ~~shall~~would become effective upon the latest provisional or projected termination date of the suspension on record.
- ~~d~~) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and an open or pending revocation and a conviction for a violation of IVC Section 11-908(a-1) ~~of the Illinois Vehicle Code [625 ILCS 5/11-908(a-1)]~~ is received, the Department shall enter a 3-month suspension for the first or subsequent conviction, or, if a record of judgment is received, the length of suspension shall be entered for the period specified by the court. The suspension ~~shall~~would become effective upon the latest provisional or projected termination date of the suspension on record.
- ~~e~~) If the provisional termination date of an open suspension is in the past, the Department shall enter a 3-month suspension for the first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.115 Suspension for Theft of Motor Fuel

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

~~"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

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~~"Open Suspension"—a suspension that appears on the driving record that is in effect.~~

~~"Pending Suspension"—a suspension that appears on the driving record that is not yet in effect.~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Terminated Suspension"—a suspension that is no longer in effect.~~

- ~~a)~~ A person who has been convicted of theft of motor fuel as defined in Section ~~5/16J-15~~ prior to August 21, 2007 or Section 16K-15 on or after August 21, 2007 of the Criminal Code of 1961 [720 ILCS 5/16J-15 or 16K-15] shall have his/her driving privileges suspended by the Department.
- ~~b)~~ Upon notice of conviction, the Department shall take the following action:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	6-month Suspension
2 nd or subsequent Conviction	12-month Suspension

- ~~c)~~ A conviction for theft of motor fuel may be considered with prior convictions only if the arrest date falls within seven~~7~~ years after any previous conviction for theft of motor fuel.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)

Section 1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings

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- a) The Department of Administrative Hearings, whenever it has clear and convincing evidence that a person committed perjury, or submitted fraudulent, falsified or materially altered documents, or submitted documents as his/her own that were prepared or composed for another person, shall notify the Driver Services Department.
- b) Such notification shall include a request from the Department of Administrative Hearings to take action against the driving privileges of the person and one or more of the following:
- 1) A copy of the administrative order entered pursuant to a hearing held; or
 - 2) A copy of any and all fraudulent, falsified or materially altered documents; or
 - 3) Any other relevant documents.
- c) The Driver Services Department shall, upon receipt of the notification, take the following action:
- 1) If the person's driving record does not contain a previous suspension/revocation for cause under this Section, an order of suspension of the person's driving privileges shall be entered for 12 months.
 - 2) If the person's driving record does contain a previous suspension/revocation for cause under this Section, an order of revocation of the person's driving privileges shall be entered.
- d) Any person whose driving privileges are suspended or revoked under the provisions of this Section may contest this sanction at an administrative hearing under the provisions of IVC Section 2-118.

(Source: Added at 33 Ill. Reg. 2603, effective January 22, 2009)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Program Accounting Manual
- 2) Code Citation: 23 Ill. Adm. Code 110
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
110.10	Repeal
110.20	Repeal
110.25	Repeal
110.30	Repeal
110.40	Repeal
110.50	Repeal
110.60	Repeal
110.70	Repeal
110.80	Repeal
110.90	Repeal
110.100	Repeal
110.110	Repeal
110.115	Repeal
110.120	Repeal
110.125	Repeal
110.135	Repeal
110.TABLE A	Repeal
110.TABLE B	Repeal
110.TABLE C	Repeal
110.TABLE D	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, and 34-43.1
- 5) Effective Date of Adopted Repealer: January 21, 2009
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this adopted repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 16103; October 3, 2008

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- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this repealer replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: Rulemaking was conducted in 2007 to establish a new set of rules covering not only the chart of accounts for school districts but also all the other related issues previously addressed in Part 110. That new set, Part 100, indicates that its effectiveness begins with Fiscal Year 2009. Now that FY 2009 has been reached, the material in Part 110 is no longer needed, and this Part is being repealed in its entirety.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Debbie Vespa
School Business and Support Services Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/785-8779

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Student Activity Funds and Convenience Accounts
- 2) Code Citation: 23 Ill. Adm. Code 125
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
125.5	Repeal
125.10	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.27
- 5) Effective Date of Repealer: January 21, 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 repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 3, 2008; 32 Ill. Reg. 16218
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: Rulemaking was conducted in 2007 to establish a new set of rules covering the chart of accounts for school districts as well as all the other related issues previously addressed in Part 125. That new set, Part 100, indicates that its effectiveness begins with Fiscal Year 2009. Now that FY 2009 has been reached, the material in Part 125 is no longer needed, and this Part is being repealed in its entirety.
- 16) Information and questions regarding this adopted repealer shall be directed to:

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Debbie Vespa
School Business and Support Services Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/785-8779

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Determining Special Education Per Capita Tuition Charge
- 2) Code Citation: 23 Ill. Adm. Code 130
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
130.10	Amendment
130.30	Amendment
130.40	Amendment
- 4) Statutory Authority: 105 ILCS 5/14-7.01, 14-7.02b, and 14-7.03
- 5) Effective Date of Amendments: January 21, 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) Notice of Proposal Published in Illinois Register: October 3, 2008; 32 Ill. Reg. 16226
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: It was recognized that districts no longer prepare the Fall Enrollment and Housing Report as a separate data collection now that the information previously included in that report is subsumed within the Student Information System. Consequently the specific title of the report, currently used in the definition of "Total Number of Pupils Enrolled" (Section 130.10), was replaced with a generic reference to the uniform date as of which the total is calculated.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: Beginning with Fiscal Year 2009, a new set of rules (23 Ill. Adm. Code 100, Requirements for Accounting, Budgeting, Financial Reporting, and Auditing) has taken the place of long-standing Part 110 (Program Accounting Manual). Part 130 is among the sets of ISBE's rules that need to be updated because they contain cross-references to Part 110.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Tim Imler
Funding and Disbursements Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/782-5256

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER c: FINANCE

PART 130

DETERMINING SPECIAL EDUCATION PER CAPITA TUITION CHARGE

Section

130.10	Definitions
130.20	Applicability
130.30	Allowable Expenditures for Determining Per Capita Cost
130.40	Expenditures Not Allowed in the Per Capita Cost
130.45	Calculation of Individual Cost
130.50	Tuition Billing

AUTHORITY: Implementing and authorized by Sections 14-7.01, 14-7.02b, and 14-7.03 of the School Code [105 ILCS 5/14-7.01, 14-7.02b, and 14-7.03].

SOURCE: Adopted at 11 Ill. Reg. 5942, effective March 23, 1987; amended at 16 Ill. Reg. 9475, effective June 9, 1992; amended at 24 Ill. Reg. 4936, effective March 10, 2000; amended at 30 Ill. Reg. 16614, effective October 5, 2006; amended at 33 Ill. Reg. 2838, effective January 21, 2009.

Section 130.10 Definitions

["Accounting Rules" – 23 Ill. Adm. Code 100 \(Requirements for Accounting, Budgeting, Financial Reporting, and Auditing\).](#)

"Average Daily Attendance" – The number of full-time equivalent days a pupil is in attendance in a program divided by the number of days school is in session.

"Average Daily Enrollment" – For an individual pupil, the number of days a pupil is enrolled in a program divided by the number of days a program is in session, multiplied by the percentage of the school day the pupil participates in the program. For a program, the Average Daily Enrollment is the total of the Average Daily Enrollment figures for all students enrolled in it.

"Days in Session" – The number of actual pupil attendance days reported on the final calendar for the school year.

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"District Per Capita Tuition Charge" – District expenditures (including allowable depreciation) associated with providing education during the regular school term from local taxes and common school fund monies, calculated by deducting revenues for various state categorical programs as shown on the district's annual financial statement filed in accordance with Section 3-15.1 of the School Code [105 ILCS 5/3-15.1], local user fees, and federal receipts, other than federal impaction aid, from the operating expense; then dividing the result by the annual average daily attendance of the district.

Eligible Pupils" – All children with disabilities as defined in Sections 14-1.02 and 14-1.03a of the School Code [105 ILCS 5/14-1.02 and 14-1.03a] and in 23 Ill. Adm. Code 226 (Special Education).

"IEP" – A pupil's individualized education program (see 23 Ill. Adm. Code 226).

"Local Education Agency" – A public educational agency at the local level that operates schools or contracts for educational services. This includes school districts, school districts providing services under a joint agreement pursuant to Section 10-22.31a of the School Code [105 ILCS 5/10-22.31a], educational service regions pursuant to Section 3A-1 of the School Code [105 ILCS 5/3A-1], educational (intermediate) service centers pursuant to Section 2-3.62 of the School Code [105 ILCS 5/2-3.62] and 23 Ill. Adm. Code 525 (Regional Offices of Education and Intermediate Services), public university laboratory schools pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], and governing boards formed pursuant to Section 10-22.31 or Section 3-15.14 of the School Code [105 ILCS 5/10-22.31 or 3-15.14].

"Local Educational Facilities" – Buildings, including sites and site improvements, operated by a local education agency.

"Program" – For purposes of the reimbursement of claims under Sections 14-7.02b and 14-7.03 of the School Code [105 ILCS 5/14-7.02b and 14-7.03], a combination of special education instructional services, supportive services, supplies, materials, physical plant adjustments, and other special educational facilities designated by a local education agency as meeting the common educational needs of a group of students with disabilities ~~that also conforms to the requirements set forth in Section 110.50(e)(11) of the Manual.~~

~~"Program Accounting Manual" or "Manual" – 23 Ill. Adm. Code 110.~~

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"Special Education" – Those instructional programs, supportive services, supplies, materials, physical plant adjustments, and other special educational facilities described in Article 14 of the School Code [105 ILCS 5/Art. 14] and 23 Ill. Adm. Code 226 that modify, supplement, support, or are in place of the standard educational program of the public school, and that are needed to meet the needs of eligible pupils.

"Special Educational Facility and Services" – See Section 14-1.08 of the School Code [105 ILCS 5/14-1.08].

"Special Education Per Capita Cost" – The average expenditure per eligible pupil incurred by a local education agency in the implementation and maintenance of each special education program, computed by dividing the allowable program expenditures by the average daily enrollment of all eligible participating pupils in the manner prescribed in this Part.

"Special Education Pupil Transportation" – Those transportation services that are in addition to the regular pupil transportation services provided by the local education agency, and that are required and provided in accordance with the provisions of 23 Ill. Adm. Code 226.

"Special School" – An educational setting that is established by the local education agency exclusively to meet the needs of exceptional pupils.

"The School Code" – The School Code [105 ILCS 5].

"Time in Special Education" – For purposes of the reimbursement of claims under Sections 14-7.02b and 14-7.03 of the School Code, the percentage that reflects the amount of time for which a pupil receives special education services under his or her IEP at the time of entry into the special education program as compared to the total amount of time in the pupil's regular instructional day. The instructional school day is not "bell to bell" and should omit passing periods, lunch, and recess unless the pupil's IEP requires support during those times.

"Total Number of Pupils Enrolled" – The total enrollment of the local education agency for the school year, as reported to the State Board of Education [as of the last school day in September on the Fall Enrollment and Housing Report](#).

"Total Number of Special Education Pupils Enrolled" – The total number of

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pupils reported to the State Board of Education as being enrolled in special education programs on December 1 of a particular year. For special education joint agreements and regional programs, this is the sum of all member districts' enrolled special education pupils as of December 1.

(Source: Amended at 33 Ill. Reg. 2838, effective January 21, 2009)

Section 130.30 Allowable Expenditures for Determining Per Capita Cost

- a) All local education agencies operating special educational facilities shall maintain evidence of their accountability for funds as prescribed in the [accounting rulesManual](#).
- b) Accounting dimensions used to record expenditures used in calculating per capita costs shall include at least the fund, fiscal year, four-digit function number, and object. Functions and objects must correspond to and be traceable to the official budget and annual financial report of the local education agency.
- c) Expenditures for equipment necessary for the operation of a special educational facility either shall be included in the expenditures in the year of purchase, if the total cost is less than \$2500, or shall be depreciated on a five-year schedule, if the total cost is \$2500 or more. If equipment is purchased solely for the benefit of one pupil and billed in that manner, the district billed is the owner of the equipment.
- d) Per capita instructional costs recorded in functions 1201-1220 of the [accounting rulesManual](#) shall be calculated by dividing the allowable expenditures, minus individual student costs such as individual aides, by the average daily enrollment of the pupils served in the specific special education program.
- e) Per capita expenditures recorded in the functional accounts 2120 (Guidance Services), 2130 (Health Services), 2210 (Improvement of Instruction), and 2220 (Educational Media Services) as specified in the [accounting rulesManual](#) shall be calculated as provided in this subsection (e).
 - 1) Expenditures in each functional area shall be allocated as follows:
 - A) All expenditures for specific special education programs;
 - B) All expenditures that are incurred in support of all eligible pupils

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and that cannot be directly allocated to a specific special education program as required in subsection (e)(1)(A) of this Section; and

- C) All expenditures that are incurred in support of the general pupil population, including eligible pupils.
 - 2) Per capita pupil support services costs for a specific special education program shall be calculated by dividing the allowable expenditures by the average daily enrollment of the pupils served in the program.
 - 3) Per capita pupil support services costs incurred in support of all eligible children shall be calculated by dividing the allowable expenditures by the total number of special education pupils enrolled.
 - 4) Per capita pupil support services costs incurred in support of the general pupil population shall be calculated by dividing the allowable expenditures by the total number of pupils enrolled.
- f) Per capita expenditures recorded in the functional accounts 2113 (Social Work Services), 2140 (Psychological Services), and 2150 (Speech Pathology and Audiology Services) as specified in the [accounting rules](#) ~~Program Accounting Manual~~ shall be calculated by dividing the allowable expenditures by the total number of special education pupils enrolled.
- g) Per capita expenditures for general administrative services recorded in the functional accounts 2310 (Board of Education Services), 2320 (Executive Administrative Services), 2330 (Special Area Administrative Services), 2410 (Office of the Principal Services), 2510 (Direction of Business Support Services), 2520 (Fiscal Services), 2570 (Internal Services), and 2600 (Support Services Central) as specified in the [accounting rules](#) ~~Manual~~ shall be calculated by dividing the allowable expenditures by the total number of pupils enrolled.
- h) Per capita special education administration costs recorded in the functional account 2330 (Special Area Administrative Services) shall be calculated by dividing the allowable expenditures by the total number of special education pupils enrolled.
- i) Operation and Maintenance
 - 1) Expenditures for the operation and maintenance of buildings owned by a

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local education agency shall be allocated to each program according to the number of classrooms used and the average cost per classroom. The average cost per classroom shall be identified by dividing the total amount of expenditures for operations and maintenance, excluding capital outlay, by the total number of classrooms.

- 2) If a privately owned building is used, the portion of the operation and maintenance costs attributable to a specific program shall be determined by dividing the square footage of the portion of the building so used by the square footage of the building or buildings for which operation and maintenance costs are incurred.

j) Depreciation and Rent

- 1) Depreciation of physical facilities owned by the local education agency shall be calculated using the rate provided in Section 14-7.01 of the School Code. The local education agency may not rent facilities from itself. The depreciation rate specified in Section 14-7.01(f) of the School Code must be applied to all owned facilities. Operations and maintenance costs for owned facilities may be claimed as provided in subsection (i) of this Section.
- 2) If the local educational facility is rented by the local education agency, the actual rent paid for the physical facilities is to be divided by the average daily enrollment of the pupils served within the facility. If the rented facility is used for both instructional and administrative functions, the square footage used for instruction shall be divided by the total square footage rented. The result of this division shall be multiplied by the rental fee paid to determine the portion of rent applicable to the program.

k) Interest paid for costs of operating a program approved pursuant to Section 14-7.03 of the School Code shall be segregated in the accounts of the local agency and claimed in total. Per capita interest costs shall be computed by dividing the other interest expenditures recorded in [the 5000 series of functions](#)~~function 5100~~, ~~lessexclusive of~~ interest for capital expenditures, by either:

- 1) the total number of pupils enrolled, if the local education agency serves both special and regular education students; or
- 2) the total number of special education pupils enrolled, if the local education

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agency serves only special education students.

- l) Twenty percent of the total cost incurred for special education pupil transportation, or such total cost minus reimbursement received during the current year from the State of Illinois under Section 14-13.01(b) of the School Code [105 ILCS 5/14-13.01(b)], whichever is less, may be included in the computation of the per capita cost. However, for pupils claimed under Section 14-7.03 of the School Code, one hundred percent of the transportation costs shall be included in the computation and not claimed for special education pupil transportation reimbursement.
- m) Non-special education (i.e., regular) program costs charged to other districts must be calculated in accordance with Section 10-20.12a of the School Code [105 ILCS 5/10-20.12a] and billed to the district of residence based on a percentage of the student's time spent in non-special education classes.
- n) Social Security and Illinois Municipal Retirement Fund contributions by the employer; the amounts ~~so~~-recovered shall be returned to the funds from which the expenditures were made.
- o) Expenditures for liability insurance; the amounts recovered shall be returned to the funds from which the expenditures were made.

(Source: Amended at 33 Ill. Reg. 2838, effective January 21, 2009)

Section 130.40 Expenditures Not Allowed in the Per Capita Cost

- a) Food service expenditures may not be claimed for reimbursement under Section 14-7.03 of the School Code, unless they are directly related to instructional methodology or techniques, for example in homemaking, cooking, or consumer education courses. However, food service expenditures may be billed to the district of residence of a pupil served.
- b) Expenditures from revenue received from state reimbursement during the current year for special education personnel under Section 14-13.01 of the School Code, allocated to each program based on the number of positions in the program divided by the number of positions claimed for special education personnel reimbursement.
- c) Expenditures that are reimbursed from federal sources, except for health care

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services as provided in Section 14-7.04 of the School Code [105 ILCS 5/14-7.04]; the amount of federal reimbursement for such services need not be deducted.

- d) Expenditures for life-safety building improvements or asbestos abatement.
- e) Expenditures classified (see Table ~~FD~~ of the [accounting rules](#)~~Program Accounting Manual~~) as Capital Outlay (~~the object code~~ 500 [series of object codes](#)), except specialized equipment purchased for the specific special education program, which may be included based upon a depreciation schedule of five years.
- f) Expenditures for purchased services (~~the object code~~ 300 [series of object codes](#)) other than those recorded in accounts 1201-1220 (Instruction), 2113 (Social Work Services), 2130 (Health Services), 2140 (Psychological Services), 2150 (Speech Pathology and Audiology Services), 2210 (Improvement of Instruction), 2220 (Educational Media Services), and 2540 (Operation and Maintenance).
- g) Expenditures applicable to one student only.

(Source: Amended at 33 Ill. Reg. 2838, effective January 21, 2009)

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- 1) Heading of the Part: Replacement of Required Rules
- 2) Code Citation: 23 Ill. Adm. Code 500
- 3) Section Number: 500.10 Adopted Action: Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 2-3.54, 2-3.61, 2-3.65, 2-3.93, 2-3.94, 2-3.106, 2-3.117, Art. 1C, and Art. 13B
- 5) Effective Date of Repealer: January 21, 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 repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 3, 2008; 32 Ill. Reg. 16243
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this repealer replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: This amendment provides notice of the ending date to the effectiveness of this Part so that its relationship to new Part 100, being promulgated concurrently to cover the same topics, will be clear.
- 16) Information and questions regarding this adopted repealer shall be directed to:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

Debbie Vespa
School Business and Support Services Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/785-8779

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Miscellaneous
- 2) Code Citation: 50 Ill. Adm. Code 7110
- 3) Section Number: 7110.90 Adopted Action: Amended
- 4) Statutory Authority: Implementing and authorized by the Workers' Compensation Act [820 ILCS 305/1 et seq.]
- 5) Effective Date of Amendment: February 1, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 7, 2008; 32 Ill. Reg. 3213
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:
 - (a) In Section 7110.90(h)(1)(C), changed "scheduled surgical services" to "surgical services" to eliminate any confusion caused by the word "scheduled" and changed language to make it clear that the schedule represents the maximum fee schedule amount for services at an Ambulatory Surgical Treatment Center (ASTC).
 - (b) In Section 7110.90(h)(1)(G), changed language to reflect that multiple procedure and bilateral surgery provisions of the payment guide in Section 8B of the instructions and guidelines and applicable modifiers in the instruction and guidelines apply to the ASTC schedule.
 - (c) In Section 7110.90(h)(6)(A), clarified language to reflect that the DRG determines the maximum fee schedule amount for an inpatient hospital stay.

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- (d) In Section 7110.90(h)(6)(B), changed the date for updating the hospital inpatient schedule to the MS-DRG classification system from no later than January 1, 2009 to no later than June 30, 2009 and clarified language to reflect that the MS-DRG determines the maximum fee schedule amount for an inpatient hospital stay.
- (e) In Section 7110.90(h)(6)(G), clarified the definition of cost outlier for an inpatient stay to reflect that a cost outlier is extraordinary treatment in which the bill is at least two times the fee schedule amount and changed "subsection (h)(6)(E)" to "subsection (h)(6)(F)".
- (f) Added Section 7110.90(h)(6)(H), to clarify how professional services are reimbursed for a hospital inpatient stay.
- (g) In Section 7110.90(h)(7)(B), changed "scheduled surgical services" to "surgical services" to eliminate any confusion caused by the word "scheduled"; added language to clarify that the hospital outpatient includes surgical services that were not performed in an emergency room encounter or hospital inpatient setting; and added language to reflect that the radiology, pathology and laboratory and physical medicine and rehabilitation schedules are applied to the number of units billed on the UB-04.
- (h) In Section 7110.90(h)(7)(C)(i), clarified language to reflect that the hospital outpatient radiology schedule provides the maximum fee schedule amount for services and expanded the applicable revenue code range to include revenue codes 400 through 409 and 610 through 619.
- (i) In Section 7110.90(h)(7)(D)(i), clarified language to reflect that the hospital outpatient pathology and laboratory fee schedules provide the maximum fee schedule amount for services.
- (j) In Section 7110.90(h)(7)(E)(i), clarified language to reflect that the hospital outpatient physical medicine and rehabilitation schedule provides the maximum fee schedule amount for services.
- (k) In Section 7110.90(h)(7)(F)(i), clarified language to reflect that the hospital outpatient surgical facility schedule provides the maximum fee schedule amount for services; changed "scheduled surgical services" to "surgical services" to eliminate any confusion caused by the word "scheduled"; added language to clarify that the single fee schedule amount in the hospital outpatient surgical

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facility schedule represents the maximum amount payable for the total charges on a claim form which represents the total charges derived from all line items and revenue codes; added language to clarify that except for carve-out revenue codes listed in Section 7110.90(h)(7)(F)(ii), the fee schedule shall not be applied on a line item basis.

- (l) In Section 7110.90(h)(F)(ii), changed revenue code "026" to "0276".
 - (m) In Section 7110.90(h)(F)(iii), changed language to reflect that multiple procedure and bilateral surgery provisions in the payment guide in Section 8B of the instructions and guidelines and applicable modifiers in the instructions and guidelines apply to the hospital outpatient surgical facility schedule.
 - (n) In Section 7110.90(h)(F)(iv), clarified the definition of cost outlier for hospital outpatient surgical facility services to reflect that a cost outlier is extraordinary treatment in which the bill is at least two times the fee schedule amount.
 - (o) In Section 7110.90(h)(F)(vi), changed "scheduled surgery" to "surgery" to eliminate any confusion caused by the word "scheduled".
 - (p) Made minor editing changes
- 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 amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Section 8.2 of the Workers' Compensation Act required the Commission to establish workers' compensation medical fee schedules for hospital inpatient, hospital outpatient, emergency room and trauma, ambulatory surgical treatment centers and professional services by February 1, 2006. On February 1, 2006, the Commission established workers' compensation medical fee schedules for anesthesia, hospital inpatient (standard and trauma) and professional services. The Commission was not able to establish fee schedules for ambulatory surgical treatment centers (ASTC), emergency room and hospital outpatient because charge data which met the requirements of Section 8.2 could not be identified by the February 1, 2006 deadline. The charges for

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services performed in these settings defaulted to 76% of charge pursuant to Section 8.2 of the Act.

Since the February 1, 2006 publication of the fee schedule, the Commission has been working to identify the necessary data to establish reimbursement rates for components of the schedule that default to 76% of charge. As a result, the Commission has established schedules for ASTC and hospital outpatient settings. The hospital outpatient schedule consists of four components: radiology; pathology and laboratory; physical medicine and rehabilitation; and hospital outpatient surgical facility (HOSF).

The Commission was not able to identify charge data for emergency room services that met the requirements of Section 8.2. However, a significant portion of emergency room services have reimbursement rates because the schedule provides that radiology, pathology and laboratory, and physical medicine and rehabilitation services performed in an emergency room are to be reimbursed in accordance with the hospital outpatient radiology, pathology and laboratory, and physical medicine and rehabilitation fee schedules.

In addition to addressing the gaps in the fee schedule, the Commission established a separate fee schedule for freestanding rehabilitation hospitals. Freestanding rehabilitation hospitals have been reimbursed under the hospital inpatient fee schedule which did not provide adequate reimbursement. Rehabilitation hospitals have higher costs than inpatient hospitals due to level of care provided and severity of cases treated. The rehabilitation hospital fee schedule provides a maximum per diem reimbursement rate, for thirteen recognized groupings populated by homogeneous diagnosis codes, for all services performed in the course of a day in a freestanding rehabilitation hospital.

Section 7110.90 (h)(6)(B) of the proposed amendment provided that no later than January 1, 2009, the hospital inpatient schedule, which is currently used in accordance with the DRG classification system, will be revised to conform to the MS-DRG (Medicare Severity Diagnosis Related Group) revised classification system established by the Centers for Medicare and Medicaid Services in 2007. The adopted amendment extends the deadline for updating the schedule to June 30, 2009 because the conversion could not be accomplished by the initial January 1, 2009 deadline.

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

Kathryn Kelley, Counsel
Illinois Workers' Compensation Commission

ILLINOIS WORKERS' COMPENSATION COMMISSION

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100 West Randolph, Suite 8-272
Chicago, Illinois 60601

312/814-6560

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

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE

CHAPTER II: ILLINOIS WORKERS' COMPENSATION COMMISSION

PART 7110

MISCELLANEOUS

Section	
7110.5	Definitions
7110.10	Vocational Rehabilitation
7110.20	Petitions under Sections 19(h), 8(a), and 7(a) of the Act
7110.30	Commission Meetings: Minutes
7110.40	Petition to Suspend Compensation for Failure to Submit to Proper Medical Treatment
7110.50	Petitions under Section 19(o) of the Act
7110.60	Distribution of Commission Handbook
7110.70	Explanation of Basis of Non-Payment, Termination or Suspension of Temporary Total Compensation or Denial of Liability or Further Responsibility for Medical Care
7110.80	Rate Adjustment Fund and Second Injury Fund Contributions: Compliance
7110.90	Illinois Workers' Compensation Commission Medical Fee Schedule

AUTHORITY: Implementing and authorized by the Workers' Compensation Act [820 ILCS 305].

SOURCE: Filed and effective March 1, 1977; amended at 5 Ill. Reg. 5533, effective May 12, 1981; amended at 6 Ill. Reg. 8040, effective July 1, 1982; codified at 7 Ill. Reg. 2352; emergency amendment at 14 Ill. Reg. 4929, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13161, effective August 1, 1990; emergency amendment at 30 Ill. Reg. 1912, effective February 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 11743, effective June 22, 2006; amended at 33 Ill. Reg. 2850, effective February 1, 2009.

Section 7110.90 Illinois Workers' Compensation Commission Medical Fee Schedule

- a) In accordance with Sections 8(a), 8.2 and 16 of the Workers' Compensation Act [820 ILCS 305/8(a), 8.2 and 16] (the Act), the Illinois Workers' Compensation Commission Medical Fee Schedule, including payment rates, instructions, guidelines, and payment guides and policies regarding application of the schedule, is adopted as a fee schedule to be used in setting the maximum allowable payment for a medical procedure, treatment or service covered under the Act. The fee

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schedule is published on the Internet at no charge to the user via a link from the Commission's website at www.iwcc.il.gov. The fee schedule may be examined at any of the offices of the Illinois Workers' Compensation Commission.

- b) The payment rates for procedures, services or treatments in the fee schedule were established in accordance with Section 8.2 of the Act by determining 90% of the 80th percentile of charges utilizing health care provider and hospital charges from August 1, 2002 through August 1, 2004. The charges were adjusted by the Consumer Price Index-U for the period August 1, 2004 through September 30, 2005. The payment rates in the fee schedule are designated by geozip (geographic area in which all zip codes have the same first 3 digits).
- c) The fee schedule applies to any medical procedure, treatment or service covered by the Act and rendered on or after February 1, 2006, regardless of the date of injury.
- d) Under the fee schedule, the employer pays the lesser of the rate set forth in the schedule or the provider's actual charge. If an employer or insurance carrier contracts with a provider for the purpose of providing services under the Act, the rate negotiated in the contract shall prevail.
- e) Whenever the fee schedule does not set a specific fee for a procedure, treatment or service in the schedule, the amount of reimbursement shall be at 76% of actual charge, except where this Section provides that revenue codes (codes that identify a specific accommodation or ancillary charge on a UB-~~0492~~/CMS 1450 uniform billing form used by hospitals) are to be deducted from the charge and reimbursed at 65% of charge billed at the provider's normal rates under its standard chagemaster. A standard chagemaster is the provider's list of charges for procedures, services and supplies used to bill payers in a consistent manner.
- f) Reimbursement under the fee schedule for a procedure, treatment or service, as designated by the geozip where the treatment occurred, shall be based on the place of service.
- g) Out-of-State Treatment
 - 1) If the procedure, treatment or service is rendered outside the State of Illinois, the amount of reimbursement shall be the greater of 76% of actual charge or the amount set forth in a workers' compensation medical fee

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schedule adopted by the state in which the procedure, treatment or service is rendered, if such a schedule has been adopted. Charges for a procedure, treatment or service outside the State shall be subject to the instructions, guidelines, and payment guides and policies in this fee schedule.

- 2) Where the charges are for facility fees (ambulatory surgical treatment center, hospital inpatient (standard and trauma), and hospital outpatient services), the following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster.

- h) The fee schedule includes the following service categories:
 - 1) Ambulatory Surgical Treatment Center (ASTC)
 - A) This schedule applies to licensed ambulatory surgical treatment centers as defined by the Illinois Department of Public Health (77 Ill. Adm. Code 205.110).
 - B) The use of this schedule is in accordance with the Current Procedural Terminology, American Medical Association, 515 North State Street, Chicago, Illinois 60610, 2006, no later dates or editions.
 - CB) This schedule provides the maximum fee schedule amount for surgical services administered in an ASTC setting for codes 10021 through 69990. The schedule is a partial global reimbursement schedule in that all charges rendered during the operative session are subject to a single fee schedule amount, except as provided in subsections (h)(1)(D) and (h)(1)(F). All procedures, treatments and services subject to this schedule are reimbursed at 76% of actual charge, except as provided in subsection (h)(1)(C).
 - DE) The following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge:

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0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster.

~~E)~~ All professional services performed in an ASTC setting are subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8). ASTC facility charges, and professional services performed in an ASTC billed by an ASTC using the ASTC's tax identification number, shall be subject to the ASTC schedule and are not subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8). Health care professionals who perform services in an ASTC and bill for services using their own tax identification number on a separate claim form shall be subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8) and are not covered under the ASTC schedule.

F) This schedule does not apply to the professional or technical components of radiology and pathology and laboratory services performed in an ASTC setting. Charges for these services must be submitted on a separate claim form and shall be subject to the professional services schedule in subsection (h)(8).

G) Surgery services under this schedule shall be reimbursed in accordance with the Multiple Procedure and Bilateral Surgery provisions of the Payment Guide in Section 8B of the instructions and guidelines in the fee schedule and the applicable modifiers in Section 8F of the instructions and guidelines in the fee schedule.

2) Anesthesia

A) The use of this schedule is in accordance with the Current Procedural Terminology, American Medical Association, 515 North State Street, Chicago, Illinois 60610, 2006, no later dates or editions, and the Relative Value Guide, American Society of

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Anesthesiologists, 520 North Northwest Highway, Park Ridge, Illinois 60068-2573, 2006, no later dates or editions.

- B) This schedule was established utilizing health care provider charges from August 1, 2002 through August 1, 2004 from which a conversion factor was established. The maximum fee schedule reimbursement amount is determined by multiplying the conversion factor set forth in the schedule by the sum of all units according to guidelines set forth in the Relative Value Guide as follows:
- i) $\text{Base Value} + \text{Time Units} + \text{Modifying Units} = \text{Total Units}$
 $\text{Total Units} \times \text{Conversion Factor} = \text{Total Fee}$
 - ii) Physical status modifying units may be added to the basic value and time units and, in addition, units may be added for qualifying circumstances (extraordinary circumstances) in accordance with the Relative Value Guide.
- C) Special coding situations, such as those involving multiple procedures, additional procedures, unusual monitoring, prolonged physician services, postoperative pain management, monitored (stand-by) anesthesia, invasive anesthesia and chronic pain management services, require application of the fee schedule in a manner consistent with the Relative Value Guide.
- D) Anesthesia time begins when an anesthesiologist or certified registered nurse anesthetist (CRNA) physically starts to prepare the patient for the induction of anesthesia in the operating room (or its equivalent) and ends when the anesthesiologist is no longer in constant attendance (when the patient is safely put under postoperative supervision).
- 3) **Dental**
All procedures, treatments and services are reimbursed at 76% of actual charge unless services are billed under the HCPCS Level II schedule in subsection (h)(5) or professional fee schedule in subsection (h)(8).

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- 4) Emergency Room ~~Facility~~
- A) This schedule applies to any department or facility of a hospital licensed by the Illinois Department of Public Health pursuant to the Hospital Licensing Act [210 ILCS 85] that:
- i) operates as an emergency room or emergency department, whether situated on or off the main hospital campus; and
 - ii) is held out to the public as providing care for emergency medical conditions without requiring an appointment, or has provided at least one-third of all its outpatient visits for the treatment of emergency medical conditions on an urgent basis during the previous calendar year.
- B) All procedures, treatments and services subject to this schedule are reimbursed at 76% of actual charge.
- C) Radiology, pathology and laboratory and physical medicine and rehabilitation services performed in an emergency room shall be reimbursed in accordance with the radiology schedule in subsection (h)(7)(C), the pathology and laboratory schedule in subsection (h)(7)(D) and the physical medicine and rehabilitation schedule in subsection (h)(7)(E).
- ~~DC)~~ Emergency room facility charges, and professional services delivered in an emergency room facility billed by the facility using the facility's tax identification number, shall be subject to the emergency room facility schedule and are not subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8). Health care professionals who perform services in an emergency room facility and bill for services using their own tax identification number on a separate claim form shall be subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8) and are not covered under the emergency room facility schedule.
- 5) HCPCS (Healthcare Common Procedure Coding System) Level II

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The use of this schedule is in accordance with the HCPCS Level II, U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, 2006, no later dates or editions. Level II of the HCPCS is a standardized coding system used to identify products and services not included in the Current Procedural Terminology codes.

- 6) Hospital Inpatient: Standard and Trauma
- A) The use of these schedules is in accordance with the Diagnosis-Related Group (DRG) classification system established by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 42 CFR 405 (2005), no later dates or editions. A DRG is a diagnosis-related group code that groups patients into homogeneous classifications that demonstrate similar length-of-stay patterns and use of hospital resources. The DRG determines the maximum fee schedule amount ~~of payment~~ for an inpatient hospital stay, except as provided in subsections (h)(6)(~~FE~~) and (h)(6)(~~GF~~).
- B) No later than June 30, 2009, the use of these schedules will be in accordance with the Medicare Severity Diagnosis Related Group (MS-DRG) classification system established by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 42 CFR 411 (2007), no later dates or editions. An MS-DRG is a diagnosis related group code that groups patients based on the severity of a patient's condition and resource consumption. The MS-DRG determines the maximum fee schedule amount for an inpatient hospital stay, except as provided in subsections (h)(6)(F) and (h)(6)(G).
- CB) Inpatient care shall be defined as when a patient is admitted to a hospital where services include, but are not limited to, bed and board, nursing services, diagnostic or therapeutic services, and medical or surgical services.
- DC) Inpatient hospital bills are subject to the hospital inpatient standard schedule. Inpatient hospital bills from trauma centers designated as Level I and Level II trauma centers by the Illinois Department

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of Public Health pursuant to 77 Ill. Adm. Code 515.2030 and 515.2040 and that contain an admission type of "5" on a UB-[0492](#)/CMS 1450 FL [1419](#) (uniform billing form used by hospitals; FL [1419](#) is the form locator number that indicates where the codes are to be listed on the UB-[0492](#)/CMS 1450 form) are subject to the hospital inpatient trauma schedule.

- [E](#)) Hospital providers must identify the DRG code on each bill (UB-[0492](#)/CMS 1450 claim form). The DRG assignment should be made in a manner consistent with the grouping practices used by the hospital when billing both government and private carriers.
- [F](#)) The following revenue codes/pass-through charges are deducted from the DRG charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). If the maximum amount of payment for an inpatient hospital stay is 76% of actual charge, the DRG charge is determined after the pass-through charges are removed. Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster.
- [G](#)) In the case of cost outliers (extraordinary treatment in which the bill for an inpatient stay is ~~at least equal to or above~~ two times the fee schedule amount for the assigned DRG after pass-through revenue code charges referred to in subsection (h)(6)([F](#)) have been deducted), the maximum reimbursement amount will be the assigned DRG fee schedule amount plus 76% of the charges that exceed that DRG amount. The pass-through revenue code charges are reimbursed at 65% of actual charge and shall be billed at the provider's normal rates under its standard chargemaster.
- [H](#)) Charges for professional services performed in conjunction with charges for other services associated with the hospitalization and billed by a hospital on a UB-04/CMS 1450 or a 1500 claim form (billing form established by Centers for Medicare and Medicaid Services for use by physicians) using the hospital's own tax identification number shall be reimbursed at 76% of actual charge

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in addition to the amount listed in this schedule for the assigned code. Health care professionals who perform services and bill for services using their own tax identification number on a separate claim form shall be subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8).

7) Hospital Outpatient

A) The use of this schedule is in accordance with the Current Procedural Terminology, American Medical Association, 515 North State Street, Chicago, Illinois 60610, 2006, no later dates or editions. All procedures, treatments and services subject to this schedule are reimbursed at 76% of actual charge, except as provided in subsection (h)(7)(B).

B) This schedule includes radiology, pathology and laboratory, and physical medicine and rehabilitation as well as surgical services performed in a hospital outpatient setting that were not performed during an emergency room encounter or inpatient hospital admission. The radiology, pathology and laboratory, and physical medicine and rehabilitation schedules shall be applied to the number of units billed on the UB-04.

C) Radiology

i) This schedule provides the maximum fee schedule amount for radiology services performed in a hospital outpatient setting for codes 70010 through 79999. The schedule applies to the technical component of radiology services that are billed in conjunction with revenue codes 320 through 359, 400 through 409 and 610 through 619.

ii) This schedule does not apply when the bill type requires the application of the hospital inpatient schedule in subsection (h)(6) or the hospital outpatient surgical facility schedule in subsection (h)(7)(F).

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iii) Professional radiology services billed by a hospital using the hospital's tax identification number are reimbursed at 76% of actual charge. Radiologists or radiology groups who perform services using their own tax identification number shall be subject to the HCPCS Level II in subsection (h)(5) or the professional services schedule in subsection (h)(8) even though the technical component is performed in a hospital setting.

D) Pathology and Laboratory

i) This schedule provides the maximum fee schedule amount for pathology and laboratory services performed in a hospital outpatient setting for codes 80048 through 89356. This schedule applies to the technical component of pathology and laboratory services that are billed in conjunction with revenue codes 300 through 319.

ii) This schedule does not apply when the bill type requires the application of the hospital inpatient schedule in subsection (h)(6) or the hospital outpatient surgical facility schedule in subsection (h)(7)(F).

iii) Professional pathology and laboratory services billed by a hospital using the hospital's tax identification number are reimbursed at 76% of actual charge. Pathologists who perform services using their own tax identification number shall be subject to the HCPCS Level II in subsection (h)(5) or the professional services schedule in subsection (h)(8) even though the technical component is performed in a hospital setting.

E) Physical Medicine and Rehabilitation

i) This schedule provides the maximum fee schedule amount for physical therapy services performed in a hospital outpatient setting for codes 97001 through 97799. This schedule applies to all physical and occupational therapy

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services that are billed in conjunction with revenue codes 420 through 439.

- ii) This schedule does not apply when the bill type requires the application of the hospital inpatient schedule in subsection (h)(6) or the hospital outpatient surgical facility schedule in subsection (h)(7)(F).
- iii) All physical medicine and rehabilitation services provided in a hospital outpatient setting are subject to this schedule.

F) Hospital Outpatient Surgical Facility (HOSF)

- i) This schedule provides a global maximum fee schedule amount for surgical services performed in a hospital outpatient setting for codes 10021 through 69990. All services performed in an operative session shall be reimbursed at a single fee schedule amount, except as provided in subsection (h)(7)(F)(ii). The single fee schedule amount shall represent the maximum amount payable for the total charges on a claim form that represents the total charges derived from all line items/revenue codes contained in the form. Except for the carve-out revenue codes listed in subsection (h)(7)(F)(ii), this fee schedule shall not be applied on a line item basis.
- ii) The following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster.
- iii) Surgery services under this schedule shall be reimbursed in accordance with the Multiple Procedure and Bilateral Surgery provisions of the Payment Guide in Section 8B of the instructions and guidelines in the fee schedule and the

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applicable modifiers in Section 8F of the instructions and guidelines in the fee schedule.

- iv) In the case of cost outliers (extraordinary treatment in which the bill for hospital outpatient facility surgical charges is at least two times the fee schedule amount for the assigned code after pass-through revenue code charges referred to in subsection (h)(7)(F)(ii) have been deducted) the maximum reimbursement amount will be the assigned code fee schedule amount plus 76% of the charges that exceed the code amount. The pass-through revenue charges are reimbursed at 65% of actual charge and shall be billed at the provider's normal rates under its standard chargemaster.
 - v) Surgical services performed in the emergency room (revenue codes 450 through 459) are not subject to this schedule and shall be subject to the emergency room facility schedule in subsection (h)(4).
 - vi) Charges for professional services performed in conjunction with charges for other services associated with the surgery and billed by a hospital on a UB-04/CMS 1450 or a 1500 claim form (billing form established by Centers for Medicare and Medicaid Services for use by physicians) using the hospital's own tax identification number shall be reimbursed at 76% of actual charge in addition to the amount listed in this schedule for the assigned surgical code. Health care professionals who perform services and bill for services using their own tax identification number on a separate claim form shall be subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8).
- B) When hospital outpatient services involve ambulatory surgical procedures, the following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624

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~~(investigational devices); and 0636 (drugs requiring detailed coding). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster.~~

- ~~€) Hospital outpatient facility charges, and professional services performed in a hospital outpatient facility billed by the facility using the facility's tax identification number, shall be subject to the hospital outpatient schedule and are not subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8). Health care professionals who perform services in a hospital outpatient facility and bill for services using their own tax identification number on a separate claim form shall be subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8) and are not covered under the hospital outpatient schedule.~~

8) Professional Services

- A) The use of this schedule is in accordance with the Current Procedural Terminology, American Medical Association, 515 North State Street, Chicago, Illinois 60610, 2006, no later dates or editions.
- B) Services in this schedule include evaluation and management, surgery, physician, medicine, radiology, pathology and laboratory, chiropractic, physical therapy, and any other services covered under the Current Procedural Terminology.
- C) Reimbursement for services under this schedule shall be in accordance with the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.
- D) Surgery services under this schedule shall be reimbursed in accordance with the Payment Guide to Global Days, Multiple Procedures, Bilateral Surgeries, Assistant Surgeons, Co-Surgeons, and Team Surgery in Section 8B of the instructions and guidelines in the fee schedule and the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.

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- E) Medicine services under this schedule shall be reimbursed in accordance with the professional, technical and total component categories outlined in Section 8E of the instructions and guidelines in the fee schedule and the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.
 - F) Pathology and laboratory services under this schedule shall be reimbursed in accordance with the professional, technical and total component categories outlined in Section 8D of the instructions and guidelines in the fee schedule and the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.
 - G) Radiology services under this schedule shall be reimbursed in accordance with the professional, technical and total component categories outlined in Section 8C of the instructions and guidelines in the fee schedule and the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.
- 9) Rehabilitation Hospitals
- A) This schedule applies to inpatient rehabilitation hospitals that are freestanding.
 - B) This schedule reimburses a rehabilitation hospital one per diem rate per day, on the basis of the assigned primary diagnosis code. The single per diem rate shall reimburse the rehabilitation hospital for all services provided in the course of a day.
 - C) The use of this schedule is in accordance with The International Classification of Diseases, Ninth Revision, Clinical Modification, (ICD-9-CM), Volume 2, U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, 2007, no later dates or editions.
- i) The fee schedule requires that services be reported with the HCPCS Level II or Current Procedural Terminology codes that most comprehensively describe the services performed. Proprietary bundling edits more restrictive than the National

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF ADOPTED AMENDMENT

Correct Coding Policy Manual in Comprehensive Code Sequence for Part B Medicare Carriers, Version 12.0, U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, 2006, no later dates or editions, are prohibited. Bundling edits is the process of reporting codes so that they most comprehensively describe the services performed.

- j) An allied health care professional, such as a certified registered nurse anesthetist (CRNA), physician assistant (PA) or nurse practitioner (NP), is to be reimbursed at the same rate as other health care professionals when the allied health care professional is performing, coding and billing for the same services as other health care professionals.
- k) Charges of an independently operated diagnostic testing facility shall be subject to the professional services and HCPCS Level II fee schedules where applicable. An independent diagnostic testing facility is an entity independent of a hospital or physician's office, whether a fixed location, a mobile entity, or an individual nonphysician practitioner, in which diagnostic tests are performed by licensed or certified nonphysician personnel under appropriate physician supervision.
- l) No later than September 30, 2006 and each year thereafter, the Commission shall make an automatic adjustment to the maximum payment for a procedure, treatment or service in effect in January of that year. The Commission shall increase or decrease the maximum payment by the percentage change of increase or decrease in the Consumer Price Index-U for the 12-month period ending August 31 of that year. The change shall be effective January 1 of the following year. *The Consumer Price Index-U means the index published by the Bureau of Labor Statistics of the U.S. Department of Labor that measures the average change in prices of all goods and services purchased by all urban consumers, U.S. city average, all items, 1982-84=100.* (Section 8.2 of the Act)

(Source: Amended at 33 Ill. Reg. 2850, effective February 1, 2009)

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 January 20, 2008 through January 26, 2009 and have been scheduled for review by the Committee at its February 18, 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>
3/5/09	<u>Illinois Emergency Management Agency</u> , Fees For Radioactive Material Licensees and Registrants (32 Ill. Adm. Code 331)	11/21/08 32 Ill. Reg. 17882	2/18/09
3/5/09	<u>Illinois Emergency Management Agency</u> , Particle Accelerators (32 Ill. Adm. Code 390)	11/21/08 32 Ill. Reg. 17910	2/18/09
3/5/09	<u>Illinois Emergency Management Agency</u> , Notices, Instructions and Reports to Workers; Inspections (32 Ill. Adm. Code 400)	11/21/08 32 Ill. Reg. 17917	2/18/09
3/6/09	<u>Illinois Emergency Management Agency</u> , Americans With Disabilities Act Grievance Procedure (4 Ill. Adm. Code 175)	11/21/08 32 Ill. Reg. 17875	2/18/09
3/7/09	<u>Teachers' Retirement System</u> , The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)	10/17/08 32 Ill. Reg. 16750	2/18/09
3/8/09	<u>Illinois Emergency Management Agency</u> , Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 Ill. Adm. Code 505)	8/22/08 32 Ill. Reg. 13695	2/18/09
3/8/09	<u>State Fire Marshal</u> , Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 170)	10/31/08 32 Ill. Reg. 17019	2/18/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

3/11/09	<u>Department of Central Management Services,</u> Electronic Commerce Security Act (14 Ill. Adm. Code 105)	8/1/08 32 Ill. Reg. 12115	2/18/09
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ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF RESPONSE TO A RECOMMENDATION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Miscellaneous
- 2) Code Citation: 50 Ill. Adm. Code 7110
- 3) Section Number: 7110.90
- 4) Date Notice of Proposed Rules Published in the Illinois Register: March 7, 2008; 32 Ill. Reg. 3213
- 5) Date JCAR Statement of Recommendation Published in the Illinois Register: January 30, 2009; 33 Ill. Reg. 1821
- 6) Summary of Action Taken by the Agency: The Joint Committee on Administrative Rules recommended that the Illinois Workers' Compensation Commission consider seeking a statutory amendment allowing it to use more recent data than the 2002-2004 data in creation of the medical fee schedule and continue to consider comments from the affected entities on the validity of data used in creation of the schedules.

The Illinois Workers' Compensation Commission agrees with the Joint Committee's Recommendation.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTOR(S) PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT

FOR PUBLIC WORKS PROJECTS

Pursuant to 820 ILCS 130/11a of the Prevailing Wage Act the Director of the Illinois Department of Labor gives notice that the following contractors and subcontractors have been found to have disregarded their obligations to employees under the Prevailing Wage Act on two (2) separate occasions and that they, or any firm, corporation, partnership or association in which such contractors or subcontractors have an interest, are prohibited from being awarded any contract or subcontract for a public works project:

Mamax, Inc.
684 County Line Road
Bensenville, IL 60106
June 15, 2007 and continuing through June 15, 2009
IDOL Case #'s: 2003-PW-WJ01-0704
2006-PW-WJ02-0724

Sunset Cartage
8 Prosper Court
Lake In The Hills, IL 60156
IDOL Case #2008-PW-DA08-0118
June 13, 2008 and continuing through June 12, 2010.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

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