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April 11, 2014 Volume 38, Issue 15

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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 2014

Issue#	Rules Due Date	Date of Issue
1	December 23, 2013	January 3, 2014
2	December 30, 2013	January 10, 2013
3	January 6, 2014	January 17, 2014
4	January 13, 2014	January 24, 2014
5	January 21, 2014	January 31, 2014
6	January 27, 2014	February 7, 2014
7	February 3, 2014	February 14, 2014
8	February 10, 2014	February 21, 2014
9	February 18, 2014	February 28, 2014
10	February 24, 2014	March 7, 2014
11	March 3, 2014	March 14, 2014
12	March 10, 2014	March 21, 2014
13	March 17, 2014	March 28, 2014
14	March 24, 2014	April 4, 2014
15	March 31, 2014	April 11, 2014
16	April 7, 2014	April 18, 2014
17	April 14, 2014	April 25, 2014
18	April 21, 2014	May 2, 2014

19	April 28, 2014	May 9, 2014
20	May 5, 2014	May 16, 2014
21	May 12, 2014	May 23, 2014
22	May 19, 2014	May 30, 2014
23	May 27, 2014	June 6, 2014
24	June 2, 2014	June 13, 2014
25	June 9, 2014	June 20, 2014
26	June 16, 2014	June 27, 2014
27	June 23, 2014	July 7, 2014
28	June 30, 2014	July 11, 2014
29	July 7, 2014	July 18, 2014
30	July 14, 2014	July 25, 2014
31	July 21, 2014	August 1, 2014
32	July 28, 2014	August 8, 2014
33	August 4, 2014	August 15, 2014
34	August 11, 2014	August 22, 2014
35	August 18, 2014	August 29, 2014
36	August 25, 2014	September 5, 2014
37	September 2, 2014	September 12, 2014
38	September 8, 2014	September 19, 2014
39	September 15, 2014	September 26, 2014
40	September 22, 2014	October 3, 2014
41	September 29, 2014	October 10, 2014
42	October 6, 2014	October 17, 2014
43	October 14, 2014	October 24, 2014
44	October 20, 2014	October 31, 2014
45	October 27, 2014	November 7, 2014
46	November 3, 2014	November 14, 2014
47	November 10, 2014	November 21, 2014
48	November 17, 2014	December 1, 2014
49	November 24, 2014	December 5, 2014
50	December 1, 2014	December 12, 2014
51	December 8, 2014	December 19, 2014
52	December 15, 2014	December 26, 2014

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 1, 2014 until July 1, 2014.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Uniform System of Accounts for Electric Utilities
- 2) Code Citation: 83 Ill. Adm. Code 415
- 3) Section Number: 415.10 Proposed Action: Amend
- 4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The Commission has adopted 83 Ill. Adm. Code 415, "Uniform System of Accounts for Electric Utilities," as its system of accounts for electric utilities that are under its jurisdiction. Part 415 incorporates by reference 18 CFR 101, with specified modifications to conform the accounting provisions to regulatory policy in Illinois. The proposed amendment would change the date of the version of 18 CFR 101 that Part 415 incorporates by reference. Section 415.10 currently incorporates the federal rules as of June 15, 2006, and the amendment would change the date of incorporation to November 27, 2013, to capture the most recent revisions to the federal rules. The revisions reflect the addition of new plant accounts and new operating and maintenance expense accounts for electric utilities.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 14-0223 with:

Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Bookkeeping and filing procedures
 - C) Types of professional skills necessary for compliance: Managerial and accounting skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Commission did not anticipate the need for this rulemaking at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS
TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 415
UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC UTILITIESSUBPART A: GENERAL PROVISIONS AND ADOPTION OF
CFR PROVISIONS BY REFERENCE

Section

- 415.10 Adoption of 18 CFR 101 by Reference
415.20 Adoption of 18 CFR 116 by Reference (Repealed)

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section

- 415.200 Definitions
415.210 General Instruction 1
415.250 General Instruction 5
415.270 General Instruction 7 (Repealed)
415.280 General Instruction 7.1 (Repealed)
415.330 General Instruction 12 (Repealed)
415.340 General Instruction 13
415.380 General Instruction 17
415.390 General Instruction 18
415.410 General Instruction 20
415.411 General Instruction 21
415.420 Electric Plant Instruction 2 (Repealed)
415.430 Electric Plant Instruction 3
415.450 Electric Plant Instruction 5 (Repealed)
415.470 Electric Plant Instruction 7
415.500 Electric Plant Instruction 10
415.940 Income Chart of Accounts
415.970 Operation and Maintenance Expense Chart of Accounts
415.1020 Account 102 (Repealed)
415.1050 Account 105
415.1080 Account 108 (Repealed)
415.2010 Accounts 201, 202, 203, and 204
415.2070 Account 207

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

415.2110	Account 211
415.2140	Account 214
415.4118	Account 411.8
415.4119	Account 411.9
415.4160	Account 416
415.4261	Account 426.1 (Repealed)
415.4390	Account 439
415.5180	Account 518
415.9140	Accounts 914 and 915
415.9302	Account 930.2 (Repealed)

415.APPENDIX G Operation and Maintenance Expense Accounts

415.EXHIBIT A Accounts 914 and 915

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103 and 10-101].

SOURCE: Adopted July 14, 1960, effective January 1, 1962; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 160, effective January 1, 1984; amended at 9 Ill. Reg. 4016, effective April 1, 1985; amended at 9 Ill. Reg. 13079, effective August 15, 1985; amended at 12 Ill. Reg. 11710, effective July 15, 1988; amended at 18 Ill. Reg. 10692, effective July 1, 1994; amended at 18 Ill. Reg. 17996, effective December 15, 1994; amended at 22 Ill. Reg. 6647, effective April 1, 1998; amended at 23 Ill. Reg. 1346, effective February 1, 1999; amended at 28 Ill. Reg. 334, effective December 31, 2003; amended at 31 Ill. Reg. 11553, effective August 1, 2007; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF
CFR PROVISIONS BY REFERENCE**Section 415.10 Adoption of 18 CFR 101 by Reference**

The Illinois Commerce Commission ("Commission") adopts 18 CFR 101, as of ~~November 27, 2013~~ ~~June 15, 2006~~, as its uniform system of accounts for electric utilities, subject to the exceptions set forth in Section 415.200 et seq. of this Part. No incorporation in this Part includes any later amendment or edition.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Accreditation of Environmental Laboratories
- 2) Code Citation: 35 Ill. Adm. Code 186
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
186.105	Amend
186.110	Amend
186.115	Amend
186.120	Amend
186.125	New
186.130	New
186.135	New
186.180	Amend
186.215	Amend
- 4) Statutory Authority: Implementing and authorized by Section 4(n) and (o) of the Environmental Protection Act, 415 ILCS 5/4(n) and (o)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will replace the incorporation by reference of The National Environmental Laboratory Accreditation Conference (NELAC) Standard with the TNI Standard. The 2009 TNI Standard has significant improvements over the current 2003 NELAC Standard:

The TNI Standard removes outdated language found in the 2003 Standard;

The TNI Standard has improved clarity on technical requirements;

The TNI Standard is a true nation consensus standard;

The TNI Standard has removed requirements that are non-essential for data quality;

The TNI Standard has a volume/modular organization verses the chapter organization found in the 2003 Standard; and

The TNI Standard is consistent with the 2005 version of the ISO/IEC 17025 International Standard, "General Requirements for the Competence of Testing and Calibration of Laboratories"

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:

Joanne M. Olson, Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
joanne.olson@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any laboratory accredited by Illinois EPA or seeking accreditation by Illinois EPA would be affected by the proposed amendments.
 - B) Reporting, bookkeeping or other procedures required for compliance: The reporting, bookkeeping and other procedures required for compliance will be essentially the same as already required by accredited laboratories under Part 186. There are no substantial changes in these types of requirements.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: The types of skills and training necessary for an accredited laboratory are essentially unchanged and are already covered in Part 186.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014.

The full text of the proposed rulemaking begins on the next page:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 186

ACCREDITATION OF ENVIRONMENTAL LABORATORIES

Section

186.105	Purpose
186.110	Scope and Applicability
186.115	Incorporation by Reference
186.120	Definitions
186.125	Accreditation Application Process (Repealed)
186.130	Application Process Accreditation Procedures and References to Accreditation (Repealed)
186.135	TNI Standard On-Site Evaluations (Repealed)
186.140	Personnel Requirements (Repealed)
186.145	Laboratory Equipment and Materials (Repealed)
186.150	Laboratory Facilities (Repealed)
186.155	Calibration (Repealed)
186.160	Quality Assurance/Quality Control (Repealed)
186.165	Quality Assurance Plan (Repealed)
186.170	Performance Evaluation Sample Testing (Repealed)
186.175	Performance Evaluation Testing Programs (Repealed)
186.180	Scope of Accreditation Fields of Testing
186.185	Sample Acceptance and Receipt (Repealed)
186.190	Record Keeping, Sample Tracking and Reporting (Repealed)
186.195	Subcontracting (Repealed)
186.200	Reciprocity (Repealed)
186.205	Acceptance of Out-of-State Accreditation (Repealed)
186.210	Suspension, Revocation and Denial of Accreditation (Repealed)
186.215	Hearing, Decision and Appeal
186.220	Confidential Documents
186.225	Severability
186.230	On-site Assessment and Proficiency Testing Laboratory Expenses
186.APPENDIX A	Required Method Detection Limits (MDL) or Pattern Recognition Levels (PRL) for Drinking Water Laboratory Accreditation (Repealed)

AUTHORITY: Implementing and authorized by Section 1401(1)(D) of the Safe Drinking Water

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Act [42 USC 300f(1)(D)], Subpart C of the National Interim Primary Drinking Water Regulations [40 CFR 141.21 through 141.30], the Clean Water Act [32 USC 1251], the Illinois Environmental Protection Act [415 ILCS 5], and authorized by Section 4(n) and (o) of the Illinois Environmental Protection Act [415 ILCS 5/4(n) and (o)].

SOURCE: Adopted at 22 Ill. Reg. 5546, effective March 4, 1998; amended at 26 Ill. Reg. 12167, effective July 29, 2002; amended at 30 Ill. Reg. 2507, effective February 10, 2006; amended at 34 Ill. Reg. 9064, effective June 24, 2010; amended at 38 Ill. Reg. _____, effective _____.

Section 186.105 Purpose

~~The purpose of this Part is to Pursuant to the authority contained in Section 4(n) and (o) of the Illinois Environmental Protection Act [415 ILCS 5/4(n) and (o)], which authorize the Illinois Environmental Protection Agency to establish and enforce minimum standards for the operation of laboratories relating to analyses and laboratory tests for air pollution, water pollution, noise emissions, contaminant discharges onto land, and sanitary, chemical, and mineral quality of water distributed by a public water supply, and to issue certificates of competency to persons and laboratories meeting the minimum standards established by the Agency...and to promulgate and enforce regulations relevant to the issuance and use of such certificates, the Illinois Environmental Protection Agency adopts this Part. [415 ILCS 5/4(n) and (o)]~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 186.110 Scope and Applicability

- a) ~~This Part establishes general provisions applicable to the accreditation program for laboratories administered by the Agency. Requirements of this Part are applicable to all laboratories that are accredited or seeking accreditation, regardless of their size, volume of business or field of testing. A laboratory accredited by the Agency pursuant to this Part must comply with the standards adopted at the National Environmental Laboratory Accreditation Conference (NELAC). The NELAC uniform standards are contained in the following five chapters and related appendices:~~
- 1) ~~The Glossary, set forth in Appendix A to Chapter 1, contains the definitions of terms that are used throughout the NELAC standards to assure the consistency of their use and interpretation.~~

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- 2) ~~Chapter 2 sets forth the criteria for the proficiency testing (PT) program. Laboratory participation in PT programs fulfills one part of the quality assessment requirements of NELAC. The PT programs in which a laboratory must participate to become accredited are defined, as well as the criteria for samples, PT providers, and acceptance limits.~~
 - 3) ~~Chapter 3 describes the essential elements that are to be included in an on-site assessment and the requirements for an accrediting authority conducting on-site assessments. Chapter 3 also describes the qualifications and requirements for assessors as well as the program elements to ensure uniform and consistent implementation of the NELAC standards.~~
 - 4) ~~Chapter 4 describes the accreditation process the laboratory must follow to be recognized as a NELAC laboratory. The chapter also defines the period of accreditation and the process for maintaining, awarding, and revoking accreditation.~~
 - 5) ~~Chapter 5 and the related appendices describe the elements of the laboratory quality system. This chapter details the quality assurance/quality control requirements to ensure that all accrediting authorities will evaluate laboratories consistently and uniformly.~~
 - 6) ~~Chapter 6 establishes the procedures and operating requirements established by NELAC for an accrediting authority to become nationally recognized, and provides the policies and criteria that an accrediting authority must meet to apply for and maintain recognition.~~
- b) Nothing in this Part shall prevent laboratories from performing any quality control or other tests when the State has not required ~~thosesuch~~ tests to be performed by an accredited laboratory.
 - c) Unless the contrary is clearly indicated, all references to "Sections" in this Part are to the Ill. Adm. Code, Title 35: Environmental Protection. For example, Section 186.105 of this Part is 35 Ill. Adm. Code 186.105.
 - d) Unless the contrary is clearly indicated, all references to singular nouns include the plural noun, and all references to plural nouns include the singular, for example the word "laboratory" also includes multiple "laboratories."

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 186.115 Incorporation by Reference

a) The Agency incorporates the following documents by reference.

1) [The TNI standard titled Requirements for the National Environmental Laboratory Accreditation Program, consisting of Volume 1, Management and Technical Requirements for Laboratories Performing Environmental Analysis, EL-V1-2009; and Volume 2, General Requirements for Accreditation Bodies Accrediting Environmental Laboratories, EL-V2-2009. EPA/600/R-04/003, "National Environmental Laboratory Accreditation Conference: Constitution, Bylaws, and Standards" \(July 2003\); and](#)

2) "Test Methods for Evaluating Solid Waste, SW846", "Laboratory Manual Physical/Chemical Properties", volumes 1A, 1B and 1C, 3rd edition (January 2008), Office of Solid Waste and Emergency Response, Environmental Protection Agency, available from the [National Technical Information Service \(NTIS\), \(703\)605-6000 \(available Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; \(202\)512-1800 or online at www.epa.gov/epawaste/hazard/testmethods/sw846/online/index.htm\).](#)

3) [American Public Health Association, 1015 Fifteenth Street NW, Washington DC 20005, \(202\)777-2742.](#)

["Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992.](#)

[Method 2330B for the determination of Corrosivity \(Langlier Index\).](#)

[Method 2340B for the determination of Hardness by Calculation.](#)

[Method 2340C for the determination of Hardness by EDTA Titrimetric Method.](#)

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"Standard Methods for the Examination of Water and Wastewater", 19th Edition, 1995.

Method 2340B for the determination of Hardness by Calculation.

Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

Method 5320B for the determination of TOX-Total Organic Halides by Absorption-Pyrolysis-Titrimetric Method.

"Standard Methods for the Examination of Water and Wastewater", 20th Edition, 1998.

Method 2340B for the determination of Hardness by Calculation.

Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

"Standard Methods for the Examination of Water and Wastewater", 21st Edition, 2005.

Method 2340B for the determination of Hardness by Calculation.

Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

- 4) USEPA, NSCEP. United States Environmental Protection Agency, National Service Center for Environmental Publications, P.O. Box 42419, Cincinnati OH 45242-0419 (available from <http://www.epa.gov/nscep/>).

"Methods for the Determination of Inorganic Substances in Environmental Samples", August 1993, EPA 600/R-93-100.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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[Method 180.1, "Determination of Turbidity by Nephelometry", Revision 2.0, August 1993.](#)

["Methods for the Determination of Metals in Environmental Samples, Supplement I", May 1994, EPA 600/R-94-111.](#)

[Method 218.6, "Determination of Dissolved Hexavalent Chromium in Drinking Water, Groundwater and Industrial Wastewater Effluents by Ion Chromatography", Revision 3.3, May 1994.](#)

["Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1", EPA 815/R-00/014, August 2000.](#)

[Method 314.0, "Determination of Perchlorate in Drinking Water Using Ion Chromatography", Revision 1, November 1999.](#)

[Method 526, "Determination of Selected Semivolatile Organic Compounds in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry \(GC/MS\)", Revision 1.0, June 2000.](#)

[Method 528, "April 2000, Determination of Phenols in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry \(GC/MS\)", Revision 1.0, April 2000.](#)

[Method 532, "Determination of Phenylurea Compounds in Drinking Water by Solid Phase Extraction and High Performance Liquid Chromatography with UV Detection", Revision 1.0, June 2000.](#)

[Method 218.7, "Determination of Hexavalent Chromium in Drinking Water by Ion Chromatography with Post-Column Derivatization and UV – Visible Spectroscopic Detection", Revision 1.0, November 2011, EPA 815-R-11-005.](#)

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[Method 334.0, "Determination of Residual Chlorine in Drinking Water Using an On-line Chlorine Analyzer", Revision 1.0, September 2009, EPA 815-B-09-013.](#)

- 5) ["Application Update 144: Determination of Hexavalent Chromium in Drinking Water Using Ion Chromatography", 2003, Dionex, 1228 Titan Way, P.O. Box 3603 Sunnyvale CA 94088-3603, \(408\)737-0700 \(available from www.Dionex.com\).](#)
- 6) [QuikChem® Method 10-117-07-1-A, Determination of Chloride by Flow Injection Analysis Colorimetry, November 2007, Lachat Instruments, 5600 Lindburgh Drive, Loveland CO 80539, \(414\)358-4200.](#)

b) The Agency incorporates the following Sections of federal regulations by reference:

- 1) 40 CFR 136.3 Table ~~IBIC~~, Table ~~ICIB~~, Table ID, [Table IG \(20132002\)](#);
- 40 CFR 136.4 ([20132002](#));
- 40 CFR 136.5 ([20132002](#));
- [40 CFR 136.6 \(2013\)](#)
- [40 CFR 136.7 \(2013\)](#)
- 40 CFR 136 ~~appendix~~[Appendix](#) A ([20132002](#));
- 40 CFR 136 ~~appendix~~[Appendix](#) B ([20132002](#));
- 40 CFR 136 ~~appendix~~[Appendix](#) C ([20132002](#));
- ~~40 CFR 141.40(n)(11)(2002)~~;
- ~~40 CFR 122, 136, 141, 143, 430, 455 and 465 Final Rule March 12, 2007: "Guideline Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations;~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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~~Analysis and Sampling Procedures";~~

2) 40 CFR 141.23(k) (~~2013~~2002);

40 CFR 141.24(e) (~~2013~~2002);

40 CFR 141.24(f)(20) (~~2013~~2002);

40 CFR 141.27 (~~2013~~2002);

~~40 CFR 141.74 (2013)~~

~~40 CFR 141.131 (2013)~~

~~40 CFR 141 subpart C, appendix A (2013)~~

40 CFR 143.4 (~~2013~~2002),

~~40 CFR 141.40(n)(11)(2002);~~

~~40 CFR 141 Final Rule June 3, 2008: "Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures";~~

~~40 CFR 141 and 143 Final Rule June 29, 2009: "National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfection Byproducts and Changes in References to Analytical Methods";~~

~~40 CFR 141 Final Rule August 3, 2009: "Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedure";~~

c) This Section incorporates no later amendments or editions.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 186.120 Definitions

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

For the purposes of this Part, unless otherwise specifically defined or the context clearly requires a different meaning:

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

"Accrediting Body" means the territorial, state or federal agency having responsibility and accountability for environmental laboratory accreditation and that grants NELAP accreditation.

"Agency" means the Illinois Environmental Protection Agency. The Agency administers the environmental laboratory accreditation program. The Agency serves as the accrediting **body authority** (primary and secondary), and the assessor body, unless the Agency designates a third party assessor body.

"Biennial Basis" means every two years, plus or minus six months.

"NELAP" means the National Environmental Laboratory Accreditation Program.

"Primary Accreditation" means an accreditation granted by a primary accreditation body.

"Primary Accreditation Body" means the accreditation body responsible for assessing a laboratory's total quality system, on-site assessment, and proficiency test performance tracking for fields of accreditation.

"Secondary Accreditation" means an accreditation granted by a secondary accreditation body.

"Secondary Accreditation Body" means an accreditation body that grants laboratory accreditation for a field of accreditation based on recognition of accreditation from a primary accreditation body for the same field of accreditation.

"TNI" means The NELAC Institute.

"TNI Standard" means the TNI standard titled "Requirements for the National Environmental Laboratory Accreditation Program", incorporated by reference in Section 186.115.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 186.125 Accreditation Application Process (Repealed)

- a) Primary Accreditation. The Agency shall issue initial or renewal primary accreditation if the laboratory has met the following criteria:
- 1) completed the application process as specified in Section 186.130;
 - 2) paid the fees required by 35 Ill. Adm. Code 185;
 - 3) employs qualified personnel, as required by the TNI Standard;
 - 4) implemented and maintains a quality system, as required by the TNI Standard;
 - 5) successfully analyzed proficiency testing samples, as required by this Part and the TNI Standard;
 - 6) passed an on-site assessment, as required by this Part and the TNI Standard; and
 - 7) implemented corrective action detailed in a corrective action report, if any.
- b) Secondary Accreditation. The Agency will issue initial or renewal secondary accreditation if the laboratory has met the following criteria:
- 1) completed the application process as specified in Section 186.130;
 - 2) paid the fee required by 35 Ill. Adm. Code 185; and
 - 3) submitted evidence of primary accreditation from a NELAP accreditation body.
- c) Laboratory accreditation issued pursuant to this Part is valid for one year and may be renewed on an annual basis.
- d) When an accredited laboratory has made a timely and complete application for the renewal of accreditation pursuant to this Section, the existing accreditation shall

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continue in full force and effect until the final Agency decision on the application has been made, unless a later date is fixed by order of the Board or a reviewing court. An application will be considered timely only when received by the Agency prior to the expiration of the laboratory's accreditation.

- e) Accreditation remains in effect until:
 - 1) suspended or revoked by the Agency according to the TNI Standard;
 - 2) withdrawn at the written request of the accredited laboratory; or
 - 3) the accreditation expires.

- f) An accredited laboratory may make a written request to add to its scope of accreditation. The Agency will conduct an on-site assessment if the additional fields of testing or test methods require the use of a chemical process, an analytical process, instrument or piece of equipment that the laboratory has not been previously accredited to use.

- g) Laboratories shall post or display their most recent certificate of accreditation and scope of accreditation in a prominent place in the laboratory facility.

- h) A laboratory shall notify the Agency in writing within 30 days after a change of any matter that may affect the ability of the laboratory to fulfill the requirements for accreditation, including, but not limited to, any change in the following:
 - 1) its legal, commercial, ownership or organizational status;
 - 2) the organization, top management and key personnel, including, but not limited to, laboratory director, quality assurance officer, supervisor, analyst;
 - 3) main policies, including, but not limited to, its quality system;
 - 4) resources and premises, including, but not limited to, a major remodeling of a laboratory or relocation of the physical facility.

- i) Transfer of Accreditation

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- 1) Accreditation shall be transferrable when the following conditions are in effect:
 - A) the transferring owner agrees in writing with the transferee, before the transfer of ownership takes place, to be accountable and liable for any analyses, data and reports generated up to the time of legal transfer of ownership; and
 - B) the transferee agrees in writing with the transferring owner to be accountable and liable for any analyses, data and reports generated after the legal transfer of ownership occurs.
- 2) The laboratory shall submit a copy of the agreement entered under subsection (i)(1) to the Agency prior to transfer of ownership.
- 3) Transfer of accreditation pursuant to this subsection (i) will not alter the laboratory's accreditation status or scope of accreditation.
- 4) If ownership is transferred, the transferee will not be responsible for payment of fees to the Agency during the remainder of the yearly period, provided that the transferring owner has fully paid the required fees to the Agency pursuant to 35 Ill. Adm. Code 185.

(Source: Old Section repealed at 26 Ill. Reg. 12167, effective July 29, 2002; new Section added at 38 Ill. Reg. _____, effective _____)

Section 186.130 Application Process~~Accreditation Procedures and References to Accreditation (Repealed)~~

The application process consists of the submission of a written application package, completion of an on-site assessment, and proficiency test sample evaluations.

- a) Application Package
 - 1) All laboratories seeking initial accreditation or renewal accreditation shall annually submit a completed application package. A complete application package includes an application on forms prescribed by the Agency and payment of the appropriate fees required by Section 17.8 of the Act and 35 Ill. Adm. Code 185.

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- 2) The Agency shall send, no later than 60 days prior to the anniversary date of initial certification, an application package to the accredited laboratories. Upon request, the Agency shall send an application package to those laboratories seeking initial accreditation.
- 3) If the Agency receives an incomplete application package, the Agency will provide written notice of the incomplete application, specifying the missing information. The Agency review of the application package will not commence until the Agency receives the missing information.
- 4) The following information shall be included in the application:
 - A) laboratory information, including laboratory name, address, telephone number, e-mail address, fax number, hours of operation, laboratory owner, laboratory contact person, name of the laboratory director, and name of the laboratory quality assurance officer;
 - B) the type of laboratory, for example commercial, federal or public water system;
 - C) the fields of testing and test methods for which the laboratory is requesting accreditation, pursuant to Section 186.180;
 - D) the laboratory's quality assurance plan, if the laboratory is seeking initial primary accreditation;
 - E) a statement of laboratory personnel qualifications;
 - F) the primary accrediting body, if the laboratory is seeking secondary accreditation;
 - G) a copy of the laboratory's primary accreditation certificate, if the laboratory is seeking secondary accreditation.
- 5) The laboratory director shall sign and date the application package and attest in writing to the validity of the information contained within the entire application package.

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- 6) Information required in the application package must be complete and accurate.
- 7) Falsification of any information in the application package shall result in denial of the application.
- b) Within 30 days after receipt of the complete application package, the Agency will review the complete application package. If the complete application package does not meet the TNI Standard as set forth in Section 186.135, the Agency may deny the application or request additional information. The Agency shall review any additional information submitted by the laboratory within 30 days after receipt.
- c) Initial Primary Accreditation Application. If the complete application package meets the TNI Standard, the Agency will conduct an on-site assessment and the laboratory shall complete the proficiency test sample evaluation process.
- d) Renewal Primary Accreditation Application. If the complete application package meets the TNI Standard, the Agency will conduct an on-site assessment on a biennial basis.
- e) Secondary Primary Accreditation. If the complete application package meets the TNI Standard, the Agency will issue secondary accreditation.
- f) Procedures for the on-site assessment and the proficiency test sample evaluation process are set forth in the TNI Standard.

(Source: Old Section repealed at 26 Ill. Reg. 12167, effective July 29, 2002; new Section added at 38 Ill. Reg. _____, effective _____)

Section 186.135 TNI Standard ~~On-Site Evaluations (Repealed)~~

All accredited laboratories or any laboratory seeking initial or renewal accreditation shall comply with the following portions of the TNI Standard:

- a) Volume 1: Management and Technical Requirements for Laboratories Performing Environmental Analysis:

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- 1) Module 1: Proficiency Testing;
 - 2) Module 2: Quality Systems General Requirements;
 - 3) Module 3: Quality Systems for Asbestos Testing; and
 - 4) Module 4: Quality Systems for Chemical Testing.
- b) Volume 2: General Requirements for Accreditation Bodies Accrediting Environmental Laboratories:
- 1) Module 1: General Requirements;
 - 2) Module 2: Proficiency Testing; and
 - 3) Module 3: On-Site Assessment.

(Source: Old Section repealed at 26 Ill. Reg. 12167, effective July 29, 2002; new Section added at 38 Ill. Reg. _____, effective _____)

Section 186.180 Scope of Accreditation~~Fields of Testing~~

- a) The Agency offers the following scope of accreditation:~~shall accredit a laboratory as specified in this Part. A laboratory shall be accredited to conduct testing in one or more fields of testing as defined in 35 Ill. Adm. Code 185 (Environmental Laboratory Certification Fee Rules).~~
- 1) public water supply analysis for organic and inorganic parameters;
 - 2) water pollution analyses for organic and inorganic parameters; and
 - 3) analyses for organic and inorganic parameters of solid or liquid samples for hazardous or other waste.
- b) The Agency offers accreditation for the test methods incorporated by reference in Section 186.115.~~shall accredit a laboratory for the test methods contained in the documents and publications cited in this subsection (b):~~
- 1) For accreditation to conduct public water supply analyses, inorganic and

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~~organic analytes, the reference to a listing of the test methods encompassing the Agency's scope of accreditation is found in Section 186.115(b)(2) of this Part.~~

- 2) ~~For accreditation to conduct water pollution analyses, inorganic and organic analytes, the reference to a listing of the test methods encompassing the Agency's scope of accreditation is found in Section 186.115(b)(1) of this Part.~~
- 3) ~~For accreditation to conduct analyses of solid or liquid samples for hazardous or other waste analytes, inorganic and organic analytes, the test methods encompassing the Agency's scope of accreditation are referenced in Section 186.115(a)(2) of this Part.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 186.215 Hearing, Decision and Appeal

- a) ~~The following procedures apply to all accreditation actions that are required by law to be preceded by notice and an opportunity to be heard. These actions include suspension, revocation, and denial of accreditation.~~
- b) ~~Prior to revocation, suspension, or denial of accreditation, the Agency shall give written notice of the action by certified mail and email to the laboratory's accreditation contact. The notice shall state the facts or conduct and the Sections of the TNI Standard NELAC standards that form the basis for the decision. The notice shall also state the effective date of the action and set forth the procedures for appealing the Agency's decision requesting a hearing.~~
- c) ~~Any suspension, revocation or denial of accreditation is effective immediately. The 15 days after the laboratory receives the notice, unless the laboratory may file a written notice of appeal within 15 days after its receipt of the notice prior to the 15th day. The Agency shall not extend the 14 day appeal period. The notice of appeal shall be filed with the Agency by certified mail, hand delivery, or telefacsimile followed by certified mail in care of the laboratory's accreditation officer, mail code number four, Division of Laboratories, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.~~

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- db) A laboratory may request a hearing in the notice of appeal. All hearings pursuant to this Part shall be held in Springfield, Illinois. ~~When~~Should a hearing ~~is~~be requested, the Director of the Agency shall appoint one or more persons to act as hearing officers. The hearing shall be conducted in accordance with the Agency's Procedures for Contested Case Hearings (35 Ill. Adm. Code 168). ~~Agency employees or may appoint a nonagency employee to chair the proceedings. The hearing shall be conducted in accordance with the hearing requirements of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10].~~
- ee) The Director of the Agency shall make a decision within 30 days after receiving the hearing transcript. The Director ~~of the Agency~~ shall give written notice by certified mail or personal service of the decision, including its basis, to the ~~laboratory~~laboratory's lead technical director.
- fd) Within 35 days after its receipt of a notice of decision ~~pursuant to subsection (e),~~ the laboratory may file an appeal to the Illinois Pollution Control Board.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: License, Documents Necessary to Engage in Activities and Examinations
- 2) Code Citation: 50 Ill. Adm. Code 752
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
752.10	Amend
752.30	Amend
- 4) Statutory Authority: Implementing Article VII and authorized by Section 401 of the Illinois Insurance Code (215 ILCS 5/Art. VII and 401)
- 5) A Complete Description of the Subjects and Issues Involved: PA 93-32 increased the fee for filing an application as an advisory organization to \$50. Prior to this statutory change, there was an application filing fee of \$25. Part 752 needs to be updated to reflect this increase of the application filing fee. Additionally, housekeeping changes are being made.
- 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
- 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:

Simone Arthur

or

Susan Anders

DEPARTMENT OF INSURANCE

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Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago IL 60603

Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

312/814-8580
312/814-2862 (fax)

217/558-0957

- 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: Submission of application and fees
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER i: ADVISORY ORGANIZATIONSPART 752
LICENSE, DOCUMENTS NECESSARY TO ENGAGE IN
ACTIVITIES AND EXAMINATIONS

Section

752.10	License
752.20	Documents – Joint Underwriting and Joint Reinsurance
752.30	Submission of Application
752.40	Examinations

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

SOURCE: Filed September 9, 1975, effective September 30, 1975; codified at 6 Ill. Reg. 12454; amended at 38 Ill. Reg. _____, effective _____.

Section 752.10 License

- a) All advisory organizations conducting activities as defined in Article ~~VIIA-VII-A~~ and in the regulations issued to effect Article ~~VIIA-VII-A~~ must apply to and be licensed by the Department of Insurance ~~no later than December 31, 1972~~.
- b) Licenses issued to advisory organizations by the State of Illinois prior to October 1, 1972 ~~became~~ ~~become~~ null and void on January 1, 1973.
- c) Every application for a license must include:
 - 1) Copies certified by the custodian of the originals of the following:
 - A) Constitution;
 - B) The Articles of Incorporation;
 - C) Articles of Agreement;

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- D) Articles of Associations; and
- E) The by-laws, plan of operations, rules or regulations that~~which~~ govern eligibility for membership and the activities of members relative to their membership.
- 2) A list of members and subscribers.
- 3) The name and address of a resident of the state upon whom Notices or Orders of the Director or process may be served.
- 4) A list of the officers and principal managers.
- 5) A ~~\$5025.00~~ fee payable to the Illinois Director of Insurance.
- d) Notification of substantive changes in subsections (c)(1), (3) and (4)~~Item 1), 3), and 4)~~ above must be made within 60 days after~~of~~ the change. The list of members and subscribers should be submitted annually, but additions to~~addition~~ or deletions from~~to~~ the list should be submitted monthly.
- e) Licenses must be renewed annually prior to January 1st each year beginning ~~January 1, 1973,~~ but application for renewal need include only an update of existing documents~~document~~ and information previously submitted to the Department.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 752.30 Submission of Application

All applications, information documents, and fees required under Sections 752.10 and 752.20 above must be received by:

Illinois Department of Insurance
Property & Casualty Compliance Unit~~Rating and Policy Examination Division~~
320 West Washington St.
 Springfield, Illinois 62767

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Required Procedure for Filing and Securing Approval of Policy Forms
- 2) Code Citation: 50 Ill. Adm. Code 916
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
916.30	Amend
916.40	Amend
916.50	Amend
916.EXHIBIT A	Amend
- 4) Statutory Authority: Implementing Section 143 of the Illinois Insurance Code [215 ILCS 5/143] and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10] and Section 10 of the Dental Service Plan Act [215 ILCS 110/10] and Section 109 of the Dental Care Patient Protection Act [215 ILCS 109] and Section 4003 of the Limited Health Service Organization Act [215 ILCS 130/4003] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and the Electronic Commerce Security Act [5 ILCS 175] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) A Complete Description of the Subjects and Issues Involved: This regulation is to provide guidance to the insurers for proper submission to the Department of Insurance for all types of filings pertinent to life, accident and health policy form, informational, and rate filings. Since the enacting legislation, there have been several changes to the way insurers file using the System for Electronic Rate and Form Filing (SERFF); the proposed amendments address these changes.
- 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 rule 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 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:

Simone Arthur
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago IL 60603

or

Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

312/814-8580
312/814-2862 (fax)

217/558-0957

- 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: Filing of certificates, forms and rates as detailed throughout the rule
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF ~~INSURANCE~~ ~~FINANCIAL AND PROFESSIONAL~~
~~REGULATION~~

SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 916

REQUIRED PROCEDURE FOR FILING AND SECURING APPROVAL OF POLICY FORMS

Section

916.10	Authority
916.20	Purpose and Scope
916.30	Definitions
916.40	Filing Procedures
916.50	Certification of Compliance
916.60	Effective Date (Repealed)
916.EXHIBIT A	Certificate of Compliance
916.EXHIBIT B	Coding Guide (Repealed)
916.EXHIBIT C	Discontinued Acronyms From Exhibit B Coding Guide (Repealed)
916.EXHIBIT G	General Transmittal Instructions and Transmittal (Repealed)
916.EXHIBIT H	Replacement/Withdrawal Transmittal Instructions and Transmittal (Repealed)
916.EXHIBIT I	Certificate of Assumption Transmittal Instructions and Transmittal (Repealed)
916.EXHIBIT J	Informational Filing Transmittal Instructions and Transmittal (Repealed)

AUTHORITY: Implementing Section 143 of the Illinois Insurance Code [215 ILCS 5/143] and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10] and Section 10 of the Dental Service Plan Act [215 ILCS 110/10] and Section 109 of the Dental Care Patient Protection Act [215 ILCS 109] and Section 4003 of the Limited Health Service Organization Act [215 ILCS 130/4003] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and the Electronic Commerce Security Act [5 ILCS 175] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Filed November 13, 1975, effective December 1, 1975; codified at 6 Ill. Reg. 14844; amended at 9 Ill. Reg. 18139, effective February 13, 1986; amended at 17 Ill. Reg. 15853, effective September 14, 1993; amended at 20 Ill. Reg. 6848, effective May 1, 1996; amended at 24 Ill. Reg. 3547, effective February 18, 2000; amended at 29 Ill. Reg. 4922, effective March 22, 2005; amended at 38 Ill. Reg. _____, effective _____.

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Section 916.30 Definitions

~~Certificate of Assumption Transmittal means a transmittal document to be completed when one company assumes a block of business from another company. Instructions for completing the Transmittal are found on the Department of Insurance website or through the System for Electronic Rate and Form Filing (SERFF).~~

~~"Certificate of Compliance" means a document asis described in Section 916.50, and can be found an example of which is included in Exhibit A, which of this Part for filings made prior to January 1, 2006. Certificate of Compliance for filings made on or after January 1, 2006 means the certification that must be completed on the transmittal document that certifies that the filing complies with Illinois applicable provisions. The Certification must include a readable authentic visible signature of an officer of the company.~~

~~Code means a general description of the policy form to be issued or delivered.~~

~~Coding Matrix represents, by abbreviation of letters and numbers, types of coverage as appears within the Uniform Life, Accident & Health, Annuity and Credit Coding Matrix as set forth on the Department of Insurance website or the System for Electronic Rate and Form Filing (SERFF) website.~~

~~"Combination Form" means a policy form thatwhich will be used for both lifeLife and accidentAccident and healthHealth. Combination forms must be submitted under TOI/Sub-TOI's for life and for accident and health.~~

~~"Company" means any entity thatwhich is defined as a "company" in Section 2 of the Illinois Insurance Code [215 ILCS 5/2], in Section 2 of the Voluntary Health Services Plans Act [215 ILCS 165/2], in Section 3 of the Dental Service Plan Act [215 ILCS 110/3], and in Section 109 of the Dental Care Patient Protection Act [215 ILCS 109], and in Section 1002 of the Limited Health Service Organization Act [215 ILCS 130/1002], orand in Section 1-2 of the Health Maintenance Organization Act [215 ILCS 125/1-2], and thatwhich issues or delivers in the State of Illinois policies, group contracts or certificates of life, annuity and accident and health insurance, which fall within the definition of Classes 1(a), 1(b) and 2(a) of Section 4 of the Illinois Insurance Code [215 ILCS 5/4].~~

~~"Department" means the Illinois Department of InsuranceFinaneial and~~

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~~Professional Regulation.~~

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

"Illinois Insurance Code" or "Code" means 215 ILCS 5.

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

~~Electronic Mail Identification Number means the e-mail address that Department personnel may use to communicate electronically with the named contact person who is filing the transmittal document. Filers who use IBM mail shall include their IBM mail identification number. Internet users shall contact the Department for more information.~~

~~Life/Accident & Health, Annuity, Credit Transmittal Document means a transmittal document for identifying policy forms or informational material in a filing. Instructions for completing the Transmittal Document are contained on the Department website or the System for Electronic Rate and Form Filing (SERFF) website. All policy forms submitted on a transmittal document shall be for the same line of business and the same type of insurance.~~

"PDF" means an Adobe Portable Document Format.

"Policy Form" means any form to be issued or delivered in the State of Illinois, pursuant to Section 143(1) of the Illinois Insurance Code, constituting in form and content a policy, group contract or certificate of insurance or evidence of coverage, endorsement, rider, schedule of benefits page, by-law or other matter incorporated by reference, or application blank or discretionary group forms requiring the Director's approval pursuant to Section 230.2 and 367.3 of the Illinois Insurance Code ~~[215 ILCS 5/230.2 and 367.3]. A Transmittal Document is required to be submitted with all policy forms, including subsequently issued riders or endorsements.~~

"SERFF" means the System for Electronic Rate and Form Filing used for electronic filings of participating company policy forms and rating information.

"State Tracking/Company Tracking Numbers" means the number assigned by the

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company, ~~not to exceed 15 characters~~, that is used to distinguish one filing from any other filing submitted by that same company. All policy forms submitted in a filing shall be for the same line of business and the same category. ~~The first 14 characters (or less) of the tracking number must be unique from any other tracking number used by the company.~~

"Subtype of ~~Insurance~~ ~~insurance~~" or "Sub-TOI" means the characteristic and detailed description of the policy form as set forth on the ~~Department website or through the~~ SERFF website.

"Type of Insurance" or "TOI" means the general classification of the policy form to be issued or delivered as set forth on ~~the Department website or~~ the SERFF website.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 916.40 Filing Procedures

- a) Certificate of Compliance. ~~Each~~ ~~By December 31, 2005, each~~ company doing business in the State of Illinois shall submit with each filing a Certificate of Compliance, as described in Section 916.50 and Exhibit A, ~~for all policy forms previously approved by the Division. On or after January 1, 2006, this Certificate of Compliance will no longer be required.~~
- b) Forms Review. Each company shall file with the Director for approval each new policy form before it is issued or delivered in this State. ~~Beginning January 1, 2006, each~~ Each filing shall be submitted directly through SERFF and shall include each of the following:
- 1) ~~Directly through SERFF; or~~
 - 2) ~~By submitting the filing to the Division on compact disc (CD). These submissions shall be consistent with the format prescribed by SERFF, which is contained in the user's guide posted on the Division's website. The Division will upload these CD submissions to SERFF on behalf of the company. The CD filing shall include, as separate PDFs on the CD, each of the following:~~
 - 1A) ~~A letter of submission giving a~~ detailed description of:

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- Ai) the purpose for the policy form and the manner in which it will be marketed; and
 - Bi) a cross-reference filing number for identical submissions made by affiliated companies.
 - 2B) The policy forms. The text of each policy form shall be made out in "John Doe" fashion, bracketing any appropriate variable material. The form number shall appear in the lower left-hand corner of the policy form to be approved, and shall not exceed 30 characters.
 - 3C) Informational filings must contain a detailed description of: A transmittal document that is consistent with the format prescribed by SERFF, which is contained in the user's guide posted on the Division's website. The transmittal document identifies the company filing number and lists the policy form numbers. It includes the certification described in Section 916.50. A combination form shall be submitted as two separate filings. Each shall be identified by its own State tracking/company tracking number. Resubmission of pending policy forms within a filing shall be submitted under their original State tracking/company tracking number.
 - A) The purpose of filing informationally; and
 - B) A cross-reference filing number for the form to which the informational filing relates.
- c) Riders and Endorsements. Riders or endorsements that unilaterally reduce benefits, and are attached to a policy subsequent to the date the policy is issued, shall be reviewed and approved by the Director prior to their issuance or delivery.
- d) Replacement Filings. 1) A new policy form replacing a form previously approved, when the new policy form bears the same form number as the previously approved form, shall be accompanied by:
 - 1A) a statement that the filing is a replacement;
 - 2B) the State tracking/company tracking number of the previously approved form and the date of the previous approval; and

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- ~~3c)~~ a statement that the previously approved policy form was never issued.
- ~~2)~~ Replacement filings shall be assigned their own State tracking/company tracking number, and the original filing shall be withdrawn by completing the transmittal document.
- e) Rates. ~~Accident and health policy form filings written on an individual basis, individual and group Medicare supplement policy form filings and individual and group long-term care policy form filings shall be accompanied by rates providing a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each individual accident and health policy form. Subsequent rates shall be submitted as information on the transmittal document.~~
- 1) Individual and group Medicare supplement policy form filings and individual and group long-term care policy form filings shall be accompanied by rates providing a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each individual accident and health policy form. The rate data must be submitted in a separate SERFF filing.
- 2) Any insurance company, health maintenance organization or health service plan authorized to offer health insurance coverage, as that term is defined in the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97] (HIPAA), must file all proposed rate increases with the Department prior to use. All rate filings must be submitted electronically through the Health Rate Review Web Portal.
- f) Credit Policies. Individual and group credit policy form filings shall be accompanied by the rate filing that provides a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each credit policy form. ~~Subsequent credit rates shall be submitted with a transmittal document.~~
- g) Filing Fee. Fees are paid through Electronic Funds Transfer through SERFF upon submission of the SERFF Filing. A quarterly invoice will be mailed to the company by the Division for the filing fee required by Section 408(jj) of the Insurance Code [215 ILCS 5/408(jj)].

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

h) Policy Form Withdrawal

- 1) ~~Filings submitted for the withdrawal~~Withdrawal of ~~policy forms~~a policy form shall include:
 - A) ~~a~~A letter of explanation providing the form numbers to be withdrawn, along with the SERFF Tracking Number or Company Tracking/State Tracking Number under which the form was originally approved.
 - B) ~~A transmittal document listing the State tracking/company tracking number and policy form number of the forms to be withdrawn.~~
- 2) ~~Health insurance contracts subject to HIPAA shall include requirements set forth in 50 Ill. Adm. Code 2025. Each time a company's policy form is to be withdrawn, it is the responsibility of the company to notify the Director on a transmittal document that is consistent with the format prescribed by SERFF, which is contained in the user's guide posted on the Division's website.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 916.50 Certification of Compliance

- a) ~~Each~~Effective January 1, 2006, ~~each~~ filing ~~transmittal document~~ shall contain a certification that the filing complies with all applicable Illinois statutes. The certification must carry a readable authentic visible signature of an officer of the company.
- b) ~~Until January 1, 2006, each company shall submit a "Certificate of Compliance" for all previously approved policy forms on file with the Department.~~The certification shall be signed by an officer of the company, identified by title, who has the authority to obligate the company by ~~his or hersueh~~ signature. In this manner, the company shall agree and consent to the discontinuance of future use of any approved policy form. Discontinuance is effective; 30 days from the date of mailing an order of withdrawal issued by the Director pursuant to Section 143(1) of the Illinois Insurance Code. The order shall set forth the reasons why ~~thesueh~~ previously approved policy form is violative of or contrary to the ~~provisions of the~~ Illinois Insurance Code or 50 Ill. Adm. Code. Each company shall have the right to request a hearing within that 30 day period. TheSueh

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request shall be made in writing to the Director. The order of withdrawal shall be stayed and the company shall be given a hearing under ~~such provisions of~~ Sections 143(1), 401(c), 401.1, 402(2), 426 and 429 of the Illinois Insurance Code [~~215 ILCS 5/143(1), 401(c), 401.1, 402(2), 426 and 429]~~ and 50 Ill. Adm. Code 2402, as may be applicable, to determine:

- 1) whether ~~the~~~~such~~ policy form shall be disapproved; and
- 2) whether further orders of the Director may be appropriate.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 916. EXHIBIT A Certificate of Compliance

Each company shall, ~~from July 1, 1996 through December 31, 2005,~~ submit a "Certificate of Compliance" in substantially this format:

CERTIFICATE OF COMPLIANCE

(Company Name)

By: _____ Title: _____

~~certifies~~ ~~does hereby certify~~ that the policy ~~forms~~ ~~form(s)~~ as identified by either the Departmental listing attached ~~to this Certificate of Compliance~~ ~~hereto~~, or those filed by the company during this fiscal year, do comply:

- a) with all provisions of the Illinois Insurance Code applicable to the policy forms; and
- b) with 50 Ill. Adm. Code;

and does further certify to the best of our knowledge and belief that:

- 1) the ~~forms~~ ~~form(s)~~ do not contain any inconsistent, ambiguous or misleading clauses;
- 2) the ~~forms~~ ~~form(s)~~ do not contain specifications or conditions that unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the policy ~~forms~~ ~~form(s)~~;
- 3) the only variation from the usual provisions of the policy ~~forms~~ ~~form(s)~~ are clearly marked or otherwise indicated;
- 4) the ~~policy form~~ language ~~of the policy form~~, as submitted or approved, shall be exactly as ~~it has~~ ~~they have~~ been or will be offered for issuance or delivery in the State of Illinois as approved by the Director, except for hypothetical data and other appropriate variable material; and

DEPARTMENT OF INSURANCE

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- 5) the policy ~~forms~~form(s) do not contain any provision or clause currently being disapproved by the Director.

In utilizing the procedure for policy form filing and approval set forth in 50 Ill. Adm. Code 916, (company name) hereby expressly agrees and consents to a review, by the Director, to be made at any time, and further hereby expressly agrees and consents to the discontinuance by the company of future use of ~~thesueh~~ approved policy ~~forms~~form(s), 30 days from the date of mailing an order of withdrawal issued by the Director pursuant to Section 143(1) of the Illinois Insurance Code. The order shall set forth the reasons why ~~thesueh~~ previously approved policy ~~forms~~form(s) are violative of or contrary to the provisions of the Illinois Insurance Code or 50 Ill. Adm. Code. Each company shall have the right to request a hearing within that 30 day period. ~~TheSueh~~ request shall be made in writing to the Director. The order of withdrawal shall be stayed and the company shall be given a hearing under the provisions of ~~Sections~~Section 143(1), 401(c), 401.1, 402(2), 426 and 429 of the Illinois Insurance Code [215 ILCS 5/143(1), 401(c), 401.1, 402(2), 426 and 429] and 50 Ill. Adm. Code 2402, as may be applicable, to determine:

- a) whether ~~thesueh~~ policy form shall be disapproved; and
- b) whether further orders of the Director may be appropriate.

(Company Name)

By: _____
(Signature)

Title: _____ Date: _____

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Administrative Hearing Procedures
- 2) Code Citation: 50 Ill. Adm. Code 2402
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2402.30	Amend
2402.40	Amend
2402.70	Amend
2402.90	Amend
2402.170	Amend
2402.180	Amend
2402.240	Amend
2402.270	Amend
2402.295	Amend
- 4) Statutory Authority: Implementing Sections 402 and 403 and authorized by Section 401 of the Illinois Insurance Code (215 ILCS 5/401, 402 and 403)
- 5) A Complete Description of the Subjects and Issues Involved: The Department last amended this rule in 1979. It is being revised to bring it up to date.
- 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
- 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:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER dd: DIRECTOR OF INSURANCE, HEARINGS AND REVIEW

PART 2402

ADMINISTRATIVE HEARING PROCEDURES

Section

2402.10	Authority
2402.20	Applicability
2402.30	Definitions
2402.40	Filing
2402.50	Form of Documents
2402.60	Computation of Time
2402.70	Appearances
2402.80	Notice of Hearing
2402.90	Service of the Notice of Hearing
2402.100	Motion and Answer
2402.110	Consolidation and Severance of Matters – Additional Parties
2402.120	Intervention
2402.130	Postponement on Continuance of Hearing
2402.140	Authority of a Hearing Officer
2402.150	Bias or Disqualification of Hearing Officer
2402.160	Prehearing Conferences
2402.170	Discovery
2402.180	Subpoenas
2402.190	Conduct of the Hearing
2402.200	Default
2402.210	Evidence
2402.220	Official Notice
2402.230	Hostile Witnesses
2402.240	Transcription of Proceedings
2402.250	Briefs
2402.260	Hearing Officer's Findings, Opinions, and Recommendations
2402.270	Order of the Director
2402.280	Rehearings
2402.290	Ex Parte Contacts
2402.295	Cancellation/Non-Renewal Hearing
2402.300	Existing Statutory or Department Procedures and Practices

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AUTHORITY: Implementing Sections 402 and 403 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401, 402 and 403].

SOURCE: Filed December 21, 1973, effective January 1, 1974; amended at 3 Ill. Reg. 10, p. 65 effective March 9, 1979; codified at 7 Ill. Reg. 3477; amended at 38 Ill. Reg. _____, effective _____.

Section 2402.30 Definitions

"Department" ~~means:~~ ~~Means~~ the Department of Insurance ~~and the;~~ staff and employees ~~of the Department~~ ~~thereof~~.

~~"Director" means the Director of the Illinois Department of Insurance.~~

"Hearing" ~~means:~~ ~~Means~~ any hearing authorized by the Illinois Insurance Code.

"Hearing Officer" ~~means:~~ ~~Means~~ the presiding ~~official~~ ~~official(s)~~ designated by the Director to conduct a hearing.

"License" ~~means:~~ ~~Means~~ the whole or part of any Department permit, certificate, approval, registration, charter, membership, statutory exemption, or any other form of permission.

"Licensing" ~~means the:~~ ~~Means~~ Department process ~~of granting, renewing, denying, revoking, suspending, annulling, withdrawing, limiting, amending, modifying respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification,~~ or conditioning ~~of~~ a license.

"Order" ~~means:~~ ~~Means~~ the whole or any part of the final decision of the Director in any hearing.

"Party" ~~means individuals:~~ ~~Means individual(s), partnership(s), corporation(s), association(s),~~ or public or private ~~organization(s)~~ ~~organization(s)~~ of any character or any other governmental agency properly seeking and entitled to intervene in any Department proceeding.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 2402.40 Filing

- a) Documents and requests permitted or required to be filed with the Department in connection with a hearing shall be addressed to and mailed to or filed in person with the Department of Insurance, 320 W. Washington Street, Springfield IL, Illinois 62767, or 122 S. Michigan Ave., 19th Floor, Chicago IL 60603, in duplicate. The offices of the Department are open for filing, ~~and~~ inspection and copying of public documents from 8:30 ~~a.m.A.M.~~ to 5:00 ~~p.m.P.M.~~, Monday through Friday, except on National and State legal holidays.
- b) By agreement of the parties or by order of the hearing officer, filing of these documents may also be accomplished by email or facsimile to the office of the Department and opposing party (or opposing party's counsel). Any filings by email or facsimile must be received by the recipient no later than 5:00 p.m. on the date filing is due.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2402.70 Appearances

- a) Any person entitled to participate in proceedings may appear as follows:
- 1) A natural person may appear ~~on~~ his or her own behalf or by an attorney at law licensed to practice in the State of Illinois, or both.
 - 2) A business, nonprofit, or government organization may appear by any bona fide officer, employee, or representative, or may be represented by an attorney licensed to practice in the State of Illinois, or both.
- b) Attorneys not licensed to practice in the State of Illinois may appear on motion.
- c) An attorney appearing in a representative capacity shall file a written notice of appearance.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2402.90 Service of the Notice of Hearing

DEPARTMENT OF INSURANCE

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Service shall be complete when the Notice of Hearing is served in person or deposited in the United States mail, postage prepaid, registered or certified, addressed to the last known address of the ~~persons~~person(s), ~~partnerships~~partnership(s), ~~associations~~association(s), or ~~companies~~company(ies) involved, not less than 10 days before the date designated for the Hearing.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2402.170 Discovery

- a) The following discovery procedures ~~may~~shall be ordered by the Hearing Officer upon the written request of any party ~~when~~where necessary to expedite the proceedings, to ensure a clear or concise record, to ensure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing:
 - 1) production of documents or things;
 - 2) depositions;
 - 3) interrogatories.
- b) The Hearing Officer may restrict ~~such~~ discovery ~~when~~where necessary to prevent undue delay or harassment.
- c) The Hearing Officer ~~may~~shall order the following discovery upon written request of any party:
 - 1) list of persons who may have knowledge of facts concerning the subjects of inquiry at the hearing;
 - 2) reasonable inspection of books, records, and documents by experts.
- d) Any person, including a party, who is deposed, interrogated or required to submit documents or things under ~~this Section~~these Rules may be examined regarding any matter, not privileged, ~~that~~which is relevant to the subject matter of the hearing, or ~~that~~which may lead to the discovery of ~~such~~ relevant information.
- e) All depositions and interrogatories taken pursuant to this ~~Section~~Rule shall be for purpose of discovery only, except as ~~herein~~ provided ~~in this subsection~~. ~~The~~Such

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depositions and interrogatories may be used for purpose of impeachment and as admissions of the deposed or interrogated party. Upon application to the Hearing Officer either before or after the taking of ~~the~~ deposition or interrogatories, and upon a showing that, at the time of the hearing, the party deposed or interrogated will not be available to participate in the hearing because of death, age, sickness, infirmity, absence from the country or other exceptional circumstances, the Hearing Officer may order that the deposition or interrogatories be used as evidence in the hearing.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2402.180 Subpoenas

- a) Upon application to the Hearing Officer by any party, the Hearing Officer ~~may~~ shall issue a subpoena for attendance at deposition or hearing, which may include a command to produce books, papers, documents, or tangible things designated ~~in those materials~~ therein and reasonably necessary to ~~resolve~~ resolution of the matter under consideration, subject to the limitations on discovery prescribed by this ~~Section~~ Rule.
- b) Every subpoena shall state the title of the action and shall command each person to whom it is directed to attend and give testimony at the time and place ~~therein~~ specified ~~in the subpoena~~.
- c) The Hearing Officer or the Director, upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance ~~therewith~~, may quash or modify the subpoena if it is unreasonable and oppressive.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2402.240 Transcription of Proceedings

- a) Oral proceeding at which evidence is presented shall be recorded either by a certified court reporter or a mechanical recording device, but need not be transcribed unless requested by a party, who shall pay for the transcription of the portion requested, except as otherwise provided by the Department or by law. Any transcription will be retained through and including the time allotted for appeal, revision, rehearing or other manner of review prior to final deposition as provided for by the Department or by law.

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~~b) The transcript and the record offered in connection with the hearing shall constitute the official record. Before the transcript is filed the Hearing Officer shall notify the parties that the transcript has been produced, receive corrections from any person, examine the transcript for accuracy and then within a reasonable time certify that it is a true and correct transcript of the hearing. Only after such certification may the transcript be made available for public inspection as the Department may allow.~~

be) The record in an administrative hearing shall include:

- 1) pre-hearing records;
- 2) all pleadings (including all ~~notices~~Notices and ~~answers~~Answers, motions, briefs, and rulings);
- ~~3)~~ 3) transcript of proceedings;
- ~~4)~~ 4) evidence ~~admitted~~received;
- ~~5)~~ 5) a statement of matters officially noticed;
- ~~6)~~ 6) offers of proof, objections, and rulings; and
- ~~7)~~ 7) Findings, Opinions and Recommendations of the Hearing Officer.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2402.270 Order of the Director

- a) The Director of Insurance shall review the Hearing Officer's Findings, Opinions and Recommendations and shall issue an Order as set forth by applicable statutes or within a reasonable time.
- b) The decision in the case will become effective immediately upon the execution of a written Order, or as otherwise specified by either the Order or applicable ~~statute~~statue.
- c) Parties shall be immediately notified of the order, either personally or by mail,

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postage prepaid, certified, or registered, addressed to the last known address of the person, partnership, association, or company involved, ~~of the Order~~. A copy of the Order shall be delivered or mailed to each party ~~or~~ to his or her attorney of record.

- d) The Director may, as part of ~~the~~this Order, require any party to the proceeding to pay part or all of the costs of the ~~hearing~~Hearing, including, but not limited to: witness fees, court reporter fees, hearing officer fees, and the cost of the transcript.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2402.295 Cancellation/Non-Renewal Hearing

- a) Any Section of this Part~~Rule~~ to the contrary notwithstanding, the procedures set out in this Section shall apply for all hearings conducted ~~on~~into the cancellation/non-renewal of an insurance policy pursuant to Section 143.23 of the Illinois Insurance Code [215 ILCS 5/143.23]~~(Ill. Rev. Stat. 1981, ch. 73, 755.23)~~.
- 1) Parties – The parties to a cancellation/non-renewal hearing shall be the individual insureds named on the policy ~~that~~which has been cancelled or non-renewed and the insurance company that issued the policy. No intervention by any other party or persons shall be allowed.
 - 2) Attorneys – An attorney shall not be required. If an attorney is engaged, an appearance in accordance with Section 2402.70 ~~of this Rule~~ is required.
 - 3) Motion – All motions shall be presented at the commencement of the hearing. All motions shall become part of the record.
 - 4) Conduct of Hearing – The Hearing Officer shall conduct the hearing in the following manner:
 - A) The insured shall proceed first and present his or her case in the narrative. The company may ask relevant questions at the conclusion of the insured's narrative. The company shall then proceed and present its case in the narrative. The insured may ask relevant questions at the conclusion of the company's narrative.

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- B)** At the conclusion of all narratives and questions, if any, the Hearing Officer shall take the matter under advisement and enter his or her recommendations to the Director within 5 days.
- 5) Record – The record of the hearing shall be comprised of the Hearing Officer's notes and all documents and motions introduced, if no transcription of the proceedings is requested. The Hearing Officer may use a tape recorder to assist in the taking of notes. A party may request that the proceedings be transcribed by a court reporter as provided in Section 2402.240. This request shall be made at least one week before the hearing date, or less if a court reporter can be scheduled.
- 6) Hearing Officer's Recommendations – The Hearing Officer shall provide written recommendations and findings to the Director within 5 days after the close of the hearing. The Hearing Officer's recommendations shall be limited to one of the following:
- A) The actions of the insurance company were incorrect and the company must retain the risk; or
- B) The actions of the insurance company were correct and the company need not retain the risk.
- b) The procedures set forth in this Section are intended to provide a less formal setting for cancellation/non-renewal hearings. These procedures shall apply only to cancellation/non-renewal hearings and no others. Any Section of this [Part that Rule which](#) does not conflict with these procedures is to be followed, with careful attention given to the overall informality of cancellation/non-renewal hearings.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- 1) Headline of the Part: Boiler and Pressure Vessel Safety
- 2) Code Citation: 41 Ill. Adm. Code 120
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u>
120.11	Amend
120.1400	Amend
- 4) Statutory Authority: Boiler and Pressure Vessel Safety Act [430 ILCS 75]
- 5) A Complete Description of the Subjects and Issues Involved: Updates materials incorporated by reference.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. Copies of the incorporated codes are on file in the Office of the State Fire Marshal, 100 W. Randolph St., Ste. 4-600, Chicago, Illinois 60601, and are available for public inspection at that location.
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: All boilers and pressure vessels affected by this rulemaking are currently required to be regulated under the Boiler and Pressure Vessel Safety Act. Thus this rulemaking does not create or enlarge a state mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Clayton Novak
Boiler and Pressure Vessel Safety
Attn: Part 120 Rules
Office of the State Fire Marshal

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100 W. Randolph Street
Suite 4-600
Chicago, IL 60601

312/814-2381
Facsimile: 312/814-2343

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking could have an impact on those small businesses, small municipalities and not for profit entities that own a boiler or pressure vessel.
 - B) Reporting, bookkeeping or other procedures required for compliance: Individuals and companies must maintain copies of maintenance and inspection records.
 - C) Types of Professional skills necessary for compliance: No new professional skills required.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014.

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 120

BOILER AND PRESSURE VESSEL SAFETY

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section

120.4	Foreward (Repealed)
120.7	Kindly Observe the Following Briefs and Avoid Unnecessary Inconvenience (Repealed)
120.10	Definitions
120.11	Incorporation of National Standards
120.15	Fees
120.20	Administration
120.30	Inspectors, Examinations, Certificate of Competency and Commission
120.41	Special Inspector Trainee (Repealed)

SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION,
MAINTENANCE, AND USE

Section

120.100	New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
120.105	Boiler Exemptions (Repealed)
120.200	New Installations of Pressure Vessels
120.205	Pressure Vessel Exemptions (Repealed)
120.300	Existing Installations of Power Boilers
120.400	Existing Installations of Miniature Boilers (Repealed)
120.500	Operation of Boilers and Pressure Vessels
120.600	Existing Installation of Pressure Vessels
120.700	General Requirements for all Boilers and Pressure Vessels (Repealed)
120.800	Nuclear Power Plant Components (Repealed)
120.900	Flame Safeguard Requirements and Incorporated Standards (Repealed)

SUBPART C: REPAIR AND ALTERATION

Section

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120.1000	Repairs and Alterations to Boilers and Pressure Vessels by Welding
120.1010	Authorization to Repair Boilers and Pressure Vessels
120.1020	Issuance and Renewal of the Certificate
120.1030	Changes to Certificates of Authorization
120.1040	Quality Control Requirements
120.1041	Repair and Alteration Requirements

SUBPART D: STATE SPECIALS

Section

120.1100	Procedure for the Issuance of a State Special Permit
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SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

Section

120.1200	Authorization for Repair of Safety & Safety Relief Valves
120.1210	Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves
120.1220	Issuance and Renewal of the Certificate
120.1240	Changes to Certificates of Authorization
120.1250	Repairs to Safety and Safety Relief Valves
120.1260	Quality Control System
120.1270	Nameplates
120.1275	Field Repair
120.1280	Performance Testing of Repaired Valves
120.1285	Training of Valve Repair Personnel
120.1290	ASME "V", "UV" or National Board "VR" Certificate Holders

SUBPART F: OWNER-USER QUALITY CONTROL REQUIREMENTS

Section

120.1300	Introduction
120.1301	Authority and Responsibility
120.1305	Organization
120.1310	Inservice Inspection Program
120.1320	Drawings, Design Calculations, and Specification Control
120.1325	Material Control
120.1330	Examination and Inspection Program
120.1335	Correction of Nonconformities

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120.1340	Welding
120.1345	Nondestructive Examination
120.1350	Calibration of Measurement and Test Equipment
120.1355	Records
120.1360	Inspectors

SUBPART G: HISTORICAL BOILERS

Section

120.1400	Scope
120.1410	Historical Boiler Definition
120.1420	Historical Boiler Inspections
120.1430	Fees
120.1440	Repairs and Alterations

120.APPENDIX A	Operational and Maintenance Log
120.EXHIBIT A	Hot Water Heating Boilers
120.EXHIBIT B	Steam Heating Boilers
120.APPENDIX B	Record of Welded Repair (Repealed)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and authorized by Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1].

SOURCE: Boiler and Pressure Vessel Safety Act Rules and Regulations adopted at 4 Ill. Reg. 7, p. 126, effective January 31, 1980; codified at 5 Ill. Reg. 10677; amended at 7 Ill. Reg. 6925, effective July 1, 1983; amended at 10 Ill. Reg. 9510, effective July 1, 1985; amended at 11 Ill. Reg. 16587, effective January 1, 1988; amended at 16 Ill. Reg. 6808, effective July 1, 1992; amended at 17 Ill. Reg. 14917, effective September 1, 1993; amended at 19 Ill. Reg. 11904, effective August 15, 1995; amended at 20 Ill. Reg. 9540, effective July 3, 1996; amended at 21 Ill. Reg. 997, effective January 1, 1997; amended at 23 Ill. Reg. 162, effective January 1, 1999; amended at 24 Ill. Reg. 18555, effective December 7, 2000; amended at 25 Ill. Reg. 11914, effective January 1, 2002; amended at 27 Ill. Reg. 518, effective January 01, 2003; emergency amendment at 27 Ill. Reg. 14855, effective September 2, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1737, effective January 13, 2004; amended at 28 Ill. Reg. 13509, effective September 24, 2004; amended at 32 Ill. Reg. 17198, effective October 16, 2008; amended at 35 Ill. Reg. 9028, effective July 1, 2011; amended at 37 Ill. Reg. 13424, effective August 1, 2013; amended at 38 Ill. Reg. _____, effective _____.

OFFICE OF THE STATE FIRE MARSHAL

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SUBPART A: DEFINITIONS AND ADMINISTRATION

Section 120.11 Incorporation of National Standards

- a) Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.
- b) The Board hereby adopts the following nationally recognized standards and addenda:

- 1) American Petroleum Institute (API)
1220 L Street, Northwest
Washington DC 20005

API-510, Ninth Edition, June 2006, Pressure Vessel Inspection
Code: Maintenance Inspection, Rating, Repair, and Alteration

- 2) American Society of Mechanical Engineers (ASME)
United Engineering Center
Three Park Avenue
New York NY 10017
www.asme.org

- A) ASME Boiler and Pressure Vessel Code, ~~2013~~~~2010~~ Edition ~~and~~
~~2011 Addenda~~

Section I	Rules for Construction of Power Boilers
Section II	Material Specifications – Part A – Ferrous
Section II	Material Specifications – Part B – Nonferrous
Section II	Material Specifications – Part C – Welding Rods, Electrodes and Filler Metals
Section II	Material Specifications – Part D – Properties (Customary)
Section IV	Rules for Construction of Heating Boilers
Section V	Nondestructive Examination

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Section VI	Recommended Rules for the Care and Operation of Heating Boilers
Section VII	Recommended Guidelines for the Care of Power Boilers
Section VIII	Pressure Vessels – Division 1, Rules for Construction of Pressure Vessels (Including Appendix M)
Section VIII	Pressure Vessels – Division 2 – Alternative Rules
Section VIII	Pressure Vessels – Division 3 – Alternative Rules for Construction of High Pressure Vessels
Section IX	Qualification Standard for Welding and Brazing Procedures, Welders, Brazers, and Welding and Brazing Operators
Section X	Fiberglass-Reinforced Plastic Pressure Vessels

B) ASME CSD-1 2009 – Controls and Safety Devices for Automatically Fired Boilers

- 3) National Board of Boiler and Pressure Vessel Inspectors (NB)
1055 Crupper Avenue
Columbus OH 43229
www.nationalboard.org

National Board Inspection Code (NBIC), ~~2013~~2014 Edition

- 4) National Fire Protection Association (NFPA)
1 Batterymarch Park
Quincy MA 02269-9101
www.nfpa.org

NFPA 85 Boiler and Combustion Systems Hazards Code,
2011 Edition

(Source: Amended at 38 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

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SUBPART G: HISTORICAL BOILERS

Section 120.1400 Scope

This Subpart covers historical boilers, including steam tractors, traction engines, hobby steam boilers, portable steam boilers, and other boilers that require inspection under the definition of historical boilers. This Subpart is to be enforced in accordance with the requirements of the [2013~~2011~~](#) Edition, National Board Inspection Code (NBIC), Part 2, Section 6, Supplement 2 – Historical Boilers, unless excepted.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Definitions and General Provisions
- 2) Code citation: 35 Ill. Adm. Code 211
- 3) Section number: Proposed action:
211.7150 Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 9.1, and 27.
- 5) A Complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of March 20, 2014, proposing amendments in docket R14-16 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

The R14-16 proceeding relates to the listings of compounds exempted from the State definition of "volatile organic material" (VOM) or "volatile organic compound" (VOC) in 35 Ill. Adm. Code 211.7150 of the Illinois air pollution control rules. These amendments would update the definition of to correspond with amendments to the corresponding definition of VOC in the federal regulations at 40 C.F.R. 51.100(s) that the United States Environmental Protection Agency (USEPA) adopted during the period July 1, 2013 through December 31, 2013. During this period, USEPA amended its definition of VOC as follows:

October 22, 2013 (78 Fed. Reg. 62451)	USEPA exempted 2,3,3,3-tetrafluoropropene (CAS 754-12-1) from the definition of VOM.
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A table appears in the Board's opinion and order of March 20, 2014 in docket R14-16 that list minor revisions to the literal language of the current federal amendment. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 20, 2014 opinion and order in docket R14-16.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is

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not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed amendment replace emergency amendment currently in effect? No.
- 8) Does this rulemaking contain an automatic repeal date? No.
- 9) Does this proposed amendment contain incorporations by reference? No.
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- 11) Are there any other amendments pending on this Part? No.
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R14-16 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

The Board will conduct one public hearing on the proposed amendments because they will ultimately result in submission to the United States Environmental Protection Agency of an amendment to the state implementation plan (SIP). Section 110(a)(2) of the Federal Clean Air Act (42 U.S.C. § 7410(a)(2) (2006)) requires reasonable notice and hearing before a state undertakes an amendment to the SIP. The public hearing will occur at the following time and location:

1:45 p.m., May 7, 2014
James R. Thompson Center
Illinois Pollution Control Board Hearing Room

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100 West Randolph Street, Room 11-512
Chicago

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue
Springfield

Please direct inquiries to the following person and reference docket R14-16:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
Phone: 312-814-6924
E-mail: michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that use or emit the affected chemicals that are proposed for deletion from the definition of VOM. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including emissions monitoring, annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].

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- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- 14) Regulatory agenda on which this rulemaking was summarized: December 20, 2013, 37 Ill. Reg. 20463, 20466-69

The Full Text of the Proposed Amendment Begins on the Next Page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporated and Referenced Materials
211.102	Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.200	Acrylonitrile Butadiene Styrene (ABS) Welding
211.210	Actual Heat Input
211.230	Adhesive
211.233	Adhesion Primer
211.235	Adhesive Primer
211.240	Adhesion Promoter
211.250	Aeration
211.260	Aerosol Adhesive and Adhesive Primer
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment

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211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol
211.479	Allowance
211.481	Ammunition Sealant
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.492	Antifoulant Coating
211.493	Antifouling Sealer/Tie Coat
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.540	Architectural Structure
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.665	Auxiliary Boiler
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.715	Bedliner
211.730	Binders
211.735	Black Coating
211.740	Brakehorsepower (rated-bhp)
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant

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211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.825	Camouflage Coating
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.880	Cap Sealant
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber
211.954	Cavity Wax
211.955	Cement
211.960	Cement Kiln
211.965	Ceramic Tile Installation Adhesive
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.995	Circulating Fluidized Bed Combustor
211.1000	Class II Finish
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1128	Closed Molding
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System

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211.1315	Combustion Tuning
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensable PM-10
211.1435	Container Glass
211.1455	Contact Adhesive
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1560	Cove Base
211.1565	Cove Base Installation Adhesive
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1655	Cyanoacrylate Adhesive
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1700	Deadener
211.1710	Degreaser
211.1730	Delivery Vessel
211.1740	Diesel Engine
211.1745	Digital Printing
211.1750	Dip Coating
211.1770	Distillate Fuel Oil

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211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1872	Ejection Cartridge Sealant
211.1875	Elastomeric Materials
211.1876	Electric Dissipating Coating
211.1877	Electric-Insulating Varnish
211.1878	Electrical Apparatus Component
211.1880	Electrical Switchgear Compartment Coating
211.1882	Electrodeposition Primer (EDP)
211.1883	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2040	Etching Filler
211.2050	Ethanol Blend Gasoline
211.2055	Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2200	Extreme High-Gloss Coating
211.2210	Extreme Performance Coating

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211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2320	Finish Primer Surfacer
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2355	Flare
211.2357	Flat Glass
211.2358	Flat Wood Paneling
211.2359	Flat Wood Paneling Coating Line
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2368	Flexible Packaging
211.2369	Flexible Vinyl
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2415	Fog Coat
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2525	Gasket/Gasket Sealing Material
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2615	General Work Surface
211.2620	Generator
211.2622	Glass Bonding Primer
211.2625	Glass Melting Furnace

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211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2800	Hardwood Plywood
211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
211.2825	Heat-Resistant Coating
211.2830	Heatset
211.2840	Heatset Web Letterpress Printing Line
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2955	High Bake Coating
211.2956	High Build Primer Surfacer
211.2958	High Gloss Coating
211.2960	High-Performance Architectural Coating
211.2965	High Precision Optic
211.2970	High Temperature Aluminum Coating
211.2980	High Temperature Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3095	Indoor Floor Covering Installation Adhesive
211.3100	Industrial Boiler
211.3110	Ink
211.3120	In-Line Repair

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211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3215	Janitorial Cleaning
211.3230	Lacquers
211.3240	Laminate
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3300	Lean-Burn Engine
211.3305	Letterpress Printing Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3355	Lime Kiln
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3475	Load Shaving Unit
211.3480	Loading Event
211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO _x Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3505	Lubricating Wax/Compound
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3555	Maintenance Cleaning
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment

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211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3665	Mask Coating
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3705	Medical Device
211.3707	Medical Device and Pharmaceutical Manufacturing
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3760	Metallic Coating
211.3770	Metallic Shoe-Type Seal
211.3775	Metal to Urethane/Rubber Molding or Casting Adhesive
211.3780	Mid-Kiln Firing
211.3785	Military Specification Coating
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3820	Miscellaneous Industrial Adhesive Application Operation
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3925	Mold Seal Coating
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3961	Motor Vehicle Adhesive
211.3965	Motor Vehicle Refinishing
211.3966	Motor Vehicle Weatherstrip Adhesive
211.3967	Mouth Waterproofing Sealant
211.3968	Multi-Colored Coating
211.3969	Multi-Component Coating
211.3970	Multiple Package Coating
211.3975	Multipurpose Construction Adhesive
211.3980	Nameplate Capacity

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211.3985	Natural Finish Hardwood Plywood Panel
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4052	Non-Convertible Coating
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO _x Trading Program
211.4070	Offset
211.4080	One-Component Coating
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4220	Optical Coating
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4280	Other Glass
211.4285	Outdoor Floor Covering Installation Adhesive
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4455	Pan-Backing Coating
211.4460	Panel
211.4470	Paper Coating

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211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4540	Perimeter Bonded Sheet Flooring
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4735	Plastic
211.4740	Plastic Part
211.4750	Plasticizers
211.4760	Plastic Solvent Welding Adhesive
211.4765	Plastic Solvent Welding Adhesive Primer
211.4768	Pleasure Craft
211.4769	Pleasure Craft Surface Coating
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4895	Polyvinyl Chloride Plastic (PVC Plastic)
211.4900	Porous Material
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5012	Prefabricated Architectural Coating
211.5015	Preheater Kiln
211.5020	Preheater/Precalciner Kiln

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211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Coating
211.5062	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5075	Primer Sealant
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5140	Printed Interior Panel
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5195	Process Heater
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5335	Radiation Effect Coating
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5400	Red Coating
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure

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211.5520	Reinforced Plastic Composite
211.5530	Repair
211.5535	Repair Cleaning
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5585	Research and Development Operation
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5640	Rich-Burn Engine
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5800	Rubber
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5860	Scientific Instrument
211.5870	Screening
211.5875	Screen Printing
211.5880	Screen Printing on Paper
211.5885	Screen Reclamation
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5985	Sheet Rubber Lining Installation
211.5987	Shock-Free Coating
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat

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211.6012	Silicone-Release Coating
211.6015	Single-Ply Roof Membrane
211.6017	Single-Ply Roof Membrane Adhesive Primer
211.6020	Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6063	Solar-Absorbent Coating
211.6065	Solids Turnover Ratio (R_T)
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6405	Sterilization Indicating Ink
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6425	Stripping
211.6427	Structural Glazing
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit

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211.6460	Subfloor
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6535	Surface Preparation
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6585	Thin Metal Laminating Adhesive
211.6587	Thin Particleboard
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6635	Tileboard
211.6640	Tire Repair
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6740	Translucent Coating
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6780	Trunk Interior Coating
211.6790	Turnaround
211.6810	Two-Piece Can
211.6825	Underbody Coating
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6885	Vacuum Metalizing Coating
211.6890	Vacuum Producing System

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211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7220	Waterproof Resorcinol Glue
211.7230	Weak Nitric Acid Manufacturing Process
211.7240	Weatherstrip Adhesive
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

211.APPENDIX A Rule into Section Table

211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective

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July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011; amended in R12-24 at 37 Ill. Reg. 1662, effective January 28, 2013; amended in R13-1 at 37 Ill. Reg. 1913, effective February 4, 2013; amended in R14-7 at 37 Ill. Reg. 19824, effective November 27, 2013; amended in R14-17 at 38 Ill. Reg. _____, effective _____.

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SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material" (also "VOM") or "volatile organic compound" (also "VOC") means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

- a) This definition of VOM includes any organic compound that participates in atmospheric photochemical reactions, other than the compounds listed in this subsection (a). USEPA has determined that the compounds listed in this subsection (a) have negligible photochemical reactivity. USEPA has excluded the listed negligibly-reactive compounds from the definition of VOM for purposes of VOM limitations or VOM content requirements. However, USEPA has required that certain of these compounds be considered VOM for purposes of recordkeeping, emissions reporting, and inventory requirements, as described in subsection (e) of this Section.

Acetone (2-propanone or dimethylketone)

Bis(difluoromethoxy)(difluoro)methane (CHF₂OCF₂OCHF₂ or HFE-236cal2)

1,2-Bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane
(CHF₂OCF₂CF₂OCHF₂ or HFE-338pcc13)

tertiary-Butyl acetate

1-Chloro-1,1-difluoroethane (HCFC-142b)

Chlorodifluoromethane (CFC-22)

1-Chloro-1-fluoroethane (HCFC-151a)

Chlorofluoromethane (HCFC-31)

Chloropentafluoroethane (CFC-115)

2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124)

trans-1-chloro-3,3,3-trifluoroprop-1-ene

1,1,1,2,2,3,4,5,5,5-Decafluoro-3-methoxy-4-trifluoromethyl-pentane
(HFE-7300, L-14787, or C₂F₅CF(OCH₃)CF(CF₃)₂)

1,1,1,2,3,4,4,5,5,5-Decafluoropentane (HFC 43-10mee)

Dichlorodifluoromethane (CFC-12)

1,1-Dichloro-1-fluoroethane (HCFC-141b)

3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)

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1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
1,2-Dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a)
1,1-Difluoroethane (HFC-152a)
Difluoromethane (HFC-32)
(Difluoromethoxy)(difluoro)methane ($\text{CHF}_2\text{OCHF}_2$ or HFE-134)
1-(Difluoromethoxy)-2-[(difluoromethoxy)(difluoro)methoxy]-1,1,2,2-tetrafluoroethane ($\text{CHF}_2\text{OCF}_2\text{OCF}_2\text{CF}_2\text{OCHF}_2$ or HFE-43-10pccc)
2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
($(\text{CF}_3)_2\text{CFCF}_2\text{OCH}_3$)
Dimethyl carbonate
Ethane
2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
($(\text{CF}_3)_2\text{CFCF}_2\text{OC}_2\text{H}_5$)
3-Ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane
(HFE-7500)
1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($\text{C}_4\text{F}_9\text{OC}_2\text{H}_5$ or HFE-7200)
Ethylfluoride (HFC-161)
1,1,1,2,2,3,3-Heptafluoro-3-methoxypropane ($\text{n-C}_3\text{F}_7\text{OCH}_3$ or HFE-7000)
1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea)
1,1,1,2,3,3-Hexafluoropropane (HFC-236ea)
1,1,1,3,3,3-Hexafluoropropane (HFC-236fa)
Methane
Methyl acetate
Methylene chloride (dichloromethane)
Methyl formate (CHOOCH_3)
1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane ($\text{C}_4\text{F}_9\text{OCH}_3$ or HFE-7100)
Parachlorobenzotrifluoride (PCBTF)
1,1,1,3,3-Pentafluorobutane (HFC-365mfc)
Pentafluoroethane (HFC-125)
1,1,2,2,3-Pentafluoropropane (HFC-245ca)
1,1,2,3,3-Pentafluoropropane (HFC-245ea)
1,1,1,2,3-Pentafluoropropane (HFC-245eb)
1,1,1,3,3-Pentafluoropropane (HFC-245fa)
Perchloroethylene (tetrachloroethylene)
Perfluorocarbon compounds that fall into the following classes:
 Cyclic, branched, or linear, completely fluorinated alkanes
 Cyclic, branched, or linear, completely fluorinated ethers with no
 unsaturations

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Cyclic, branched, or linear, completely fluorinated tertiary amines
with no unsaturations

Sulfur-containing perfluorocarbons with no unsaturations and with
sulfur bonds only to carbon and fluorine

Propylene carbonate (4-methyl-1,3-dioxolan-2-one)

Siloxanes: cyclic, branched, or linear completely-methylated

1,1,2,2-Tetrafluoroethane (HFC-134)

1,1,1,2-Tetrafluoroethane (HFC-134a)

trans-1,3,3,3-Tetrafluoropropene (HFO-1234ze)

[2,3,3,3-Tetrafluoropropene \(HFO-1234yf\)](#)

1,1,1-Trichloroethane (methyl chloroform)

Trichlorofluoromethane (CFC-11)

1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113)

1,1,1-Trifluoro-2,2-dichloroethane (HCFC-123)

1,1,1-Trifluoroethane (HFC-143a)

Trifluoromethane (HFC-23)

- b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR 60, appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112, and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued under a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR 51, subpart I or appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusion is approved by the Agency.
- c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.
- d) The USEPA will not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b) ~~above~~.

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- e) The following compound is VOM for the purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements that apply to VOM, and it must be uniquely identified in emission reports, but it is not VOM for the purposes of VOM emissions limitations or VOM content requirements: t-butyl acetate.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed amendment replace emergency amendment currently in effect? No.
- 8) Does this rulemaking contain an automatic repeal date? No.
- 9) Does this proposed amendment contain incorporations by reference? Yes.
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].
- 11) Are there any other amendments pending on this Part? No.
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R14-17 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

The Board will conduct one public hearing on the proposed amendments because they will ultimately result in submission to the United States Environmental Protection Agency of an amendment to the state implementation plan (SIP). Section 110(a)(2) of the Federal Clean Air Act (42 U.S.C. § 7410(a)(2) (2006)) requires reasonable notice and hearing before a state undertakes an amendment to the SIP. The public hearing will occur at the following time and location:

1:30 p.m., May 7, 2014

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James R. Thompson Center
Illinois Pollution Control Board Hearing Room
100 West Randolph Street, Room 11-512
Chicago

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue
Springfield

Please direct inquiries to the following person and reference docket R14-17:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

Phone: 312-814-6924
E-mail: michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

13) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that emit pollutants that could potentially affect ambient air quality in any area of Illinois. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including emissions monitoring, annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].

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- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].
- 14) Regulatory agenda on which this rulemaking was summarized: December 20, 2013, 37 Ill. Reg. 20463, 20475-78

The Full Text of the Proposed Amendment Begins on the Next Page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODESPART 243
AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section

243.101	Definitions
243.102	Scope
243.103	Applicability
243.104	Nondegradation (Repealed)
243.105	Air Quality Monitoring Data Influenced by Exceptional Events
243.106	Monitoring (Repealed)
243.107	Reference Conditions
243.108	Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section

243.120	PM ₁₀ and PM _{2.5}
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator)
243.125	Ozone
243.126	Lead
243.APPENDIX A	Rule into Section Table (Repealed)
243.APPENDIX B	Section into Rule Table (Repealed)
243.APPENDIX C	Past Compliance Dates (Repealed)
243.TABLE A	Schedule of Exceptional Event Flagging and Documentation Submission for New or Revised NAAQS

AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].

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SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, filed and effective April 14, 1972; amended in R80-11, at 6 Ill. Reg. 5804, effective April 22, 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19 at 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882, effective July 29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 243.108 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions:

Government Printing Office (GPO), 732 Capitol Street NW, Washington, DC 20401 (telephone: 202-512-1800 or 866-512-1800; website: www.gpo.gov).
The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 (2013) (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 (2013) (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 (2013) (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

Appendix C to 40 CFR 50 (2013) (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

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Appendix D to 40 CFR 50 (2013) (Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere), referenced in Section 243.125.

Appendix F to 40 CFR 50 (2013) (Reference Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced in Section 243.124.

Appendix G to 40 CFR 50 (2013), as amended at 78 Fed. Reg. 40000 (July 3, 2013) (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix H to 40 CFR 50 (2013) (Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix I to 40 CFR 50 (2013) (Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix J to 40 CFR 50 (2013) (Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 (2013) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix L to 40 CFR 50 (2013) (Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 (2013), as amended at 78 Fed. Reg. 47191 (August 5, 2013) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

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Appendix O to 40 CFR 50 (2013) (Reference Method for the Determination of Coarse Particulate Matter as PM_{10-2.5} in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 (2013) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 (2013) (Reference Method for the Determination of Lead in Particulate Matter as PM₁₀ Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 (2013) (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 (2013) (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

Appendix T to 40 CFR 50 (2013) (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Clean Air Act, 42 USC 7401 et seq. (2011) (for definitions of terms only), referenced in Section 243.102.

BOARD NOTE: Segments of the Code of Federal Regulations and the United States Code are available for free download as PDF documents from the GPO FDsys website: <http://www.gpo.gov/fdsys/>.

USEPA, National Exposure Research Laboratory, Human Exposure & Atmospheric Sciences Division (MD-D205-03), Research Triangle Park, NC 27711. The following documents incorporated by reference are available from this source:

"List of Designated Reference and Equivalent Methods" ([December 17](#)~~June 27~~, 2013) (referred to as the "List of Designated Methods" and

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NOTICE OF PROPOSED AMENDMENT

referenced in Sections 243.101, 243.120, 243.122, 243.123, 243.124, 243.125, and 243.126.

~~This incorporation by reference does not include USEPA methods approvals that occurred after December 17, 2013.~~

~~This reference includes, as an FEM, the former codified FRM that USEPA designated an FEM in the following Federal Register notice subsequent to June 27, 2013:~~

~~78 Fed. Reg. 40000 (July 3, 2013) (designating the former FRM in appendix G of 40 CFR 50 as an FEM).~~

BOARD NOTE: The List of Designated Methods is available for free download as a PDF document from the USEPA, Technology Transfer, Ambient Monitoring Technology Information Center website:
<http://www.epa.gov/ttn/amtic/criteria.html>.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: AIDS Drug Assistance Program
- 2) Code Citation: 77 Ill. Adm. Code 692
- 3) Section Number: 692.Appendix A Proposed Action: Amend
- 4) Statutory Authority: Ryan White HIV/AIDS Treatment Extension Act of 2009 [Public Law 111-87]; Section 314 of the Civil Administrative code of Illinois [20 ILCS 2310/315]
- 5) A Complete Description of the Subjects and Issues Involved: The United States Department of Health and Human Services (DHHS) establishes the federal poverty level at the end of January of each year. Once the new poverty level is established by the federal government, all Ryan White Programs are required to adopt the new standard. Neither the program nor the State has any discretion to operate on another standard of federal poverty level. On January 22, 2014, DHHS posted the new 2014 federal poverty level (FPL) in the *Federal Register*. The Department is updating its rules to reflect this new standard. The federal poverty level is posted on the following website: <https://www.federalregister.gov/articles/2013/01/24/2013-01422/annual-update-of-the-hhs-poverty-guidelines#h-4> <http://www.masslegalservices.org/content/federal-poverty-guidelines-2013>

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: Federal poverty level, issued by the US Department of Health and Human Services
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 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 does not create or expand a State Mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of the issue of the *Illinois Register* to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761
- 217/782-2043
dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

The full text of the Proposed amendment is identical to that of the text of the Emergency amendment for this Part, and begins in this issue of the Illinois Register on page 7997.

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- 1) Heading of the Part: Control of Sexually Transmissible Infections Code
- 2) Code Citation: 77 Ill. Adm. Code 693
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
693.10	Amend
693.15	Amend
693.30	Amend
693.50	Amend
693.100	Amend
693.110	Amend
693.150	New
- 4) Statutory Authority: Implementing and authorized by the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305/2 and 6].
- 5) A Complete Description of the Subjects and Issues Involved: Various Sections are being amended to clarify the language. The rulemaking also implements Public Act 98-0353, which was passed on August 16, 2013, and removed the requirement to notify school principals of students enrolled in a school program who are HIV infected. Language on the use of expedited partner therapy is being added to the rules.

The economic effect on this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 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

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rule change will not affect any unit of local government that would require expenditures of local funds.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

217/782-2043
dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: School districts
- 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 rule was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 693

CONTROL OF SEXUALLY TRANSMISSIBLE INFECTIONS CODE

Section

693.10	Definitions
693.15	Incorporated and Referenced Materials
693.20	Reportable STIs and Laboratory Results
693.30	Reporting
693.35	Fines and Penalties
693.40	Counseling and Partner Services
693.45	Notification of Health Care Contacts
693.50	Physical Examination and Medical Treatment for Syphilis, Gonorrhea, Chlamydia, HIV or Chancroid
693.60	Quarantine and Isolation for Syphilis, Gonorrhea, Chlamydia, HIV and Chancroid
693.70	Counseling and Education for AIDS and HIV (Repealed)
693.80	Isolation for AIDS and HIV (Repealed)
693.90	Quarantine (Repealed)
693.100	Confidentiality
693.110	Examination and Treatment of Prisoners
693.120	Certificate of Freedom from STIs
693.130	Treatment of Minors
693.140	Control Measures (Repealed)
<u>693.150</u>	<u>Expedited Partner Therapy (EPT)</u>

AUTHORITY: Implementing and authorized by the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305/2 and 6].

SOURCE: Adopted at 12 Ill. Reg. 10097, effective May 27, 1988; amended at 15 Ill. Reg. 11686, effective August 15, 1991; emergency amendment at 15 Ill. Reg. 16462, effective October 28, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5921, effective March 30, 1992; emergency amendment at 17 Ill. Reg. 1213, effective January 7, 1993, for a maximum of 150 days; emergency expired June 7, 1993; amended at 17 Ill. Reg. 15909, effective September 20, 1993; amended at 19 Ill. Reg. 1126, effective January 20, 1995; amended at 22 Ill.

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Reg. 22026, effective December 9, 1998; amended at 25 Ill. Reg. 3916, effective April 1, 2001; amended at 25 Ill. Reg. 14497, effective November 1, 2001; amended at 37 Ill. Reg. 8762, effective June 12, 2013; amended at 38 Ill. Reg. _____, effective _____

Section 693.10 Definitions

"Act" means Illinois Sexually Transmissible Disease Control Act [410 ILCS 325].

"Blood Bank" means any facility or location at which blood or plasma is procured, furnished, donated, processed, stored or distributed.

"Certified Local Health Department" means a local health department that is certified pursuant to 77 Ill. Adm. Code 600.210 of the Certified Local Health Department Code.

"Contact" means:

An individual who has been in direct sexual contact with an individual infected with a sexually transmitted infection (STI);

An individual who has been in direct sexual or needle contact with a person with AIDS or HIV infection;

An individual who has undergone artificial insemination, a blood transfusion or an organ or tissue transplantation donated by a person with human immunodeficiency virus (HIV) infection.

"Critical Period" means the time interval for which an individual infected with an STI is asked to recall sexual or needle-sharing contacts. Ideally, the critical period covers the time from the earliest date an individual could have been infected with an STI up to the date of diagnosis or treatment.

The critical period for syphilis is based on the disease stage at the time of diagnosis:

Primary – four months and one week;

Secondary – eight months (34 weeks);

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Early latent – 12 months, unless a credible primary or secondary history can be established.

The critical period for chlamydia, gonorrhea and chancroid is 60 days before the date of specimen collection and should be extended through the date of treatment if the patient was not treated at the time the specimen was collected.

The critical period for HIV is 12 months before the date of diagnosis.

"Department" means the *Illinois Department of Public Health*. (Section 3 of the Act)

"Designated Agent" means an organization designated by the Department, or a local health department in cities with a population of 1,000,000 or more, to conduct public health activities under a written service agreement with the Department.

"Epidemiologic Information" means information, obtained through the counseling and partner services process, regarding possible exposure to an STI.

"Expedited Partner Therapy" means to prescribe, dispense, furnish or otherwise provide prescription antibiotic drugs to the partner or partners of persons clinically diagnosed as infected with a sexually transmissible infection, without physical examination of the partner or partners.

"Exposure-Prone Invasive Procedure" means an invasive procedure involving digital palpation of a needle tip in a body cavity, or the simultaneous presence of a health care professional's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomical site.

"Health Care Contact" means any the following:

An individual who has undergone exposure-prone invasive procedures performed by an HIV infected health care professional when the Department has ~~determined~~determine that there is or may have been potential risk of HIV transmission from the health care professional to that

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individual;

A health care professional who has performed exposure-prone invasive procedures for a person infected with HIV when the Department has determined that there is or may have been potential risk of HIV transmission from the infected person to the health care professional. (Section 5.5(c) of the Act)

"Health Care Facility" means any institution, building or agency or portion of any institution, building or agency, whether public or private (for-profit or nonprofit), that is used, operated or designed to provide health services, medical treatment or nursing, rehabilitative or preventive care to any person or persons.

"Health Care Professional" means any of the following:

a licensed physician;

a physician assistant to whom the physician assistant's supervising physician has delegated the provision of health services;

an advanced practice nurse who has a written collaborative agreement with a collaborating physician which authorizes the provision of health services;

a licensed dentist;

a licensed podiatrist; or [410 ILCS 305/3(f-5)]

a licensed nurse or other person licensed or certified to provide health care services of any kind.

"HIV Infection" means infected with HIV, as evidenced by a positive or reactive supplemental laboratory test result.

"HIV Test" means an HIV test method approved by the federal Food and Drug Administration (FDA) or validated under a laboratory's Clinical Laboratory Improvement Amendments of 1988 (CLIA) certification.

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"Invasive Procedure" means surgical entry into tissues, cavities or organs or repair of major traumatic injuries associated with any of the following:

An operating or delivery room, emergency department, or outpatient setting, including both physicians' and dentists' offices;

Cardiac catheterizations and angiographic procedures;

Vaginal or cesarean delivery or other invasive obstetrical procedure during which bleeding may occur; or

Manipulation or excision of any oral or perioral tissue, including tooth structure, during which bleeding or the potential for bleeding exists.

"Isolation" means the physical separation and confinement of an individual who is infected or reasonably believed to be infected with an STI from non-isolated individuals to prevent the transmission of the STI to non-isolated individuals.

"Laboratory" means a CLIA-approved or -licensed facility, other than a blood bank, at which tests are performed to determine the presence of infection with an STI.

"Local Health Department" means *the full-time official health department or board of health having jurisdiction over a particular area.* (Section 3 of the Act)

"Noncompliant" means that a person who is infected with an STI and is aware of his/her infection is engaging in behaviors or activities that place others at risk of exposure to the STI.

"Partner Services" means information and assistance offered to persons infected with STIs in referring their sexual or needle-sharing contacts for a medical examination, testing, counseling and treatment, if indicated.

"Quarantine" means the act of making a place or a location *off limits to the public to prevent the probable spread of syphilis, gonorrhea, chlamydia, HIV or chancroid.* (Section 7(a) of the Act)

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"Self-Refer" means for a person infected with an STI to notify his/her contacts of their possible exposure to an STI and to refer contacts to appropriate health care professionals for counseling, testing and treatment, if indicated.

"Sexually Transmissible Infection" or "STI" means, as defined by the Centers for Disease Control and Prevention, an infection that can be acquired or transmitted through sexual activity.

"Susceptible" means capable of becoming infected with the etiologic agent of an STI.

"Suspected Case" means a person who is reasonably believed to be infected with an STI, based on medical or epidemiologic information.

"Treatment" means services for prevention, diagnosis and medical management of STIs, including examination, laboratory testing, medication, counseling and immunization.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 693.15 Incorporated and Referenced Materials

The following materials are incorporated or referenced in this Part:

- a) Illinois Statutes
 - 1) Illinois Sexually Transmissible Disease Control Act [410 ILCS 325]
 - 2) Department of Public Health Act [20 ILCS 2305]
 - 3) Consent by Minors to Medical Procedures Act [410 ILCS 210]
 - 4) AIDS Confidentiality Act [410 ILCS 305]
 - 5) Unified Code of Corrections [730 ILCS 5/5-5-3]
 - 6) Hypodermic Syringes and Needles Act [720 ILCS 635]

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- 7) Criminal Code of 1961 [720 ILCS 5]
- 8) Freedom of Information Act [5 ILCS 140]
- 9) [Nurse Practice Act \[225 ILCS 65\]](#)

b) Illinois Administrative Rules

- 1) HIV/AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697) (see Sections 693.20(b), 693.30(c) and (e) and 693.100(b)(4) and (6) of this Part)
- 2) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (see Section 693.35 of this Part)
- 3) Certified Local Health Department Code (77 Ill. Adm. Code 600) (see Section 693.10 of this Part)
- 4) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

c) Other Codes, Guidelines and Standards

- 1) 2008 Revised Surveillance Case Definitions for HIV Infection Among Adults, Adolescents, and Children Aged Less than 18 Months and for HIV Infection and AIDS Among Children Aged 18 Months to 13 Years – United States, 2008, Centers for Disease Control and Prevention (CDC), Morbidity and Mortality Weekly Report (MMWR), December 5, 2008, Vol. 57, No. RR-10;1-8
- 2) Recommendations for Partner Services Programs for HIV Infection, Syphilis, Gonorrhea, and Chlamydial Infection, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR), November 7, 2008, Vol. 57, No. RR-9
- 3) "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR), July 12,

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2001, Vol. 40, No. RR-8

- d) Federal Statutes
 - 1) Spousal Notification Requirements of the Ryan White CARE Reauthorization Act of 1996 (Public Law 104-146)
 - 2) Clinical Laboratory Improvement Amendments of 1988 (CLIA) (42 USC 263a)
- e) All incorporations by reference of federal guidelines refer to the guidelines on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 693.30 Reporting

- a) Every health care professional shall report each case in which the health care professional has diagnosed or treated a case of AIDS, HIV infection, syphilis, gonorrhea, chlamydia, or chancroid.
 - 1) The reportable STI case report shall state the name, address and telephone number of the health care professional and the date of the report. The STI case report shall be submitted within seven days after the diagnosis or treatment.
 - 2) If the health care professional diagnoses or treats a reportable STI in a county or city governed by a local health department, the STI report shall be sent to that local health department. In all other cases, the STI report shall be sent directly to the Department.
 - 3) For cases of AIDS or HIV infection, the report shall be completed by a health care professional or designee using the Department's Adult HIV/AIDS Confidential Case Report for a person age 13 or older, or the Department's Pediatric HIV/AIDS Confidential Case Report for a person under age 13. For HIV or AIDS, the report shall include the following information:

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- A) The individual's name, nine digit Social Security Number, current address, telephone number, age, date of birth, age at diagnosis, current vital status (alive or dead (date of death)), race, ethnicity, sex, current gender, country of birth, residence at diagnosis, facility where diagnosis of HIV or AIDS was established;
- B) Patient risk history;
- C) Laboratory results of HIV tests;
- D) Information concerning the presence and method of diagnosis of AIDS indicator disease;
- E) Each successive AIDS indicator disease (e.g., Pneumocystis carinii pneumonia, Kaposi's sarcoma or esophageal candidiasis), regardless of whether the case is known or thought to have been previously reported in another state or health jurisdiction;
- F) For reports submitted by health care facilities, the name and telephone number of the individual completing the form, if different from the health care professional;
- G) Information concerning treatment services and referrals and, for women, information on both the current pregnancy status and births after 1977, and for prenatal cases, information about birth history;
- H) Whether the HIV-infected individual has had any exposure-prone invasive procedures performed on him or her and, if so, the types of invasive procedures and the names, addresses and telephone numbers of the health care professionals who performed those invasive procedures;
- I) Whether the HIV-infected individual is a health care professional; if so, the type of health care professional and whether the individual has performed exposure-prone invasive procedures; and

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- J) Whether post-test counseling or partner services have taken place or whether assistance is needed from the local health department or the Department.
- 4) For cases of syphilis, gonorrhea, chlamydia, and chancroid, the report shall be completed by a health care professional or designee and shall be reported electronically or on a case report form furnished by the Department, or by a local health department in cities with a population of 1,000,000 or more. The report shall state the following:
- A) The name, address, and telephone number of the health care professional;
 - B) The date of the report;
 - C) The STI-infected individual's name, address, telephone number, date of birth, race, ethnicity, sex, and pregnancy status;
 - D) The diagnosis, diagnostic classification, and any laboratory findings; and
 - E) The medication name and dosage that the individual is receiving, has received, or will receive, and whether treatment has been completed.
- b) Every laboratory and blood bank, through its Director, shall report each instance in which the laboratory or blood bank performed a test for a reportable STI that concluded with a reportable laboratory result.
- 1) Within seven days after the reportable laboratory test result is obtained, the laboratory or blood bank shall report to the Department, or to the local health department in cities with a population of 1,000,000 or more. The laboratory or blood bank shall report electronically or on a form furnished by the Department, or by the local health department in cities with a population of 1,000,000 or more.
 - 2) For reportable STI laboratory tests, the report shall state the name and address of the laboratory or blood bank and the date of the report, as well

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as the following information:

- A) The name, address and telephone number of the health care professional or other person who submitted the specimen for testing (not applicable to blood banks);
- B) The STI-infected individual's name, address, telephone number, date of birth, race, ethnicity and sex, as provided by the health care professional or other person who submitted the specimen for testing; and
- C) The date the tests were performed, the laboratory results, and the method employed.

3) ~~A For detectable and undetectable HIV viral load results, a~~ hospital or laboratory shall report to the Department, either electronically or on a form furnished by the Department, all HIV viral load results, both detectable and undetectable, and all subtype and sequence data from antiviral drug resistance testing. The report shall state the name and address of the laboratory or blood bank and the date of the report, as well as the following information:

- A) The name, address and telephone number of the health care professional or other person who submitted the specimen for testing (not applicable to blood banks);
- B) The HIV-infected individual's name, address, telephone number, date of birth, race, ethnicity and sex, as provided by the health care professional or other person who submitted the specimen for testing; and
- C) The date the tests were performed, the laboratory results, and the method employed.

4) A hospital or laboratory shall report to the Department, either electronically; or on a form furnished by the Department, all CD4+ (T4) lymphocyte test results, including count and percentages of any value, which the Department will match against the statewide HIV/AIDS

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Registry to select only those cases known to the Registry. The report shall state the name and address of the laboratory or blood bank and the date of the report, as well as the following information:

- A) The name, address and telephone number of the health care professional or other person who submitted the specimen for testing (not applicable to blood banks);
 - B) The HIV-infected individual's name, address, telephone number, date of birth, race, ethnicity and sex, as provided by the health care professional or other person who submitted the specimen for testing; and
 - C) The date the tests were performed, the laboratory results, and the method employed.
- 5) In addition to the above reporting requirements:
- A) If the subject of the test is under 12 years of age, any reactive or positive test result shall be reported to the Department by telephone immediately or as soon as Department business hours permit at 217/524-5983 for HIV/AIDS test results and 217-782-2747 for all other reportable STI test results.
 - B) Every laboratory and blood bank shall report the total number of tests performed for reportable STIs each week by sex to the Department, or to the local health department in cities with a population of 1,000,000 or more. This report shall be made electronically or on a reporting form furnished by the Department, or by the local health department in cities with a population of 1,000,000 or more.
- c) All persons required to report pursuant to this Part shall maintain the strict confidentiality of all information and records relating to known or suspected cases of STIs in accordance with the AIDS Confidentiality Act, Section 693.100 of this Part, and 77 Ill. Adm. Code 697.140 (HIV/AIDS Confidentiality and Testing Code – Nondisclosure of the Identity of a Person Tested or Test Results).

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- d) For each case report of a reportable STI that it receives, pursuant to this Section, the local health department shall report electronically, if available, or forward a copy of the report to the Department within seven days after receiving the report. The local health department shall assure the completeness and accuracy of the report form. The local health department shall record the reporting source on the case report form.
- e) ~~A local health department that receives an HIV laboratory report from a health care professional, laboratory or blood bank for an individual age three through 21 shall contact the health care professional listed in the report to obtain the individual's name and address, to comply with 77 Ill. Adm. Code 697.400 (HIV/AIDS Confidentiality and Testing Code—Notification of School Principals). The Department will assume this responsibility within jurisdictions not covered by a local health department.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 693.50 Physical Examination and Medical Treatment for Syphilis, Gonorrhea, Chlamydia, HIV or Chancroid

- a) *The Department and certified local health departments may examine or cause to be examined persons reasonably believed to be infected with or to have been exposed to a reportable STI. (Section 6(a) of the Act)*
- b) *Persons with syphilis, gonorrhea, chlamydia, or chancroid shall report for complete treatment to a physician licensed under the provisions of the Medical Practice Act of 1987, or shall submit to treatment at a facility provided by a certified local health department or other public facility until the disease is noncommunicable or the Department or the certified local health department determines that the person does not present a real and present danger to the public health. This subsection shall not be construed to require the Department or the certified local health department to pay for or provide such treatment. (Section 6(b) of the Act)*
- c) *Persons with HIV shall report for treatment to a physician licensed under the provisions of the Medical Practice Act of 1987, or shall submit to treatment at a facility provided by a certified local health department or other public facility. This subsection shall not be construed to require the Department or the certified*

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local health department to pay for or provide such treatment. (Section 6(b) of the Act).

- 1) The certified local health department or designated agent shall attempt to determine whether a person within its jurisdiction whose laboratory test indicates infection with or sexual exposure to syphilis, gonorrhea, chlamydia or chancroid has received medical treatment prescribed and rendered to the extent that the infection is no longer communicable by that person;
 - 2) If a medical examination or appropriate treatment has not been provided, the certified local health department shall request that individual to report for examination or treatment at a specific date, time and location, or otherwise submit verifiable proof of examination or treatment by a specific date. For persons with HIV, if a medical examination or treatment has not been provided, the certified local health department shall request that individual to consider examination, testing and treatment;
 - 3) If the individual is known to have been exposed to an infection listed in subsection (a) within the maximum incubation period, the certified local health department shall request that individual to seek early preventive/presumptive treatment and testing;
 - 4) The certified local health department shall document all unsuccessful and successful attempts to secure a medical examination and appropriate medical treatment and testing for an individual. Documentation shall include the dates, times, locations and forms of communication, including the individual's responses, and a detailed narrative of the process.
- d) A certified local health department or designated agent shall notify the Department of any case in which it:
- 1) knows on the basis of laboratory or epidemiologic evidence that a person within its jurisdiction is presently infectious to others, is engaging in conduct or activities that place others at risk of exposure to the STI or has stated his or her intention to do so, and has refused the examination or medical treatment that has been prescribed for the contagion control of that STI; and

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- 2) has exhausted its means of obtaining compliance with this Section.
- e) *No person shall be apprehended, examined or treated for syphilis, gonorrhea, chlamydia, [HIV](#) or chancroid against his or her will, except upon the presentation of a warrant duly authorized by a court of competent jurisdiction. In requesting the issuance of such a warrant, the Department or certified local health department shall show by a preponderance of the evidence that the person is infectious and that a real and present danger to the public health and welfare exists unless the warrant is issued and shall show that all other reasonable means of obtaining compliance have been exhausted and that no other less restrictive alternative is available. (Section 6(c) of the Act) The Department does not delegate the responsibility to seek a court order to a delegated agency.*
- 1) In determining whether no less restrictive means exist, the court shall consider evidence showing that, under the circumstances presented by the case in which an order is sought, apprehension, examination or treatment is the measure provided for in guidelines issued by the Centers for Disease Control and Prevention.
- 2) *The court shall require any proceedings authorized by this Section to be conducted in camera. A record shall be made of such proceedings but shall be sealed, impounded and preserved in the records of the court, to be made available to the reviewing court in the event of an appeal. (Section 6(c) of the Act)*
- 3) The individual shall be given a written notice of any court proceedings conducted under this Section. The notice shall follow the procedures listed in 77 Ill. Adm. Code 690.1330 (Control of Communicable Diseases Code).
- f) *Any person who knowingly or maliciously disseminates any false information or report concerning the existence of syphilis, gonorrhea, chlamydia, [HIV](#) or chancroid under this Section is guilty of a Class A misdemeanor. (Section 6 (d) of the Act)*

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 693.100 Confidentiality

- a) *All information and records held by the Department and local health departments or designated agents relating to known or suspected cases of STIs shall be strictly confidential and exempt from inspection and copying under the Freedom of Information Act. The Department and local health departments or designated agents shall not disclose information and records held by them relating to known or suspected cases of STIs publicly or in any action of any kind in any court or before any tribunal, board or agency. (Section 8(a) of the Act)*
- b) Databases maintained by the Department, certified local health departments or designated agents containing the information described in subsection (a) shall not be released for the purposes of matching with other State agency databases.
- c) *Such information shall not be released or made public by the Department, local health departments or designated agents, or by a court or parties to a lawsuit upon revelation by subpoena, or by a court conducting proceedings authorized by Section 6(c) of the Act, except that release of such information may be made under the following circumstances:*
 - 1) *When made with the consent of all persons to which the information applies (Section 8(a)(1) of the Act);*
 - 2) *When made for statistical purposes and medical or epidemiologic information is summarized so that no person can be identified and no names are revealed (Section 8(a)(2) of the Act);*
 - 3) *When made to medical personnel for care and treatment purposes, including for the purposes of ensuring that medical providers can attempt to re-engage persons with HIV in care, appropriate State agencies expressly charged in the Act and this Part with enforcement of the provisions of the Act, or courts of appropriate jurisdiction to enforce the provisions of the Act and this Part (Section 8(a)(3) of the Act);*
 - 4) When authorized by 77 Ill. Adm. Code 697.210 (HIV/AIDS Confidentiality and Testing Code);
 - 5) When authorized by the AIDS Confidentiality Act.;

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- ~~6) When made to a school principal pursuant to 77 Ill. Adm. Code 697.400 (HIV/AIDS Confidentiality and Testing Code):~~
- c) *A court hearing a request for the issuance of a warrant as authorized in Section 6(c) of the Act shall conduct such proceedings in camera. A record shall be made of authorized proceedings but shall be sealed, impounded and preserved in the records of the court, to be made available to the reviewing court in the event of an appeal. (Section 8(c) of the Act)*
- d) *No employee of the Department, a local health department or designated agent shall be examined in a civil, criminal, special or other proceeding concerning the existence or contents of pertinent records of a person examined, tested, or treated for an STI, or a contact of the person, by the Department, a local health department or designated agent pursuant to the provisions of the Act, or concerning the existence or contents of such reports received from a health care professional or health care facility, pursuant to the provisions of the Act, without the consent of the person examined, tested or treated, or a contact to an STI, except in proceedings under Sections 6 and 7 of the Act. (Section 8(d) of the Act)*
- e) *All information and records held by the Department, a local health department or designated agent pertaining to health care contact risk assessment and notification activities shall be strictly confidential and exempt from copying and inspection under the Freedom of Information Act. Such information and records shall not be released or made public by the Department, a local health department or designated agent, and shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person and shall be treated in the same manner as the information and those records subject to the provisions of Part 21 of the Code of Civil Procedure except under the following circumstances:*
- 1) *When disclosure is made with the written consent of all persons to whom this information pertains;*
 - 2) *When authorized under Section 8 of the Act to be released under court order or subpoena pursuant to Section 12-5.01 of the Criminal Code of 1961; or*

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- 3) *When disclosure is made by the Department for the purpose of seeking a warrant authorized by Sections 6 and 7 of the Act. Such disclosure shall conform to the requirements of Section 8(a) of the Act. (Section 5.5 of the Act)*
- f) *Any person who knowingly or maliciously disseminates any information or report concerning the existence of any disease under Section 5.5 of the Act is guilty of a Class A Misdemeanor. (Section 5.5(d) of the Act)*

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 693.110 Examination and Treatment of Prisoners

- a) A local health department or the Department may enter any State, county or municipal detention facility located within its jurisdiction for the purpose of interviewing, examining, testing or treating any prisoner, detainee or parolee known to have or suspected of having an STI. A detention facility shall cooperate with the local health department or the Department and provide the space necessary for interviewing, ~~examining~~~~examining~~, testing or treating any prisoner, detainee or parolee known or suspected of having an STI.
- b) Interviewing, examination, testing or treatment shall be voluntary on the part of the prisoner, detainee or parolee, unless the Department obtains a court-issued warrant pursuant to Section 693.50 of this Part. In cases of noncompliant behavior, the Department may also seek court-ordered isolation pursuant to Section 693.60 of this Part.
- c) Any health care professional attending or examining prisoners, detainees or parolees at detention facilities shall follow the reporting requirements of Section 693.30 of this Part, except that reporting to the local health department or Department, where applicable, shall be made within seven days after diagnosing or treating a reportable STI. The superintendent or other administrator of the detention facility shall provide the health care professional with all reportable information required by the report form or this Part to ensure that a complete report is filed with the appropriate health authority.
- d) *Nothing in this Section shall be construed as relieving the Department of Corrections or any county or municipality of their primary responsibility for*

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providing medical services for prisoners under their jurisdiction, including treatment for STIs. (Section 9(b) of the Act)

- e) Subsections (a) and (b) do not apply to any examination, testing or treatment performed pursuant to Section 5-5-3(g) or (h) of the Unified Code of Corrections. Section 5-5-3 of the Unified Code of Corrections requires HIV testing of defendants convicted under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, or Section 1 or 2 of the Hypodermic Syringes and Needles Act.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 693.150 Expedited Partner Therapy (EPT)

- a) For the purposes of this Section, in addition to the definition in Section 693.10, health care professional means a physician licensed to practice medicine in all its branches, a physician assistant who has been delegated the provision of sexually transmissible infection therapy services or expedited partner therapy services by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the provision of sexually transmitted infections therapy services or expedited partner therapy services, or an advanced practice nurse who practices in a hospital or ambulatory surgical treatment center and possesses appropriate clinical privileges in accordance with the Nurse Practice Act. (Section 3 of the Act)
- b) Persons with a clinical diagnosis of chlamydia or gonorrhea, preferably confirmed with a laboratory test, are eligible for EPT.
- c) Sex partners of patients treated for chlamydia or gonorrhea, or both, who were exposed within the previous 60 days and who are unable or unlikely to seek medical care are eligible for EPT. If there were no sex partners within the previous 60 days, the most recent sex partner is eligible.
- d) Health care professionals who provide EPT shall comply with Sections 4 and 5 of the Act. (Section 6(e)(2) of the Act)

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- e) EPT is not contraindicated but is a last resort for pregnant partners. Health care professionals shall attempt to contact the pregnant partner and ensure that she is referred for medical care.
- f) Health care professionals who provide EPT shall provide counseling for the patient and written materials provided by the Department to be given by the patient to the partner or partners that include, at a minimum, the following:
- 1) A warning that a woman who is pregnant or might be pregnant must not take certain antibiotics and must immediately contact a health care professional for an examination, and a recommendation for such an examination;
 - 2) Information about the antibiotic and dosage provided or prescribed; clear and explicit allergy and side effect warnings, including a warning that a partner who has a history of allergy to the antibiotic or the pharmaceutical class of antibiotic must not take the antibiotic and must be immediately examined by a health care professional, and a recommendation for such an examination;
 - 3) Information about the treatment and prevention of sexually transmissible infections;
 - 4) The requirement of abstinence until a period of time after treatment to prevent infecting others;
 - 5) Notification of the:
 - A) importance of the partner or partners of the patient receiving examination and testing for HIV and other sexually transmissible infections; and
 - B) available resources;
 - 6) Notification of the risk to self, others, and the public health if the sexually transmissible infection is not completely and successfully treated;

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- 7) *The responsibility of the partner or partners to inform his or her sex partner or partners of the risk of sexually transmissible infection and the importance of prompt examination and treatment. (Section 6(e)(3) of the Act)*
- g) *A healthcare professional prescribing, dispensing, furnishing, or otherwise providing in good faith without fee and compensation prescription antibiotics to partners under this Section and providing counseling and written materials as required by subsection (f) shall not be subject to civil or professional liability, except for willful and wanton misconduct. A health care professional shall not be subject to civil or professional liability for choosing not to provide expedited partner therapy. (Section (6)(e)(5) of the Act)*
- h) *Educational materials will instruct all EPT recipients to seek care for STI and to seek HIV testing, regardless of whether they take the medication.*
- i) *Medication may be dispensed directly to the patient for delivery to the partner or partners. If the partner or partners are unable or unlikely to seek medical care, the prescription for the medication may be provided to the patient to be delivered to the partner or partners. A combination of partner strategies may be used; for example, a patient with several partners may refer one partner to a health care professional, but take EPT for other partners.*

(Source: Added at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: HIV/AIDS Confidentiality and Testing Code
- 2) Code Citation: 77 Ill. Adm. Code 697
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
697.30	Amend
697.100	Amend
697.140	Amend
697.400	Repeal
- 4) Statutory Authority: Implementing and authorized by the AIDS Confidentiality Act [410 ILCS 305]; the AIDS Registry Act [410 ILCS 310]; the Communicable Disease Prevention Act [410 ILCS 315]; the Perinatal HIV Prevention Act [410 ILCS 335]; and Sections 2310-10, 2310-315, 2310-325, and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10, 2310-315, 2310-325 and 2310-580]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 98-0353, which was passed on August 16, 2013 and removed the requirement to notify school principals of students enrolled in a school program who are HIV infected. Section 697.100 is being amended to change the word "confirmatory" to "supplemental," which is more in line with the new HIV testing algorithm, and to reference the definition of a supplemental test, which is included in Section 697.20.

The economic effect on this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 rule change will not affect any unit of local government that would require expenditures of local funds.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

217/782-2043
dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: School districts
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.”

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 697
HIV/AIDS CONFIDENTIALITY AND TESTING CODE

SUBPART A: GENERAL PROVISIONS

Section	
697.10	Applicability (Repealed)
697.20	Definitions
697.30	Incorporated and Referenced Materials
697.40	Administrative Hearings

SUBPART B: HIV TESTING

Section	
697.100	Approved HIV Tests and Testing Procedures
697.110	HIV Pre-Test Information
697.120	Informed Consent
697.130	Anonymous Testing
697.140	Nondisclosure of the Identity of a Person Tested or Test Results
697.150	Marriage License Testing Requirements (Repealed)
697.155	Delivery of HIV Test Results
697.160	HIV Testing for Insurance Purposes
697.170	Enforcement of the AIDS Confidentiality Act
697.180	HIV Testing for Blood and Human Tissue Donations

SUBPART C: HIV/AIDS REGISTRY SYSTEM

Section	
697.200	HIV/AIDS Registry System
697.210	Reporting Requirements
697.220	Release of HIV/AIDS Registry Data

SUBPART D: HIV COUNSELING AND TESTING CENTERS

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Section
697.300 HIV Counseling and Testing Centers (Repealed)

SUBPART E: MISCELLANEOUS PROVISIONS

Section
697.400 Notification of School Principals (Repealed)
697.410 Guidelines for the Management of Chronic Infectious Diseases in School
Children (Repealed)
697.420 Testing, Treatment or Counseling of Minors

697.APPENDIX A Sample HIV Testing Forms (Repealed)
697.ILLUSTRATION A Sample Written Informed Consent for HIV Antibody
Testing (Repealed)
697.ILLUSTRATION B Sample Marriage License Testing Certificate (Repealed)
697.APPENDIX B Statutory and Regulatory References to AIDS (Repealed)
697.APPENDIX C Sample Written Informed Consent for Rapid HIV Antibody Testing
(Repealed)

AUTHORITY: Implementing and authorized by the AIDS Confidentiality Act [410 ILCS 305]; the AIDS Registry Act [410 ILCS 310]; the Communicable Disease Prevention Act [410 ILCS 315]; the Perinatal HIV Prevention Act [410 ILCS 335]; and Sections 2310-10, 2310-315, 2310-325, and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10, 2310-315, 2310-325 and 2310-580].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 1601, effective January 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 9952, effective May 27, 1988; amended at 13 Ill. Reg. 11544, effective July 1, 1989; amended at 15 Ill. Reg. 11646, effective August 15, 1991; emergency amendment at 17 Ill. Reg. 1204, effective January 7, 1993, for a maximum of 150 days; emergency expired on June 7, 1993; amended at 17 Ill. Reg. 15899, effective September 20, 1993; amended at 19 Ill. Reg. 1117, effective January 20, 1995; amended at 22 Ill. Reg. 21994, effective December 9, 1998; amended at 28 Ill. Reg. 13905, effective October 8, 2004; emergency amendment at 29 Ill. Reg. 14558, effective September 14, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 2373, effective February 3, 2006; amended at 36 Ill. Reg. 7613, effective May 4, 2012; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

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Section 697.30 Incorporated and Referenced Materials

- a) The following materials are referenced in this Part:
- 1) Illinois Statutes
 - A) AIDS Confidentiality Act [410 ILCS 305]
 - B) AIDS Registry Act [410 ILCS 310]
 - ~~C) Communicable Disease Prevention Act [410 ILCS 315]~~
 - ~~CD) Unified Code of Corrections [730 ILCS 5]~~
 - ~~DE) Medical Patient Rights Act [410 ILCS 50]~~
 - ~~EF) Perinatal HIV Prevention Act [410 ILCS 335]~~
 - ~~EG) Civil Administrative Code of Illinois [20 ILCS 2310/55 to 55.45].~~
 - ~~H) School Code [105 ILCS 5]~~
 - ~~GF) Abused and Neglected Child Reporting Act [325 ILCS 5]~~
 - ~~HJ) Illinois Insurance Code [215 ILCS 5]~~
 - ~~IK) Consent by Minors to Medical Procedures Act [410 ILCS 210]~~
 - ~~JL) Illinois Sexually Transmissible Disease Control Act [410 ILCS 325]~~
 - ~~KM) Medical Practice Act of 1987 [225 ILCS 60]~~
 - ~~LN) Perinatal HIV Prevention Act [410 ILCS 335]~~
 - ~~MO) Criminal Code of 1961 [720 ILCS 5]~~
 - ~~NP) Code of Civil Procedure [735 ILCS 5]~~

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~~QQ~~) Illinois Anatomical Gift Act [755 ILCS 50]

~~PR~~) Organ Donation Request Act [755 ILCS 60]

~~S~~) ~~Communicable Disease Prevention Act [410 ILCS 315]~~

2) Illinois Rules

- A) Control of Communicable Disease Code (77 Ill. Adm. Code 690) (see in particular Section 697.140(a)(4) of this Part)
- B) Control of Sexually Transmissible ~~Infections~~~~Diseases~~ Code (77 Ill. Adm. Code 693) (see in particular Sections 697.140(a)(4) and 697.210(a) of this Part)
- C) Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450) (see in particular Section 697.180(c) and (e))
- D) Sperm Bank and Tissue Bank Code (77 Ill. Adm. Code 470) (see in particular Section 697.180(c) and (e))
- E) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (see in particular Section 697.40 of this Part)
- F) Hospital Licensing Requirements (77 Ill. Adm. Code 250)
- G) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
- H) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
- I) Illinois Veterans' Home Code (77 Ill. Adm. Code 340)
- J) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
- K) Long-term Care for Under Age 22 Facilities Code (77 Ill. Adm.

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Code 390)

- L) Community Living Facilities Code (77 Ill. Adm. Code 370)
- M) Illinois Health and Hazardous Substances Registry (77 Ill. Adm. Code 840)

3) Federal Statutes

~~A) Clinical Laboratory Improvement Amendments of 1988 (42 USC 263(a))~~

~~B) Education for All Handicapped Children Act (20 USC 921 and 1400)~~

b) The following materials are incorporated by reference in this Part:

1) Federal Regulations

A) 42 CFR 2a.4(a)-(j), 2a.6(a)-(b), and 2a.7(a)-(b), Protection of Identity – Research Subjects (~~October 1, 2004~~ April 4, 1979)

B) 45 CFR 164.501, Privacy Rule (Standards for Privacy of Individually Identifiable Health Information) of the Health Insurance Portability and Accountability Act of 1996 (~~October 1, 2013~~ October 1, 2007)

2) Other Guidelines

A) Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR), September 22, 2006, Vol. 55, No. RR-14

B) Recommendations for Use of Antiretroviral Drugs in Pregnant HIV-1-Infected Women for Maternal Health and Interventions to Reduce Perinatal HIV Transmission in the United States, May 24,

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2010; US Department of Health and Human Services, Panel on Treatment of HIV-Infected Pregnant Women and Prevention of Perinatal Transmission (A Working Group of the Office of AIDS Research Advisory Committee)

- c) All incorporations by reference of federal regulations or guidelines refer to the regulations or guidelines on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART B: HIV TESTING

Section 697.100 Approved HIV Tests and Testing Procedures

- a) Any person, laboratory, blood bank, hospital or other entity that conducts laboratory tests to detect the presence of HIV infection shall use an approved HIV test as defined in this Part. (See Section 697.20.)
- 1) **SupplementalConfirmatory** testing shall be completed before HIV test results are released to the health care professional or other individuals authorized to receive the results as described and limited in Section 697.140, except in the following situations:
- A) When immediate medical treatment is necessary to prevent further transmission of HIV to a newborn infant in labor, delivery and postpartum settings. For the purposes of this subsection (a)(1), immediate medical treatment, for a newborn infant, means *upon delivery or within 48 hours after the infant's birth*. (Section 10 of the Perinatal HIV Prevention Act) Treatment shall be conducted as provided by the Recommendations for Use of Antiretroviral Drugs in Pregnant HIV-1-Infected Women for Maternal Health and Interventions to Reduce Perinatal HIV Transmission in the United States (see Section 697.30);
- B) In instances of occupational exposure, as provided by Section 697.140(a)(8) and (9); or

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- C) At the time of testing, provided that the subject of the test or the subject's legally authorized representative has received pre-test information, has been informed of his/her right to refuse testing, and has provided consent to be tested and to receive a preliminary test result in accordance with Sections 697.110 and 697.120, except in the case of a newborn infant as provided in the Perinatal HIV Prevention Act.
- 2) Before testing is conducted under subsection (a)(1)(A) or (B) (C), the subject of the test or the subject's legally authorized representative shall receive pre-test information and shall have provided specific written or verbal informed consent to be tested and to receive a preliminary test result in accordance with Sections 697.110 and 697.120, except in the case of a newborn infant as provided in the Perinatal HIV Prevention Act. The provision of pre-test information and informed consent shall be documented in the patient's medical record or as part of the consent form for medical care or HIV testing completed by the patient.
- 3) In the exceptions described in subsection (a)(1)(A) or (B) , a preliminary test result may be released to persons specified in Section 697.140(a)(1), (2), (3), (8), or (9).
- 4) Any release of preliminary positive results from HIV tests shall include a disclaimer that an HIV infection has not been diagnosed and cannot be diagnosed without supplemental testing.
- b) HIV testing shall be a routine part of general medical care, as recommended by the United States Centers for Disease Control and Prevention, Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings.
- c) The Department will conduct training, technical assistance, and outreach activities, as needed, to encourage routine opt-out HIV testing in health care settings.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 697.140 Nondisclosure of the Identity of a Person Tested or Test Results

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- a) *No person may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons. (Section 9 of the Act) The term "disclose" as used in this subsection (a) shall not prohibit internal use by a person, or a person's agents or employees, for the purposes of treatment, payment and health care operations, as those terms are defined in 45 CFR 164.501. Any internal use shall be limited to those agents or employees, and the minimum necessary information, needed to accomplish the intended purposes of treatment, payment or health care operations.*
- 1) *The subject of the test or the subject's legally authorized representative (Section 9(a) of the Act).*
 - 2) *Any person designated in a legally effective release of the test results executed by the subject of the test or the subject's legally authorized representative. (Section 9(b) of the Act) A legally effective release means a time-limited written release of medical information signed by the test subject.*
 - 3) *An authorized agent or employee of a health care facility or health care professional or referring, treating or consulting health care professional of the test subject, if:*
 - A) *The health care facility or health care professional is authorized to obtain the test results. Health care facility or health care professional, for the purposes of this subsection (a)(3)(A), includes personnel who handle and process medical records for that health care facility or health care professional;*
 - B) *The agent or employee or referring, treating or consulting health care professional of the test subject provides patient care or handles or processes specimens of body fluids or tissues;*
 - C) *The agent or employee or the test subject's referring, treating or consulting health care professional has a need to know such information. (Section 9(c) of the Act); or*

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- D) The agent or employee when involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of a patient that is of a nature likely to transmit HIV, such as needle stick or percutaneous exposure, as certified by a health care professional.
- 4) *The Department or the local health authority, in accordance with rules for reporting and controlling the spread of disease, or as otherwise provided by State law. (See 77 Ill. Adm. Code 690, 693, 250, 300, 330, 340, 350, 370, 390, and 840.) The Department, local health department or designated agent shall not disclose information and records held by them relating to known or suspected cases of AIDS or HIV infection, publicly or in any action of any kind in any court or before any tribunal, board or agency. AIDS and HIV Infection shall be protected from disclosure in accordance with the provisions of Sections 8-2101 through 8-2105 of the Code of Civil Procedure. (Section 9(d) of the Act)*
- 5) *A health care facility or health care professional which procures, processes, distributes or uses:*
- A) *A human body part from a deceased person with respect to medical information regarding the person; or*
- B) *Semen provided prior to September 21, 1987, for the purpose of artificial insemination. (Section 9(e) of the Act)*
- 6) *Health care facility staff committees for the purpose of conducting program monitoring, program evaluation or service reviews conducted by, but not limited to, the Department, local health authority or designated agent. (Section 9(f) of the Act)*
- ~~7) *A school principal in accordance with Section 697.400 of this Part.*~~
- 78) *Any health care professional or employee of a health care facility, and any firefighter or any EMT-B, EMT-I, EMT-P involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his or her medical judgment. (Section 9(h) of the Act)*

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- ~~89~~ *Any law enforcement officer, as defined in subsection (c) of Section 7 of the Act, involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his or her medical judgment. (Section 9(i) of the Act)*
- ~~910~~ *A temporary caretaker of a child taken into temporary protective custody by the Department of Children and Family Services pursuant to Section 5 of the Abused and Neglected Child Reporting Act. (Section 9(j) of the Act)*
- b) HIV test results may be disclosed to researchers when done in a manner that does not reveal the identity of the subject of the test. The de-identification of test results may be performed by an authorized agent or employee of a health facility or health care professional. Any test results that cannot be revealed without identifying the subject of the test shall be disclosed only in accordance with subsection (a). The Department shall disclose test results and demographic data without identifying information to researchers, in accordance with Section 697.220.
- c) No person may disclose unconfirmed HIV test results in a manner that permits the identification of the subject of the test, except in accordance with Section 697.100(a)(1).
- d) Documentation of informed consent, including written forms, if any, and HIV test results may be maintained, documented, and transmitted in a confidential manner in an electronic medical record system, medical record or confidential fax that allows disclosure only to persons authorized to receive the information under subsection (a).
- e) Liability and Sanctions
- 1) *Nothing in the Act or this Part shall be construed to impose civil liability or criminal sanction for disclosure of a test result in accordance with any reporting requirement of the Department for a diagnosed case of HIV infection, AIDS or a related condition. (Section 15 of the Act)*

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- 2) *Nothing in the Act or this Part shall be construed to impose civil or criminal sanction for performing a test without informed consent pursuant to the provisions of Section 7(b) or (c) of the Act. (Section 15 of the Act)*
- 3) *The intentional or reckless violation of the Act or this Part shall constitute a Class A misdemeanor. (Section 12 of the Act)*
- f) *Sections 697.110, 697.120, 697.130 and 697.140 shall not apply to eligibility and coverage requirements established by a health maintenance organization nor to any insurance company, fraternal benefit society, or other insurer regulated under the Illinois Insurance Code. (Section 15.1 of the Act)*

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART E: MISCELLANEOUS PROVISIONS

Section 697.400 Notification of School Principals (Repealed)

- a) ~~*Whenever a child of school age is reported to the Department or a local health department with a confirmed HIV infection, the Department or local health authority shall give prompt (within three working days) and confidential notice of the identity of the child to the principal of the school in which the child is enrolled. If the child is enrolled in a public school, the principal shall disclose the identity of the child to the superintendent of the school district in which the child resides. (Section 2a of the Communicable Disease Prevention Act) School age is defined as between ages 5 and 21 by Section 10-20.12 of the School Code and between ages 3 and 21 for handicapped children by the Education for All Handicapped Children Act. Diagnosed cases and laboratory results are reported to the Department in accordance with the Control of Sexually Transmissible Infections Code. If the child resides in a county or city governed by a Local Health authority, notification shall be the responsibility of the Local Health authority. In all other cases, notification shall be the responsibility of the Department. The Local Health authority or the Department shall offer assistance to the principal concerning HIV, the availability of counseling and training, and guidelines for management of the child in the classroom.*~~
- b) ~~*Upon receipt of the notice, the principal may, as necessary, such as when a student needs medical attention or must take medication during school attendance,*~~

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~~or when the student's clinical condition necessitates other services, disclose the identity of an infected child to the school nurse at that school, the classroom teachers in whose classes the child is enrolled, and those persons who, pursuant to federal or State law, are required to decide the placement or educational program of the child. In addition, the principal may inform such other persons as may be necessary, in the opinion of the principal, that an infected child is enrolled at that school so long as the child's identity is not revealed. (Section 2a of the Communicable Disease Prevention Act)~~

- e) ~~No person to whom the child's identity is disclosed may disclose the information to any other person except as permitted by law (see Sections 9 and 10 of the Act).~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Programs for the Preparation of Superintendents in Illinois
- 2) Code Citation: 23 Ill. Adm. Code 33
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
33.10	New
33.20	New
33.30	New
33.40	New
33.45	New
33.50	New
33.60	New
33.70	New
33.APPENDIX A	New
33.APPENDIX B	New
33.APPENDIX C	New
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: In 2012, State Board educator licensure staff formed the Illinois Superintendent Advisory Group (ISAG) with the charge of developing recommendations to redesign the way in which superintendents are prepared in Illinois. The group met monthly from July 2012 to May 2013 and consisted of practicing and retired superintendents, as well as representatives of institutions of higher education with superintendent preparation programs, the Illinois Board of Higher Education, teachers unions, organizations that advocate on behalf of or study education, and groups that crafted the redesigned principal preparation programs several years ago.

The examination of the way in which superintendents are prepared represents a continuation of efforts to redesign educator preparation programs. The ISAG's recommendations build upon the work of the Illinois School Leadership Task Force and others, regarding principal preparation, by focusing on the role of the school district superintendent as the chief instructional leader of the district. The expectations for and competencies expected of candidates in the new superintendent preparation programs are informed by recent educational reforms, such as implementation of performance evaluations incorporating student growth, and the results of ongoing research focusing on the impact that effective school leadership has on student achievement.

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Proposed New Part 33 borrows heavily from the structure of 23 Ill. Adm. Code 30 (Programs for the Preparation of Principals in Illinois). It is organized around general requirements, internship and required coursework, candidate selection, program approval and competencies for superintendents.

Staff are proposing that programs that prepare superintendents meet the new requirements set forth in Part 33 by September 1, 2019, which should give existing programs ample time to ensure alignment. Further, existing programs will not be allowed to enroll any new candidates after September 1, 2016, thereby enabling the cohorts participating in those programs to complete their studies and receive the endorsement before the new requirements take effect. Currently, 18 programs are approved for the preparation of superintendents.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes; see Section 33.30(c).
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777-0001

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217/782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 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 2014

The full text of the Proposed Rules 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 b: PERSONNEL

PART 33

PROGRAMS FOR THE PREPARATION OF SUPERINTENDENTS IN ILLINOIS

Section

33.10	Definitions
33.20	Purpose and Applicability
33.30	General Program Requirements
33.40	Internship Requirements
33.45	Assessment of the Internship
33.50	Coursework Requirements
33.60	Candidate Selection
33.70	Program Approval and Review
33.Appendix A	Competencies for Superintendents
33.Appendix B	Standard 2: Required Assessments
33.Appendix C	Standard 2: Assessment Rubric

AUTHORITY: Implementing Section 21B-25 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/21B-25 and 2-3.6].

SOURCE: Adopted at 38 Ill. Reg. _____, effective _____.

Section 33.10 Definitions

As used in this Part:

"Educational unit" means the college, school, department or division of an institution or not-for-profit entity that is primarily responsible for the initial and continuing preparation of educators.

"Field-based experiences" means multiple experiences that occur within a school setting that relate directly to core subject matter of the course and enable candidates to apply theory to practice.

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"Internship" means a sustained, continuous, structured and supervised experience lasting a minimum of 12 months, with defined objectives and activities designed to enable candidates to acquire the skills and knowledge necessary to demonstrate mastery of certain competencies expected of superintendents. (Also see Appendix A.)

"Internship Supervisor" means a superintendent of the school district where a candidate's internship is conducted and who supervises candidates during the internship period.

"Institution" means a regionally accredited institution of higher learning as specified in Section 21B-105 of the School Code [105 ILCS 5/21B-105]. (Also see 23 Ill. Adm. Code 25.10 (Accredited Institution).)

"Not-for-profit entity" means an entity that is subject to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] or incorporated as a not-for-profit entity in another state but registered to do business in the State of Illinois pursuant to the Business Corporation Act of 1983 [805 ILCS 5] and that is recognized to provide an educator preparation program in the State of Illinois pursuant to 23 Ill. Adm. Code 25.Subpart C (Approving Programs that Prepare Professional Educators in the State of Illinois).

"Partner" means one or more institutions, not-for-profit entities or school districts that jointly design, implement and administer the superintendent preparation program. For the purposes of this Part, "partners" do not include school districts and their schools that serve only as sites for candidates to complete internship requirements or field experiences.

"Program completers" means persons who have met all the requirements of a State-approved superintendent preparation program established pursuant to this Part and who have fulfilled the requirements for receipt of a superintendent endorsement set forth in Section 21B-25 of the School Code [105 ILCS 5/21B-25] and 23 Ill. Adm. Code 25.355 (Endorsement for Superintendent (2019)).

Section 33.20 Purpose and Applicability

- a) This Part sets forth the requirements for the approval of programs to provide individuals with the knowledge, skills and experiences necessary to implement a

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systems-orientation approach to educational leadership, financial oversight, school management, and parental and community involvement.

- b) Requirements of this Part are in addition to the requirements for the approval of new educator preparation programs set forth in 23 Ill. Adm. Code 25.Subpart C.
- c) Candidates successfully completing a superintendent preparation program shall obtain a superintendent endorsement on a professional educator license and are eligible to work as superintendents or assistant superintendents.
- d) No later than September 1, 2019, all programs for the preparation of superintendents shall meet the requirements set forth in this Part.
- e) Beginning September 1, 2016, institutions or not-for-profit entities may admit new candidates only to superintendent preparation programs that have been approved under this Part.

Section 33.30 General Program Requirements

- a) The program shall be jointly established by one or more institutions or not-for-profit entities in partnership with one or more public school districts and in consultation with one or more professional organizations that represent school administrators, school boards, chief school business officials or regional superintendents of education.
- b) The responsibility and roles of each partner in the design, implementation and administration of the program shall be set forth in a written agreement signed by each partner. The written agreement shall address at least the following:
 - 1) the process and responsibilities of each partner for the selection and assessment of candidates;
 - 2) the establishment of the internship and any field experiences, and the specific roles of each partner in providing those experiences, as applicable;

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- 3) the development and implementation of a training program for internship supervisors and faculty supervisors that supports candidates' progress during their internships in participating in and demonstrating leadership;
 - 4) names and locations of non-partnering school districts where the internship and any field experiences may occur, including the roles and responsibilities of the participating districts and the provider; and
 - 5) the process to evaluate the program at least annually, including the partnership, and the role of each partner in making improvements based on the results of the evaluation.
- c) Each program shall meet the Educational Leadership Program Standards: 2011 ELCC District Level published by the National Policy Board for Educational Administration, 1615 Duke Street, Alexandria VA 22314-3483 and posted at <http://npbea.org/wp-content/uploads/2012/06/ELCC-District-Level-Standards-2011.pdf>. No later amendments to or editions of these standards are incorporated by this Part.
- d) Each program shall offer curricula that address student learning, school improvement and system management and focus on:
- 1) support of rigorous standards for all students (e.g., students with disabilities, English language learners, gifted students, students in early childhood programs) and high-quality accountability systems that promote increasing student achievement and improving results;
 - 2) the efficient use of district or school resources (e.g., human, fiscal, technological) and the importance of maintaining a safe, healthy and productive environment;
 - 3) understanding the knowledge, skills and responsibilities of high-quality professional staff, as articulated in standards governing the receipt of educator licensure listed at 23 Ill. Code 25.115(e)(1) (Recognition of Institutions and Educational Units, and Approval of Programs); and

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- 4) collaborative relationships with all members of the school community (e.g., parents, school board members, local school councils or other governing councils, community partners).

Section 33.40 Internship Requirements

- a) The internship portion of the program shall be conducted at one or more public school districts so as to enable the candidate to be exposed to and to participate in a variety of educational leadership situations in settings that represent diverse economic and cultural conditions and involve interaction with various members of the school community (e.g., parents, school board members, local school councils or other governing councils, community partners).
 - 1) The internship shall consist of the following components:
 - A) Engagement in leadership activities at all grade levels (i.e., preschool through grade 12), that focus on creating, evaluating, selecting, supervising and monitoring high-quality and rigorous curricular, instructional, assessment and financial resources designed to:
 - 1) increase achievement of students in general education, special education, bilingual education and gifted education settings; and
 - 2) contribute to school improvement;
 - B) Active participation in the hiring, supervision and evaluation of administrators, teachers, other licensed staff and nonlicensed staff, as applicable, and development of professional development plans aligned to the goals of the district improvement plan;
 - C) Active participation in management and operational activities (e.g., strategic or long-range planning, policies and procedures, budgeting and financial management, facilities maintenance) that promote efficiency and a safe and healthy environment; and

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- D) Active collaboration with administrators, faculty, families and communities that results in decision-making that has legal and ethical bases.
- 2) The internship shall require the candidate to work directly with administrators and others in the school district's primary office and to participate and take the lead in specific tasks related to meeting the competencies referenced in Appendix A.
- b) A public school district may serve as an internship site if:
 - 1) the superintendent:
 - A) holds a valid and current professional educator license endorsed for superintendent issued pursuant to 23 Ill. Adm. Code 25.355 or 25.360; or
 - B) if the internship site is located in another state, holds a valid and current license that is comparable to the required Illinois professional educator license endorsed for superintendent issued by the state in which the internship site is located.
 - 2) In all cases, the superintendent shall have two years of successful experience in that position as evidenced by relevant data and formal evaluations or letters of recommendation from former supervisors that reflect achievement of the competencies set forth in Appendix A.
- c) The school district superintendent shall serve as the internship supervisor for that portion of the program.
 - 1) Each internship supervisor shall meet the following qualifications:
 - A) hold a valid and current professional educator license endorsed for superintendent or a valid and current license that is comparable to the required Illinois professional educator license endorsed for superintendent issued by the state in which the internship site is located; and

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- B) have served at least two years on a full-time basis as a superintendent, except that a first-year superintendent may serve as the internship supervisor if that individual was hired after the candidate started the internship in the respective school district.
- 2) Each internship supervisor shall:
- A) assign the candidate to the administrative staff whose duties and responsibilities are most closely aligned to the particular leadership skills and experiences being assessed; however, the internship supervisor shall retain supervisory authority and oversight for the candidate's progress;
 - B) observe, evaluate and provide feedback to each candidate about the candidate's performance; and
 - C) work in collaboration with other personnel with whom the candidate has been assigned to complete the assessment of the candidate's performance during the internship as required pursuant to Section 33.45.
- d) Programs shall ensure that each candidate:
- 1) successfully completes the training and passes the assessment required under Section 24A-3 of the School Code [105 ILCS 5/24A-3] prior to licensure, or before the candidate evaluates staff, should evaluations be included as a component of the preparation program, whichever occurs first; and
 - 2) passes the applicable content-area test (see 23 Ill. Adm. Code 25.710 (Definitions)) prior to licensure.
- e) Programs may charge fees of candidates, in addition to tuition, to be used to reimburse school districts for the costs of employing substitute administrators for candidates who are full-time administrators and must be absent from their school districts in order to complete internship activities.

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- f) Programs may provide monetary stipends for candidates while they are participating in their internship.
- g) A program may extend the length of an internship beyond the expected date of completion for any candidate who has to discontinue the internship portion of the program due to unforeseen circumstances, such as a medical or family emergency, provided that the program adopts procedures for requesting the exemption, the specific reasons under which the exemption would be granted, and the length of time within which a candidate must resume the internship. A copy of the policy shall be provided to each candidate who enrolls in the program.

Section 33.45 Assessment of the Internship

- a) The superintendent preparation program shall rate each candidate's level of knowledge and abilities gained as a result of the candidate's participation in the internship required under Section 33.40 by implementing a process to assess both the candidate's understanding of school practices that foster student achievement and a positive learning environment and of his or her ability to provide effective leadership. The assessment process and any rubrics to be used shall be submitted as part of the program's application for approval under Section 33.70.
- b) Except for ELCC Standard 2 (Curriculum and Instruction), the candidate shall demonstrate the competencies listed in Appendix A by completing during the course of the internship the tasks specific to each of the competencies identified in the assessment rubric developed pursuant to subsection (a).
- c) Each superintendent preparation program shall use the assessments identified in Appendix B to determine a candidate's level of knowledge and abilities gained relative to competencies defined for ELCC Standard 2 (Curriculum and Instruction). The program shall rate a candidate's demonstration of having achieved competencies listed in Appendix B as "meets the standards" or "does not meet the standards" in accordance with the rubric set forth in Appendix C.
 - 1) A candidate must achieve a "meets the standards" on each competency in order to successfully complete the internship.

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- 2) A candidate who fails to achieve a "meets the standards" on any of the competencies may repeat the tasks associated with the failed competency at the discretion of the superintendent preparation program.

Section 33.50 Coursework Requirements

- a) The coursework required by the preparation program of its candidates must cover each of the following areas:
 - 1) State and federal laws, regulations and case law affecting Illinois public schools;
 - 2) State and federal laws, regulations and case law regarding programs for students with disabilities and English language learners;
 - 3) use of technology for effective teaching and learning and administrative needs;
 - 4) use of a process that determines how a child responds to scientific, research-based interventions that are designed to screen students who may be at risk of academic failure, monitor the effectiveness of instruction proposed for students identified as at risk, and modify instruction as needed to meet the needs of each student;
 - 5) identification of bullying; understanding the different types of bullying behavior and its harm to individual students and the school; and the importance of teaching, promoting and rewarding a peaceful and productive school climate; and
 - 6) the process to be used to evaluate licensed staff in accordance with the provisions of Section 24A-3 of the School Code.
- b) The superintendent preparation program shall determine the courses for which completion of field experiences will be required and the time allotted to field experiences across all courses in the curriculum.
- c) A superintendent preparation program may allow candidates to "proficiency out" of certain coursework, provided that the candidate presents acceptable evidence of

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having mastered the competencies gained from the coursework and the program has adopted a policy regarding proficiency procedures.

- 1) The policy adopted under this subsection (c) shall require that candidates provide evidence of specific experiences that exemplify competency rather than providing only the results from written examinations or evidence of participation in an activity.
 - 2) The policy adopted under this subsection (c) shall list those courses that are mandatory for program completion, regardless of a candidate's previously acquired competencies.
- d) In addition to meeting the requirements in subsections (a) and (b), programs providing 50 percent or more of coursework via distance learning or video-conferencing technology shall be approved only if they meet the following conditions.
- 1) Candidates must be observed by a full-time tenure track faculty member who provides instruction in the superintendent preparation program. The observations, which must take place in person, shall be for a minimum of two full days each semester, and for a minimum of 20 days throughout the length of the program. The observations must include time spent interacting and working with the candidate in a variety of settings (e.g., attending meetings with the candidate, observing the candidate during the internship portion of the program, working with school board members or other school administrators, participating in budget-setting sessions).
 - 2) Each candidate shall be required to spend a minimum of one day per semester, exclusive of internship periods, at the program's Illinois facility in order to meet with the program's full-time faculty, to present and reflect on projects and research for coursework recently completed, and to discuss the candidate's progress in the program.

Section 33.60 Candidate Selection

Candidates admitted to a program for superintendent preparation shall be selected through an in-person interview process. Each candidate must meet the following minimum requirements:

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- a) Hold a valid and current Illinois professional educator license endorsed in general administrative, principal, chief school business official or director of special education.
- b) Have at least two years' full-time administrative or supervisory experience in a public school district or nonpublic school recognized in accordance with 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools) on one of the following endorsements to the professional educator license or, for out-of-state candidates, the requisite experience while holding a certificate or license that is comparable to the respective Illinois credential:
 - 1) General Administrative: Administrative experience on this endorsement shall count toward fulfillment of the requirements of this subsection (b) only for the time in which the individual served as a principal;
 - 2) Principal;
 - 3) Director of Special Education;
 - 4) Chief School Business Official.
- c) Passage of the test of basic skills if the candidate had not been required to take the test for receipt of his or her Illinois professional educator license or previously issued administrative certificate (see 23 Ill. Adm. Code 25.720(b) (Applicability of Testing Requirements and Scores)).
- d) Submission of a portfolio that presents evidence of a candidate's achievements during his or her administrative experience in each of the following categories:
 - 1) Support of all students in the classroom to achieve high standards of learning;
 - 2) Significant leadership roles in the school (e.g., curriculum, assessment or instructional development, school management or budgeting, evaluation of staff, mentoring);
 - 3) Strong oral and written communication skills;

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- 4) Analytic abilities needed to collect and analyze data for school and district improvement;
 - 5) Demonstrated respect for family and community;
 - 6) Strong interpersonal skills; and
 - 7) Strong demonstrated leadership skills and abilities.
- e) For purposes of subsection (d), "evidence" includes, but is not limited to:
- 1) Evaluations of the candidate's administrative abilities from supervisors that attest to school and district improvement;
 - 2) Evidence of leadership roles held and descriptions of the impact the candidate has had on the classroom, school or district, or the constituents served;
 - 3) An analysis of school or district data (e.g., student scores) that describes how the data were used to inform instructional planning and implementation, including an explanation of what standards were addressed, the academic achievement or school improvement outcomes, and steps taken when expected outcomes did not occur;
 - 4) Information about the candidate's work with families and/or community groups and a description of how this work affected school or district operations, policies and procedures;
 - 5) Examples of the candidate's analytical abilities as evidenced by a description of how he or she used the results from student assessments to improve student learning; and
 - 6) Evidence of curriculum development, student assessments or other initiatives that resulted from the candidate's involvement with school committees.
- f) Each applicant shall interview face to face with no fewer than two of the program's full-time faculty members and shall, at a minimum, discuss the contents

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of his or her portfolio and complete on site a written response to a scenario presented by the interviewers.

Section 33.70 Program Approval and Review

- a) A program seeking approval shall follow the procedures set forth in 23 Ill. Adm. Code 25.145 (Approval of New Programs within Recognized Institutions).
- b) In addition to meeting the requirements of 23 Ill. Adm. Code 25.145, the program proposal required to be submitted as part of the request for approval shall specify how the program will meet the requirements set forth in this Part, as well as address each of the following:
 - 1) The guidance to be developed to ensure that internship supervisors effectively assist candidates to optimize their experiences during the internship;
 - 2) The roles and responsibilities of candidates and internship supervisors;
 - 3) The process the institution or not-for-profit entity will use to communicate with the internship supervisor and candidate;
 - 4) Any additional requirements for admission to the program that the institution or not-for-profit entity will impose;
 - 5) A description of the rubric the program will use to assess and evaluate the quality of a candidate's portfolio required under Section 33.60;
 - 6) The competencies, to include those specified in Appendix A, expected of candidates who complete the program and how those expectations will be communicated to the candidate upon his or her admittance to the program;
 - 7) The activities to meet the expectations embedded in the competencies specified in Appendix A that will be required of candidates for completion of the program and how these activities and expectations will be communicated to the candidate upon his or her admittance to the program;

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- 8) A copy of the partnership agreement or agreements and a description of the partners' involvement in the development of the program, a description of the roles each partner will have, and information about how the partnership will continue to operate and how it will be evaluated;
- 9) A copy of any agreements with school districts (other than those participating in the partnership) that will serve as sites for the internship or field experiences;
- 10) A description of each course proposed and the internship, to include:
 - A) a course syllabus;
 - B) how progress will be measured and successful completion will be determined;
 - C) a data table that demonstrates each course's, and the internship's, alignment to the ELCC standards (see Section 33.30(c)); and
 - D) for individual courses, a detailed description of any field experiences required for course completion;
- 11) Copies of assessments and rubrics to be used in the program, including but not limited to samples of scenarios to which a candidate must provide a written response and interview questions for selection in the program and any additional assessments to be used for the internship beyond what is required under Section 33.45;
- 12) A description of the coursework for candidates and training to be provided for faculty members relative to the evaluation of licensed staff under Article 24A of the School Code [105 ILCS 5/Art. 24A]; and
- 13) A complete description of how data about the program will be collected, analyzed and used for program improvement, and how these data will be shared with the educational unit or not-for-profit entity and the partnering school district.

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- c) A request for program approval shall be submitted to the State Superintendent for consideration (see 23 Ill. Adm. Code 25.145(b)). The State Superintendent shall provide a complete request to the Superintendent Preparation Review Panel for its review and recommendation as to whether the program should be approved. The panel, to be appointed by the State Superintendent, shall consist of:
- 1) two individuals holding current and valid Illinois professional educator licenses endorsed in a teaching field and currently employed in Illinois public schools;
 - 2) four individuals holding current and valid professional educator licenses endorsed for superintendent, and currently employed as superintendents in Illinois public schools;
 - 3) two individuals holding current and valid professional educator licenses endorsed for principal or general administrative and currently employed as principals in Illinois public schools;
 - 4) two individuals from institutions of higher education in Illinois that have a recognized educational unit approved for the provision of educator preparation programs pursuant to 23 Ill. Adm. Code 25.Subpart C, one of whom shall be from a public institution and one of whom shall be from a nonpublic institution; and
 - 5) one licensed administrative staff member currently employed in a school district in any city in Illinois having a population exceeding 500,000.
- d) The Superintendent Preparation Review Panel shall acknowledge receipt of the request for approval within 30 days after receipt. Based upon its review, the Panel may:
- 1) issue a recommendation to the State Educator Preparation and Licensure Board (SEPLB) that the superintendent preparation program be approved; a copy of that recommendation and notification of the SEPLB's meeting to consider the Panel's recommendation shall be provided to the applicant; or
 - 2) issue a recommendation to the SEPLB that the superintendent preparation program be denied, including the reasons for the recommended denial; a

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copy of that recommendation and notification of the SEPLB's meeting to consider the Panel's recommendation shall be provided to the applicant.

- e) An institution or not-for-profit entity may withdraw its request for approval by notifying the State Superintendent of Education of its intent to withdraw no later than 15 days after it receives notification of the Superintendent Preparation Review Panel's recommendation.
- f) Actions following upon the recommendation of the SEPLB shall be as described in 23 Ill. Adm. Code 25.160 (Notification of Recommendations; Decisions by State Board of Education).
- g) An approved principal preparation program shall be subject to the review process set forth in 23 Ill. Adm. Code 25.Subpart C.

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Section 33.Appendix A Competencies for Superintendents

This Appendix sets forth the competencies that a candidate must acquire, aligned to each of the Standard Elements of the Educational Leadership Program Standards: 2011 ELCC District Level, as a result of successfully completing a superintendent preparation program.

Standard Category and Standard Elements	Competencies Aligned to the Standard Elements
Standard 1: Vision	The candidate has acquired the knowledge, skills and experience to lead a board of education, community and district stakeholders to:
Standard Element 1.1 Understand and collaboratively develop, articulate, implement and steward a shared vision of learning for a school district.	Design, lead and support a collaborative process for developing and implementing a shared district vision and mission for learning that is characterized by a respect for students and their families, and community partnerships and includes a focus on the future.
Standard Element 1.2 Understand and collect and use data to identify district goals, assess organizational effectiveness and implement district goals.	Identify district-based tactical and strategic goals, and collaboratively develop implementation plans to achieve those goals and promote organizational learning and effectiveness.
Standard Element 1.3 Understand and promote continuous and sustainable district improvement.	Lead the process to develop a comprehensive plan for communicating and stewarding the district's vision, using evidence-centered continuous and sustainable improvement strategies, data reporting and strategic planning processes.
Standard 1.4 Understand and evaluate district progress and revise district plans supported by stakeholders.	Lead the process to evaluate district improvement processes to identify strategies or practices to be used to build the organizational capacity necessary to support continual and sustainable district improvement supported by district stakeholders.

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Standard 2: Curriculum, Instruction and Assessment	
<p>Standard Element 2.1</p> <p>Advocate, nurture and sustain a district culture and instructional program conducive to student learning through collaboration, trust and a personalized learning environment with high expectations for students.</p>	<p>Promote the district's plan for all students to achieve academic and social-emotional success.</p>
<p>Standard Element 2.2</p> <p>Understand and create and evaluate a comprehensive, rigorous and coherent curricular and instructional program for the district.</p>	<p>a) Lead the district in the process to create and evaluate comprehensive, rigorous, and coherent programs to maximize high-quality teaching and learning practices within the district;</p> <p>b) Lead district change and collaboration that focuses on improvements to district practices, student outcomes, curriculum, instruction and assessment that:</p> <ol style="list-style-type: none"> 1) Incorporates cultural competence in development of these programs; 2) Meets the unique learning needs and interests of diverse student populations; and 3) Personalizes the learning environment with high expectations for all students.
<p>Standard Element 2.3</p> <p>Understand and develop and supervise the instructional and leadership capacity across the district.</p>	<p>a) Systematically direct the monitoring of teaching and learning practices across the district and provide assistance to school administrators;</p> <p>b) Facilitate the direction of the alignment of curriculum, instruction and assessments;</p> <p>c) Direct the use of evidence-based research in making curricular, instructional and assessment decisions;</p> <p>d) Provide district resources to support high-quality curriculum, instruction and assessments;</p> <p>e) Link the evaluation process to student progress, utilizing data from principals and teachers, and other related data sources;</p> <p>f) Develop assessment and accountability systems that</p>

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	<p>utilize multiple data sources to monitor student success;</p> <p>g) Lead the process to design performance evaluation systems for staff based on multiple measures of professional performance and student outcomes, and provide feedback based on evidence;</p> <p>h) Provide leadership for districtwide and school-level professional development plans that result in continuous growth and increased capacity of school staff and leaders for improved teaching and student learning; and</p> <p>i) Set the expectation that the faculty and staff maximize time spent on curriculum, instruction and assessment.</p>
<p>Standard Element 2.4</p> <p>Understand and promote the most effective and appropriate technologies to support teaching and learning within the district.</p>	<p>a) Lead the use of district technology and performance management systems to support teaching and learning; and</p> <p>b) Monitor, evaluate and report on the effectiveness of curriculum, instruction and assessment practices across the district, and make appropriate recommendations.</p>
<p>Standard 3: Management</p>	
<p>Standard Element 3.1</p> <p>Understand and monitor and evaluate district management and operational systems.</p>	<p>a) Develop and oversee district systems for effective and efficient management of policies, procedures and practices;</p> <p>b) Review and utilize the district's strategic and long-range plans to guide the district's daily practices;</p> <p>c) Analyze district processes and operations to identify and place in priority order strategic and tactical challenges for the district; and</p> <p>d) Identify and demonstrate the ability to lead the process to implement best practices in personnel management, facilities operation, financial and student procedures, data management, technology management and transportation systems.</p>
<p>Standard Element 3.2</p>	<p>a) Develop multi-year fiscal plans and annual budgets aligned to the district's strategic plan (vision,</p>

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Understand and efficiently use human, fiscal and technological resources within the district.	<p>mission, values and goals);</p> <p>b) Analyze and develop a district's budget and financial status and project the district's long-term resource needs and expenditures;</p> <p>c) Lead the process to develop and implement facility and space utilization plans for the district;</p> <p>d) Lead the process to develop plans that reflect the district's vision for the use of technology to manage district operational systems;</p> <p>e) Identify, recommend, secure, allocate and evaluate appropriate human resources to support the educational program and operations;</p> <p>f) Demonstrate the ability to implement effective internal controls for the receipt and distribution of funds at the district and school levels; and</p> <p>g) Lead and implement an effective process for asset management.</p>
Standard Element 3.3 Understand and promote district-level policies and procedures that protect the welfare and safety of students and staff across the district.	<p>a) Lead the process to review, revise and implement district policies and procedures that result in a safe and secure environment for students and staff; and</p> <p>b) Develop, review, analyze and implement crisis plans in collaboration with district personnel and public safety officials.</p>
Standard Element 3.4 Understand and develop district capacity for distributed leadership.	<p>a) Work with district- and building-level leaders to identify collaborative leadership potential within the school district; and</p> <p>b) Identify strategies for developing district's leadership capacity and sustainability.</p>
Standard Element 3.5 Understand and ensure that district time focuses on supporting high-quality school instruction and student learning.	<p>a) Identify, research and recommend district standards that protect instructional time and schedules;</p> <p>b) Develop, evaluate and implement districtwide plans and procedures that focus on high-quality instruction and student learning (including but not limited to discipline, district calendars and daily schedules); and</p> <p>c) Work collaboratively through the collective bargaining process to formalize district standards</p>

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	relative to instructional time and schedules.
Standard 4: Relationships	
Standard Element 4.1 Understand and collaborate with faculty and community members by collecting and analyzing information pertinent to the improvement of the district's educational environment.	<ul style="list-style-type: none"> a) Lead the process to collect, analyze, interpret and communicate information pertinent to the district's environment and collaboratively discuss strategies to determine improvement strategies; and b) Collaborate with families, staff, faculty, and board of education and community members to respond to diverse community interests and needs and to mobilize community resources.
Standard Element 4.2 Understand and mobilize community resources by promoting understanding, appreciation and use of the community's diverse cultural, social and intellectual resources throughout the district.	<ul style="list-style-type: none"> a) Promote trust, equity, fairness and respect among school board members, school administrators, faculty, parents, students and the district community; b) Lead the process to identify and use diverse community resources to improve district programs; and c) Develop a process to assess needs of families and develop collaborative strategies for effective district relationships with families and caregivers.
Standard Element 4.3 Understand and respond to community interests and needs by building and sustaining positive district relationships with families and caregivers.	<ul style="list-style-type: none"> a) Lead the process to develop and maintain relationships with families and caregivers and involve them in district decision-making processes; and b) Lead the process to develop and implement an all-inclusive district-community engagement plan.
Standard Element 4.4 Understand and respond to community interests and needs by building and sustaining productive district relationships with community partners.	<ul style="list-style-type: none"> a) Identify appropriate opportunities for partnerships; and b) Promote and implement research-based practices that promote constructive partnerships with families, caregivers, local services and clubs, and other appropriate community members in the district.
Standard 5: Ethical Leadership	

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<p>Standard Element 5.1</p> <p>Understand and act with integrity and fairness to ensure a district system of accountability for every student's academic and social success.</p>	<p>a) Promote the success of every student, both academically and socially, by understanding and applying knowledge of laws, regulations and professional ethics related to schools and children; and</p> <p>b) Lead the process to create a system that monitors, analyzes and evaluates every student's academic and social success to ensure equitable district decisions and practices that are in alignment with the district's vision and mission.</p>
<p>Standard Element 5.2</p> <p>Understand and model principles of self-awareness, reflective practice, transparency and ethical behavior as related to the superintendent's roles in the district.</p>	<p>a) Model and articulate the expectation of principles of self-awareness, reflective practice, transparency and ethical behavior to ensure all employees and the board of education act with integrity and fairness in supporting district policies and practices;</p> <p>b) Model and expect a district-level leadership culture grounded in ethical standards and practices; and</p> <p>c) Develop and model appropriate verbal and non-verbal communication skills (including speaking, writing and listening).</p>
<p>Standard Element 5.3</p> <p>Understand and safeguard the values of democracy, equity and diversity within the district.</p>	<p>a) Model the emotional intelligence, maturity and resiliency to uphold core values and persist in the face of adversity;</p> <p>b) Model, implement and evaluate district policies and procedures that support and advocate for democratic values, equity and diversity;</p> <p>c) Practice the principles of democracy, equity and diversity of thought; and</p> <p>d) Practice and advocate respect for diversity of all classes of people.</p>
<p>Standard Element 5.4</p> <p>Understand and evaluate the potential moral and legal consequences of decision-making in the district.</p>	<p>Identify, analyze, evaluate and articulate the potential moral and legal consequences of a particular decision.</p>
<p>Standard Element 5.5</p>	<p>a) Ensure that student characteristics and needs inform all aspects of schooling; and</p>

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Understand and promote social justice within the district to ensure individual student needs inform all aspects of schooling.	b) Promote district policies, programs and practices that ensure social justice, equity, confidentiality, acceptance and respect between and among students and staff within a district.
Standard 6: Advocacy and Influence	
Standard Element 6.1 Understand and advocate for the district's students, families and caregivers.	a) Advocate for every child and his or her families and caregivers; b) Engage, communicate and collaborate with stakeholders so that they understand the rationale behind federal, State and district policy development and the implications of federal, State and district policies for every child.
Standard Element 6.2 Understand and act to influence local, district, State and national decisions affecting student learning in a district environment.	a) Identify and analyze emerging district, local, national and global issues in order to adapt district leadership strategies and practices; b) Advocate for federal, State and district policies and programs that promote equitable learning outcomes for every child; and c) Communicate policies, laws and regulations, and procedures to appropriate district stakeholders.
Standard Element 6.3 Understand and anticipate and assess emerging trends and initiatives in order to adapt district-level leadership strategies.	a) Keep the board of education and stakeholders informed of emerging trends and initiatives in providing proactive leadership for the district; b) Analyze how law and policy is applied consistently, fairly and ethically; and c) Anticipate and assess emerging trends and initiatives in order to guide personal and professional leadership strategies.

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Section 33.Appendix B Standard 2: Required Assessments

The superintendent preparation program shall use each of the assessments listed in this Appendix B to determine the candidate's achievement of the competencies outlined in Appendix A for each standard element of Standard 2: Curriculum, Instruction and Assessment.

Standard Category and Standard Elements	Assessment
Standard 2: Curriculum, Instruction and Assessment	
<p>Standard Element 2.1</p> <p>Advocate, nurture and sustain a district culture and instructional program conducive to student learning through collaboration, trust and a personalized learning environment with high expectations for students.</p>	<p>The candidate will utilize existing district data (e.g., school climate surveys) to make observations for improving the district's culture for collaboration, trust learning and expectations.</p>
<p>Standard Element 2.2</p> <p>Understand and create and evaluate a comprehensive, rigorous and coherent curricular and instructional program for the district.</p>	<p>Working with district leadership (including some principals), the candidate will review the district's curricular and instructional program, and map the program and its intended outcomes for the students. Afterwards, the candidate will determine what data are needed from the curricular and instructional program to analyze whether the student's intended outcomes are being met. Finally, the candidate will develop a continuous improvement process for the curricular and instructional program based on evidence-based research and data from the district.</p> <p>The candidate will develop a comprehensive curriculum, instruction and assessment analysis project that integrates the major components and theories of school change and improvement. The candidate will:</p> <ol style="list-style-type: none"> 1) Analyze the district's curriculum map or sequence, using data from the district's curriculum evaluation processes to determine what is working and what is

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	<p>not working for student success, reporting any recommendations for change as a result of the analysis;</p> <p>2) Analyze the district's instructional processes and formats using data from staff evaluations that demonstrate adherence to the instructional formats to determine which formats are working and which are not working for student success, reporting any recommendations for change resulting from that analysis; and</p> <p>3) Analyze the district's assessment data as they relate to the district's curriculum and instruction and, based on the data, determine what curriculum areas are in need of change and what instructional formats need adjustments, reporting any recommendations for change resulting from that analysis.</p> <p>The candidate shall provide a final report to the internship supervisor that includes direct references to changes and improvement in the following areas: cultural competence, achievement of diverse students and personalizing the learning environment with high expectations for all students.</p>
<p>Standard Element 2.3</p> <p>Understand and develop and supervise the instructional and leadership capacity across the district.</p>	<p>Working with a school district, the candidate will complete the following activities associated with "supervision of instruction":</p> <p>1) Meet with principals and district leaders to assess the teaching and learning issues of the district. Based on the findings, develop a plan of action to improve teaching and learning practices. Using evidence-based research, develop a plan that clearly stipulates what practices are to be changed; how the change process will take place; who will be involved; timeline for action; resources needed (human, time and financial) for the plan to be implemented; and the evaluation or assessment activities to be used to determine if the changes are effective.</p> <p>2) Meet with a building principal to analyze the</p>

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	<p>building's achievement data and map the alignment of the building's curriculum, instruction and assessments. Based on the findings of the data analysis and mapping, the candidate will make recommendations for alignment changes using evidence-based research to support the recommendations.</p> <p>3) Using the recommendations from items 1 and 2, the candidate will develop a budget in consultation with the superintendent and/or chief school business official sufficient for full implementation of the recommendations. The budget should include the following resources: human, time, material and additional outside resources.</p> <p>The candidate will work with district leadership to review and map the assessment and accountability system the district uses to monitor student growth. At a minimum, the candidate will include in the map of the district's system the following information: the multiple and varied assessments; the persons responsible for administering the assessments; the data collection system and persons responsible for collection and assimilation of the data; the persons responsible for using the data to improve teaching and learning and a description of how that process or system works; and a description of how the assessments and data are used in the performance evaluations of teachers and administrators.</p> <p>The candidate will review the district's professional development plan. If none is available, the candidate will develop a plan that reflects the goals, practices and needs of the district. In collaboration with several district administrators, the candidate will determine what data informed the development of the plan. The candidate will review and analyze that data, or if none is available, determine and document what data should be gathered and analyzed. Based upon the data analysis, the</p>
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	<p>candidate will review the professional development plan again and make recommendations for improvement based on research and the results of that analysis. The candidate will include the recommendations in a reporting format that could be given to the district's board of education. This report will be presented to the candidate's internship supervisor.</p> <p>The candidate will determine the district's goals about the use of instructional time by consulting local board policy, administrative regulations and/or district leadership. Once the goals specific to instructional time have been determined, the candidate will conduct an "instructional time study" of each school in the district, review the data from this audit and provide a report for improvement with recommendations to the internship supervisor. The candidate will include research that supports the recommendations being made in the report.</p>
<p>Standard Element 2.4</p> <p>Understand and promote the most effective and appropriate technologies to support teaching and learning within the district.</p>	<p>The candidate will conduct a technology study of the district that focuses on the integration of technology into content areas. The candidate will review the data from the study and provide a report that includes recommendations for improvement to the districtwide leadership team. The candidate will include research that supports the recommendations being made in the report.</p> <p>The candidate will create a protocol to use for interviewing the following people in a school district: the superintendent and a sample of district stakeholders (e.g., local board members, principals, parents). The purpose of the interviews is to determine the district's culture of collaboration, trust, learning and expectations for students, staff, administrators and board members.</p>

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Comprehensive Instructional Renewal Project	<p>Upon completion of each of the assessments set forth in this Appendix B, the candidate will develop a comprehensive Instructional Renewal Project that integrates the major components and theories of school change and improvement, and the results and information learned from other assessment projects conducted relative to curriculum, instruction and assessments. The candidate will do the following:</p> <ol style="list-style-type: none">1) Conduct a comprehensive analysis of the district improvement plan; professional development plan; cultural assessment; curricular and instructional program improvement process; curriculum, instruction and assessment procedures; supervision of instruction activities; accountability and monitoring system for student support; time study; and technology study.2) Develop an Instructional Renewal Plan that uses these analyses to determine:<ol style="list-style-type: none">a) Comprehensive recommendations for districtwide improvement in curriculum, instruction and assessment;b) Comprehensive recommendations for improvement in teaching and learning;c) Comprehensive recommendations for districtwide improvement of systems for data, assessment, technology and the use of time; andd) Comprehensive recommendations for districtwide improvement in culture, expectations, and the socio-emotional and academic growth of all students.
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Section 33.Appendix C Standard 2: Assessment Rubric

The superintendent preparation program shall rate the candidate's completion of the assessments listed in Appendix B for each standard element of Standard 2: Curriculum, Instruction and Assessment as "meets standard" or "does not meet standard" according to the criteria set forth in the assessment rubric contained in this Appendix C.

Standard 2: Curriculum, Instruction and Assessment		
Standard Category and Standard Elements	Meets Standard	Does Not Meet Standard
<p>Standard Element 2.1</p> <p>Advocate, nurture and sustain a district culture and instructional program conducive to student learning through collaboration, trust and a personalized learning environment with high expectations for students.</p>	<p>The candidate's observation report includes the following:</p> <ul style="list-style-type: none"> ● At least three existing data sources of the district; ● An overview of the district's "culture"; ● Recommendations for improving the district's collaboration and trust efforts; and ● Recommendations for improving the district's expectations and learning efforts. 	<p>The candidate's observation report fails to include one or more of the following:</p> <ul style="list-style-type: none"> ● At least three existing data sources of the district; ● An overview of the district's "culture"; ● Recommendations for improving the district's collaboration and trust efforts; or ● Recommendations for improving the district's expectations and learning efforts.
<p>Standard Element 2.2</p> <p>Understand and create and evaluate a comprehensive, rigorous and coherent curricular and instructional program for the district.</p>	<p>The candidate successfully provided evidence of the following:</p> <ul style="list-style-type: none"> ● having worked with multiple district leaders and reviewing the district's curricular and instructional program in one content area; ● a successful mapping of the program and its intended outcomes for students; 	<p>The candidate was not successful in providing evidence of one or more of the following:</p> <ul style="list-style-type: none"> ● having worked with multiple district leaders and reviewing the district's curricular and instructional program in one content area; ● a successful mapping of the program and its

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	<ul style="list-style-type: none"> ● identification of what data to analyze to determine if student outcomes are being met; ● a continuous improvement plan for the curricular and instructional content area based on evidence from research and data available from the district. 	<p>intended outcomes for students;</p> <ul style="list-style-type: none"> ● identification of what data to analyze to determine if student outcomes are being met; ● a continuous improvement plan for the curricular and instructional content area based on evidence from research and data available from the district.
<p>Standard Element 2.3</p> <p>Understand and develop and supervise the instructional and leadership capacity across the district.</p>	<p>The candidate developed a comprehensive curriculum, instruction and assessment analysis project that integrates the major components and theories of school change and improvement and included all of the following:</p> <ol style="list-style-type: none"> 1) An analysis of the district's curriculum map/sequence utilizing data from the district's curriculum evaluation processes to determine what is working and what is not working for student success and including recommendations for change in the report of the analysis; 2) An analysis of the district's instructional processes and formats from data of the district's staff evaluations that demonstrates adherence to the district's instructional formats, 	<p>The candidate failed to develop a comprehensive curriculum, instruction and assessment analysis project that integrates the major components and theories of school change and improvement and failed to include one or more of the following:</p> <ol style="list-style-type: none"> 1) An analysis of the district's curriculum map/sequence utilizing data from the district's curriculum evaluation processes to determine what is working and what is not working for student success and including recommendations for change in the report of the analysis; 2) An analysis of the district's instructional processes and formats from data of the district's

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	<p>identifying which instructional formats are working and which are not working for student success, with recommendations for change;</p> <p>3) An analysis of the district's assessment data as they relate to the district's curriculum and instruction; based on the data, the report provides a determination of which curriculum areas are in need of change and which instructional formats need adjustments.</p> <p>The final report given to the candidate's mentor or superintendent provided direct references to changes to and improvements in the following areas: cultural competence; achievement of diverse students; and personalizing the learning environment with high expectations for all students.</p>	<p>staff evaluations that demonstrates adherence to the district's instructional formats, identifying which instructional formats are working and which are not working for student success, with recommendations for change;</p> <p>3) An analysis of the district's assessment data as they relate to the district's curriculum and instruction; based on the data, the report provides a determination of which curriculum areas are in need of change and which instructional formats need adjustments.</p> <p>The final report given to the candidate's mentor or superintendent failed to provide direct references to changes to and improvements in one or more of the following areas: cultural competence; achievement of diverse students; and personalizing the learning environment with high expectations for all students.</p>
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<p>Standard Element 2.4</p> <p>Understand and promote the most effective and appropriate technologies to support teaching and learning within the district.</p>	<p>The candidate successfully completed the following "supervision of instruction" activities.</p> <ol style="list-style-type: none"> 1) Met with principals and district leaders to assess the teaching and learning issues facing the district. Based upon the findings, developed a plan of action to improve teaching and learning practices. Using evidence-based research, the candidate developed a plan that clearly stipulates the practices to be changed; how the change process would take place; who would be involved; the time that it would take; what resources (human and financial) would be necessary for the plan to take effect; and what evaluation or assessment activities would be utilized to determine if the changes would be effective. 2) Met with a building principal and analyzed the building's achievement data and mapped the alignment of the building's curriculum, instruction and assessments. Based upon the findings of data analysis and mapping, the candidate made 	<p>The candidate was unsuccessful in completing one or more of the following "supervision of instruction" activities.</p> <ol style="list-style-type: none"> 1) Meeting with principals and district leaders to assess the teaching and learning issues facing the district. Based upon the findings, did not fully develop a plan of action to improve teaching and learning practices. The candidate was unable to develop a plan that clearly stipulated what practices were to be changed; how the change process was to take place; who was to be involved; the time that it would take; what resources (human and financial) would be necessary for the plan to take effect; and what evaluation or assessment activities would be utilized to determine if the changes would be effective. 2) Met with a building principal and failed to or did not fully analyze the building's achievement data and failed to or did not fully map the alignment of the building's curriculum, instruction
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	<p>recommendations for alignment changes using evidence-based research to support the recommendations.</p> <p>3) Utilizing the recommendations from #1 and #2 above, the candidate developed a budget (in consultation with the superintendent or chief school business official) that would allow the building principals of the district to fully and completely initiate the recommendations. Identified in the budget were the following resources: human, time, material and additional outside resources.</p>	<p>and assessments. Based upon the findings of data analysis and mapping, as applicable, the candidate was neither able to make recommendations for alignment changes nor was evidence-based research used to support any of the recommendations made.</p> <p>3) Utilizing the recommendations from #1 and #2 above, as applicable, the candidate was unable to develop a budget (in consultation with the superintendent or chief school business official) that would allow the building principals of the district to fully and completely initiate any recommendations. The candidate failed to identify one or more of the following resources in the budget: human, time, material or additional outside resources.</p>
<p>Comprehensive Instructional Renewal Project</p>	<p>The candidate worked with district leadership to review and map the district's assessment and accountability system used to monitor student growth. The candidate included in the map of the district's system the following:</p>	<p>The candidate worked with district leadership to review and map the district's assessment and accountability system used to monitor student growth. The candidate failed to successfully include in the</p>

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	<p>multiple and varied assessments; the persons responsible for administering the assessments; the data collection system and persons responsible for collection and assimilation of the data; the persons responsible for using the data to improve teaching and learning and who know how that process or system works and how the assessments and data are used in the professional performance evaluations of teachers and administrators.</p>	<p>map of the district's system one or more of the following: the multiple and varied assessments; the persons responsible for administering the assessments; the data collection system and persons responsible for collection and assimilation of the data; the persons responsible for using the data to improve teaching and learning and who know how that process or system works and how the assessments and data are used in the professional performance evaluations of teachers and administrators.</p>
	<ol style="list-style-type: none"> 1) The candidate reviewed the district's professional development plan. If none was available, the candidate developed a plan that reflected what the district was doing and the needs of the district. 2) In collaboration with several district administrators, the candidate determined what data informed the development of the plan. The candidate reviewed that data (if none was available, the candidate determined and documented what data should have been gathered) 	<ol style="list-style-type: none"> 1) The candidate reviewed the district's professional development plan. If none was available, the candidate failed to develop a plan that reflected what the district is doing and the needs of the district. 2) In collaboration with several district administrators, the candidate was unable to determine what data informed the development of the plan. The candidate was unable to review that data and make an analysis. 3) The candidate reviewed the professional

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	<p>and made an analysis.</p> <p>3) Based upon the data analysis, the candidate reviewed the professional development plan again and made recommendations for improvement based on research and data.</p> <p>4) The candidate prepared the recommendations into a report that models one that could be given to the district's board of education and that would be presented to the candidate's mentor or superintendent.</p>	<p>development plan again but was unable to make recommendations for improvement based on research and data.</p> <p>4) The candidate failed to prepare recommendations into a report that models one that could be given to the district's board of education and that would be presented to the candidate's mentor or superintendent.</p>
	<p>After consulting local board policy, administrative regulations, and/or district leadership, the candidate was able to determine the district's goals for the use of instructional time. Based on the goals for the use of instructional time, the candidate conducted an instructional time study of each school in the district. The candidate reviewed the data from the audit and, based on the data and relevant research, made a report with recommendations for improvement and reported those recommendations to the superintendent or mentor.</p>	<p>After consulting local board policy, administrative regulations, and/or district leadership, the candidate was unable to determine the district's goals for the use of instructional time. The candidate conducted an instructional time study of each school in the district. The candidate reviewed the data from the audit and made a report with inadequate recommendations for improvement and reported those recommendations to the superintendent or mentor.</p>

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	<p>The candidate conducted a technology study of the district, which focused on the integration of technology into content areas. The candidate:</p> <ul style="list-style-type: none"> ● reviewed the data from the study; ● presented a report with recommendations for improvement to the districtwide leadership team; and ● included research that supported the recommendations in the report. <p>The candidate successfully created a protocol to use for interviewing the following people in the same school district: the superintendent and a sample of district stakeholders (e.g., board members, principals and parents). The purpose of the protocol was to determine the district's culture of collaboration, trust, learning and expectations (for students, staff, administrators and board members).</p>	<p>The candidate attempted to conduct a technology study of the district, which focused on the integration of technology into content areas. The candidate:</p> <ul style="list-style-type: none"> ● reviewed the limited data from the study; ● presented a report with few recommendations for improvement to the districtwide leadership team; and ● failed to include research that supported the recommendations in the report. <p>The candidate did not successfully create a protocol to use for interviewing the following people in the same school district: the superintendent and a sample of district stakeholders (e.g., board members, principals and parents). The protocol was unable to determine the district's culture of collaboration, trust, learning and expectations (for students, staff, administrators and board members).</p>
	<p>The candidate developed a comprehensive instructional renewal project that integrated the major components and theories of school change and improvement and the results of</p>	<p>The candidate failed to develop a comprehensive instructional renewal project that integrated the major components and theories of school change and</p>

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	<p>other assessment projects required in this Appendix C (which were all successfully completed). The candidate successfully completed the following:</p> <ol style="list-style-type: none"> 1) Conducted a comprehensive analysis of the following district documents or procedures: district improvement plan; professional development plan; cultural assessment; the process for improving curricular and instructional programs; curriculum, instruction and assessment analysis; supervision of instruction activities; accountability and monitoring system for student support; time study; and technology study. 2) Developed an instructional renewal plan that used the analyses from all of the above plans and projects that included the following: <ol style="list-style-type: none"> a) Comprehensive recommendations for districtwide improvement in curriculum, instruction and assessment; b) Comprehensive recommendations for improvement in teaching and learning; 	<p>improvement and the other assessment projects required in this Appendix C (which may not have been successfully completed). The candidate was unsuccessful in completing one or more of the following:</p> <ol style="list-style-type: none"> 1) Conducting a comprehensive analysis of the following district documents or procedures: district improvement plan; professional development plan; cultural assessment; the process for improving curricular and instructional programs; curriculum, instruction, and assessment analysis; supervision of instruction activities; accountability and monitoring system for student support; time study; and technology study. 2) Developing an instructional renewal plan that used the analyses from all of the above plans and projects that included the following: <ol style="list-style-type: none"> a) Comprehensive recommendations for districtwide improvement in curriculum, instruction and assessment;
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	<p>c) Comprehensive recommendations for districtwide improvement of systems for data, assessment, technology and the use of time; and</p> <p>d) Comprehensive recommendations for districtwide improvement in culture, expectations, and the socio-emotional and academic growth of all students.</p>	<p>b) Comprehensive recommendations for improvement in teaching and learning;</p> <p>c) Comprehensive recommendations for districtwide improvement of systems for data, assessment, technology and the use of time; and</p> <p>d) Comprehensive recommendations for districtwide improvement in culture, expectations, and the socio-emotional and academic growth of all students.</p>
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STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1600.130	Amend
1600.405	New
1600.720	Amend
1600.725	Amend
1600.730	Amend
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved:

Section 1600.130 – Increases the small procurement threshold to \$50,000 and contractual requirement threshold to \$25,000 to ease administrative burdens.

Section 1600.405 – Defines the phrase "annualized rate of earnings" under Section 15-111(c) of the Illinois Pension Code (40 ILCS 5/15-111(c)), as added by PA 98-599. Section 15-111(c) places a cap on the annual earnings of a Tier 1 member for periods of service on or after June 1, 2014. The earnings cap is the greater of (1) the Tier 2 earnings cap (as adjusted), (2) the "annualized rate of earnings" as of June 1, 2014, or (3) the "annualized rate of earnings" immediately preceding "the expiration, renewal, or amendment" of a contract in effect on June 1, 2014. The proposed draft rulemaking will add a new section to the SURS regulations that defines the phrase "annualized rate of earnings." In general terms, the annualized rate of earnings will be the greater of (1) the total earnings paid during the 12-month period from July 1, 2013, through June 30, 2014 (with earnings assumed for formal leaves of absence), or (2) the rate of earnings as certified by the Employer for new employees hired during that 12-month period. Earnings paid under contract will have a 12-month look-back period immediately preceding the expiration, renewal, or amendment of the contract.

Sections 1600.720, 1600.725, and 1600.730 - Changes were made to three sections in regard to electronic voting: 720 - Election Materials, 725 - Marking of Ballots/Casting Votes and 730 - Return of Ballots and Ballot Counting Process.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 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>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1600.100	Amend	38 Ill. Reg. 7571; April 4, 2014
1600.110	Amend	38 Ill. Reg. 7571; April 4, 2014
1600.205	Amend	38 Ill. Reg. 7571; April 4, 2014
1600.250	Amend	38 Ill. Reg. 7571; April 4, 2014
1600.300	Amend	38 Ill. Reg. 7571; April 4, 2014
1600.320	Renumber	38 Ill. Reg. 7571; April 4, 2014
1600.400	Amend	38 Ill. Reg. 7571; April 4, 2014
1600.450	Amend	38 Ill. Reg. 7571; April 4, 2014
1600.550	Renumber/New	38 Ill. Reg. 7571; April 4, 2014

- 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: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

For Sections 1600.720, 1600.725, and 1600.730

Michael B. Weinstein, General Counsel
 State Universities Retirement System
 1901 Fox Drive
 Champaign IL 61820

217/378-8825

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

For Sections 1600.130 and 1600.405

Albert J. Lee, Associate General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign IL 61820

217/378-8861

- 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 2014

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 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
- 1600.241 Survivor Benefits for Members Who Die While on 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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 1600.305 Full-Time Student Survivors Insurance Beneficiaries
- 1600.310 Dependency of Beneficiaries
- 1600.320 Disability Claims Procedures

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section

- 1600.400 Determination of Final Rate of Earnings Period
- 1600.405 Annualized Rate of Earnings
- 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 Administrative Staff Determinations and Rules for Appeal – 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
- 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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 1600.660 Reciprocal Systems QILDRO Policy Statement
1600.665 Providing Benefit Information for Divorce Purposes

SUBPART G: BOARD TRUSTEE ELECTION

Section

- 1600.700 Nomination of Candidates
1600.705 Election Date/Election Day – Defined
1600.710 Petitions
1600.715 Eligible Voters
1600.720 Election Materials
1600.725 ~~Casting Votes~~ ~~Marking of Ballots~~
1600.730 Return of Ballots and Ballot Counting Process
1600.735 Certification of Ballot Counting
1600.740 Challenges to Election Results
1600.745 Candidate Informational Communication
1600.750 Filling a Vacancy in the Term of an Elected Trustee

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

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;

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days; emergency expired September 23, 2009; amended at 33 Ill. Reg. 10757, effective July 1, 2009; amended at 33 Ill. Reg. 16755, effective November 23, 2009; amended at 34 Ill. Reg. 9523, effective June 25, 2010; amended at 35 Ill. Reg. 10952, effective June 22, 2011; amended at 36 Ill. Reg. 3938, effective February 22, 2012; amended at 37 Ill. Reg. 1309, effective January 15, 2013; amended at 37 Ill. Reg. 3866, effective March 15, 2013; amended at 37 Ill. Reg. 10698, effective June 26, 2013; amended at 37 Ill. Reg. 15517, effective September 12, 2013; amended at 38 Ill. Reg. 5659, effective February 11, 2014; amended at 38 Ill. Reg. _____, effective _____

SUBPART A: GENERAL

Section 1600.130 Procurement

- a) Introduction. It is the policy of SURS to obtain goods and services in the most economical manner in order to guarantee the efficient utilization of SURS resources. Resources of SURS shall be committed only with proper approval, as detailed in this Section.
- b) Purchase Orders. Employees requesting goods or services that cost more than \$500 and that are not part of a formal written contract shall complete a SURS purchase order form and receive written approval from the person designated by the Executive Director as the Procurement Officer prior to placing the order. Purchases of less than \$500 do not require a purchase order, but must be within the authority of the employee to purchase.
- c) Contract Policy. It is the policy of SURS to standardize the form and content of its contracts with public and private bodies in order to ensure compliance with applicable State law, to ensure fairness to all parties, and to maximize uniformity of language.
 - 1) Standard Addendum. In order to simplify the contracting process, SURS has developed a standard contract addendum that includes certifications considered advisable or required by State law. The standard addendum shall be completed and attached to (or incorporated within) all contracts and purchase orders entered into by SURS, but shall not be required for purchase orders of ~~\$25,000~~~~\$10,000~~ or less. Any variation from the terms of the standard addendum shall be approved by SURS' General Counsel.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

The standard addendum may be revised by the General Counsel from time to time.

2) Written Contracts

A) Execution Requirements. All expenditures in excess of ~~\$25,000~~~~\$10,000~~ that are not otherwise covered by any exemption stated in this Section shall require a written contract reviewed and approved by legal counsel to SURS. Contracts in any amount shall be executed by the Executive Director or his or her designee, unless executed by the President of the Board. No goods or services may be acquired, nor work commenced (unless the vendor specifically assumes the risk of non-payment in the event no contract is entered into), prior to the execution of a contract as provided in this Section. A copy of each contract shall be retained by the Chief Financial Officer.

B) Signature Requirements

- i) Except as provided in subsection (c)(2)(B)(ii), contracts in excess of \$250,000 require the signatures of the Executive Director, the Chief Financial Officer and the General Counsel.
- ii) In addition to the requirements of subsection (c)(2)(B)(i), all contracts with persons who are fiduciaries with respect to any investments of SURS shall also be signed by the President of the Board, or his or her designee, except that the Executive Director's signature is sufficient with respect to investment management agreements or other contracts with Board-approved investment service providers and contract amendments with existing Board-approved investment service providers. The Executive Director shall provide a report of such execution, with a description of any contract or amendment executed, to the Investment Committee of the Board at the next regularly scheduled meeting.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- d) Documentation and Bidding – Expenditures in Excess of ~~\$50,000~~\$25,000
- 1) Employees shall seek to obtain the best value for SURS. Efforts to obtain the best value for SURS shall be documented where possible and retained by SURS. Expenditures in excess of ~~\$50,000~~\$25,000 require bids from at least three different sources, unless otherwise provided in this Section. Sole source procurements, or other procurements with fewer than three bids, for expenditures in excess of ~~\$50,000~~\$25,000 shall be justified and documented. If two or more identical bids are received, if an attempt to bribe an employee is made, or other irregularities are discovered by a SURS employee, the General Counsel and the Internal Auditor shall be notified.
 - 2) All procurements in excess of ~~\$50,000~~\$25,000, unless otherwise provided in this Section, shall be advertised in the official State newspaper, in the Illinois Procurement Bulletin, in SURS procurement bulletins, in appropriate media, or through electronic means such as the Internet. Notice shall be published on at least 3 separate dates with a minimum of 14 days between the first and the last publication date.
 - 3) All procurements for goods and services in excess of ~~\$50,000~~\$25,000, unless otherwise provided in this Section, shall be awarded by competitive proposals. Each request for proposal shall set forth a description of the items or services being procured, the material contractual terms and conditions, and the criteria for evaluating proposals. Awards made pursuant to competitive selection procedures shall be awarded to the responsible offeror whose proposal is determined to be most advantageous to SURS. SURS may directly negotiate with any offeror as to the terms of a proposal. Competitive proposals may be used to procure, but are not limited to, professional and artistic services, including legal, medical and related services, investment management and consulting, electronic data processing equipment, software and services, and telecommunications equipment, software and services.
 - 4) The following procurements do not require advertising or the use of competitive proposals:
 - A) Individual contracts for goods, services or construction not

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

exceeding ~~\$50,000~~\$25,000;

- B) Emergency procurements, such as when there exists a threat to public health or safety, or when immediate expenditure is necessary in order to protect against loss of or damage to SURS property or interests, or to prevent or minimize disruption in SURS services, or when necessary to prepare for anticipated litigation, enforcement actions, or investigations, or to protect the integrity or confidentiality of SURS records. A written determination must be made that an emergency exists; and
 - C) Utilities and other sole-source items.
- e) Purchasing
- 1) Employees are allowed to make purchases provided that the goods or services are budgeted for, and a purchase order (for purchases in excess of \$500) is completed and has written approval in advance of placing the order, or a formal contract (for purchases in excess of ~~\$25,000~~\$10,000) is executed, and the provisions of this Section are complied with. Employees other than those designated by the Executive Director are not allowed to make purchases of office supplies, computer equipment, or software.
 - 2) SURS shall not pay Illinois sales tax. Employees must direct the vendor to exclude Illinois sales tax from invoices. Employees should also ask if discounted State rates are available for purchases.
 - 3) Invoices should be approved for payment within 30 days after the receipt of the invoice. Approval should not be given for goods and services that do not conform to SURS' requirements. The vendor shall be promptly notified in writing if SURS does not approve an invoice for payment and shall be advised of the reason for the denial. If approval is made after 30 days, a full explanation should be attached to the invoice.
 - 4) Advance payment for goods and services is discouraged. If advance payment is required, the employee shall complete a certification as specified in Section 9.05 of the State Finance Act [30 ILCS 105/9.05]. In

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

the event that a voucher is submitted for advance payment, the voucher shall state on its face that the goods or services are being procured pursuant to a formal written contract the terms of which require advance payment. If it is not possible to execute a written contract, the voucher shall so state. The certification is not required for payment of conference fees, purchase of travel tickets, purchase of periodicals, and required deposits of less than \$500. The certification shall be in the following format:

"I certify that the goods or services specified on this contract or purchase order were for the use of this agency and that the expenditure for those goods or services was authorized and lawfully incurred; that the goods or services meet all the required standards set forth in the purchase order or contract to which this certification relates; and that the amount shown on this voucher is correct and is approved for payment."

Insert following sentence in certification if applicable:

"It is not possible to execute a formal written contract."

Date

Signature

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section 1600.405 Annualized Rate of Earnings

- a) For purposes of Section 15-111(c) of the Code, "annualized rate of earnings" shall mean the greater of:
- 1) the sum of:
- A) total, actual earnings, as defined in Section 15-111 of the Code and Section 1600.205 of this Part, for payroll periods ending during the Look-Back Period beginning July 1,

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

2013 and ending on June 30, 2014, subject to any applicable limitations under Section 1-117 of the Code; and

- B) for disability or other formal leaves of absence reported by the employer and occurring during the Look-Back Period, assumed earnings based on the rate of basic compensation on the date the leave began as reported by the employer for that portion of the leave occurring within the Look-Back Period; or
- 2) the rate of earnings certified to the System by the employer on the most recent Certification of Employment, converted into an annual rate if not expressed as an annual rate in the Certification, if the employee began employment during the Look-Back Period.
- b) Earnings for summer teaching, overtime or other extra service will not be assumed if those services were not performed during the Look-Back Period and employee contributions required under Section 15-157 of the Code were not paid to the System.
- c) For purposes of clause (iii) of Section 15-111(c) of the Code, the Look-Back Period shall be the 12-month period (including partial months) immediately preceding the expiration (or termination), renewal or amendment of the employment contract or collective bargaining agreement in effect on June 1, 2014. For example, if the contract expires on June 15, 2016, the Look-Back Period would span from June 15, 2015 to June 14, 2016.

(Source: Added at 38 Ill. Reg. _____, effective _____)

SUBPART G: BOARD TRUSTEE ELECTION

Section 1600.720 Election Materials

- a) The Board Secretary may procure a qualified election services vendor and determine the voting methods, specific voting instructions and security measures to be used in the election, subject to the approval of the Board.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- ba)** At least 30 business days prior to the Election Day, the System shall mail to the eligible voter's latest address known to the System the following election materials:
- 1) A preprinted paper ballot listing, in order determined by random, blind lottery conducted by the Board Secretary, either the contributing membership candidates or the annuitant candidates, depending on the basis for the individual's eligible voter status as provided in Section 1600.715, using the entire name of each candidate in the System records on the first day nomination petitions can be accepted;
 - 2) Candidate provided biographies in the format and length specified by the Board Secretary;
 - 3) Instructions for voting methods as specified by the Board Secretary, including the voting deadline;
 - 4) A preprinted, return envelope.
- cb)** If an eligible voter has not received any or all of the election materials specified in subsection ~~(ba) 5 business days prior to the Election Date~~, the eligible voter may request that the System send election materials to him or her. Election materials will not be mailed out within 5 business days prior to the Election Date; however, election materials will be electronically transmitted if available and authorized by the eligible voter. If an eligible voter incorrectly marks or spoils his or her paper ballot prior to returning it, the eligible voter may request a new set of election materials from the System at least 5 business days prior to the Election Date. Paper ballots already mailed to the System or electronic ballots that have already been cast by the eligible voter shall not be replaced. The member's identity as an eligible voter shall be authenticated prior to sending out replacement election materials.
- de)** If previously mailed election materials are returned to the System undelivered at least 5 business days prior to the Election Date and a forwarding address has been provided, the System shall mail election materials to the forwarding address via first class U.S. mail.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

Section 1600.725 Casting Votes~~Marking of Ballots~~

A valid ~~paper~~ ballot, whether paper or electronic, must conform to the following requirements:

- a) All choices of candidates must be clearly indicated~~marked~~ as directed on the voting instructions. ~~If paper ballots are~~ ballot. ~~If the ballot is~~ not marked as directed, the marks are~~the mark is~~ invalid and the associated votes will not be counted. An invalid mark for one candidate will not negate other valid marks on the ballot.
- b) Each eligible voter is entitled to only one vote for any particular candidate.
- c) With respect to a ballot on which more than one trustee is to be elected, each eligible voter may vote for only one candidate for each position to be elected. If more candidates are selected than the number of positions to be elected, the ballot is invalid and will not be counted. If the number of candidates selected is fewer than the number of positions to be elected, the selection or selections will each count as only one vote.
- d) Only official SURS paper ballots or votes received via other authorized voting methods will be counted. Write-in~~Handwritten entries of~~ candidates are invalid and will not be counted.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1600.730 Return of Ballots and Ballot Counting Process

- a) For paper ballots, upon~~Upon~~ receipt of the election materials specified in Section 1600.720, the eligible voter shall:
 - 1) Mark his or her ballot in accordance with Section 1600.725;
 - 2) Place the completed ballot into the return envelope provided; ~~and~~
 - 3) Seal and mail, via U.S. mail only, the return envelope; ~~and~~.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 4) Mail paper ballots in the return envelope provided. The ballot shall be mailed only to the address on the envelope. Paper ballots delivered to the System in bulk, via hand delivery, by campus mail, or delivery other than as specified in this subsection (a)(4) are invalid and will not be counted.
- b) Ballots must be received by the close of business on Election Day. Ballots received after Election Day are invalid and will not be counted. A record of the receipt date of each ballot will be maintained.
- c) When multiple voting methods are authorized, the first ballot cast will be counted as the official ballot and any subsequent votes will not be counted. The Board Secretary will develop procedures to ensure that only one ballot may be received from each eligible voter. ~~Ballots must be mailed in the return envelope provided and only mailed to the address on the envelope. Paper ballots delivered to the System in bulk, via hand delivery, by campus mail, or delivery other than as specified in subsection (a) are invalid and will not be counted.~~
- d) The Board Secretary will develop minimum standards to ensure ballots are property recorded, secured, tabulated and retained.
- ~~e~~) When all eligible ballots have been counted and tabulated, the necessary number of contributing members and annuitants who have received the greatest number of votes will be elected trustees; provided, however, the Board Secretary will ensure that, for the final composition of the Board, no more than 2 of the 4 contributing members are current employees of the University of Illinois at any of the campuses (Urbana-Champaign, Chicago, or Springfield) and no more than one of the 2 annuitants was last employed prior to retirement by the University of Illinois at any of the campuses. If the maximum number of University of Illinois positions has been filled, then any remaining positions shall be filled as follows:
- 1) The remaining contributing member trustee positions will be filled by the contributing member nominees who are not current employees of the University of Illinois at any of the campuses and who received the greatest number of votes.
 - 2) The remaining annuitant trustee positions will be filled by annuitant nominees who were not last employed prior to retirement by the

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

University of Illinois at any of the campuses and who received the greatest number of votes.

- 3) In case of a tie, the contributing member nominee or annuitant nominee who will be elected will be determined by blind, random drawing.
- 4) The results of the election process then will be declared by the Board Secretary.

| fe) The Board Secretary will certify to the Board the elected trustees by category and term of office. The Board Secretary will further certify the place of employment for each contributing member and the last place of employment prior to retirement for each annuitant.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004
- 2) Code Citation: 68 Ill. Adm. Code 1240
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1240.10	Amend
1240.100	Amend
1240.200	Amend
1240.300	Amend
1240.400	Amend
1240.515	Amend
1240.520	Amend
1240.530	Amend
1240.535	Amend
1240.555	Repeal
- 4) Statutory Authority: Implementing the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447] and authorized by Sections 2105-15(7) and 2105-100(b) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7) and 2105-100(b)]
- 5) Effective Date of Rule: March 25, 2014
- 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in the *Illinois Register*: December 27, 2013; 37 Ill. Reg. 20571
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: There are no substantive differences.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These adopted amendments implement the recent changes made to the Act by PA 98-253, effective August 9, 2013. They also add clarifying language due to passage of the Firearm Concealed Carry Act, PA 98-63, effective July 9, 2013; and add language requested by the Illinois State Police to clarify that drivers' licenses or Secretary of State issued State identification cards relied upon by fingerprint vendors must be valid at the time of presentment; and make certain other technical or clean-up changes.
- 16) Information and questions regarding this adopted rule shall be directed to:

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240

PRIVATE DETECTIVE, PRIVATE ALARM, PRIVATE SECURITY,
FINGERPRINT VENDOR, AND LOCKSMITH ACT OF 2004

SUBPART A: PRIVATE DETECTIVE

Section

1240.10 Application for Examination and Licensure – Private Detective

1240.20 Application for Licensure – Private Detective Agency

SUBPART B: PRIVATE ALARM

Section

1240.100 Application for Examination and Licensure – Private Alarm Contractor

1240.110 Application for Licensure – Private Alarm Contractor Agency

SUBPART C: PRIVATE SECURITY

Section

1240.200 Application for Examination and Licensure – Private Security Contractor

1240.210 Application for Licensure – Private Security Contractor Agency

SUBPART D: LOCKSMITH

Section

1240.300 Application for Examination and Licensure – Locksmith

1240.310 20-Hour Basic Training Course – Locksmith

1240.320 Recordkeeping Requirements – Locksmith (Repealed)

1240.330 Application for Licensure – Locksmith Agency

SUBPART E: PROPRIETARY SECURITY FORCE

Section

1240.400 Registration of Proprietary Security Force

SUBPART F: GENERAL

Section

1240.500 Definitions

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1240.501	Licensee-in-charge
1240.502	Application for Branch Office License
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Section	
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AUTHORITY: Implementing the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447] and authorized by Sections 2105-15(7) and 2105-100(b) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7) and 2105-100(b)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at 17 Ill. Reg. 1579, effective January 26, 1993; amended at 19 Ill. Reg. 954, effective January 17, 1995; amended at 19 Ill. Reg. 11473, effective July 28, 1995; emergency amendment at 19 Ill. Reg. 13460, effective September 8, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 3191, effective February 2, 1996; emergency amendment at 20 Ill. Reg. 14924, effective October 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3135, effective March 4, 1997; amended at 24 Ill. Reg. 587, effective December 31, 1999; emergency amendment at 27 Ill. Reg. 1307, effective January 13, 2003, for a maximum of 150 days; emergency expired June 11, 2003; amended at 27 Ill. Reg. 9587, effective June 13, 2003; old Part repealed, new Part adopted at 28 Ill. Reg. 16209, effective December 2, 2004; amended at 36 Ill. Reg. 1486, effective February 3, 2012; amended at 36 Ill. Reg. 9938, effective July 13, 2012; amended at 38 Ill. Reg. 7879, effective March 25, 2014.

SUBPART A: PRIVATE DETECTIVE

Section 1240.10 Application for Examination and Licensure – Private Detective

- a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.

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- b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 15-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:
- 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
 - 2) "Full-time investigator in a law enforcement agency" shall mean a sworn peace officer, as defined in Section 5-10 of the Act, who serves in the capacity of a full-time detective/investigator or above rank.
- c) The passing grade on the examination is 70 or above.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) for licensure. The application must be complete and must be accompanied by:
- 1) One of the following:
 - A) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
 - B) Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
 - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application in lieu of fingerprints. The verification shall be signed by the applicant's employer;
 - 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

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- 3) The required fees specified in Section 1240.570.
- e) A successful examination score shall be valid for 36 years. After 36 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.
- f) In addition to any other requirements, an applicant for licensure shall meet the following:
 - 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
 - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
 - 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
 - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
 - 5) Has not been dishonorably discharged from the armed forces of the United States;
 - 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;
 - 7) Has not violated any provision of the Act or this Part.

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- g) For applicants utilizing the experience referenced in Section 15-10(c) where proof of canine odor detection services for hire since January 1, 2005 is required, at least the following shall be included:
- 1) Certified copies of a minimum of three canine odor detection services contracts prior January 1, 2005.
 - 2) A completed VE-DET form to document the work experience in canine odor detection services since January 1, 2005.

(Source: Amended at 38 Ill. Reg. 7879, effective March 25, 2014)

SUBPART B: PRIVATE ALARM

Section 1240.100 Application for Examination and Licensure – Private Alarm Contractor

- a) Application for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of examination.
- b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 20-10(a)(6) of the Act. To determine such fulfillment, the term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
- c) The passing score on the examination is 70 or above.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application shall include:
 - 1) One of the following:
 - A) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;

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- B) Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
 - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application. The verification shall be signed by the applicant's employer;
- 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
 - 3) The required fees specified in Section 1240.570.
- | e) A successful examination score shall be valid for 36 years. After 36 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.
- f) In addition to any other requirements, an applicant for licensure shall meet the following:
- 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
 - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
 - 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
 - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;

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- 5) Has not been dishonorably discharged from the armed forces of the United States;
- 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;
- 7) Has not violated any provision of the Act or this Part.

(Source: Amended at 38 Ill. Reg. 7879, effective March 25, 2014)

SUBPART C: PRIVATE SECURITY

Section 1240.200 Application for Examination and Licensure – Private Security Contractor

- a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.
- b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 25-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:
 - 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
 - 2) "Full-time supervisor in a law enforcement agency" shall mean a sworn peace officer serving in a full-time position responsible for the direction and performance of other law enforcement personnel.
- c) The passing grade on the examination is 70 or above.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application must be complete and must be accompanied by:

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- 1) One of the following:
 - A) Copy of the verification of electronic fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
 - B) Out-of-state residents unable to utilize the ISP fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
 - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application. The verification shall be signed by the applicant's employer;
 - 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
 - 3) The required fees specified in Section 1240.570.
- | e) A successful examination score shall be valid for 36 years. After 36 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.
- f) In addition to any other requirements, an applicant for licensure shall meet the following:
- 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
 - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;

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- 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
 - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
 - 5) Has not been dishonorably discharged from the armed forces of the United States;
 - 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;
 - 7) Has not violated any provision of the Act or this Part.
- g) For applicants utilizing the experience referenced in Section 25-10(c) where proof of canine odor detection services for hire since January 1, 2005 is required, at least the following shall be included:
- 1) Certified copies of a minimum of three canine odor detection services contracts prior January 1, 2005.
 - 2) A completed VE-DET form to document the work experience in canine odor detection services since January 1, 2005.

(Source: Amended at 38 Ill. Reg. 7879, effective March 25, 2014)

SUBPART D: LOCKSMITH

Section 1240.300 Application for Examination and Licensure – Locksmith

- a) An individual seeking licensure by examination as a locksmith shall make application to the Division, on forms provided by the Division, at least 60 days prior to the examination. The application form shall include questions necessary for the Division to establish that the applicant meets the qualifications for licensure specified in Section 30-10 of the Act.

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- b) The passing score on the examination is 70 or above.
- c) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application shall include:
 - 1) One of the following:
 - A) Copy of the verification of fingerprint processing from ISP or one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
 - B) Out-of-state residents unable to utilize the ISP fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by the vendor; or
 - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application. The verification shall be signed by the applicant's employer;
 - 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
 - 3) The required fees specified in Section 1240.570.
- d) A successful examination score shall be valid for 36 years. After 36 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.
- e) In addition to any other requirements, an applicant for licensure shall meet the following:
 - 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;

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- 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
- 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
- 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
- 5) Has not been dishonorably discharged from the armed forces of the United States;
- 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;
- 7) Has not violated any provision of the Act or this Part.

(Source: Amended at 38 Ill. Reg. 7879, effective March 25, 2014)

SUBPART E: PROPRIETARY SECURITY FORCE

Section 1240.400 Registration of Proprietary Security Force

- a) Pursuant to Section 35-45 of the Act and Section 24-2 of the Criminal Code of 1961 [720 ILCS 5/24-2], all commercial or industrial operations who employ 5 or more persons as armed employees in accordance with Section 24-2(a)(6) and all financial institutions who employ armed employees in accordance with Section 24-2(a)(8) shall register their security forces with the Division, on forms provided by the Division, which include the following:
 - 1) Business name and address of the proprietary security force;
 - 2) Any doing business as (d/b/a) names used by the proprietary security force and proof of legal authorization to use that name;

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- 3) The type of business (sole proprietorship, partnership, corporation, etc.).
 - A) If a sole proprietorship, the name and address of the owner;
 - B) If a partnership, a listing of all partners and addresses;
 - C) If a corporation, a copy of Articles of Incorporation, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of all officers and members of the board of directors. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois and a list of all officers and members of the board of directors shall be submitted;
 - D) If a limited liability company, a copy of the Articles of Organization, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of all officers and members of the board of directors;
 - 4) The nature or type of business conducted or to be conducted;
 - 5) The number of armed employees; and
 - 6) The name and title of the security director who will be registering armed employees and who is responsible for the daily activities of the force.
- b) For the purposes of this Section, "armed employee" means an employee whose primary employment responsibility is one or more of the functions of a private security contractor as defined in Section 5-10 of the Act.
 - c) All armed employees of the registered proprietary security force in subsection (a) shall be required to complete a 20-hour basic training course in accordance with Section 1240.505 and a 20-hour firearm training course in accordance with Section 1240.510.
 - d) Each proprietary force shall be required to apply to the Division, on forms supplied by the Division, for the issuance of a firearm control card, in accordance

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with Section 1240.530(b) and (c), for each armed employee of the security force. Each application shall include:

- 1) One of the following:
 - A) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
 - B) Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
 - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application. The verification shall be signed by the applicant's employer;
 - 2) Verification that the employee has completed the training required in subsection (c). If the employee's firearm training was completed more than two years before the request for a firearm control card, the employer shall submit evidence that the employee has requalified on the firing range within the one year preceding the request; and
 - 3) The fee required in Section 1240.570.
- e) The firearm control card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event an employee fails to return a firearm control card to the employer, the employer shall notify the Division in writing why the card was not returned.
- f) No employee shall carry a firearm until the requirements of this Section have been satisfied.

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- g) If an employee is employed by more than one proprietary security force, that employee must possess a separate firearm control card for each proprietary security force for which he or she uses, carries, or possesses a firearm.
- h) The Division may conduct an inspection to verify the information on the application prior to the proprietary security force being registered or renewed with the Division.
- i) All proprietary security force registrations and renewals shall expire on the date specified in the registration or last renewal. The Division shall renew the registration after payment of the renewal fee and upon proof that:
 - 1) The proprietary security force still meets all requirements for registration under the Act and this Part; and
 - 2) The proprietary security force has either updated or reaffirmed all required information on file with the Division.
- j) All armored car companies registered as proprietary security forces pursuant to this Section shall have all employees who are required to carry a firearm control card complete classroom and range training in weapons on an annual basis and shall maintain a copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors. The armored car company shall make these documents available to the Division upon request.
- k) Individuals currently employed as peace officers, as defined in Section 5-10 of the Act, who are in good standing are not required to obtain firearm control cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm control card in accordance with this Section. For active peace officers, the proprietary security force shall maintain on file a copy of the current police identification card and a signed letter from the peace officer's chief of police or his/her designee indicating current status as a peace officer. The proprietary security force shall annually re-verify and maintain proof of the employee's qualifications for the peace officer exemption.
- l) Maintaining a security director responsible for the daily activities of the force is a continuing requirement for proprietary security force registration. The Division

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must be notified within 14 days after any change in name or title of the security director.

- m) When the accuracy, relevance or sufficiency of any submitted documentation or information is questioned by the Division because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking registration shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the accuracy, relevance or sufficiency of any submitted documentation or information or lack of information, discrepancies or conflicts in information given.
- n) *Commercial or industrial operations that employ fewer than 5 persons as armed employees may register their security forces with the Department on forms provided by the Department. Registration subjects the security force to all of the requirements of this Section. (Section 35-45(a-1) of the Act)*

(Source: Amended at 38 Ill. Reg. 7879, effective March 25, 2014)

SUBPART F: GENERAL

Section 1240.515 Approval of Firearm Training Programs and Firearm Instructors

- a) Any person, business entity, agency, or institution offering the training courses described in Section 1240.505 of this Part shall first apply to and receive approval of the course, based upon compliance with Section 1240.510, from the Division. Application shall be made on forms provided by the Division and accompanied by the required application fee.
- b) Any person teaching the firearms training course described in Section 1240.510 of this Part must be approved by the Division. Application for approval shall be on forms provided by the Division and must be accompanied by the required application fee, a current photograph of the applicant, a photocopy of the applicant's valid Firearm Owners Identification Card, which is a continuing requirement of registration, and:

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- 1) Proof that the applicant is recognized and approved by the National Rifle Association (NRA) having taken a Law Enforcement Firearms Instructor Course that includes Security Personnel within the course. Proof shall be a copy of the applicant's Certificate from the NRA; or
 - 2) Proof that the applicant is approved and recognized as a range instructor by the Illinois Police Training Board. Proof shall be a copy of the Instructor's Certificate issued by the Law Enforcement Training and Standards Board. Nothing in this subsection (b)(2) shall obligate the Police Training Board to train, recognize or approve range instructors for any purpose other than as specified in the Illinois Police Training Act [50 ILCS 705] and Peace Officers Firearm Training Act [50 ILCS 710]; or
 - 3) Proof of other firearm instructor education or experience that the Division may consider to be substantially equivalent to subsection (b)(1) or (2), such as experience or education received in military service or federal law enforcement service.
- c) Upon application to the Division, any full-time or part-time faculty employed by an institution under the jurisdiction of the Illinois Board of Higher Education and/or the Illinois Community College Board to teach a firearms training course or security training course shall be approved as satisfying the requirements of this Section.
 - d) Any firearm training program approved by the Law Enforcement Training and Standards Board shall be approved as satisfying the requirements of this Section.
 - e) All approvals of firearm instructors shall expire on December 31, 2012 and then every five years thereafter. Failure to apply for and receive renewal of approval by that date shall cause the Division's previously granted approval to expire. The approval may be renewed by the firearm instructor by making application for renewal on forms provided by the Division and accompanied by the required renewal fee and an affirmation by the firearm instructor that the certification or other qualifying basis on which the Division originally granted approval remains current or in effect.
 - f) In addition to any other requirements, an applicant for approval as a firearm instructor shall meet the following:

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- 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
- 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
- 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
- 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
- 5) Has not been dishonorably discharged from the armed forces of the United States;
- 6) Has not violated any provision of the Act or this Part.

(Source: Amended at 38 Ill. Reg. 7879, effective March 25, 2014)

Section 1240.520 Permanent Employee Registration Card

- a) Any person seeking employee registration under Section 35-30 of the Act shall file an application with the Division, on forms provided by the Division, along with the following:
 - 1) One of the following:
 - A) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;

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- B) Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
 - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application. The verification shall be signed by the applicant's employer;
- 2) The required registration fee specified in Section 1240.570.
- b) An agency may employ an applicant in a temporary capacity in accordance with Section 35-30(k) of the Act by:
 - 1) submitting the required application in accordance with subsection (a) on behalf of the person or verifying with the Division that an application has been submitted for the individual;
 - 2) verifying on the Division's website (www.idfpr.com) that the applicant has no criminal conviction pursuant to the ISP criminal history check;
 - 3) maintaining a separate roster of the names of all employees whose applications are pending; and
 - 4) meeting any other requirements set forth in this Part or the Act.
 - c) If no record is found relating to the fingerprints and the applicant is otherwise qualified under the Act, the Division shall issue to the applicant a permanent employee registration card that shall be valid for the period specified on the face of the card and shall be renewable upon the conditions set forth in Section 1240.550 of this Part.
 - d) A valid permanent employee registration card shall serve as proof to an employer that the bearer is eligible for employment.
 - e) Exempt employees are as follows:

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- 1) Private Detective. Persons who have no access to confidential or detective related information and who otherwise do not provide traditional detective related services are exempt from employee registration. Examples of exempt employees include reception personnel. Confidential or detective related information is that which pertains to employee files, scheduling, client contracts or technical data.
- 2) Private Alarm Contractor. Persons who have no access to confidential or alarm related information and who otherwise do not provide traditional alarm related services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical alarm data.
- 3) Private Security Contractor. Persons who have no access to confidential or security information and who otherwise do not provide traditional security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ticket takers, cashiers, drivers, ushers and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical security data.
- 4) Locksmith. *Persons who have no access to confidential or security information and who otherwise do not provide traditional locksmith services, as defined in this Act, are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of key cutters, cashiers, drivers, and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts, master key charts, access codes, or technical security and alarm data.* (Section 30-5(10) of the Act)
- 5) Fingerprint Vendor
 - A) Persons who have no access to confidential or security information and who otherwise do not provide or operate fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing fingerprint images and associated

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demographic data to ISP are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of cashiers, ushers and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical security data.

B) *No registered employee of a licensed fingerprint vendor agency may operate live scan fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing fingerprint images and associated demographic data to ISP.*
(Section 31-20(d) of the Act)

- 6) Individuals currently employed as peace officers, as defined in Section 5-10 of the Act, who are in good standing are not required to obtain permanent employee registration cards. If the individual ceases to be employed as a peace officer, then the agency is required to obtain a permanent employee registration card in accordance with this Section.
- 7) All employees of any agency licensed under the Act who reside outside of Illinois and who perform no duties in Illinois.
- 8) Clerical or administrative personnel who do not perform services for clients but prepare or assist in the preparation of reports, memoranda, correspondence or other documents or records that contain confidential information are not exempt from employee registration.

f) [A registered employee of a private detective agency shall not hold himself or herself out as a private detective or use the title "private detective", but may use the title "private investigator" provided that he or she reports the name of the private detective agency that employs him or her.](#)

(Source: Amended at 38 Ill. Reg. 7879, effective March 25, 2014)

Section 1240.530 Firearm Control Cards

- a) Each employer shall make a request to the Division, on forms supplied by the Division, for the issuance of a firearm control card for each [licensee or](#) employee

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whose duties include the use, carrying or possession of a firearm. Each employee shall have an active permanent employee registration card issued in accordance with Section 1240.520 prior to applying for a firearm control card unless employed by a proprietary security force in accordance with Section 1240.400.

- b) Upon verification by the Division that the individual licensees or employees have completed the required firearm training course within the 2 years preceding the request for a firearm control card, and meet all the requirements of the Act for issuance of a firearm control card, the Division shall issue a card to the employer for each licensee or employee. If the licensee's or employee's firearm training was completed more than 2 years before the request for a firearm control card, the employer shall submit evidence that the licensee or employee has requalified on the firing range within one year preceding the request.
- c) The firearm control card shall be retained by the licensee or employee for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event a licensee or an employee fails to return a firearm control card to the employer, the employer shall notify the Division in writing of the failure and the reason why the card was not returned.
- d) No licensee or employee may carry a firearm until the requirements of this Section have been satisfied. A licensee or employee who has been issued a license to carry a concealed firearm under the Firearm Concealed Carry Act [430 ILCS 66] is not exempt from compliance with the requirements of this Section. An armed licensee or employee shall be in possession of a valid firearm control card or otherwise be in compliance with this Section at all times that he or she is engaged in employment related duties.
- e) If a licensee or an employee is employed by more than one agency, regardless of whether the agencies are owned or operated by the same person or different persons, that licensee or employee must possess a separate firearm control card for each agency.
- f) Individuals employed as peace officers, as defined in Section 5-10 of the Act, who are in good standing are not required to obtain firearm control cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm control card in accordance with this Section.

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- g) A person licensed as a fingerprint vendor or any employee of a licensed fingerprint vendor agency may not possess or carry a firearm in the course of providing fingerprinting services. This subsection shall not apply to an active duty sworn peace officer acting within the scope of his or her duties.
- h) The Division shall not grant or authorize the issuance of a firearm control card to a fingerprint vendor or any employee of a licensed fingerprint vendor agency unless:
- 1) the individual is licensed as a private detective, private alarm contractor or private security contractor; or
 - 2) the individual is employed by a private detective agency, private alarm contractor agency or private security agency licensed under the Act who carries a weapon while engaged in the performance of his or her official duties providing detective, private security contracting or alarm contractor services within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that ~~commuting is accomplished within one hour from departure from home or place of employment and~~ the individual is not providing fingerprinting services while possessing or carrying a firearm; or
 - 3) the person is employed by an armed proprietary security force registered under this Act who carries a weapon while engaged in the performance of his or her official duties within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that ~~commuting is accomplished within one hour from departure from home or place of employment and~~ the individual is not providing fingerprinting services.

(Source: Amended at 38 Ill. Reg. 7879, effective March 25, 2014)

Section 1240.535 Recordkeeping Requirements

- a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 35-30 of the Act. The employee file shall be maintained by

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the agency for 5 years after termination of the employee, shall be accessible to duly authorized representatives of the Division with 24 hours prior notice (72 hours notice for files more than 2 years old), and shall contain the following information:

- 1) A photograph of the employee taken within 10 days after the date the employee commences employment. The photo shall be replaced every 3 calendar years;
- 2) The employee's statement required in Section 35-30(b) of the Act;
- 3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;
- 4) The employee identification card of a terminated employee pursuant to Section 35-30(h);
- 5) A copy of the weapons discharge report, if applicable, during the course of the employee's duties or activities;
- 6) Application for employment;
- 7) Certification of Completion of Basic Training and/or refresher training courses as provided in Section 1240.505 of this Part;
- 8) Certificate of Firearm Training, if applicable (or notarized copy as provided in Section 1240.510 of this Part) verified by the licensee in charge;
- 9) Copy of employee's permanent employee registration card and firearm control card and active Firearm Owner's Identification Card (FOID), if applicable;
- 10) Certification or certified copy of requalification (Section 1240.510);

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- 11) Copy of employee's certification of completion of canine handler training, canine handler authorization card and canine trainer authorization card, if applicable;
 - 12) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
 - 13) A copy of the Division's webpage (www.idfpr.com) showing that an applicant has no criminal conviction pursuant to the ISP criminal history check for individuals employed prior to issuance of the permanent employee registration card; and
 - 14) For active peace officers, the agency employee file shall include a copy of the current police identification card and, within 14 days after employment a signed letter from the peace officer's chief of police or his/her designee (or Division verification of employment form) indicating current status as a peace officer, as well as items set forth in subsections (a)(1), (4), (5) and (6). The agency shall annually re-verify and maintain proof of the employee's qualifications for the peace officer exemption.
- b) Private alarm contractors who provide monitoring services shall maintain a separate roster of the names of all licensed agencies and/or individuals, including license number, from whom they accept monitoring contracts or assignments. The roster shall be made available to the Division upon 24 hours notice. It shall be considered unprofessional conduct, subject to discipline by the Division, for a licensed alarm contractor or agency to accept monitoring contracts or assignments from an unlicensed entity.
- c) Fingerprint Vendors Records
- 1) A fingerprint vendor or fingerprint vendor agency shall document in the form of a work order the date, time and location where each and every fingerprint service is provided;
 - 2) The fingerprint vendor shall require each individual seeking to be fingerprinted to present a Primary, Secondary or Requesting Agency authorized form of identification in order to be fingerprinted by the

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fingerprint vendor. The work order shall describe the form of identification presented by the individual seeking to be fingerprinted.

- A) Primary Identification – The work order shall include the name, address, date of birth, aliases, telephone number and driver's license number or Secretary of State issued State identification number [from a valid driver's license or Secretary of State issued State identification card](#) of the person requesting to be fingerprinted, the signature of that person, and the Transaction Control Number (TCN) for that fingerprint request.
- B) Secondary Identification – The work order shall include all of the information set forth in subsection (c)(2)(A). In the absence of a driver's license or State identification number, the work order shall contain verification that the individual seeking to be fingerprinted provided at least two forms of identity verification described within the Identity Verification Program Guide (2006) developed and available from the National Crime Prevention and Privacy Compact Council at the Federal Bureau of Investigation's website (<http://www.fbi.gov/about-us/cjis/cc>), no later amendments or editions apply. A copy of the documentation used to establish identity verification shall be attached as part of the work order.
- C) Requesting Agency Authorized Identification – The work order shall include all of the information set forth in subsection (c)(2)(A). If the individual is unable to provide a driver's license, Secretary of State issued State identification or any identity verification set forth in subsection (c)(2)(B), the agency requesting the individual to be fingerprinted must authorize an alternative form of identification to be used to verify the identity of the individual seeking to be fingerprinted. The work order must contain documentation confirming that the requesting agency authorized the use of an alternative form of identification in the absence of a Primary or Secondary form of identity verification. A copy of the requesting agency authorized identity verification documentation shall be attached as part of the work order;

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- 3) All work orders shall contain the name and license number of the licensed fingerprint vendor who performed the services;
- 4) If a licensee is employed by more than one fingerprint vendor agency, the employer that the licensed employee is providing fingerprint services for must be identified on the work order by the agency license number;
- 5) All work orders, including fee applicant submissions, shall be maintained for a minimum of two years from the date of printing. The records may be maintained in an electronic format so long as the records cannot be altered. Corrections may be made but must be noted in the record;
- 6) Each fee applicant submission shall contain the originating identifier (ORI) number of the agency requesting the fingerprints;
- 7) Beginning January 1, 2014, all work orders, including fee applicant submissions, must contain a photograph of the individual who was fingerprinted. The photos shall be maintained in an electronic format and shall be forwarded to ISP along with any request for criminal history record information or other information;
- 8) A licensed fingerprint vendor must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying identifiers and other biometric information when the initial purpose for collecting or obtaining the identifiers or information has been satisfied or after 3 years from the individual's last interaction with the licensed fingerprint vendor, whichever occurs first. Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines;
- 9) Work order forms, including fee applicant submissions, required to be kept under this Section shall be available for inspection by the Division or by ISP at the discretion of the Division or ISP, respectively. The Division shall have the right to audit records of a licensed fingerprint vendor to ensure compliance with the Act and this Part;

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- 10) A licensed fingerprint vendor shall provide and obtain a signed consent form from the applicant prior to the fingerprinting of any individual fingerprinted for all civil submissions (i.e., passport, adoption and employment related criminal background checks, etc.). The privacy statement within the consent form must be pre-approved by ISP.

(Source: Amended at 38 Ill. Reg. 7879, effective March 25, 2014)

Section 1240.555 Endorsement (Repealed)

- a) ~~An applicant who is licensed under the laws of another jurisdiction shall file an application with the Division, together with:~~
- 1) ~~A certification from the licensing authority of the jurisdiction stating:~~
- A) ~~The time during which the applicant was licensed in that jurisdiction;~~
- B) ~~Whether the file on the applicant contains a record of any disciplinary action taken or pending; and~~
- C) ~~A brief description of the examination taken and the grades received; and~~
- 2) ~~A completed Education Certification Form, a completed Verification of Qualifying Experience Form or a completed Work History Form detailing the education and/or experience required by Section 15-10, 20-10, 25-10 or 30-10 of the Act, as applicable; and~~
- 3) ~~The required fee specified in Section 1240.570.~~
- b) ~~The Division shall examine each application to determine whether the requirements at the time of licensure in the state where the applicant was licensed were substantially equivalent to the requirements in force in the State of Illinois at that time and the state has similar rules for licensure by endorsement.~~
- e) ~~If the Division questions the documentation provided by the applicant because of discrepancies or conflicts in information, or missing information, or if the~~

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~~Division needs further information to determine substantial equivalence of the applicant's qualifications for licensure, the applicant will be requested to submit further information as the Division deems necessary to make such determination.~~

(Source: Repealed at 38 Ill. Reg. 7879, effective March 25, 2014)

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- 1) Heading of the Part: Illinois Roofing Industry Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1460
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1460.5	Amend
1460.10	Amend
1460.11	Amend
1460.12	Amend
1460.20	Amend
1460.30	Amend
1460.40	Amend
1460.50	Amend
1460.60	Amend
1460.80	Amend
1460.90	Amend
- 4) Statutory Authority: Implementing the Illinois Roofing Industry Licensing Act [225 ILCS 335] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) Effective Date of Rule: March 25, 2014
- 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in the *Illinois Register*: December 13, 2013; 37 Ill. Reg. 19796.
- 10) Has JCAR issued a Statement of Objection to this rulemaking No
- 11) Differences between Proposal and Final Version: There are no substantive differences.

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- 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 rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The adopted amendments change the renewal date to December 31 of odd-numbered years to allow for renewals to take place in the off-season for roofers. They also contain technical changes and updates.
- 16) Information and questions regarding this adopted rule shall be directed to:

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

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

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL REGULATION](#)
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1460

ILLINOIS ROOFING INDUSTRY LICENSING ACT

Section

1460.5	Definitions
1460.10	Application for a Roofing License
1460.11	Qualifying Party
1460.12	Examination for Qualifying Party
1460.20	Liability Insurance Requirements
1460.30	Bonding Requirements
1460.40	Renewals
1460.50	Restoration
1460.60	Cancellation of License
1460.70	Definition of Roofing (Repealed)
1460.80	Fees
1460.90	Granting Variances

AUTHORITY: Implementing the Illinois Roofing Industry Licensing Act [225 ILCS 335] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency Rules adopted at 10 Ill. Reg. 10284, effective July 1, 1985, for a maximum of 150 days; rules adopted at 10 Ill. Reg. 1237, effective January 3, 1986; amended at 11 Ill. Reg. 6246, effective March 18, 1987; transferred from Chapter I, 68 Ill. Adm. Code 460 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1460 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2946; amended at 25 Ill. Reg. 2085, effective January 22, 2001; emergency amendment at 27 Ill. Reg. 6363, effective April 10, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 14347, effective August 25, 2003; amended at 38 Ill. Reg. 7910, effective March 25, 2014.

Section 1460.5 Definitions

["Act" means the Illinois Roofing Industry Licensing Act \[225 ILCS 335\].](#)

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"Board" means the Roofing Advisory Board.

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

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

["Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation with the authority delegated by the Secretary.](#)

"Limited roofing license" means a license made available to contractors whose roofing business is limited to residential roofing, including residential properties consisting of 8 units or less.

"Qualifying party" means the individual filing as a sole proprietor, partner of a partnership, officer of a corporation, trustee of a business trust, or party of another legal entity, who is legally qualified to act for the business organization in all matters connected with its roofing contracting business, has the authority to supervise roofing installation operations, and is actively engaged in day to day activities of the business organization. A qualifying party does not apply to a seller of roofing materials or services when the construction, reconstruction, alteration, maintenance, or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

["Roofing" means to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing. Nothing shall be construed to require sheet metal, electrical, plumbing, refrigeration or mason contractors or carpenters who perform chimney repairs or install soil pipes, electrical jacks, gutters, heating and cooling vents, wood roof decks, or any other kind of roof deck or television antenna to be licensed under the Act.](#)

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

"Unlimited roofing license" means a license made available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial properties.

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~~"Roofing" means to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing. Nothing shall be construed to require sheet metal, electrical, plumbing, refrigeration or mason contractors or carpenters who perform chimney repairs or install soil pipes, electrical jacks, gutters, heating and cooling vents, wood roof decks, or any other kind of roof deck or television antenna to be licensed under the Act.~~

(Source: Amended at 38 Ill. Reg. 7910, effective March 25, 2014)

Section 1460.10 Application for a Roofing License

- a) Applications for a roofing license under the ~~Illinois Roofing Industry Licensing Act (the Act) [225 ILCS 335]~~ shall be submitted to the ~~Division~~Department of Professional Regulation ~~(the Department)~~ on forms provided by the ~~Division~~Department, along with the following documentation:
- 1) ~~Limited~~If you are a contractor who will be doing only residential roofing, mark on the application that you want a limited roofing license ~~applicants must~~and submit the following:
- A) Proof of liability insurance acceptable to the ~~Division~~Department as specified in Section 1460.20 ~~of this Part~~. Proof shall be a Certificate of Insurance;
- B) Either:
- i) Proof that the applicant has obtained Workers' Compensation Insurance or that the applicant is an approved self-insurer of Workers' Compensation. Proof shall be either the Certificate of Insurance from the insurance provider or the Certificate of Approval as a Self-Insurer issued by the Illinois ~~Workers' Compensation~~Industrial Commission; or
- ii) Certifying statement that the applicant has no employees. If an applicant is a sole proprietorship or partnership and

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the applicant has no employees, the applicant shall not be required to provide proof of Workers' Compensation Insurance or Illinois Unemployment Insurance.

- C) Proof that the applicant has obtained, or has applied for, an Illinois Unemployment Insurance employer identification number, unless certifying that applicant has no employees, in accordance with subsection (a)(2). Proof shall be either a copy of the quarterly report (Form ~~UI 3/40U-C-1 or U-C-3~~) issued to the applicant by the Department of Employment Security or a certified copy of the completed application submitted to the Department of Employment Security for the issuance of an employer identification number;
 - D) Proof of a bond in the amount of \$10,000 pursuant to Section 1460.30 ~~of this Part~~;
 - E) Designation of a qualifying party; and
 - F) The required fee set forth in Section 1460.80.
- 2) ~~Unlimited~~~~If you are a contractor who will be doing residential, commercial and industrial roofing, mark on the application that you want an unlimited~~ roofing license ~~applicants must~~ submit the following:
- A) Proof of liability insurance acceptable to the ~~Division~~~~Department~~ as specified in Section 1460.20. Proof shall be a Certificate of Insurance;
 - B) Either:
 - i) Proof that the applicant has obtained Workers' Compensation Insurance or that the applicant is an approved self-insurer of Workers' Compensation. Proof shall be either the Certificate of Insurance from the insurance provider or the Certificate of Approval as a Self-Insurer issued by the Illinois ~~Workers' Compensation Industrial~~ Commission; or

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- ii) Certifying statement that the applicant has no employees. If an applicant is a sole proprietorship or partnership and the applicant has no employees, the applicant shall not be required to provide proof of Workers' Compensation Insurance or Illinois Unemployment Insurance;
 - C) Proof that the applicant has obtained, or has applied for, an Illinois Unemployment Insurance employer identification number, unless certifying that applicant has no employees, in accordance with subsection (a)(2). Proof shall be either a copy of the quarterly report (Form [UI 3/40U-C-1 or U-C-3](#)) issued to the applicant by the Department of Employment Security or a certified copy of the completed application submitted to the Department of Employment Security for the issuance of an employer identification number;
 - D) Proof of a bond in the amount of \$25,000 pursuant to Section 1460.30;
 - E) Designation of a qualifying party; and
 - F) The required fee set forth in Section 1460.80.
- b) Any applicant for a limited or unlimited roofing license that is a partnership, corporation, business trust, or other legal entity shall provide the following information with the application:
- 1) For Corporations:
 - A) The name of the corporation and its business address, and the names of all members of the board of directors and officers;
 - B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate

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of authority to transact business in this State issued by the Secretary of State is also required; and

- C) A copy of the authority to transact business under the Assumed Business Name Act [\[805 ILCS 405\]](#) issued by the Secretary of State for any assumed names of the corporation, if applicable.
- 2) For Partnerships:
 - A) A copy of the signed and dated partnership agreement, the name of the partnership and its business address, and the names of all general partners; and
 - B) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.
 - 3) For Limited Liability Companies or Limited Liability Partnerships:
 - A) The name of the limited liability company or partnership, the business address and the members/partners of the company/partnership; and
 - B) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.
 - 4) For Sole Proprietorships with an Assumed Name: A letter or certificate from the county clerk where an assumed name has been filed.
- c) No roofing license will be issued to any applicant without a designated qualifying party who has passed the examination set forth in Section 1460.12.
 - d) A holder of a limited license who wants an unlimited license shall be required to submit an application for an unlimited license in accordance with subsection (a)(2).

(Source: Amended at 38 Ill. Reg. 7910, effective March 25, 2014)

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Section 1460.11 Qualifying Party

- a) Beginning July 1, 2003, all licensees shall have a designated qualifying party.
- b) All licensees at renewal will be required to designate a qualifying party, who will not be required to take and pass the examination set forth in Section 1460.12. If, at any time thereafter, a licensee allows his/her license to lapse, or the qualifying party who was designated on or before July 1, 2003 terminates or is terminated, or his or her status as a qualifying party of a licensee is terminated, the licensee will be required to [restore his or her license in accordance with Section 1460.50](#)~~designate a qualifying party who has taken and passed the examination set forth in Section 1460.12.~~
- c) No person shall be named as a qualifying party for more than one licensee. However, the person may act in the capacity of the qualifying party for one additional licensee of the same type of licensure if one of the following conditions exists:
 - 1) There is a common ownership of at least 25% of each licensed entity for which the person acts as a qualifying party; or
 - 2) The same person acts as a qualifying party for one licensed entity and its licensed subsidiary. "Subsidiary" as used in this Section means a corporation of which at least 25% is owned by another licensee.
- d) When a qualifying party is terminated or is terminating his or her status as a qualifying party of a licensee, the qualifying party and the licensee shall notify the [Division](#)~~Department~~ in writing of the termination within 30 business days.
- e) The licensee shall notify the [Division](#)~~Department~~ in writing within 30 business days after the termination of a qualifying party and shall supply the name and address of the newly designated qualifying party. If the qualifying party has not taken and passed the examination set forth in Section 1460.12, [or the party to be named was not named as a qualifying party on or before July 1, 2003 by some licensee](#), the new qualifying party shall apply for examination pursuant Section 1460.12. The qualifying party will have 7 months to pass the examination. If the

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qualifying party has not passed the examination in the 7 months, the licensee shall designate a qualifying party who has passed the examination.

(Source: Amended at 38 Ill. Reg. 7910, effective March 25, 2014)

Section 1460.12 Examination for Qualifying Party

- a) An applicant for examination as a qualifying party shall file an application with the [DivisionDepartment](#), or its designated testing service, on forms provided by the [DivisionDepartment](#), and shall include any fee covering the cost of providing the examination. The application shall be submitted 60 days prior to examination, and shall include the name and license number of the roofing business for which he or she is the designated qualifying party, if applicable.
- b) Examination Information
 - 1) The [DivisionDepartment](#) shall administer 3 examinations:
 - A) Illinois Residential Roofing;
 - B) Illinois Commercial and Industrial Roofing; and
 - C) Illinois Residential, Commercial and Industrial Roofing.
 - 2) The examinations shall be administered a minimum of 4 times a year.
 - 3) An individual who has passed the Illinois Residential Roofing Examination who wants to be a qualifying party for an unlimited roofing contractor shall be required to take and pass the Illinois Commercial and Industrial Roofing Examination.
- c) Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the [DivisionDepartment](#) or the designated testing service, shall result in the forfeiture of the examination fee.
- d) An applicant shall be required to complete the examination process within 3 years from date of application or the fee will be forfeited, and the applicant will be

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required to submit a new application and meet the requirements in effect at the time of reapplication.

(Source: Amended at 38 Ill. Reg. 7910, effective March 25, 2014)

Section 1460.20 Liability Insurance Requirements

- a) Each applicant for a certification as a roofing contractor shall obtain, and maintain for the duration of such certification, public liability and property damage insurance in the minimum amount and form specified below:
 - 1) \$250,000 for each occurrence of property damage; and
 - 2) \$500,000 for each occurrence of personal injury or bodily harm.
- b) ~~This~~[Such](#) policy shall provide that it cannot be cancelled except upon written notification to the ~~Division~~[Department](#) at least 30 days prior to the date of cancellation.

(Source: Amended at 38 Ill. Reg. 7910, effective March 25, 2014)

Section 1460.30 Bonding Requirements

- a) Each applicant for a limited roofing license shall obtain, and maintain in force for the duration of the license, a continuous surety bond in the minimum amount of \$10,000. Each applicant for an unlimited roofing license shall obtain, and maintain in force for the duration of the license, a continuous surety bond in the minimum amount of \$25,000. The bond shall be issued by an insurance company authorized to transact fidelity and surety business in the State of Illinois and shall be for the performance of all work undertaken by the applicant in the course of the applicant's roofing contracting business and for the payment of damages during the course of ~~that~~[such](#) work that may be sustained by reason of negligence, misconduct, or violation of any laws, ordinances, rules, regulations or building codes governing the work.
- b) The bond shall be executed on a form provided by the ~~Division~~[Department](#) or the bond provider.

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- c) The bond shall state that it cannot be cancelled except upon written notification to the ~~Division~~Department at least 60 days prior to the date of cancellation.

(Source: Amended at 38 Ill. Reg. 7910, effective March 25, 2014)

Section 1460.40 Renewals

~~a)~~Each limited or unlimited roofing license shall expire on June 30 of odd-numbered years and must be renewed prior to that date. Beginning with the 2015 renewal and for all renewals thereafter, each limited or unlimited roofing license shall expire on December 31 of odd-numbered years and must be renewed prior to that date. Each application for renewal of a limited or unlimited roofing license shall be made on forms provided by the ~~Division~~Department and shall be accompanied by:

~~a)1)~~ a certifying statement that the holder of the license continues to comply with the requirements for insurance and bonding;

~~b)2)~~ ~~the~~The required fee set forth in Section 1460.80; and

~~c)3)~~ the name of the designated qualifying party.

b) ~~For the June 30, 2003 renewal, a roofing contractor shall submit a renewal application on forms provided by the Department and shall:~~

~~1) designate on the application whether he/she wants a limited or unlimited roofing license;~~

~~2) designate a qualifying party as defined in Section 1460.11;~~

~~3) submit a \$10,000 continuous surety bond for a limited roofing license or a \$25,000 continuous surety bond for an unlimited roofing license that meets the requirements set forth in Section 1460.30;~~

~~4) submit a certifying statement that the holder of the license continues to meet the insurance requirements set forth in Section 1460.20; and~~

~~5) submit the required fee set forth in Section 1460.80.~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 38 Ill. Reg. 7910, effective March 25, 2014)

Section 1460.50 Restoration

- a) Applications for restoration of a limited or unlimited roofing license that has expired or has been placed on inactive status for 5 years or less shall have the license restored upon payment of all lapsed renewal fees and shall be made to the Division~~Department~~ on forms provided by the Division~~Department~~ and shall include the following:
- 1)a) Designation as either a limited or unlimited roofing contractor;
 - 2)b) Proof of insurance as required in Section 1460.20;
 - 3)c) Proof of continuous surety bond as required in Section 1460.30;
 - 4)d) The name of the designated qualifying party who has passed the examination set forth in Section 1460.12. ~~The Department shall not require an individual whose license has lapsed less than 90 days to sit for the examination;~~ and
 - 5)e) The required fee set forth in Section 1460.80.
- b) Applications for restoration of a limited or unlimited roofing license that has expired or has been placed on inactive status for more than 5 years shall have the license restored upon payment of all lapsed renewal fees and shall be made to the Department on forms provided by the Department and shall include the following:
- 1) Designation as either a limited or unlimited roofing contractor;
 - 2) Proof of insurance as required in Section 1460.20;
 - 3) Proof of continuous surety bond as required in Section 1460.30;
 - 4) The name of the designated qualifying party who has passed the appropriate examination set forth in Section 1460.12(b);
 - 5) The required fee set forth in Section 1460.80;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

6) One of the following:

A) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of active practice; or

B) An affidavit attesting to military service as provided in Section 60 of the Act; or

C) Testing/Experience

i) Except as otherwise provided in subsection (b)(6)(C)(ii), proof of passage of one of the following examinations appropriate for the type of license being restored:

- The Illinois Residential Roofing;
- The Illinois Commercial and Industrial Roofing; and
- The Illinois Residential, Commercial and Industrial Roofing; or

ii) In lieu of submission of an examination referenced in subsection (b)(6)(C)(i), the person seeking restoration may submit proof of 6 months of lawful practice under the supervision of a licensed roofer. That practice shall be under a licensed roofer holding the same type of license, meaning unlimited or limited, as the person seeking restoration.

c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be requested to provide information as may be necessary.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 38 Ill. Reg. 7910, effective March 25, 2014)

Section 1460.60 Cancellation of License

- a) A limited or unlimited roofing license shall be cancelled, without hearing, by the ~~Division~~Department upon proof that the holder of the license has failed to maintain the insurance or bonding requirements. Proof shall be notice by the insurance company to the Department of insurance or bond cancellation.
- b) The holder of a cancelled license shall have the license reissued upon application to the ~~Division~~Department, on forms provided by the ~~Division~~Department, and upon proof that he/she has satisfied all insurance and bond requirements.

(Source: Amended at 38 Ill. Reg. 7910, effective March 25, 2014)

Section 1460.80 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees
 - 1) The fee for application for an unlimited or limited roofing license is \$125.
 - 2) Applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- b) Renewal Fees
The fee for the renewal of an unlimited or limited license shall be calculated at the rate of \$62.50 per year.
- c) General Fees

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The fee for the restoration of a non-renewed license is ~~\$50~~\$20 plus payment of all lapsed renewal fees, not to exceed ~~\$375~~\$250.
- 2) The fee for the issuance of a duplicate/replacement license issued for a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on ~~Division~~Department records when no duplicate license is issued.
- 3) The fee for certification of a licensee's record for any purpose is \$20.
- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 5) The fee for a roster of licensees shall be the actual cost of producing the roster.

(Source: Amended at 38 Ill. Reg. 7910, effective March 25, 2014)

Section 1460.90 Granting Variances

- a) The Director may grant variances from this Part in individual cases where he or ~~she~~ finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance and the reasons for the variance at the next meeting of the Board.

(Source: Amended at 38 Ill. Reg. 7910, effective March 25, 2014)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Summary Document and Disclaimer
- 2) Code Citation: 50 Ill. Adm. Code 3401
- 3) Section Number: 3401.ILLUSTRATION A Adopted Action: Amend
- 4) Statutory Authority: Implementing and authorized by Section 531.19 of the Illinois Insurance Code [215 ILCS 5/531.19]
- 5) Effective Date of Rule: March 27, 2014
- 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 Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 19998; December 20, 2013
- 10) Has JCAR issued a Statement of Objections 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Illinois Life and Health Insurance Guaranty Association changed their address effective September 1, 2013. The Part is being amended to update the address in 3401.ILLUSTRATION A.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

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

Cindy Colonius, Supervisor
Compliance Section - LAH
Department of Insurance
320 West Washington Street
Springfield IL 62767-0001

217/782-4572

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER II: LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION

PART 3401

SUMMARY DOCUMENT AND DISCLAIMER

Section

- 3401.10 Applicability
- 3401.20 Purpose
- 3401.30 Definitions
- 3401.40 Delivery of Documents Required
- 3401.ILLUSTRATION A Summary Document and Disclaimer

AUTHORITY: Implementing and authorized by Section 531.19 of the Illinois Insurance Code [215 ILCS 5/531.19].

SOURCE: Adopted at 19 Ill. Reg. 9134, effective July 1, 1995; expedited correction at 19 Ill. Reg. 13090, effective July 1, 1995; amended at 24 Ill. Reg. 16344, effective October 23, 2000; amended at 37 Ill. Reg. 15355, effective January 1, 2014; amended at 38 Ill. Reg. 7926, effective March 27, 2014.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

Section 3401.ILLUSTRATION A Summary Document and DisclaimerNOTICE OF
PROTECTION PROVIDED BY
ILLINOIS LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION

This notice provides a **brief summary** description of the Illinois Life and Health Insurance Guaranty Association (the Association) and the protection it provides for policyholders. This safety net was created under Illinois law that determines who and what is covered and the amounts of coverage.

The Association was established to provide protection in the unlikely event that your member life, annuity or health insurance company becomes financially unable to meet its obligations and is placed into Receivership by the Insurance Department of the state in which the company is domiciled. If this should happen, the Association will typically arrange to continue coverage and pay claims, in accordance with Illinois law, with funding from assessments paid by other insurance companies.

The basic protections provided by the Association per insolvency are:

- Life Insurance
 - \$300,000 in death benefits
 - \$100,000 in cash surrender or withdrawal values
- Health Insurance
 - \$500,000 in hospital, medical and surgical insurance benefits*
 - \$300,000 in disability insurance benefits
 - \$300,000 in long-term care insurance benefits
 - \$100,000 in other types of health insurance benefits
- Annuities
 - \$250,000 in withdrawal and cash values

- * The maximum amount of protection for each individual, regardless of the number of policies or contracts, is \$300,000, except special rules apply to hospital, medical and surgical insurance benefits for which the maximum amount of protection is \$500,000.

Note: Certain policies and contracts may not be covered or fully covered. For example, coverage does not extend to any portion of a policy or contract that the insurer does not guarantee, such as certain investment additions to the account value of a variable life

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

insurance policy or a variable annuity contract. There are also residency requirements and other limitations under Illinois law.

To learn more about these protections, as well as protections relating to group contracts or retirement plans, please visit the Association's website at www.ilhiga.org or contact:

Illinois Life and Health Insurance Guaranty Association
~~1520 Kensington Road, Suite 1128420 West Bryn Mawr Avenue, Suite 550~~
~~Oak Brook, Illinois 60523-2140 Chicago, Illinois 60631-3404~~
(773) 714-8050

Illinois Department of Insurance
4th Floor
320 West Washington Street
Springfield, Illinois 62767
(217) 782-4515

Insurance companies and agents are not allowed by Illinois law to use the existence of the Association or its coverage to encourage you to purchase any form of insurance. When selecting an insurance company, you should not rely on Association coverage. If there is any inconsistency between this notice and Illinois law, then Illinois law will control.

(Source: Amended at 38 Ill. Reg. 7926, effective March 27, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Wild Swine
- 2) Code Citation: 17 Ill. Adm. Code 700
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
700.10	New
700.20	New
700.30	New
700.40	New
700.50	New
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.10, 2.2, 2.2a, 2.3.2.37, 3.5 and 3.22 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.10, 2.2, 2.2a, 2.3, 2.37 and 3.5]
- 5) Effective Date of Rule: March 28, 2014
- 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 rule, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: December 13, 2013, 37 Ill. Reg. 19817
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 700.40(a), "Sections" has been changed to "Section" and "(520 ILCS 5/2.2 or 3.22)" has been deleted.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part contains the rules and regulations on Wild Swine in Illinois to protect our wildlife, wildlife habitat and reduce property damage in Illinois.
- 16) Information and questions regarding this adopted rule shall be directed to:

Julia Lawrence, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 700
WILD SWINE

Section	
700.10	Purpose
700.20	Definition of Wild Swine
700.30	Unlawful Acts
700.40	Permits
700.50	Penalties

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.10, 2.2, 2.2a, 2.3, 2.37 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.10, 2.2, 2.2a, 2.3, 2.37 and 3.5].

SOURCE: Adopted at 38 Ill. Reg. 7931, effective March 28, 2014.

Section 700.10 Purpose

This Part has been established to govern the importation, possession, release into the wild, take, commercialization of take, sale and propagation of wild swine in Illinois as authorized by Section 2.2a of the Wildlife Code [520 ILCS 5/2.2a]. Nothing in this Part shall be construed to permit the Department to take action that hinders the operation of legitimate agricultural operations, the use of companion animals (see 510 ILCS 70/2.01a) or to criminalize the accidental escape of domestic swine.

Section 700.20 Definition of Wild Swine

Wild swine are defined as feral swine, Eurasian wild boar (*Sus scrofa*, including subspecies), and hybrids between feral swine and Eurasian wild boar. Populations or individuals of any swine that are unrestrained and have adapted to living in a wild or free-roaming environment are considered feral swine.

Section 700.30 Unlawful Acts

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- a) Live wild swine shall not be possessed, propagated, bought, sold, bartered or offered to be bought, transported, traded, transferred or loaned to any other person or institution unless a permit is first obtained from the Department of Natural Resources in accordance with Section 700.40. Temporary restraint of wild swine in a trap or transport before euthanizing is not considered possession. All live wild swine trapped or otherwise restrained must be killed and not released into the wild.
- b) Wild swine shall not be released into the wild, including intentional release of domesticated swine for the purposes of establishing a feral swine population or creating hunting opportunities. Chronic neglect of fencing for domestic swine that could result in the establishment of a population of wild swine is considered an intentional release. Release of wild swine is in violation of Section 2.2a and 2.3 of the Wildlife Code.
- c) It is illegal to hunt or shoot wild swine outside of established firearm, muzzleloader, late-winter antlerless and CWD deer seasons without the issuance of a permit (see 520 ILCS 5/2.37) by the Department or through a Department approved agreement for feral swine removal. Wild swine can legally be taken by firearm deer hunters, who are carrying a current and valid unfilled deer permit, the appropriate licenses and stamps to hunt deer, and are wearing the legal amount of orange, on private and Department-owned lands during the firearm, muzzleloader, late-winter antlerless and/or CWD seasons. All swine harvested during the firearm seasons must be reported to the Department. At all times, unless permitted by the Department to do so, it is illegal to trap, bait or chase (with dogs or otherwise) wild swine.
- d) No person (as defined in Section 1.2L of the Wildlife Code) shall provide or offer to provide, for compensation or other profit, outfitting or guide services for wild swine hunting in Illinois, in accordance with 17 Ill. Adm. Code 640.
- e) Commercial hunting enclosures for wild swine are prohibited.
- f) Possession of legally harvested, dead wild swine, including any meat or any part of the carcass or skin of wild swine is legal.

Section 700.40 Permits

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- a) **Application Requirements**
Permits to transport/possess wild swine may be issued by the Department of Natural Resources in accordance with Section 2.2a of the Wildlife Code for scientific purposes, under the following provisions:
- 1) Medical or research institutions wishing to transport/possess wild swine must make application to the Department in writing, on forms provided by the Department, at the following address:

Illinois Department of Natural Resources
Office of Resource Conservation
Wildlife Division
One Natural Resources Way
Springfield IL 62702-1271
 - 2) Applications must contain the following minimum information:
 - A) Name and address of medical or research institution;
 - B) Name, address and position of person making application;
 - C) Number of specimens for which permit is requested;
 - D) Explanation of the medical or research project necessitating need for permit;
 - E) A statement of the applicant's qualifications and previous experience in caring for and handling captive wildlife;
 - F) Time period for which permit is requested;
 - G) Location and description of facilities in which species will be kept; and
 - H) Any other information as requested by the Department, e.g., purpose of research, supplier of animals, and disposition of animals.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

b) Issuance Criteria

The Department shall consider the following in determining whether to issue a permit to transport/possess wild swine for medical or scientific purposes:

- 1) Whether the request is for a legitimate medical or research purpose;
- 2) Whether the facilities for holding the specimens have been inspected and approved by the Department prior to issuance of a permit. Facilities must be constructed and maintained to prevent escape of the specimens; and
- 3) Whether the applicant is aware of the potential dangers to public interest posed by the wild swine and who, by reason of his/her knowledge, experience and facilities, can be expected to provide adequate protection of the public interests.

c) Permit Conditions

Permits issued for the transportation/possession of wild swine shall be subject to the following conditions:

- 1) All specimens and progeny of those specimens approved under the permit must be confined in the facilities and at the location approved on the permit.
- 2) Disposition of the specimens (including conditions under which they may be sold, traded, bartered or transferred to another permitted exhibition or institution) shall be as designated by the Department.
- 3) Permits issued under this Part shall be valid only for the time periods and under the provisions designated by the Department on the permit.
- 4) All permit holders shall file with the Department, no later than 30 days after the expiration of the permit, a report documenting disposition of all specimens.
- 5) In the event of escape or unintentional release of specimens or their progeny authorized under the permit, permittees shall notify the Department by telephone (1-877-236-7529, toll-free) or other expedient

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

means within 24 hours following the escape, unless specifically exempted by the Department in writing.

Section 700.50 Penalties

- a) Violations of Sections 2.2a and/or 2.3 of the Wildlife Code are Class A misdemeanors (see Section 3.5 of the Wildlife Code).
- b) Any violations of the Wildlife Code or administrative rules of the Department may result in the revocation of licenses and permits, and the suspension of privileges (see 17 Ill. Adm. Code 2530).

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Fire Sprinkler Contractor Licensing Rules
- 2) Code Citation: 41 Ill. Adm. Code 109
- 3) Section Number: 109.100 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 50 of the Fire Sprinkler Contractor Licensing Act [225 ILCS 317/50]
- 5) Effective Date of Adopted Rule: April 15, 2014
- 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 rule, including any matter incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703, and is available for public inspection at that location.
- 9) Notice of Proposed Rulemaking published in the *Illinois Register*: November 15, 2013; 37 Ill. Reg. 18236.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between the Proposed and Adopted Versions: None.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None requested.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending to this Part? No
- 15) Summary and Purpose of Rulemaking: This adopted rulemaking amends Part 109 to require a fee for a duplicate license. Such a fee is statutorily required under Section 35 of the Fire Sprinkler Contractor Licensing Act [225 ILCS 317/35].

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENT

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

Kevin Switzer
Director, Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0639
Facsimile: 217/558-4992

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 109
FIRE SPRINKLER CONTRACTOR LICENSING RULES

Section	
109.10	Purpose
109.20	Applicability of Rules
109.30	Definitions
109.40	Application for License
109.50	Communications by Business
109.60	Required Notifications to the Office
109.70	Termination of License
109.80	Display of License and Retention of Sprinkler System Plans
109.90	Availability of Books, Records, Forms and Stationery
109.100	Renewal of License
109.110	Compliance Standards
109.120	Administrative Actions
109.130	Administrative Fines
109.140	Appeal of an Administrative Action

AUTHORITY: Implementing and authorized by Section 50 of the Fire Sprinkler Contractor Licensing Act [225 ILCS 317].

SOURCE: Adopted at 28 Ill. Reg. 9239, effective June 28, 2004; amended at 30 Ill. Reg. 16994, effective October 11, 2006; amended at 38 Ill. Reg. 7938, effective April 15, 2014.

Section 109.100 Renewal of License

- a) Each license issued under the Act shall be issued for a period of two years. A renewal notice, along with the renewal forms, will be sent to the licensee 90 days prior to the expiration date. Upon receipt of the completed renewal forms and the \$1,500 fee, the Office will issue the new license.
- b) Failure to receive a renewal form from the Office shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENT

- c) In addition to the renewal fee, a reinstatement fee of \$100 shall be assessed for each business failing to renew within 60 days after the end of the license period. The Office may waive the renewal fee and any reinstatement fee for a sole proprietorship if the owner was on active duty in the military during the time the renewal was due.
- d) Each designated certified person or responsible managing employee must provide proof that he or she attended at least 8 hours of continuing education for each year of the current license.
- e) [For each duplicate license requested, the fee shall be \\$50.](#)

(Source: Amended at 38 Ill. Reg. 7938, effective April 15, 2014)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Fire Equipment Administrative Procedures
- 2) Code Citation: 41 Ill. Adm. Code 280
- 3) Section Number: 280.50 Adopted Action:
Amend
- 4) Statutory Authority: Implementing and authorized by Section 30 of the Fire Equipment Distributor and Employee Regulation Act of 2011 [225 ILCS 217/30]
- 5) Effective Date of Adopted Rule: April 15, 2014
- 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 rule, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703, and is available for public inspection at that location.
- 9) Notice of Proposed Rulemaking published in the *Illinois Register*: November 15, 2013; 37 Ill. Reg. 18240
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between the Proposed and Adopted Versions: In the citation to the statutory authority, changed "2000 [225 ILCS 216]" to "2011 [225 ILCS 217]" (correcting an error in the citation).
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending to this part? No
- 15) Summary and Purpose of Rulemaking: This adopted rulemaking amends Part 280 to require the correct statutory fee for reinstating a license that has lapsed more than 60

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENT

days. See Sections 60 and 65 of the Fire Equipment Distributor and Employee Regulation Act of 2011 [225 ILCS 217/60 & 65].

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

Kevin Switzer
Director, Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703

217/558-0639
fax: 217/558-4992

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 280
FIRE EQUIPMENT ADMINISTRATIVE PROCEDURES

Section	
280.10	Definitions
280.15	Incorporations by Reference
280.20	Fire Equipment Distributor License
280.30	Fire Equipment Distributor Employee License
280.40	Examinations
280.50	Miscellaneous Fees
280.55	Continuing Education
280.60	Complaints, Investigation and Formal Charges
280.65	Administrative Hearing
280.70	Grounds for Revocation, Suspension or Refusal to Issue a License
280.75	Sanctions to be Imposed for Violators
280.80	Exemptions to Licensing

AUTHORITY: Implementing and authorized by the Fire Equipment Distributor and Employee Regulation Act of 2011 [225 ILCS 217].

SOURCE: Adopted at 17 Ill. Reg. 7214, effective May 11, 1993; amended at 32 Ill. Reg. 4191, effective March 5, 2008; amended at 38 Ill. Reg. 7942, effective April 15, 2014.

Section 280.50 Miscellaneous Fees

- a) Branch Office Fee. If a Fire Equipment Distributor has more than one office in this State, a branch office license is required. A fee of \$50 will be assessed for each branch office license.
- b) Office Processing Fees
 - 1) A fee of \$50 is required if a check or other order is returned by a financial institution twice because of insufficient funds. An additional fee of \$100 shall be imposed for practicing without a current license, if the failure of the check to clear results in lapse of the license.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENT

- 2) A fee of \$20 shall be assessed for replacing a lost license, change of name or address, or the addition of classifications or employees to a distributorship.
- 3) A reinstatement fee of \$50 shall be assessed for any license which has lapsed~~A fee of \$100 per classification shall be assessed to distributors whose licenses have lapsed and \$20 for each employee license that has lapsed.~~

(Source: Amended at 38 Ill. Reg. 7942, effective April 15, 2014)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers: Adopted Action:
 1030.1 Amend
 1030.85 Amend
 1030.Appendix A Amend
 1030.Appendix B Amend
- 4) Statutory Authority: 625 ILCS 5/6-107; 5/6-110; 5/6-508 and 5/6-521(c)
- 5) Effective Date of Rule: March 28, 2014
- 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 rule, including any material incorporated by reference, is on file in the Department's Division of Driver's Services and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 37 Ill. Reg. 20117; December 20, 2013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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 rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u><i>Illinois Register</i> citation:</u>
1030.1	Amend	38 Ill. Reg. 5163; February 21, 2014
1030.5	Amend	38 Ill. Reg. 5163; February 21, 2014
1030.6	Amend	38 Ill. Reg. 5163; February 21, 2014

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1030.7	Amend	38 Ill. Reg. 5163; February 21, 2014
1030.65	Amend	38 Ill. Reg. 5163; February 21, 2014
1030.66	New	38 Ill. Reg. 5163; February 21, 2014

15) Summary and Purpose of Rulemaking:

PA 98-52, effective January 1, 2014, requires the Secretary of State to waive the skills tests required for a commercial driver's license (CDL) to current and recently discharged veterans, so long as the applicant complies with federal rule 49 CFR 383.77 (October 1, 2012).

In a previous rulemaking, to come into compliance with Federal Motor Carrier Safety Regulations, the Secretary of State removed the J48 restriction regarding school bus permits from Section 1030.92. However, definitions relating to the J48 restriction were inadvertently left in Section 1030.1. This rulemaking will remove the definitions pertaining to the J48 restriction.

Appendix A is being amended to implement PA 98-168, which will prohibit the Secretary of State from issuing a first-time driver's license to an applicant under the age of 18 if the applicant has a pending citation. A question will be added to the driver's license application that asks the applicant if they have a pending citation.

Appendix B is being amended to implement PA 98-323, which allows a peace officer to use his or her business address in lieu of a home address on a driver's license or identification card.

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

Jennifer Egziii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield IL 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
1030.5	Procedure for Obtaining a Driver's License
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
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 (Renumbered)
1030.12	Identification Cards for the Homeless
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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)
1030.22	Medical Examiner's Certificate – CDL Holders
1030.25	Safe Driver License Renewals
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 (Repealed)
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
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1030.81	Endorsements

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- 1030.82 Charter Bus Driver Endorsement Requirements
- 1030.83 Hazardous Material Endorsement
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
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- 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 Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 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 Endorsement 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 – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit
- 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

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

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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. 15130, effective September 2, 1986; 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 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,

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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; 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; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014.

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Section 1030.1 Definitions

Unless otherwise noted, the following definitions shall apply to this Part.

"Acceptable Medical Certificate" – a current medical examiner's certificate that has been completed in its entirety and does not require additional information.

"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

any course of driver education given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer; or

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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].

"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.

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"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.

"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).

"CDLIS Driver Record" – the electronic record of the individual CDL driver's status and history stored by the State-of-Record as part of the Commercial Driver's License Information System, or CDLIS, established under 49 USC 31309. [625 ILCS 5/6-500(5.3)]

"CDLIS Motor Vehicle Record" or "CDLIS MVR" – a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information and provided by states to users authorized in 49 CFR 384.225(e)(3) and (4) (2011), subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725). [625 ILCS 5/6-500(5.5)]

"Commercial Driver's License Downgrade" – a state:

allows the driver to change his or her self certification to interstate, but operating exclusively in transportation or operation excepted from 49 CFR 391 (2011), as provided in 49 CFR 390.3(f), 391.2, 391.68 or 398.3 (2011);

allows the driver to change his or her self-certification to intrastate only, if the driver qualifies under that state's physical qualification requirements for intrastate only;

allows the driver to change his or her self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or

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removes the CDL privilege from the driver's license. [625 ILCS 5/6-500(5.7)]

"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].

"Central Issuance" – the process of printing and mailing a driver's license to an applicant from a secure central production facility.

"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 (October 1, 2012)). [625 ILCS 5/6-500(6)]

"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].

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"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.

"Consular Identification Document" – an official identification card issued by a foreign government that meets the criteria set forth in Section 5 of the Consular Identification Document Act [5 ILCS 230/5] and the issuing consulate has filed with the Department of State Police a copy of the consular identification document and a certification of the procedures that are used to satisfy Sections 2 and 3 of the Consular Identification Document Act.

"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 [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 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 Certificate" – a certificate prescribed by the Secretary of State indicating a successfully-completed road test, subject to spot check by the Secretary of State, was administered to a driver education student, who has successfully completed driver training by an Illinois State Board of Education approved driver education instructor.

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"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.

"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).

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"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.

"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).

"Disability" – an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment, or when the individual is regarded as having such impairment [625 ILCS 5/6-117.2(f)].

"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);

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a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391 (October 1, 2012). [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.

"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).

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"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.

"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.

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"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.

"Excepted Interstate" or "EI" – a person who operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.69 or 398.3 (October 1, 2012) from all or part of the qualification requirements of 49 CFR 391 (October 1, 2012) and is not required to obtain a medical examiner's certificate by 49 CFR 391.45 (October 1, 2012). [625 ILCS 5/6-500(15.3)]

"Excepted Intrastate" or "EA" – a person who operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements. [625 ILCS 5/6-500 (15.5)]

"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.

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"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 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 (October 1, 2012). [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.

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"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 (October 1, 2012) or any quantity of a material listed as a select agent or toxin in 42 CFR 73 (October 1, 2012).

"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.

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"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.

"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

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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.

"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 Examiner" – a person who is licensed, certified, or registered in accordance with applicable state laws and regulations to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. [625 ILCS 5/6-500(21.1)]

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"Medical Examiner's Certificate" – a document prescribed or approved by the Secretary of State that is issued by a medical examiner to a driver to medically qualify him or her to drive. [625 ILCS 5/6-500(21.2)]

"Medical Exemption" – temporary regulatory relief for up to two years from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.300 (October 1, 2012).

"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.

"Medical Waiver" – temporary regulatory relief for up to three months from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.200 (October 1, 2012).

"Medical Variance" – a driver has received one of the following from FMCSA, which allows the driver to be issued a medical certificate:

an exemption letter permitting operation of a CMV pursuant to 49 CFR 381 (October 1, 2012), subpart C or 49 CFR 391.64 (October 1, 2012); or

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a skilled performance evaluation (SPE) certificate permitting operation of a CMV pursuant to 49 CFR 391.49 (October 1, 2012). [625 ILCS 5/6-500 (21.5)]

"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.

"Moped" – a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

"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

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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].

"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.

"Motor Vehicle Record" – a report of the driving status and history of a driver generated from the driver record provided to users, such as drivers or employers, and is subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725). [625 ILCS 5/6-500(22.2)]

"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.

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"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.

"Non-Excepted Interstate" or "NI" – a person who operates or expects to operate in interstate commerce, is subject to and meets the qualification requirements under 49 CFR 391 (October 1, 2012), and is required to obtain a medical examiner's certificate by 49 CFR 391.45 (October 1, 2012). [625 ILCS 5/6-500(22.7)]

"Non-Excepted Intrastate" or "NA" – a person who operates only in intrastate commerce and is subject to State driver qualification requirements. [625 ILCS 5/6-500(22.8)]

"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.

"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

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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)];

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;

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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.

"Public Safety Worker" – a person employed by this State or a political subdivision thereof that provides firefighting, medical or other emergency services [625 ILCS 5/6-117.2(f)].

"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;

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].

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"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.

"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

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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).

"S Endorsement" – an endorsement for CDL holders who operate as a school bus driver to transport pre-primary, primary or secondary school students to and from home, from school to home, or to and from school-sponsored events.

"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.

"SAVE" – the Systematic Alien Verification for Entitlements Program that allows electronic inquiries to U.S. Citizenship and Immigration Services (USCIS) by state motor vehicle agencies in the determination of the immigration status of an applicant for a Visa Status Temporary Visitor's Driver's License pursuant to IVC Section 6-105.1(a).

"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 that allows an applicant for a school bus permit to operate a school bus, but only when accompanied by a properly classified driver with a school bus permit.

~~"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.

"Self-Certification" – a driver's signed and dated declaration of the type of driving (NI, EI, NA, EA) in which he or she engages or expects to engage while operating a CMV.

"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

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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 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.

"Skills Performance Evaluation" or "SPE" – a certificate, issued by FMCSA to a driver with a missing limb, in accordance with 49 CFR 391.49 (2011), which allows the driver to operate a CMV.

"Special Needs Individuals" – those individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required be individuals generally [625 ILCS 5/6-117.2(f).

"SSOLV" – the Social Security Online Verification system that allows electronic inquiries to the Social Security Administration by state motor vehicle agencies to verify names and social security numbers of applicants for driver's licenses or identification cards.

"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 (2011). [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.

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"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 (referred to in this Part as "Visa status"); or

an applicant who:

resided in this State for a period in excess of one year;

is ineligible to obtain a social security number; and

is unable to present documentation issued by the United States Citizenship and Immigration Services authorizing the person's presence in this country [625 ILCS 5/6-105.1(a-5)] referred to in this Part as "non-Visa status".

"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).

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"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.

"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

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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].

"USCIS" – U.S. Citizenship and Immigration Services is a bureau of the U.S. Department of Homeland Security (USDHS) that is in charge of processing immigrant visa petitions, naturalization petitions, and asylum and refugee applications, as well as making adjudicative decisions performed at the services centers and managing all other immigration benefit functions.

"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 ISP who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Verification of Residency Form" – a form printed by the Secretary of State that non-Visa status temporary visitor's driver's license applicants shall complete and that contains all Illinois addresses at which the applicant has resided for the 12 months immediately prior to application.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

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"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 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.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

(Source: Amended at 38 Ill. Reg. 7946, effective March 28, 2014)

Section 1030.85 Driver's License Testing/Road Test

- a) Classification of licenses is established in Section 1030.30.
- b) Persons applying for a Class C or 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 Division vehicle who are required by IVC Section 6-109 to 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, 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.
- c) In addition to those maneuvers listed in subsection (b), persons applying for a Class A or B driver's license (CDL) shall also be evaluated on the following:

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- 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.
 - 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), 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,

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and use of flasher lights.

- f) Applicants for a Class L or 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; 5 dot test; and Offstreet Illinois Department of Transportation Motorcycle Operator Skill Test.
- 1) Test exercises for the ALMOST and Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test, for both Class L and Class M, shall consist of the following: stalling (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 L and 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, a point or points are assessed based upon the severity of the error. Applicants for a CDL or Non-CDL Class A, B, C or D 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 school bus permit are allowed 40 points. Applicants for a First Division school bus permit are allowed 36 points. Applicants for a Class L or M license taking the ALMOST or Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test evaluation shall be allowed 11 points. Applicants for an L or M license taking the 5 dot test shall be allowed seven points.
- h) The following acts will result in immediate disqualification: violation in which 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

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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 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 employee of having consumed alcohol and/or drugs must seek the approval of a Driver Services Facility manager prior to being administered the road test. If a Driver Services Facility manager has 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
 - 5) the applicant is unsteady when walking.
- l) 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).
- m) Military personnel are exempt from the CDL administered pre-trip, skills and road test (excluding school bus and passenger endorsements) if:
 - 1) In the two-year period immediately prior to application for a CDL the applicant has not:
 - A) had more than one license, except for a military-issued driver's license;

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- B) had any driver's license suspended, revoked or cancelled;
 - C) had any convictions in any type of motor vehicle for the disqualifying offenses contained in 49 CFR 383.51(b) (October 1, 2012);
 - D) had more than one conviction in any type of motor vehicle for a serious traffic violation contained in 49 CFR 383.51(c) (October 1, 2012); and
 - E) had any conviction for a violation of military, State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.
- 2) The applicant certifies that:
- A) he/she is regularly employed or was regularly employed within the last 90 days in a military position requiring operation of a commercial motor vehicle;
 - B) he/she was exempted from the CDL requirements of 49 CFR 383.3(c) (October 1, 2012); and
 - C) he/she was operating a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate for at least the two years immediately preceding discharge from the military.
- 3) The applicant submits a completed Secretary of State CDL-ST WVR form, including signature of the applicant's commanding officer.

(Source: Amended at 38 Ill. Reg. 7946, effective March 28, 2014)

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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.

- 1) Is your driver's license or ID card or privilege to obtain a license or ID card suspended, revoked, canceled or refused in any state or country under this or any other name? (If yes, a letter of clearance is required.)
- 2) Do you presently hold a valid driver's license or ID 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 and a signed medical agreement are 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 and a signed medical agreement may be required.)
- 8) If you are under age 18 and this is your initial application for a Graduated Driver's License, have you been issued any citation for which a disposition has not yet been rendered by a court of law?
- 9)8) Are your commercial driver's license privileges currently disqualified or

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subject to an out-of-service order?

~~10)9)~~ Do you certify that you meet the "Qualifications of Driver's" portion of Part 391 of the Federal Motor Carrier Safety Regulations and operate in non-excepted interstate commerce? (If the applicant answers yes to this question, the applicant checks a box marked "NI". If the applicant answers no to this question, the applicant must check one of 3 boxes that set forth the type of driving in which the applicant will engage.)

~~11)10)~~ Do you certify that you meet the hearing requirements outlined in 49 CFR 391.41(b)(11)?

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).

(Source: Amended at 38 Ill. Reg. 7946, effective March 28, 2014)

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Section 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit

- a) Except as provided for in subsections (m) and (n), 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 and C and two documents from Group D as outlined in subsection (f).
- b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A and B and two documents from Group 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 social security numbers. Instead, they shall affirm under penalty of perjury that they are ineligible to obtain a social security number. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.
- c) Except as provided for in subsections (m), (n) and (o), 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 Group B and C or two from Group D if requesting an address change to appear on the documents, as outlined in subsection (f). 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 and B and two documents from Group 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. An applicant requesting an address change to appear on the document must provide two forms of acceptable documents from Group D. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.

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- e) Applicants renewing a current Illinois driver's license or identification card need only present a current valid license or ID card. If they do not have a current driver's license or ID card, they must present one form of identification from Group A and at least one form from Group B, C or D, as outlined in subsection (f). Except as provided for in subsections (m) and (n), applicants who are requesting an address change to appear on the documents are required to provide two documents from Group D as outlined in subsection (f).
- f) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed by group. Photocopies will not be accepted. **All acceptable documents presented for verification or proof must be valid (current and not expired).** Photocopies will not be accepted.
- 1) GROUP A (Written Signature)
- Canceled Check (dated within 90 days prior to application)
 - Cooperative Driver Certificate
 - Court Order
 - Credit Card/Debit Card – Major Brand
 - Driver Education Certificate
 - 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)

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I-766 (Employment Authorization Card)

I-94 (Arrival/Departure Record) with Valid Passport

Medicare Card – with suffix A, J, H, M or T

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-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

Certified Grade/High School/College/University Transcript

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

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I-571 (Refugee Travel Document)

I-766 (Employment Authorization Card)

I-797 (Notice of Action Status Change)

I-94 (Arrival/Departure Record) with Valid Passport

U.S. Visa

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

U.S. Passport Card – 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 – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

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Social Security Card – issued by Social Security Administration

4) GROUP D (Residency)

Affidavit – Certificate of Residency

Bank Statement (dated within 90 days prior to application)

Canceled Check (dated within 90 days prior to application)

Certified Grade/High School/College/University Transcript

Credit Report issued by Experian, Equifax or TransUnion – dated within 12 months prior to application

Deed/Title, Mortgage, Rental/Lease Agreement

Insurance Policy (Homeowner's or Renter's)

Letter on Official School Letterhead – dated within 90 days prior to application

Medical claim or statement of benefits from private insurance company or public (government) agency, dated within 90 days prior to application

Official mail received from a State, County, City or Village or a Federal Government agency that includes first and last name of the applicant and complete current address. This may include, but is not limited to:

Homestead Exemption Receipt

Illinois FOID Card

Jury Duty Notice issued within 90 days prior to application

Selective Service Card

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Social Security Annual Statement

Social Security Disability Insurance (SSDI) Statement

Supplemental Security Income (SSI) Benefits Statement

Voter Registration Card

Pay Stub or Electronic Deposit Receipt

Pension or Retirement Statement

Phone book, current, produced by a phone book publisher

Report Card from Grade/High School or College/University

Tuition invoice or other official mail from a college or university dated within the 12 months prior to application

Utility Bill – Electric, water, refuse, telephone (land or cell), cable or gas, issued within 90 days prior to application

- g) Documents listed in Group A, B or C, as outlined in subsection (f), that contains the full residence address may also be used for Group D, as outlined in subsection (f).
- h) For a name change, the identification must be a document that provides a link to the established driver's license/ID Card file.
- i) Group B documents, as outlined in subsection (f), must contain the applicant's full name and complete 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 passports and foreign birth certificates are accepted as "proof" if accompanied by any other item listed in Group B.

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- j) Group C documents, as outlined in subsection (f), must contain the applicant's name and full social security number.
- k) Group D documents, as outlined in subsection (f), must contain the applicant's full residence address.
- l) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.
- m) An applicant applying for a no-fee identification card who is homeless must present one document from each of Group A, B and C, as outlined in subsection (f), and a homeless status certification, as described in Section 1030.12, to satisfy the requirements for Group D, as outlined in subsection (f).
- n) An applicant for an identification card who is under the age of five years old must present one document from each of Group A, B and C, as outlined in subsection (f), and one document from Group D, as outlined in subsection (f).
- o) A judicial officer who wishes to change his or her residence address or mailing address to his or her business address, pursuant to the Judicial Privacy Act [705 ILCS 90], is required to present only a Secretary of State Request to Suppress Personal Information form as proof of residency.
- p) A peace officer who wishes to change his or her residence address or mailing address to his or her business address is required to present only a Secretary of State Request to Change Residence/Mailing Address form and his or her peace officer badge.
- q) Unacceptable identification documents include, but are not limited to:
 - Bond Receipt or Bail/Bond Card
 - Business Cards
 - Check Cashing Cards
 - Club or Fraternal Membership Cards

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College or University Identification Cards

Commercially Produced (non-State or unofficial) ID Cards

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

Instruction Permit/Receipts

Insurance

Library Card

Personal Mail

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

(Source: Amended at 38 Ill. Reg. 7946, effective March 28, 2014)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- a) Heading of the Part: AIDS Drug Assistance Program
- 2) Code Citation: 77 Ill. Adm. Code 692
- 3) Section Number: 692.APPENDIX A Emergency Action: Amend
- 4) Statutory Authority: Ryan White HIV/AIDS Treatment Extension Act of 2009 [Public Law 111-87]; Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310/315]
- 5) Effective Date of Amendment: March 28, 2014
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date filed with the Index Department: March 28, 2014
- 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) Reason for Emergency: This Part is being amended to include the 2014 federal poverty guidelines, which are required by Section 315 of the Civil Administrative Code of Illinois (the statute) to be used as an eligibility criterion for participation in the AIDS Drug Assistance Program. The purpose of the program, which is authorized by the statute and by federal Ryan White program, is to provide drugs to prolong the lives of low income persons with AIDS or HIV who are not eligible for medical assistance under the Illinois Public Aid Code. The statute requires the financial qualification for participation to be "that the anticipated gross monthly income ...at or below 500% of the most recent Federal Poverty Guidelines published annually by the United States Department of health and Human Services for the size of the household." However, the statute allows the Department to set the standard at more than 500% of the Federal Poverty Guidelines if funds are sufficient to do so. Because revised Guidelines are issued annually, the Department must amend its rules annually to reflect the updated Guidelines, which are published in the *Federal Register* in January of each year.

Section 5-45 of the Illinois Administrative Procedure Act (IAPA) defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

public interest, safety, or welfare" and that requires the adoption of rules upon fewer days than provided for under the general rulemaking process. This rulemaking constitutes an "emergency" because of the threat to the public welfare that would be created by the Department's failure to adhere to its statutory mandate to determine eligibility for the AIDS Drug Assistance Program based on the "most recent" Federal Poverty Guidelines. Low-income persons who need these drugs to prolong their lives are dependent upon this program to provide them with the medications that they need. The 2014 Guidelines were issued on January 22, 2014. The Department needs to include these revised Guidelines in its rules as quickly as possible to meet its obligations under this Program. Although the Guidelines are published in the *Federal Register*, they are not federal regulations; therefore, the rulemaking does not qualify to be adopted as a peremptory rule.

- 10) A complete Description of the Subjects and Issues Involved: The rulemaking amends Appendix A to include the 2014 Federal Poverty Guidelines, which were published in the *Federal Register* on January 22, 2014. In accordance with the statute and Section 692.10 of the rules, applicants who meet the medical eligibility requirements must meet income requirements based on the Guidelines. Under the Ryan White HIV/AIDS Treatment Extension Act of 2009 [Public Law 111-87, The United States Department of Health and Human Services (DHHS) establishes the federal poverty level at the end of January of each year. Once the new poverty level is established, all Ryan White Programs are required to adopt the new standard. Neither the program nor the State has any discretion to operate on another standard of federal poverty level.
- 11) Are there any Proposed amendments to this Part pending? Yes
- | | | |
|------------------------|-------------------------|------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register citation:</u> |
| 692.APPENDIX A | Amend | 38 Ill. Reg. |
- 12) Statement of Statewide Policy Objectives: This rulemaking does not impose a State Mandate on units of local government.
- 13) Information and questions regarding this amendment shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 W. Jefferson St., 5th Floor

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

(217)782-2043

dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONSPART 692
AIDS DRUG ASSISTANCE PROGRAM

Section

- 692.5 Definitions
- 692.6 Incorporated and Referenced Materials
- 692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection
- 692.15 Application Requirements
- 692.16 Non-Discrimination
- 692.APPENDIX A ~~2014~~~~2013~~ Poverty Income Guidelines
- EMERGENCY
- 692.APPENDIX B Ryan White HIV/AIDS Treatment Extension Act of 2009 Sliding Fee Scale

AUTHORITY: Implementing the Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87) and authorized by Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310/315].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 7531, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days; emergency expired November 1, 1996; amended at 21 Ill. Reg. 1203, effective January 10, 1997; amended at 22 Ill. Reg. 14468, effective July 24, 1998; amended at 24 Ill. Reg. 11876, effective August 1, 2000; emergency amendment at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 3909, effective February 22, 2012; peremptory amendment at 37 Ill. Reg. 2563, effective February 15, 2013; emergency amendment at 37 Ill. Reg. 3899, effective March 18, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 11371, effective July 2, 2013; emergency amendment at 38 Ill. Reg. 7997, effective March 28, 2014, for a maximum of 150 days.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

Section 692.APPENDIX A ~~2014~~2013 Poverty Income Guidelines
EMERGENCY

20142013 Health and Human Services Poverty Guidelines

Persons in Family	Poverty Guideline	Maximum Gross Annual Income ADAP 300% Eligibility
1	\$11,670 <u>11,490</u>	\$35,010 <u>34,470</u>
2	15,730 <u>15,510</u>	47,190 <u>46,530</u>
3	19,790 <u>19,530</u>	59,370 <u>58,590</u>
4	23,850 <u>23,550</u>	71,550 <u>70,650</u>
5	27,910 <u>27,570</u>	83,730 <u>82,710</u>
6	31,970 <u>31,590</u>	95,910 <u>94,770</u>
7	36,030 <u>35,610</u>	108,090 <u>106,830</u>
8	40,090 <u>39,630</u>	120,270 <u>118,890</u>
For additional persons, add	4,060 <u>4,020</u>	12,180 <u>12,060</u>

Source: *Federal Register*, Vol. ~~79~~ FR 359378 No. 16, January ~~22~~24, ~~2014~~2013, pp. ~~3593-3594~~, Document Number ~~2014-01303~~5182-5183

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 7997, effective March 28, 2014, for a maximum of 150 days)

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 March 25, 2014 through March 31, 2014. The rulemakings are scheduled for review at the Committee's April 7, 2014 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>
5/9/14	<u>Department of Labor</u> , Health and Safety (56 Ill. Adm. Code 350)	1/24/14 38 Ill. Reg. 1634	4/7/14
5/9/14	<u>Department of Labor</u> , Health and Safety (56 Ill. Adm. Code 350) (Repealer)	1/24/14 38 Ill. Reg. 2599	4/7/14
5/9/14	<u>Illinois Commerce Commission</u> , Annual Reports (83 Ill. Adm. Code 210)	11/1/13 37 Ill. Reg. 17127	4/7/14
5/11/14	<u>Illinois Commerce Commission</u> , Uniform System of Accounts for Telecommunications Carriers (83 Ill. Adm. Code 710)	11/1/13 37 Ill. Reg. 17134	4/7/14
5/11/14	<u>Illinois Commerce Commission</u> , Cost Allocation for Small Local Exchange Carriers (83 Ill. Adm. Code 712)	11/8/13 37 Ill. Reg. 17239	4/7/14
5/11/14	<u>Illinois Commerce Commission</u> , Uniform System of Accounts for Cellular Communications Telephone Utilities (Repealer) (83 Ill. Adm. Code 715)	11/8/13 37 Ill. Reg. 17246	4/7/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

5/11/14	<u>Illinois Commerce Commission</u> , Cost Allocation for Large Local Exchange Carriers (83 Ill. Adm. Code 711)	11/8/13 37 Ill. Reg. 17230	4/7/14
5/11/14	<u>Illinois Commerce Commission</u> , Reports of Accidents by Telecommunications Carriers and by Fixed Public Utilities Other Than Pipelines Transporting Liquids (83 Ill. Adm. Code 220)	11/1/13 37 Ill. Reg. 17130	4/7/14
5/8/14	<u>Department of Public Health</u> , Illinois Plumbing Code (77 Ill. Adm. Code 890)	4/26/13 37 Ill. Reg. 5309	4/7/14
5/11/14	<u>Department on Aging</u> , Community Care Program (89 Ill. Adm. Code 240)	1/17/14 38 Ill. Reg. 1408	4/7/14
5/14/14	<u>Illinois Power Agency</u> , Uniform System of Accounts (83 Ill. Adm. Code 1220)	6/28//13 37 Ill. Reg. 8367	4/7/14
5/14/14	<u>Illinois Power Agency</u> , Fee Assessment and Collection for Regular Procurement Events, Special Procurement Events and Other Services (83 Ill. Adm. Code 1200)	6/28/13 37 Ill. Reg. 8353	4/7/14

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD
PURSUANT TO 415 ILCS 5/9.1(e) and 1 ILCS 100/5-70(b)Notice of Public Comment Period and Public Hearing for
State Implementation Plan (SIP) Submittals for Ozone

The Pollution Control Board (Board) is accepting public comments and will conduct a public hearing on a prospective ozone SIP submittal to the U.S. Environmental Protection Agency (USEPA). The Board will accept written comments on the proposed rule that will form the basis for the SIP proposal until 45 days after the date of this issue of the *Illinois Register*, and a public hearing will occur by video conference between Chicago and Springfield on May 7, 2014. The Board presently anticipates adoption of a new exemption from the definition of volatile organic material (VOM) on June 5, 2014, or within a short time after that date.

Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e)] requires the Board to "exempt from regulation under the SIP for ozone the [VOMs] which have been determined by (USEPA) to be exempt from regulation under [SIPs] for ozone due to negligible photochemical reactivity." The USEPA listing of these compounds is codified at 40 C.F.R. 51.100(s). The Board is required to adopt those exemptions using the "identical in substance" rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2]. The Illinois listing of these compounds is codified at 35 Ill. Adm. Code 211.7150.

On March 20, 2014, the Board adopted a proposal for public comment in docket R14-16 to initiate adoption of the latest USEPA exemptions of a compound from the definition of VOM during the period July 1, 2013 through December 31, 2013. The USEPA action was the October 22, 2013 (78 Fed. Reg. 62451) exemption of 2,3,3,3-tetrafluoropropene, also called HFO 1234yf, from regulation under state ozone SIPs. A Notice of Proposed Amendment appears in today's issue of the *Illinois Register* relative to the docket R14-16 proposal.

The Board expects that the Illinois Environmental Protection Agency (Agency) will submit the present amendments as a revision to the Illinois SIP for ozone pursuant to section 110 of the federal Clean Air Act (42 U.S.C. § 7410(a) (2010) and the implementing USEPA regulations. See 40 C.F.R. § 51.102 and appendix V (2010).

Section 9.1(a) of the Act [415 ILCS 5/9.1(a)] requires the Board to "provide for notice, a hearing if required by [USEPA], and public comment before adopted rules are filed with the Secretary of State." As USEPA will require the State to have conducted a hearing on the exemption from the definition of VOM involved in this proceeding pursuant to 42 U.S.C. § 4210(a) and 40 C.F.R.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

§ 51.102, the Board has scheduled a public hearing in this matter to occur by video conference between two locations, as follows:

1:45 p.m., May 7, 2014

James R. Thompson Center
Illinois Pollution Control Board Hearing Room
100 West Randolph Street, Room 11-512
Chicago

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue
Springfield

The Board invites public comment on the proposed amendments. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board at:

Office of the Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

All comments relating to this rulemaking should clearly refer to docket number R14-16.

The record in this docket will include all documents pertaining to this proceeding. All documents in the record are publicly available for inspection and copying as provided in 2 Ill. Adm. Code 2175 (2012) by contacting the Office of the Clerk. The documents are also freely available online at the Board's webpage: www.ipcb.state.il.us.

The record will not include a copy of the following documents, which are all otherwise publicly available:

- The October 22, 2013 *Federal Register* notice that prompted this action (referenced in the Board's March 20, 2014 opinion and order proposing amendments);
- Federal statutes and regulations referenced in the Board's March 20, 2014 opinion and order; and

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

- Illinois statutes and regulations referenced in the Board's March 20, 2014 opinion and order.

The Board requests that interested persons direct questions to the following person:

Michael J. McCambridge, Staff Attorney
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601

312-814-6924
michael.mccambridge@illinois.gov

The Board requests that interested persons request documents from or submit documents to the following person:

John T. Therriault, Clerk of the Board
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601

312-814-3629
john.therriault@illinois.gov

After the hearing and conclusion of the public comment period, the Board will promptly issue an opinion and order adopting final rule amendments. The Board presently anticipates adoption of the amendments on June 5, 2014. The Board will then file the amendments with the Office of the Secretary of State, and a Notice of Adopted Amendments will appear in the *Illinois Register*. Any Agency submission of the associated SIP revision to USEPA will follow that Notice.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD
PURSUANT TO 415 ILCS 5/10(H) and 1 ILCS 100/5-70(b)Notice of Public Comment Period and Public Hearing
for State Implementation Plan (SIP) Submittals
for National Ambient Air Quality Standards (NAAQS)

The Pollution Control Board (Board) is accepting public comments and will conduct a public hearing on a prospective NAAQS SIP submittal to the U.S. Environmental Protection Agency (USEPA). The Board will accept written comments on the proposed rule that will form the basis for the SIP proposal until 45 days after the date of this issue of the *Illinois Register*, and a public hearing will occur by video conference between Chicago and Springfield on May 7, 2014. The Board presently anticipates adoption of new exemptions from the definition of volatile organic material (VOM) on June 5, 2014, or within a short time after that date.

Section 10(H) of the Environmental Protection Act (Act) [415 ILCS 5/10(H)] requires the Board to do as follows:

[T]he Board shall adopt ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere, those standards shall be identical in substance to the national ambient air quality standards promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 109 of the Clean Air Act [(42 U.S.C. § 7409 (2011))].

The USEPA NAAQS are codified at 40 C.F.R. § 50. The Board is required to adopt those exemptions using the "identical in substance" rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2]. The Illinois listing of these compounds is codified at 35 Ill. Adm. Code 243.

On March 20, 2014, the Board adopted a proposal for public comment in docket R14-17 to initiate adoption of the latest USEPA amendments to and actions affecting the federal NAAQS during the period July 1, 2013 through December 31, 2013.

- On November 12, 2013 (78 Fed. Reg. 67360): USEPA designation of five equivalent methods for particulate matter and nitrogen dioxide..
- USEPA issued a revised version of the "List of Designated Reference and Equivalent Methods"(List of Designated Methods) on December 17, 2013.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

A Notice of Proposed Amendment appears in today's issue of the *Illinois Register* relative to the docket R14-17 proposal.

The Board expects that the Illinois Environmental Protection Agency (Agency) will submit the present amendments as a revision to the Illinois SIP for ozone pursuant to section 110 of the federal Clean Air Act (42 U.S.C. § 7410(a) (2011) and the implementing USEPA regulations. *See* 40 C.F.R. § 51.102 and appendix V (2013).

As USEPA will require the State to have conducted a hearing on the amendments to the Illinois NAAQS rules involved in this proceeding pursuant to 42 U.S.C. § 4210(a) and 40 C.F.R. § 51.102, the Board has scheduled a public hearing in this matter to occur by video conference between two locations, as follows:

1:30 p.m., May 7, 2014

James R. Thompson Center
Illinois Pollution Control Board Hearing Room
100 West Randolph Street, Room 11-512
Chicago

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue
Springfield

The Board invites public comment on the proposed amendments. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board at:

Office of the Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

All comments relating to this rulemaking should clearly refer to docket number R14-17.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

The record in this docket will include all documents pertaining to this proceeding. All documents in the record are publicly available for inspection and copying as provided in 2 Ill. Adm. Code 2175 (2012) by contacting the Office of the Clerk. The documents are also freely available online at the Board's webpage: www.ipcb.state.il.us.

The record will not include a copy of the following documents, which are all otherwise publicly available:

- The November 12, 2013 *Federal Register* notice that prompted this action (referenced in the Board's March 20, 2014 opinion and order proposing amendments);
- The December 17, 2013 version of the *List of Designated Reference and Equivalent Methods* (referenced in the Board's March 20, 2014 opinion and order proposing amendments);
- Federal statutes and regulations referenced in the Board's March 20, 2014 opinion and order; and
- Illinois statutes and regulations referenced in the Board's March 20, 2014 opinion and order.

The Board requests that interested persons direct questions to the following person:

Michael J. McCambridge, Staff Attorney
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601
312-814-6924
michael.mccambridge@illinois.gov

The Board requests that interested persons request documents from or submit documents to the following person:

John T. Therriault, Clerk of the Board
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601
312-814-3629
john.therriault@illinois.gov

After the hearing and conclusion of the public comment period, the Board will promptly issue an opinion and order adopting final rule amendments. The Board presently anticipates

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

adoption of the amendments on June 5, 2014. The Board will then file the amendments with the Office of the Secretary of State, and a Notice of Adopted Amendments will appear in the *Illinois Register*. Any Agency submission of the associated SIP revision to USEPA will follow that Notice.

EXECUTIVE ORDERS

2014-3**CREATION OF THE DIVISION OF REAL ESTATE WITHIN THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**

WHEREAS, the citizens of Illinois are best served when State government operates as efficiently and effectively as possible; and

WHEREAS, Executive Order 6 (2004) consolidated the Office of Banks and Real Estate, the Department of Insurance, the Department of Professional Regulation, and the Department of Financial Institutions into an agency known as the Illinois Department of Financial and Professional Regulation ("Department") with the 4 previous stand-alone agencies constituting the 4 divisions of the agency; and

WHEREAS, in 2009, Executive Order 4 and Public Act 96-811 removed the Division of Insurance from the Department of Financial and Professional Regulation and reinstated it as a stand-alone Department of Insurance; and

WHEREAS, also in 2009, Public Act 96-1365 eliminated the Office of Banks and Real Estate and replaced it with a Division of Banking; and

WHEREAS, the Department of Financial and Professional Regulation is an executive agency directly responsible to the Governor that currently consists of three Divisions; namely, the Division of Banking, the Division of Financial Institutions and the Division of Professional Regulation; and

WHEREAS, currently, the regulation of real estate by the Department is undertaken by the Bureau of Real Estate Professions within the Division of Professional Regulation; and

WHEREAS, the real estate industry and related professionals comprise a large employment and economic base in Illinois and many of its communities; and

WHEREAS, the Real Estate License Administration Fund ("Fund") created in 225 ILCS 454/25-30 is to be used for the expenses of the Department in the administration of the Real Estate License Act of 2000 and for the administration of any other Act administered by the Department providing revenue to the Fund; and

WHEREAS, substantial efficiencies to the benefit of consumers and the real estate profession can be achieved by the reorganization of all Functions ("Functions") of the Bureau of Real Estate Professions, Division of Professional Regulation, into a Division of Real Estate ("Division"); and

EXECUTIVE ORDERS

WHEREAS, the transfer of the Functions of the Bureau of Real Estate Professions, Division of Professional Regulation, into the Division shall not impede, disrupt or impair in any fashion any council, commission, board or other entity previously established and operating under the Department; and

WHEREAS, Article V, Section 11, of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 38, Issue 15 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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