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**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 October 15, 2015 until January 4, 2016.

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## INTRODUCTION

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

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

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

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

## ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2015

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015

11	March 2, 2015	March 13, 2015
12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015
19	April 27, 2015	May 8, 2015
20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015
22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
25	June 8, 2015	June 19, 2015
26	June 15, 2015	June 26, 2015
27	June 22, 2015	July 6, 2015
28	June 29, 2015	July 10, 2015
29	July 6, 2015	July 17, 2015
30	July 13, 2015	July 24, 2015
31	July 20, 2015	July 31, 2015
32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
44	October 19, 2015	October 30, 2015
45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015

50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Dietetic and Nutrition Services Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1245
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1245.10	Amendment
1245.110	Amendment
1245.120	Amendment
1245.130	Amendment
1245.140	Amendment
1245.150	Amendment
1245.160	Amendment
1245.300	Amendment
1245.305	Amendment
1245.310	Amendment
1245.320	Amendment
1245.325	New Section
1245.330	Amendment
- 4) Statutory Authority: Implementing the Dietitian Nutritionist Practice Act [225 ILCS 30] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking implements provisions in PA 98-148, which provide that enteral and parenteral nutrition therapy and developing and managing food service operations whose chief function is nutrition care shall only be performed by individuals licensed under the Act. Makes various non-substantive changes, including changing references throughout the entire Part from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 6) 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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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. Interested persons may submit written comments 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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Businesses providing dietetic and nutrition services will be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: None.
- C) Types of professional skills necessary for compliance: Dietetic and nutrition skills are required for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1245

DIETITIAN NUTRITIONIST~~DIETETIC AND NUTRITION SERVICES~~ PRACTICE ACT

SUBPART A: DEFINITIONS

Section  
1245.10 Definitions

SUBPART B: DIETITIAN NUTRITIONIST

Section  
1245.100 Application for Licensure as a Dietitian Under Section 60(a) of the Act  
(Grandfather) (Repealed)  
1245.110 Application for Examination/Licensure  
1245.120 Examinations~~Examination~~  
1245.130 Approved Schools or Programs in Dietetics and Nutrition  
1245.140 Practice Experience  
1245.150 Endorsement  
1245.160 Restoration

SUBPART C: NUTRITION COUNSELOR

Section  
1245.200 Application for Licensure as a Nutrition Counselor Under Section 60(b) of the  
Act (Grandfather) (Repealed)  
1245.210 Application for Examination/Licensure (Repealed)  
1245.220 Examination (Repealed)  
1245.230 Approved Programs of Nutrition Counselors (Repealed)  
1245.240 Experience (Repealed)  
1245.250 Endorsement (Repealed)  
1245.260 Restoration (Repealed)

SUBPART D: GENERAL

Section

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

1245.300	Renewal
1245.305	Fees
1245.310	Continuing Education
1245.320	Inactive Status
<a href="#">1245.325</a>	<a href="#">Supervision Under Section 20(m) of the Act</a>
1245.330	Unprofessional Conduct
1245.340	Granting Variances

**AUTHORITY:** Implementing the Dietitian Nutritionist Practice Act [225 ILCS 30] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

**SOURCE:** Adopted at 19 Ill. Reg. 7598, effective May 26, 1995; expedited correction at 19 Ill. Reg. 11678, effective May 26, 1995; amended at 22 Ill. Reg. 8445, effective May 4, 1998; amended at 22 Ill. Reg. 19856, effective October 30, 1998; amended at 24 Ill. Reg. 518, effective December 31, 1999; emergency amendment at 27 Ill. Reg. 3121, effective February 19, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 10228, effective June 26, 2003; amended at 28 Ill. Reg. 4867, effective March 5, 2004; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: DEFINITIONS

**Section 1245.10 Definitions**

"Act" means the [Dietitian Nutritionist Practice Act](#) ~~Dietetic and Nutrition Services Practice Act~~ [225 ILCS 30].

"Board" means the Dietitian Nutritionist Practice Board [appointed by the Secretary](#).

["Certified clinical nutritionist" means an individual certified by the Clinical Nutrition Certification Board.](#)

["Certified nutrition specialist" means an individual certified by the Board for Certification of Nutrition Specialists.](#)

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

["Diplomate of the American Clinical Board of Nutrition" means an individual](#)

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certified by the American Clinical Board of Nutrition.

"Director" means the Director of the ~~Division~~Department of Professional Regulation, with the authority delegated by the Secretary.

"Direct ~~supervision~~Supervision" means supervision by a licensed dietitian nutritionist or other appropriate supervisor as defined in ~~Section~~Sections 1245.140 and 1245.240 of this Part. The supervisor shall:

Meet at regularly scheduled sessions with the supervisee a minimum of one hour ~~per average~~each week;

Be responsible for the standard of work performed by the ~~supervisee~~individual under supervision; and

Have knowledge of patients/clients and the case information.

"Division" means the Department of Financial and Professional Regulation-  
Division of Professional Regulation.

"Licensed dietitian nutritionist" means a person ~~who, beginning November 1, 2003, pursuant to P.A. 92-0642, is~~ licensed ~~under the Act~~ to practice dietetics and nutrition services, as set forth in the Act~~including medical nutrition therapy~~. Activities of a licensed dietitian nutritionist do not include the medical differential diagnosis of the health status of an individual.

~~"Medical nutrition therapy" means the component of nutrition care that deals with interpreting and recommending nutrient needs relative to medically prescribed diets, including, but not limited to, tube feedings, specialized intravenous solutions and specialized oral feedings; food and prescription drug interactions; and developing and managing food service operations whose chief function is nutrition care and providing medically prescribed diets.~~

"Nutrition assessment" means the evaluation of the nutrition needs of individuals or groups using appropriate data to determine nutrient needs or status and make appropriate nutrition recommendations. The mere collection of nutrition and health data is not nutrition assessment and does not require licensure under the Act, unless activities include an evaluation of nutrition needs and nutrition recommendations.

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"Nutrition care" means a dietary intervention whose primary function is to improve an individual's nutrition status and involves modification to meet individual needs. Provision of food for general sustenance of being is not construed as nutrition care and not subject to regulation under the Act and this Part.

"Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition information by integrating information from the nutrition assessment. The distribution by an individual of written nutrition educational material prepared by or approved in writing by a licensee is not nutrition counseling or nutrition education and any person distributing such written material need not be licensed under this Act.

"Nutrition education" means a planned nutrition program based on learning objectives with expected outcomes.

"Nutrition information" is oral or written factual data that includes:

Food sources of vitamins, minerals and nutrients;

Nutrient analysis of food, food items, recipes and menus;

Reporting the results of published scientific studies as long as the source is cited and recommendations are general in nature and are limited to those included in the published study;

Instruction and uses of food, dietary supplements and food material consistent with State and federal laws (i.e., Federal Food and Drug Administration, Department of Public Health); and

The display or distribution of printed, audio or video nutrition education information developed by a licensee, an entity of any federal, state or local government, or any nonprofit organization as outlined in Section 20(g) of the Act.

All health claims shall be consistent with the Federal Food and Drug Administration regulations.

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Individuals are not required to be licensed to provide nutrition information; however, the evaluation of an individual's or group's dietary intake and/or recommendation for dietary changes is considered nutrition services and a license would be required to perform these activities.

"Registered dietitian" and/or "registered dietitian nutritionist" means a person registered with the Commission on Dietetic Registration, the credentialing body of the Academy of Nutrition and Dietetics, formerly known as the American Dietetic Board.

"Restorative care to attainment of optimal health" relates to the use of foods, nutrients and/or dietary supplements for individuals or groups who may or may not have a diagnosed disease or medical condition, as long as it is not medical nutrition therapy. ~~If a person has a diagnosed disease or medical condition and is on a medically prescribed diet, a licensed nutrition counselor shall be limited to use of foods, nutrients and/or dietary supplements so as to indirectly impact or not contraindicate the diagnosed disease or medical condition of the individual or group.~~

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Supervision" means supervision by a licensed dietitian nutritionist or other appropriate supervisor as defined in Sections 1245.140 and 1245.240. ~~The supervisor shall:~~

~~Meet at regularly scheduled sessions with the supervisee a minimum of one hour per month;~~

~~Be responsible for the standard of work performed by the individual under supervision; and~~

~~Have knowledge of patients/clients and the case information.~~

"Treatment Program" is ~~any nutrition intervention designed for an individual or group with a specific medical diagnosis, using foods, nutrients and/or dietary supplements so as to directly and specifically impact the medical condition and health status of the individual or group.~~

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(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: DIETITIAN NUTRITIONIST

**Section 1245.110 Application for Examination/Licensure**

- a) An applicant for examination to obtain licensure as a dietitian nutritionist shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:
- 1) Certification of education and an official transcript indicating the applicant holds one of the following:
    - A) A baccalaureate degree or post-baccalaureate degree in human nutrition, foods and nutrition, dietetics, food systems management, ~~or~~ nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, or nutrition and integrative health from a school or program accredited by a regional accrediting agency recognized by the Council on Higher Education Accreditation and the U.S. Department of Education(CHEA); or
    - B) A baccalaureate degree or post-baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130 of this Part;
  - 2) Verification of 900 hours of practice experience, on forms provided by the Department; and:
    - A) ~~Prior to July 1, 1995, an applicant shall document 900 hours of employment as a dietitian nutritionist;~~
    - B) ~~Experience earned after July 1, 1995, shall be supervised experience as defined in Section 1245.140 of this Part;~~
  - 3) ~~A complete work history;~~
  - 3)4) The required fee set forth in Section 1245.305, ~~and~~

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- 5) ~~Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:~~
- A) ~~The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;~~
  - B) ~~A description of the examination in that jurisdiction; and~~
  - C) ~~Whether the file on the applicant contains any record of disciplinary actions taken or pending.~~
- b) In lieu of the documents in subsections (a)(1) and (2), an applicant for licensure as a dietitian nutritionist who, at the time of application, is a certified clinical nutritionist, certified nutrition specialist, diplomate of the American Clinical Board of Nutrition, has maintained a "registered dietitian or registered dietitian nutritionist" designation from the Commission on Dietetic Registration shall submit a copy of his or her current registration or certification ~~from the Commission~~. The applicant will not be required to take an ~~the~~ examination set forth in Section 1245.120.
- e) ~~If an applicant for licensure is not a registered dietitian but has taken and passed the dietetic examination given through the Commission on Dietetic Registration within 12 months before applying for licensure, the applicant shall not be required to retake the exam. The examination scores shall be submitted to the Department directly from the testing entity.~~
- c) ~~d)~~ When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may ~~shall~~ be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain the ~~such~~ relevance or

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sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

d)e) An applicant who has filed a completed application with the Department may work under direct supervision, as defined in Section 1245.10, until the earliest of the following:~~this Part.~~

- 1) 6 months after the filing of his or her written application with the Department;
- 2) Upon the withdrawal of the application for licensure under the Act;
- 3) The denial of the application by the Department; or
- 4) Upon delivery of a notice of intent to deny the application from the Department.

e)f) Upon receipt of his or her examination score, an applicant shall direct the testing entity to submit his or her examination score to the Department.~~Pursuant to P.A. 92-0642, the Department will no longer issue a separate license as a dietitian after October 31, 2003. All individuals will be issued a dietitian nutritionist license.~~

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1245.120 Examinations**~~Examination~~

- a) The ~~examination~~examination for licensed dietitian nutritionists shall ~~include~~be the ~~examinations~~dietetic examination given through:
  - 1) the Commission on Dietetic Registration;
  - 2) the American Clinical Board of Nutrition;
  - 3) the Board for Certification of Nutrition Specialists; and
  - 4) the Clinical Nutrition Certification Board.
- b) The passing score on ~~an~~the examination shall be the passing score of the testing entity.

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- c) Applicants who fail anthe examination 3 times in Illinois or any other jurisdiction shall be required to submit proof to the Department of the completion of 6 semester hours of dietetic or nutrition course work as set forth in Section 1245.130(a)(~~5~~)(~~6~~) prior to sitting for anthe examination a fourth time. ~~An individual who has failed the examination 3 times shall be allowed to work under the direct supervision of a licensed dietitian nutritionist or other appropriate supervisor as defined in Section 1245.140.~~
- d) If an applicant is not a certified clinical nutritionist, certified nutrition specialist, diplomate of the American Clinical Board of Nutrition, registered dietitian or registered dietitian nutritionist, but has taken and passed an examination set forth in subsection (a) within the 12 months prior to applying for licensure, the applicant shall not be required to retake the examination. The examination scores shall be submitted to the Department directly by the testing entity.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1245.130 Approved Schools or Programs in Dietetics and Nutrition**

- a) The education requirements are as follows~~Department of Professional Regulation shall approve a program if it meets the following minimum criteria:~~
- 1) The school or program is~~Is~~ accredited by a regional accrediting agency recognized by the Council on Higher Education Accreditation (~~CHEA~~), or is a foreign school or program that has been validated by an accrediting agency approved by the U.S. Department of Education as offering a degree equivalent to the baccalaureate or post baccalaureate degree conferred by a regionally accredited college or university in the United States;
  - 2) The school or program has~~Has~~ a sufficient number of full-time instructors to assure that educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from professional colleges or institutions;
  - 3) The school or program has~~Has~~ a designated program director;

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- 4) ~~The school or program maintains~~Maintains permanent student records ~~that~~which summarize the credentials for admission, attendance, grades and other records of performance; and
- 5) ~~The applicant holds one of the following: Grants a baccalaureate or post baccalaureate degree in human nutrition, foods and nutrition, dietetics, food systems management or nutrition education; or~~
- A) ~~A baccalaureate or post-baccalaureate degree in human nutrition, foods and nutrition, dietetics, food systems management, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, or nutrition and integrative health; or~~
- B) ~~6) A baccalaureate or post-baccalaureate degree with a major course of study that includes the following: Offers a baccalaureate or post baccalaureate degree with a major course of study that includes all of the following course work:~~
- i) ~~A) 18 semester hours of clinical or life science, comprised of the following: Biological Sciences—9 semester hours (must include human anatomy and physiology or the equivalent, and microbiology or the equivalent);~~
- ~~• 3 semester hours of anatomy and/or physiology;~~
  - ~~• 3 semester hours of counseling and/or behavioral sciences;~~
  - ~~• 12 hours of other clinical and/or life science, including but not limited to the following: medicine, organic chemistry, biology, microbiology, molecular biology, biotechnology, botany, nutrition science, neuroscience, environmental science, immunotherapy, pathology, research methods and applied statistics, biostatistics, epidemiology, genetics, genomics and/or pharmacology; and~~

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- ~~ii)B)~~ 18 semester hours of nutrition and/or metabolism, comprised of the following:
- 6 semester hours of biochemistry;
  - 12 other hours of nutrition and/or metabolism, including but not limited to the following: micronutrients, macronutrients, vitamins and minerals, nutrition education, nutrition counseling, nutrition through the life cycle, endocrinology, therapeutic nutrition, nutritional aspects of disease, pathophysiology basis of metabolic disease, functional medicine nutrition, molecular metabolism and/or developmental nutrition. Chemistry—6 semester hours (must include biochemistry or the equivalent);
- C) ~~Behavioral Sciences—6 semester hours (such as psychology, sociology, counseling or educational psychology);~~
- D) ~~Management—6 semester hours (must include food service management, institutional management or the equivalent); and~~
- E) ~~Foods and Nutrition—25 semester hours (must include):~~
- i) ~~Diet therapy, medical dietetics, clinical nutrition or the equivalent;~~
  - ii) ~~Nutrition through the life cycle, applied human nutrition, advanced human nutrition or the equivalent; and~~
  - iii) ~~Food science or the equivalent.~~
- b) The Department, ~~upon recommendation of the Board,~~ has determined that dietetic and nutrition schools and programs authorized by the following are approved: ~~by the~~
- 1) Accreditation Council for Education in Nutrition and Dietetics;

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- 2) Academy of Nutrition and Dietetics;
  - 3) American Clinical Board of Nutrition;
  - 4) Board for Certification of Nutrition Specialists; and
  - 5) Clinical Nutrition Certification Board~~Commission on Dietetic Registration~~  
~~are approved.~~
- c) Individuals who are deficient in any of the courses set forth in subsection (a)~~(5)(6)~~ above may complete those courses in an approved school or program.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1245.140 Practice Experience**

- a) Pursuant to Section 45 of the Act, applicants for licensure are required to demonstrate successful completion, within a 5 year time frame, of a~~A~~minimum of 900 hours of practice experience in dietetics or nutrition, as defined in Section 10 of the Act~~completed within 5 years is required for licensure as a dietitian nutritionist under Section 45 of the Act.~~
- b) The practice experience shall have been received from a supervisor who, at the time direct supervision took place, had at least 3 years of experience in dietetics or nutrition and was one of the following:
  - 1) ~~A "registered dietitian" with the Commission on Dietetic Registration;~~
  - 1)2) An individual~~A~~ licensed under the Act or an actively licensed individual if the jurisdiction in which the supervisor practices requires licensure~~dietitian nutritionist~~;
  - 2)3) A licensed practitioner (such as, but not limited to, a licensed physician or registered nurse) whose license includes nutrition care;
  - 3)4) An individual with a doctoral degree conferred by a U.S. regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics or food systems management, nutrition, nutrition science, clinical nutrition, applied clinical

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nutrition, nutrition counseling, nutrition and functional medicine, or nutrition and integrative health;~~or~~

- 4) A registered dietitian or registered dietitian nutritionist of the Commission on Dietetic Registration;
  - 5) A certified clinical nutritionist of the Clinical Nutrition Certification Board;
  - 6) A certified nutrition specialist of the Board of Certification of Nutrition Specialists;
  - 7) A diplomate of the Academy of Nutrition and Dietetics; or
  - 8)5) A supervisor approved by the Department.~~An individual who obtained a doctoral degree outside the U.S. and its territories must have the degree validated as equivalent to the doctoral degree conferred by a U.S. regionally accredited college or university.~~
- b) ~~After January 1, 1996, an individual shall have at least 3 years of experience in dietetics in order to supervise practice experience.~~
  - c) ~~Practice~~Supervised practice experience must be completed in the United States or its territories.
  - d) The supervisor shall observe, supervise and assess the applicant through contact or meetings with the supervisee. Supervision may be individual or group.
  - e) The practice experience must be under direct supervision as defined in Section 1245.10 and documented by the supervisor as satisfactory or better.
  - f) The practicesupervised experience may be obtained ~~prior to~~, concurrently with or following the completion of the education requirements.
  - g) ~~The experience shall be completed prior to filing an application with the Department for licensure/examination.~~
  - g)h) Internships~~The Department, upon recommendation of the Board, has determined that internships approved by the following~~American Dietetic Association meet the

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experience requirements set forth in this Section:-

- 1) Accreditation Council for Education in Nutrition and Dietetics;
- 2) Academy of Nutrition and Dietetics;
- 3) American Clinical Board of Nutrition;
- 4) Board for Certification of Nutrition Specialists; and
- 5) Clinical Nutrition Certification Board.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1245.150 Endorsement**

- a) An applicant who is licensed, certified or /registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a dietitian nutritionist shall file an application with the Department, on forms provided by the Department, that~~which~~ includes:
  - 1) Certification of education and an official transcript from a baccalaureate or post baccalaureate degree program in human nutrition, foods and nutrition, dietetics, food systems management, ~~or~~ nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, or nutrition and integrative health from a school or program accredited by a regional accrediting agency recognized by the Council on Higher Education Accreditation (~~CHEA~~), or ~~in~~ an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130~~(a) of this Part~~;
  - 2) Certification of at least 900 hours of practices supervised or internship experience as set forth in Section 1245.140 ~~of this Part~~;
  - 3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed, certified or /registered and any location in which the applicant predominantly practices and is currently licensed, certified or /registered, stating:

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- A) The time during which the applicant was originally licensed, certified or ~~registered~~;
  - B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
  - C) Examinations taken and examination scores received;
- 4) Proof of successful completion of an examination in accordance with Section 1245.120A ~~complete work history since graduation from a baccalaureate or post-baccalaureate program~~; and
  - 5) The required fee as set forth in Section 1245.305.
- b) In lieu of the documents in subsections (a)(1), ~~and (2)~~ and (4), ~~an~~ the applicant for licensure as a dietitian nutritionist may submit a copy of any of the following current designations: current registration as a "
- 1) registered dietitian or registered dietitian nutritionist of" ~~from~~ the Commission on Dietetic Registration;
  - 2) certified clinical nutritionist of the Clinical Nutrition Certification Board;
  - 3) certified nutrition specialist of the Board for Certification of Nutrition Specialists; or
  - 4) diplomate of the Academy of Nutrition and Dietetics.
- c) An applicant for licensure as a dietitian nutritionist who is ~~registered~~ licensed, certified or registered under the laws of another state or territory of the United States or of a foreign country or is a registered dietitian or registered dietitian nutritionist, certified clinical nutritionist, certified nutrition specialist or diplomate of the Academy of Nutrition and Dietetics may practice dietetics in this State ~~until~~:
- 1) Until ~~The expiration of~~ 6 months after the filing of his or her ~~the~~ written application to the Department;

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- 2) ~~Upon the~~The withdrawal of the application ~~for licensure under the Act; or~~
  - 3) ~~Until the~~The denial of the application by the Department; ~~or-~~
  - 4) ~~Upon delivery of a notice of intent to deny the application from the Department.~~
- d) ~~The applicant shall have the license issued or be notified in writing of the reason for denying the application.~~

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1245.160 Restoration**

- a) Any dietitian nutritionist whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1245.305 and providing proof of meeting ~~the CE continuing education requirements of Section 1245.310~~245.190 of this Part during the 2 years prior to restoration.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, ~~for review by the Board,~~ together with the fee required by Section 1245.305 and proof of meeting ~~the CE continuing education requirements of Section 1245.310~~245.190 of this Part during the 2 years prior to restoration. The applicant shall also submit:
  - 1) Sworn evidence of active practice in another jurisdiction. ~~That~~Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
  - 2) An affidavit attesting to military service as provided in Section ~~7065~~ of the Act;
  - 3) Proof of passage of the ~~Committee on Dietetic Registration~~ADA/CDR examination for dietitian nutritionists during the period the license was lapsed or on inactive status; or

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- 4) ~~Evidence of current status as a registered dietitian or registered dietitian nutritionist, certified clinical nutritionist, certified nutrition specialist, or diplomate of the Academy of Nutrition and Dietetics~~Current "Registered Dietitian" status from the Commission on Dietetic Registration.
- c) Any person seeking restoration of a license within 2 years after honorable termination~~discharge~~ from military service pursuant to Section 7065 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the CE~~continuing education~~ requirements.
- d) 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 licensee seeking restoration may~~shall~~ be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- e) ~~Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.~~

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: GENERAL

**Section 1245.300 Renewal**

- a) Every license issued under the Act shall expire on October 31 of each odd-numbered year. In order to renew a license, a licensee shall be required to complete 30 hours of CE~~continuing education~~ in accordance with Section 1245.310 ~~of this Part~~. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.
- b) ~~In order for licensed nutrition counselors to renew their licenses for the October~~

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~~31, 2003 renewal, the licensees will be required to complete and submit proof to the Department of 30 hours of continuing education, of which 24 hours shall be in medical nutrition therapy, that includes diet therapy, medical dietetics, clinical nutrition or the equivalent.~~

- ~~1) "Medical nutrition therapy" means the component of nutrition care that deals with interpreting and recommending nutrient needs relative to medically prescribed diets, including, but not limited to, tube feedings, specialized intravenous solutions and specialized oral feedings; food and prescription drug interactions; and developing and managing food service operations whose chief function is nutrition care and providing medically prescribed diets.~~
- ~~2) Courses or programs in medical nutrition therapy shall be provided by a continuing education sponsor approved pursuant to Section 1245.310(c) and may only be earned in the following manner:
  - ~~A) Verified attendance at or participation in a medical nutrition therapy program or course that is offered or sponsored by the sponsor; or~~
  - ~~B) Verified completion of a postgraduate training program (e.g., extern, residency or fellowship programs) or completion of a medical nutrition therapy course that is a part of the curriculum of a regionally accredited college or university.~~~~
- ~~No self study courses will be accepted.~~
- ~~3) Proof of continuing education shall be in the form of a certificate of attendance or certificate of completion from an approval sponsor or a transcript from a college or university.~~
- ~~e) All individuals will be issued a dietitian nutritionist license at the time to renewal.~~
- b)d) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

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- c) Practicing or attempting to practice while a license is not renewed shall be considered unlicensed practice and shall be grounds for discipline in accordance with Section 15.5 of the Act.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1245.305 Fees**

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

- a) Application Fees-
- 1) The fee for application for a license as a dietitian nutritionist is \$100. In addition, 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 determining an applicant's eligibility and providing ~~an~~the examination. Failure to appear for ~~an~~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.
  - 2) The fee for application as a ~~CE~~continuing education sponsor is \$500. State colleges ~~and~~, universities, and State agencies are exempt from payment of this fee.
- b) Renewal Fees-
- 1) The fee for the renewal of a license shall be calculated at the rate of \$50 per year.
  - 2) The fee for renewal of ~~CE~~continuing education sponsor approval is \$250 for the renewal period ~~(see Section 1245.310(e)(7))~~.
- c) General Fees-
- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$300.
  - 2) The fee for the issuance of a duplicate license, for the issuance of a

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replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on 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 to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.~~
- 4)5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 5)6) The fee for a roster of persons licensed as dietitian nutritionists in this State shall be the actual cost of producing the roster.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1245.310 Continuing Education**

- a) Continuing Education Hours Requirements
  - 1) ~~In~~For the October 31, 1999 renewal, a licensee will be required to complete 15 hours of continuing education. ~~Beginning with the October 31, 2001 renewal and every renewal thereafter, in~~ order to renew a license, a licensee shall be required to complete 30 hours of CE during the renewal period~~continuing education~~.
  - 2) A ~~renewal~~prerenewal period is the 24 months preceding October 31 of each odd-numbered year.
  - 3) One CE hour shall equal one clock hour. After completion of the initial CE hour, credit may be give in one-half hour increments.
  - 4) Courses that are part of the curriculum of a regionally accredited university or, college ~~or other educational institution~~ shall be allotted CE credit at the rate of 15 CE hours for each semester hour, 14 CE hours for each trimester hour and 10 CE hours for each quarter hour of school credit

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awarded.

- 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
  - 6) Dietitian nutritionists licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
  - 7) ~~CE~~Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- b) Approved Continuing Education
- 1) ~~CE~~Continuing education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course ~~(program)~~ that is offered or sponsored by an approved ~~CE~~continuing education sponsor who meets the requirements set forth in subsection (c), except for those activities provided in subsections (b)(2), (3); ~~and (4) and (5)~~.
  - 2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of dietetic ~~and/or~~ nutrition services related courses that are a part of the curriculum of a college or university.
  - 3) CE credit may be earned for verified teaching in a regionally accredited college, university or graduate school of dietetics ~~and nutrition services~~ approved in accordance with Section 1245.130 ~~or nutrition services approved in accordance with Section 1245.230 and/or~~ as an instructor of ~~CE~~continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every clock hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations). A person may earn a maximum of up to 10 hours per renewal period.
  - 4) ~~CE credit may be earned for community education in the field of dietetics or nutrition services. A total of 6 hours of credit may be obtained during~~

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~~one renewal period.~~

4)5) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with dietetics ~~and/or~~ nutrition services may be claimed as 5 hours of credit per renewal period. A presentation must be before an audience of dietitian nutritionists. Five credit hours may be claimed for only the first time the information is published or presented.

c) Approved CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean one of the following:

- A) ~~Academy of Nutrition and Dietetics~~American Dietetic Association (ADA), branch associations, or organizations approved as sponsors of ~~CE continuing education~~ by the Commission on Dietetic Registration ~~(CDR)~~;
- B) ~~Certification~~ Board for Certification of Nutrition Specialists ~~(CBNS)~~, branch associations, or organizations approved as sponsors of ~~CE continuing education~~ by the Board for Certification of Nutrition Specialists ~~CBNS~~;
- C) American Clinical Board of Nutrition, branch associations, or organizations approved as sponsors of CE by the Academy of Nutrition and Dietetics;
- D) Clinical Nutrition Certification Board, branch associations, or organizations approved as sponsors of CE by the Clinical Nutrition Certification Board;
- E) ~~C)~~ Colleges and universities accredited by a regional accrediting agency recognized by the Council on Higher Education Accreditation ~~Regionally accredited colleges, universities~~;
- F) Employers licensed under the Hospital Licensing Act [210 ILCS 85];

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G) Illinois State agencies;

H) Providers approved by another state's board of dietitian nutritionist practice; or

D) A person, firm, association, corporation or any other group that applies pursuant to subsection (c)(2) and has been approved and authorized by the Department ~~upon recommendation of the Board~~ to coordinate and present ~~CE~~continuing education courses and programs.

2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with the required fee as set forth in Section 1245.305. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:

A) Certification that:

i) ~~All~~That all programs offered by the sponsor for CE credit shall comply with the criteria in ~~subsection (c)(3) and all other criteria in~~ this Section;

ii) ~~The~~That the sponsor shall be responsible for verifying attendance at each program and provide a certificate of attendance to the participant as set forth in subsection (c)~~(7)~~(9);

iii) ~~Upon~~That upon request by the Department, the sponsor ~~will~~shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance; and

~~iv)~~ ~~That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall~~

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~~include the description, location, date and time of the program to be offered;~~

- B) A copy of a 3 hour sample program with faculty, course materials and syllabi.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of dietetics ~~and/or~~ nutrition services;
  - B) Foster the enhancement of general or specialized work in the practice of dietetics ~~and/or~~ nutrition services;
  - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - D) Specify the course objectives, course content and teaching methods to be used; and
  - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of a license.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail or electronically. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of

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attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

- 6) All programs given by approved sponsors shall be open to all dietitian nutritionists and not be limited to members of a single organization or group.
- ~~7)~~ ~~To maintain approval as a sponsor, each sponsor shall submit to the Department by October 31 of each odd numbered year a renewal application, the fee required in Section 1245.305 and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.~~
- ~~7)8)~~ Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
  - A) The name, address and license number of the sponsor;
  - B) The name and address of the participant;
  - C) A brief statement of the subject matter;
  - D) The number of hours attended in each program;
  - E) The date and place of the program; and
  - F) The signature of the sponsor.
- ~~8)9)~~ The sponsor shall maintain attendance records for not less than 5 years.
- ~~9)10)~~ The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- ~~10)11)~~ Upon the failure of a sponsor to comply with any one of the ~~foregoing requirements of this subsection (c)~~, the Department, after notice to the sponsor and hearing before ~~the Department and recommendation by the Board (see 68 Ill. Adm. Code 1110)~~, shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE

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programs until ~~such time as~~ the Department receives assurances of compliance with requirements of this Section.

~~11)12)~~ Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in ~~this Sectionsubsections (a) and (b)~~.

2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). ~~This additional evidence shall be required in the context of the Department's random audit.~~ It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

~~3)~~ The Department may conduct a random audit to verify compliance with the CE requirements.

~~4)3)~~ When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing ~~and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].~~

e) Continuing Education Earned in Other Jurisdictions

1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the ~~licenseeapplicant~~ shall submit an individual program approval request form, along with a \$20 processing fee, within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using criteria set forth in subsection (c)(3) of this Section. ~~LicenseesApplicants~~ may seek individual program approval prior to participating in the program.

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- 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.
- f) ~~Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 1245.305.~~
- f)g) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 1245.305, a statement setting forth the facts concerning noncompliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, ~~upon the written recommendation of the Board,~~ finds, from ~~ansuch~~ affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
  - 2) Extreme hardship shall be determined on an individual basis ~~by the Board~~ and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
    - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
    - B) An incapacitating illness documented by a statement from a currently licensed physician; or
    - C) ~~A physical inability to travel to the sites of approved programs documented by a currently licensed physician; and~~
- C)D) Any other similar extenuating circumstance.

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- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1245.320 Inactive Status**

- a) A licensed dietitian nutritionist who notifies the Department, on forms provided by the Department, may place the license on inactive status and shall be excused from paying renewal fees until he or /she notifies the Department in writing of the intention to resume active practice.
- b) Any dietitian nutritionist whose license is on inactive status shall not practice dietetics and nutrition services and shall not use the title "dietitian nutritionist", "dietitian", "licensed nutritionist", or "nutrition counselor" or the letters "L.D.N." "~~licensed dietitian nutritionist~~" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.
- c) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1245.160~~Any dietitian or nutrition counselor whose license was on inactive status as of November 1, 2003 will be restored as a dietitian nutritionist. A nutrition counselor will be required to restore in accordance with Section 1245.260.~~

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1245.325 Supervision Under Section 20(m) of the Act**

Under Section 20(m) of the Act, "supervision", when referring to a dietary technical support person working in a hospital setting or a regulated Department of Public Health or Department on Aging facility or program who has been trained and is supervised while engaged in the practice of dietetics by a licensed dietitian nutritionist, means supervision by a licensed dietitian nutritionist or other appropriate supervisor. The supervisor shall:

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- a) Meet at regularly scheduled sessions with the supervisee a minimum of one hour per month;
- b) Be responsible for the standard of work performed by the supervisee; and
- c) Have knowledge of patients, clients and case information.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1245.330 Unprofessional Conduct**

- a) The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 95 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:
  - 1) Discriminating against clients on the basis of race, gender, religion, age, national origin, political affiliation, social or economic status, choice of lifestyle or sexual orientation;
  - 2) Promoting or endorsing products in a manner that is not true or is misleading;
  - 3) Permitting the use of his or /her name to certify that professional services have been rendered when the licensee has not provided or supervised those services. When providing supervision the licensee shall assume responsibility for the actions of any person under their supervision;
  - 4) Making gross or deliberate misrepresentations or misleading claims as to his or /her professional qualifications or of the efficacy or value of his or /her nutrition services, or those of another practitioner;
  - 5) Submission of fraudulent claims for services to any health insurance company or health service plan or third party payor;
  - 6) Refusing to divulge to the Department techniques or procedures used in his or /her professional activities upon request;

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- 7) Practicing or offering to practice beyond one's competency (for example, providing services and techniques for which one is not qualified by education, training and experience);
- 8) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered;
- 9) Making false or misleading statements designed to induce a client to purchase services, goods, appliances or drugs as to exploit the client for the financial gain of the licensee or of a third party;
- 10) Failing to make available to a client, upon request, copies of documents in the possession or under the control of the licensee that have been prepared for and paid for by the client;
- 11) Revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the client, except as authorized or required by law;
- 12) Delegating professional responsibilities to a person when the licensee delegating those responsibilities knows or has reason to know that the person is not qualified, by training, by experience or by licensure, to perform them;
- 13) Performing professional services that have not been duly authorized by the client or his or her legal representative;
- 14) Failing to comply with the following applicable designation:
  - A) the 2009 American Dietetic Association/Commission on Dietetic Registration Code of Ethics for the Profession of Dietetics and Process for Consideration of Ethics Issues, published July 22, 2009 by the Academy of Nutrition and Dietetics, 120 S. Riverside Plaza, Suite 2000, Chicago, Illinois, are hereby incorporated by reference with no later amendments or editions;
  - B) the 2004 American Clinical Board of Nutrition Certification Agreement, published December 1, 2005 by the American Clinical

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Board of Nutrition Certification, 6855 Browntown Road, Front Royal, Virginia 22630, are hereby incorporated by reference with no later amendments or editions;

C) the Certified Clinical Nutritionist Code of Professional Ethics and Responsibility, published December 15, 1991 by the Clinical Nutrition Certification Board, 15280 Addison Road, Suite 130, Addison, Texas 75001, are hereby incorporated by reference with no later amendments or editions; or

D) the Board for Certification of Nutrition Specialists 2013 Code of Ethics and Professional Conduct, effective July 23, 2013, published by the Board for Certification of Nutrition Specialists, 4707 Willow Springs Road, Suite 207, La Grange, Illinois 60525, are hereby incorporated by reference with no later amendments or editions.

- b) A dietitian nutritionist shall not advertise in any way that is fraudulent, false, deceptive or misleading. Any advertising shall be considered fraudulent, false, deceptive or misleading if it:
- 1) Contains a misrepresentation of facts;
  - 2) Makes only a partial disclosure of relevant, material facts;
  - 3) Represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged;
  - 4) Represents the licensee in a deceptive or misleading manner with respect to the profession or professional status of the licensee;
  - 5) Contains any representation of a special area of practice by the licensee that which implies that the licensee requires a superior license or formal recognition by the Department other than a licensed dietitian~~dietician~~ nutritionist;
  - 6) Makes false, unproven or misleading claims about the validity, safety, or

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effectiveness of any dietetic or nutrition related service, product or test;

7) Fails to conspicuously identify the licensee by name in the advertisement;  
or-

8) Makes a guarantee of success.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS GAMING BOARD

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- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1800.260	Amendment
1800.270	Amendment
1800.430	Amendment
- 4) Statutory Authority: Authorized by Section 78 (a) (3) and (b) of the Video Gaming Act [230 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking amends 11 Ill. Admin. Code 1800.260 ("Duties of Licensed Technicians and Licensed Terminal Handlers") by prohibiting licensed terminal handlers and licensed technicians from playing video gaming terminals ("VGTs"). As provided under Section 5 of the Video Gaming Act [230 ILCS 40/5], licensed technicians are licensed to repair, service, and maintain VGTs, and licensed terminal handlers are licensed to possess or control VGTs and to have access to their inner workings.  
  
The rulemaking also amends 11 Ill. Adm. Code 1800.270 ("Duties of Licensed Video Gaming Locations") by requiring video gaming terminals to be played only during business hours when the location is open for business or, in the case of licensed fraternal establishments and licensed veterans establishments, when the location is generally open to the membership.  
  
Additionally, the rulemaking amends 11 Ill. Adm. Code 1800.430 ("Persons with Significant Influence or Control") to prohibit a Person with Significant Influence or Control ("PSIC") of a terminal operator from playing video gaming terminals at a location with which the terminal operator has entered into a use agreement.  
  
The changes made by this rulemaking are intended to further ensure the integrity of video gaming in Illinois.
- 6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: None

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 7) Will this proposed 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 rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
1800.130	New Section	39 Ill. Reg. 8363; June 19, 2015
1800.330	Amendment	39 Ill. Reg. 8363, June 19, 2015

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

James Pllum  
Acting General Counsel  
Illinois Gaming Board  
160 North LaSalle Street  
Chicago IL 60601

fax: 312/814-7253  
James.pllum@igb.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Location licensees will have a responsibility under this rulemaking to ensure that video gaming terminals on their premises are played only during business hours when the location is open for business or, in the case of licensed fraternal establishments and licensed veterans establishments, when the location is generally open to the membership.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: The proposed rulemaking will impose no additional requirements.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because it was not anticipated at the time the Agendas were published.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING  
SUBTITLE D: VIDEO GAMING  
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800  
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report <a href="#">Information Violations</a>
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

1800.430 Persons with Significant Influence or Control

## SUBPART E: LICENSING PROCEDURES

## Section

1800.510 Coverage of Subpart  
1800.520 Applications  
1800.530 Submission of Application  
1800.540 Application Fees  
1800.550 Consideration of Applications by the Board  
1800.555 Withdrawal of Applications  
1800.560 Issuance of License  
1800.570 Renewal of License  
1800.580 Renewal Fees and Dates  
1800.590 Death and Change of Ownership of Video Gaming Licensee

## SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

## Section

1800.610 Coverage of Subpart  
1800.615 Requests for Hearing  
1800.620 Appearances  
1800.625 Appointment of Administrative Law Judge  
1800.630 Discovery  
1800.635 Subpoenas  
1800.640 Motions for Summary Judgment  
1800.650 Proceedings  
1800.660 Evidence  
1800.670 Prohibition on Ex Parte Communication  
1800.680 Sanctions and Penalties  
1800.690 Transmittal of Record and Recommendation to the Board  
1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

## SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

## Section

1800.710 Coverage of Subpart

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

1800.715	Notice of Proposed Disciplinary Action Against Licensees
1800.720	Hearings in Disciplinary Actions
1800.725	Appearances
1800.730	Appointment of Administrative Law Judge
1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment
1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN  
LICENSED VIDEO GAMING LOCATIONS

Section	
1800.810	Location and Placement of Video Gaming Terminals
1800.820	Measurement of Distances from Locations
1800.830	Waivers of Location Restrictions

## SUBPART I: SECURITY INTERESTS

Section	
1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,  
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section	
1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
1800.1030	Receipt of Video Gaming Terminals in the State
1800.1040	Transportation of Video Gaming Terminals Between Locations in the State

ILLINOIS GAMING BOARD

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- 1800.1050 Approval to Transport Video Gaming Terminals Outside of the State
- 1800.1060 Placement of Video Gaming Terminals
- 1800.1065 Registration of Video Gaming Terminals
- 1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

- Section
- 1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

- Section
- 1800.1210 Definitions
- 1800.1220 Entities Authorized to Perform Fingerprinting
- 1800.1230 Qualification as a Livescan Vendor
- 1800.1240 Fingerprinting Requirements
- 1800.1250 Fees for Fingerprinting
- 1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

- Section
- 1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

- Section
- 1800.1410 Ticket Payout Devices
- 1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

- Section
- 1800.1510 Non-Payment of Taxes

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

## Section

1800.1610 Use of Gaming Device or Individual Game Performance Data

**AUTHORITY:** Implementing and authorized by the Video Gaming Act [230 ILCS 40].

**SOURCE:** Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: DUTIES OF LICENSEES

**Section 1800.260 Duties of Licensed Technicians and Licensed Terminal Handlers**

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

In addition to all other duties and obligations required by the Act and this Part, each licensed technician and licensed terminal handler has an ongoing duty to comply with the following:

- a) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- b) Promptly notify the Board of any unauthorized or illegal video gaming location or any video gaming terminal that is in violation of Section 35 of the Act;
- c) Ensure that every video gaming terminal is licensed by the Board before any service, maintenance or repair is performed;
- d) Comply with all specifications and technical requirements issued by the Board;
- e) Carry and display identification issued by the Board when working on video gaming terminals and associated video gaming equipment;
- f) For each video gaming terminal accessed by a licensed terminal handler, record in each video gaming terminal access log the time and date of access, the person, and his or her license number, who had access, and the nature of the service or repair made during the access;
- g) Pay a fee of \$10 to the Board for any necessary replacement of identification; ~~and~~
- h) Return identification to the Board upon resignation or termination of employment; ~~and~~
- i) Not play any video gaming terminal.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1800.270 Duties of Licensed Video Gaming Locations**

In addition to all other duties and obligations required by the Act and this Part, each licensed video gaming location has an ongoing duty to comply with the following:

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- a) Provide a secure premise for the placement, operation and play of video gaming terminals;
- b) Permit no one to tamper with or interfere with the approved operation of any video gaming terminal;
- c) Ensure that all connections with the central communications system and associated video gaming equipment are at all times maintained and prevent any person from tampering or interfering with the approved, continuing operation of the central communications system;
- d) Accept nothing of value from any video terminal operator or any agent or representative of any video terminal operator as an incentive or inducement to locate, keep or maintain video gaming terminals at the licensed video gaming location;
- e) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- f) Immediately remove all video gaming terminals from the restricted area of play:
  - 1) upon order of the Board or an agent of the Board; or
  - 2) that have been out of service or otherwise inoperable for more than 72 hours;
- g) Enter written use agreements with licensed video terminal operators that comply with this Part;
- h) Ensure that video gaming terminals are placed and remain in a designated, approved location;
- i) Prevent access to or play of video gaming terminals by persons who are under the age of 21 years or who are visibly intoxicated;

## ILLINOIS GAMING BOARD

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- j) Commit no violations of the laws of this State concerning the sale, dispensing or consumption on premises of alcoholic beverages that results in suspension or revocation of any liquor license held by or associated with a licensed video gaming location;
- k) Maintain at all times an approved method of payout for valid receipt tickets and redeem for cash each valid receipt ticket dispensed by a video gaming terminal that is within its redemption period;
- l) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal;
- m) Promptly report to the terminal operator:
  - 1) all malfunctions of video gaming terminals and all out-of-service terminals; and
  - 2) any unlawful or unwarranted entry onto the property or into the licensed video gaming location involving or affecting play, mechanism or contents of video gaming terminals, redemption devices, or connected equipment;
- n) Promptly report to the Administrator (or his or her designee):
  - 1) if a terminal operator fails to provide service and repair of video gaming terminals and associated equipment within 24 hours after notice to the terminal operator;
  - 2) any unauthorized or illegal video gaming terminals or any video gaming device that is in violation of Section 35 of the Video Gaming Act;
  - 3) any action taken on or related to any liquor license held by the licensed video gaming location; and
  - 4) any unlawful or unwarranted entry onto the property or into the licensed video gaming location involving or affecting play, mechanism or contents of video gaming terminals, redemption devices, or connected equipment;

## ILLINOIS GAMING BOARD

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- o) Install, post and display signs as required by the Board, including signs indicating that video gaming terminal play is limited to persons 21 years of age or older;
- p) Exercise control over the licensed video gaming location; ~~and~~
- q) Allow maintenance and/or service of video gaming terminals and associated video gaming equipment only by licensed technicians and licensed terminal handlers possessing valid identification issued by the Board; ~~and~~;
- r) For a licensed establishment or licensed truck stop establishment, ensure that video gaming terminals are played only during times when the establishment or truck stop establishment is open for business and the video gaming terminals are generally available to the public for play. For a licensed fraternal establishment or licensed veterans establishment, ensure that video gaming terminals are played only during times when the licensed fraternal establishment or licensed veterans establishment is generally open to its membership and video gaming terminals are generally available to the membership for play.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: LICENSING QUALIFICATIONS

**Section 1800.430 Persons with Significant Influence or Control**

- a) The Administrator shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Board for the specified applicant or licensee.
- b) Each person identified as a person with significant influence or control shall comply with the following:
  - 1) Cooperate fully with any investigation conducted by or on behalf of the Board;
  - 2) Comply with the Act and this Part; and

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) Submit initial and annual disclosure information on forms provided by the Board.
- c) A person of significant influence or control of a terminal operator that has entered into a use agreement with a licensed location shall not play any video gaming terminal located at that licensed location.
- de) Persons with significant influence or control include, but are not limited, to the following:
- 1) Each person in whose name the liquor license is maintained for each licensed video gaming location;
  - 2) Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee or elect a majority of its board of directors, other than a bank or other licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;
  - 3) Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Selection of Senior Management
- 2) Code Citation: 50 Ill. Adm. Code 1710
- 3) Section Number: 1710.10                      Proposed Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by Section 286.1 of the Illinois Insurance Code [215 ILCS 5/286.1]
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking will implement PA 98-814 by setting forth the selection standards and qualifications for a Chief Executive Officer of a domestic fraternal benefit society.
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

James Rundblom, Deputy General Counsel    or  
Department of Insurance  
320 West Washington, 4<sup>th</sup> Floor

Susan Anders, Rules Coordinator  
Department of Insurance  
320 West Washington, 4<sup>th</sup> Floor

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULE

Springfield IL 62767-0001

Springfield IL 62767-0001

217/785-8559

217/558-0957

fax: 217/524-9033

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Domestic Fraternal Benefit Societies
- B) Reporting, bookkeeping or other procedures required for compliance: Minutes for director and nomination committee meetings. Personnel files containing resume and qualification verification documentation for senior management.
- C) Types of professional skills necessary for compliance: Financial, accounting and organizational management skills. Secretarial and filing skills for compliance verification and recordkeeping.

14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULE

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER w: FRATERNAL BENEFIT SOCIETIESPART 1710  
SELECTION OF SENIOR MANAGEMENT

## Section

1710.10 Hiring and Discharge of Chief Executive Officer

AUTHORITY: Implementing and authorized by Section 286.1 of the Illinois Insurance Code [215 ILCS 5/286.1].

SOURCE: Adopted at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1710.10 Hiring and Discharge of Chief Executive Officer**

A domestic fraternal benefit society that provides any of the benefits specified in Section 297.1 of the Illinois Insurance Code (Code) [215 ILCS 5/297.1] must be governed by a board of directors and managed by a qualified officer subject to the following requirements:

- a) The laws of a society must provide that the board of directors shall have the power and perform the duties ordinarily possessed and exercised by a board of directors under the Code, including, but not limited to, the authority and responsibility for the hiring and the discharge of a president, chief executive officer, or an equivalent position, except that a society that elects its president, chief executive officer, or equivalent position pursuant to its by-laws, after January 1, 2015, may continue to do so by first screening candidates through a nomination committee of directors if the candidates chosen by the committee satisfy the qualifications set forth in this Section.
- b) Any person serving as president, as chief executive officer, or in an equivalent position of a domestic fraternal benefit society must not have been convicted of a felony, must have at least 5 years insurance industry or insurance regulatory experience, and shall possess two or more of the following qualifications:
  - 1) working knowledge of financial accounting;

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DEPARTMENT OF INSURANCE

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- 2) bachelor's degree from an accredited university or equivalent combination of education and financial industry experience;
- 3) prior management experience; or
- 4) demonstrated superior judgment, analytical ability, communication skills and leadership.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1270
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1270.5	Amendment
1270.10	Amendment
1270.20	Amendment
1270.30	Amendment
1270.45	Amendment
1270.50	Amendment
1270.56	Amendment
1270.58	Amendment
- 4) Statutory Authority: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) Effective Date of Rules: November 13, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: July 17, 2015; 39 Ill. Reg. 9786.
- 10) Has JCAR issued a Statement of Objection to this rulemaking: No
- 11) Differences between Proposal and Final Version: No substantive differences
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes requested.
- 13) Will this rulemaking replace emergency rule currently in effect? No

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The adopted rules adds the National Council of Examiners for Engineering and Surveying (NCEES) evaluations as an option to the American Association of Collegiate Registrars and Officers (AACRAO) evaluation of degree. It amended Section 1270.10 (Application for Licensure as a Professional Land Surveyor by Examination) to remove the requirement for applicants having to include "pending" disciplinary actions in their certification forms. Provisions of PA 98-713, which allowed computer-based testing for examinations, are also included in the adopted amendments with further clarification that manual retabulation is allowed for paper and pencil examinations but not computer based tests (Section 1270.20 – Examinations). The adopted rules also amended Section 1270.20 to clarify that the Fundamentals of Surveying examination is only valid for 10 years if applicant has not met the requirements of experience and applied for permission to sit for the Principles and Practice examination. Section 1270.45 (Professional Design Firm) was amended to specify that a managing agent-in-charge may only be for one firm at a time. Section 1270.50 (Renewals) was amended to allow a professional design firm to renew by certifying that they are in good standing with the Illinois Secretary of State rather than requiring an annual report or certificate of good standing. Sections 1270.56 (Minimum Standards of Practice) and 1270.58 (Seal and Signature Requirements) were also amended to clarify the certification requirements relating to licensing bodies for passage of the examinations and it allowed for electronic signatures per PA 98-289.
- 16) Information and questions regarding these adopted rules 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 1270

## ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

## Section

1270.5	Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10	Application for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Science
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Restoration
1270.45	Professional Design Firm
1270.50	Renewals
1270.52	Fees
1270.55	Land Surveyor Complaint Committee
1270.56	Minimum Standards of Practice
1270.57	Standards of Professional Conduct
1270.58	Seal and Signature Requirements
1270.60	Granting Variances
1270.65	Professional Development

1270.APPENDIX A Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified and amended at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981;

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

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; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective November 17, 1995; amended at 20 Ill. Reg. 5852, effective April 3, 1996; amended at 21 Ill. Reg. 14252, effective October 15, 1997; amended at 24 Ill. Reg. 576, effective December 31, 1999; amended at 24 Ill. Reg. 13719, effective August 28, 2000; amended at 24 Ill. Reg. 17548, effective November 20, 2000; amended at 25 Ill. Reg. 3865, effective March 1, 2001; amended at 26 Ill. Reg. 12263, effective July 24, 2002; amended at 28 Ill. Reg. 2228, effective January 23, 2004; amended at 28 Ill. Reg. 15297, effective November 10, 2004; amended at 31 Ill. Reg. 1832, effective January 8, 2007; amended at 34 Ill. Reg. 6668, effective April 27, 2010; amended at 36 Ill. Reg. 4818, effective May 1, 2012; amended at 39 Ill. Reg. 14826, effective November 13, 2015.

**Section 1270.5 Application for Licensure as a Professional Land Surveyor-in-Training by Examination**

An applicant for licensure as a Professional Land Surveyor-in-Training under the Illinois Professional Land Surveyor Act of 1989 (the Act) [225 ILCS 330] shall file an application, on forms supplied by the Department of Financial and Professional Regulation-Division of Professional Regulation (Division), ~~as required by Section 1270.20(g) by November 15 for the spring examination and May 15 for the fall examination.~~ The application shall include the following:

- a) Certification of education, completed by the educational institution attended, for one of the following:
  - 1) A baccalaureate degree in land surveying from an accredited college or university; or
  - 2) A baccalaureate degree from an accredited college or university in a

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

related science, as defined in Section 1270.15, including 24 semester hours of land surveying courses.

- b) The required fee specified in Section 1270.52 ~~of this Part~~.
- c) Applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English must provide proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.
- d) Applicants who received their education in a foreign country shall have the education evaluated on a course-by-course basis at their expense. Applicants shall obtain the forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington ~~DC, D.C.~~ 20036-1110, or ~~from NCEES Credentials Evaluations, PO Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686~~ other evaluator approved by the Board. The Land Surveyors Licensing Board (the Board) will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15.

(Source: Amended at 39 Ill. Reg. 14826, effective November 13, 2015)

**Section 1270.10 Application for Licensure as a Professional Land Surveyor by Examination**

An applicant for licensure as a Professional Land Surveyor shall file an application, on forms supplied by the Division, ~~as required by Section 1270.20(g) by November 15 for the spring examination and May 15 for the fall examination~~. The application shall include the following:

- a) Verification of education.

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- 1) A baccalaureate degree in land surveying from an approved program from an accredited college or university; or
  - 2) A baccalaureate degree from an accredited college or university in a related science, as defined in Section 1270.15(a), including 24 semester hours of land surveying courses.
- b) Proof of holding a license as a Professional Land Surveyor-in-Training.
- c) Certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed as a Surveyor-in-Training and/or Land Surveyor and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
  - 2) A description of the examination in that jurisdiction; and
  - 3) Whether the file on the applicant contains any record of disciplinary actions taken ~~or pending~~.
- d) Verification of experience form, completed by a professional licensed land surveyor who was in direct supervision and control of his or her activities, indicating at least 4 years of responsible charge experience in land surveying as set forth in Section 1270.13.
- e) The required fee specified in Section 1270.52.
- f) Applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English must provide proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50. In order to determine applicants whose first language is English, the

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applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.

- g) Applicants who received their education in a foreign country shall have the education evaluated on a course-by-course basis at their expense. Applicants may obtain forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington ~~DC, D.C.~~ 20036-1110 or from NCEES Credentials Evaluations, PO Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686~~other entity approved by the Board~~ to evaluate educational programs. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15.

(Source: Amended at 39 Ill. Reg. 14826, effective November 13, 2015)

**Section 1270.20 Examinations**

- a) An applicant for licensure as a Professional Land Surveyor-in-Training shall pass the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination.
- b) An applicant for licensure as a Professional Land Surveyor who is licensed as a Professional Land Surveyor-in-Training shall pass the following examinations:
- 1) NCEES Principles and Practice of Land Surveying Examination; and
  - 2) Illinois Jurisdictional Examination.
- c) The scoring of the NCEES Fundamentals of Land Surveying Examination and the NCEES Principles and Practice of Land Surveying Examination and the determination of scores shall be as approved by NCEES. Separate scores shall be given for each examination and the scores shall be reported as pass/fail.
- d) The Illinois Jurisdictional Examination shall be reported as pass/fail. The Jurisdictional Examination shall include, but not be limited to, the following areas:

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- 1) History of the public land surveying system in Illinois;
  - 2) Jurisdictional Standards and Ethics (knowledge of prevailing professional standards and ethics specific to Illinois);
  - 3) Jurisdictional Legal Precedent and Principles (knowledge of legal principles and requirements specific to Illinois);
  - 4) Jurisdictional Field Techniques (knowledge of field research techniques specific to Illinois); and
  - 5) Jurisdictional Record Sources (knowledge of sources of records and information specific to Illinois).
- e) Retake of ~~Examination~~ examination.
- 1) Applicants who do not pass the NCEES Fundamentals of Land Surveying Examination, the NCEES Principles and Practice of Land Surveying Examination or the Illinois Jurisdictional Examination will be required to retake only the examinations failed.
  - 2) *If an applicant neglects, fails, or refuses to take an examination for registration under this Act within 3 years after filing his or her application, the application fee shall be forfeited to the Department and the application denied. However, the applicant may thereafter make a new application for examination, accompanied by the required fee.* (Section 11 of the Act) New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application with the exception provided in subsection (e)(3).
  - 3) Scores from examinations already passed under a previous application shall be carried over and applied to subsequent applications.
  - 4) The Fundamentals of Surveying Examination scores are valid only for 10 years. If the applicant has failed to meet the requirements and apply for the Principles and Practice of Surveying within 10 years after original passage of the Fundamentals of Surveying, the original score is voided and

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the Fundamentals of Surveying must be retaken for enrollment as a Land Surveyor-in-Training.

- f) Candidates who fail an examination may not review their examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted for a paper examination, but no retabulation of a computer-based examination is allowed.
- g) Examinations may be given in various formats with different application submittal dates depending on the examination format. For examinations administered in paper form in October and April, the application deadline is November 15 for the April exam and May 15 for the October exam. For examinations administered continuously in a computer-based format, there is no deadline for submittal of the application. Computer-based examinations will be offered at times and in manners prescribed by NCEES. If approved for any examination, paper or computer-based, the applicant will be allowed to test for three years after the date of receipt of the application by the Department, with no limit on the number of times the examination may be taken other than those limits published by NCEES.

(Source: Amended at 39 Ill. Reg. 14826, effective November 13, 2015)

**Section 1270.30 Endorsement**

- a) An applicant who is licensed or registered to practice Land Surveying as a Professional Land Surveyor or a Professional Land Surveyor-in-Training under the laws of another state or territory of the United States who desires to become licensed by endorsement shall file an application with the Division together with:
- 1) Proof that the applicant has met the requirements substantially equivalent to those in force in this State for a Licensed Professional Land Surveyor at the time of original or subsequent licensure by examination in the other state or territory, including certification of education, and verification of experience as appropriate;
  - 2) A certification by the state or territory of original licensure and

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certification from the state or territory of predominant active practice, including the following:

- A) The time during which the applicant was licensed in that state or territory, including the date of the original issuance of the license;
  - B) The basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and
  - C) Whether the records of the licensing authority contain any record of disciplinary action taken;
- 3) The required fee specified in Section 1270.52;
  - 4) Applicants who received a license after January 1, 1997 and who received their education in a foreign country shall have the education evaluated on a course-by-course basis at their expense. Applicants may obtain forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington ~~DC, D.C.~~ 20036-1110 or [from NCEES Credentials Evaluations, PO Box 1686 \(280 Seneca Creek Road\), Clemson SC 29633-1686](#) ~~other entity approved by the Board~~ to evaluate educational programs. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15;
  - 5) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who were licensed after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from

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which the applicant graduated was taught in English.

- b) An applicant for licensure under this Section ~~may~~ shall be required to appear before the Board for an oral interview if the Division has questions about the applicant's application, because of discrepancies or conflicts in information, information needing further clarification and/or missing information.
- c) Applicants for licensure on the basis of endorsement shall successfully complete the Illinois Jurisdictional Examination as set forth in Section 1270.20.
- d) The Division shall examine each endorsement application to determine whether the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in force in the State of Illinois. The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of the application.

(Source: Amended at 39 Ill. Reg. 14826, effective November 13, 2015)

**Section 1270.45 Professional Design Firm**

- a) Persons who desire to practice land surveying in the State of Illinois in the form of a corporation, professional service corporation, partnership, limited liability company or limited liability partnership or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act [805 ILCS 405]) pursuant to Section 25 of the Act, shall file an application with the Division on forms provided by the Division, together with the following:
  - 1) For Corporations or Professional Service Corporations. (Registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act [805 ILCS 10/12].):
    - A) The name of the corporation and its registered address, the names of all members of the board of directors and officers, and the name of the state and license number for each director who is a licensed design professional.

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- 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 of authority to transact business in the State of Illinois issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide land surveying services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm registration.
  - C) A signed and dated resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in Illinois. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
  - D) 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 corporation, if applicable.
  - E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- 2) For Partnerships-
- A) General
    - i) A copy of the signed and dated partnership agreement authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is

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licensed as a design professional and the license number shall be listed on the application.

- ii) A signed and dated resolution adopted by the general partners designating a regular full-time employee of the partnership who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in this State. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
- iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.
- iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

## B) Limited Partnership

- i) A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
- ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed land surveyor in this State as the managing agent in charge of land surveying activities. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
- iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

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- iv) 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 partnership, if applicable.
- 3) For Limited Liability Companies or Limited Liability Partnerships-
- A) An application containing the name of the limited liability company or partnership, the business address and the members/partners of the company/partnership, the name of the state and the license number of each member/partner licensed as a design professional.
  - B) A signed and dated resolution of the members or partners designating a full-time employee who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in this State. The Illinois license number of the managing agent shall also be included in the resolution.
  - C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer land surveying services.
  - D) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
  - E) 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) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the land surveyor who owns and operates the business.

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- B) A letter or certificate received from the county clerk where an assumed name has been filed.
- 5) A list of all office locations at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides land surveying services. *Any professional services corporation, sole proprietorship, or professional design firm offering land surveying services must have a resident land surveyor overseeing the land surveying practices in each location in which land surveying services are provided.* (Section 25(h) of the Act) A resident professional land surveyor shall be assigned to supervise land surveying operations in only one office. Each resident professional land surveyor shall conduct his or her daily business in his or her assigned office or field locations.
- 6) The fee required in Section 1270.52.
- b) A professional design firm may designate more than one managing agent in charge of land surveying activities. However, a licensee designated as the managing agent may not serve as a managing agent for more than one corporation, professional service corporation, limited liability company/partnership, or partnership doing business in Illinois.
- c) Upon receipt of the above documents and review of the application, the Division shall issue a registration authorizing the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to engage in the practice of land surveying or notify the applicant in writing of the reason for the denial of the application.
- d) Each corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship with an assumed name shall be responsible for notifying the Division in writing within 30 days after any changes in:
- 1) The membership of the board of directors, members/partners of the limited liability company/partnership or the general partners;

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- 2) The licensure status of any of the general partners, members/partners of the limited liability company/partnership or any of the licensed design professional members of the board of directors; and
  - 3) An assumed name.
- e) Each corporation, professional service corporation, limited liability company/partnership or partnership shall be responsible for notifying the Division in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Division, has 30 days to notify the Division of the name and license number of the land surveyor licensed in Illinois who is the newly designated managing agent.
  - f) Any failure to notify the Division as required in subsections (d) and (e) or any failure of the corporation, professional service corporation, limited liability company/partnership or partnership to continue to comply with the requirements of Section 25 of the Act will subject the corporation, limited liability company/partnership or partnership to the loss of its registration to practice land surveying in Illinois.
  - g) Sole Proprietorships. Any sole proprietorship owned and operated by a land surveyor who has an active Illinois license is exempt from the registration requirement of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietorship shall file an application in accordance with subsection (a)(4). Any sole proprietorship not owned and operated by an Illinois licensed land surveyor shall be prohibited from offering land surveying services to the public.
  - h) In addition to the seal requirements in Section 15 of the Act, all documents or technical submissions prepared by the professional design firm shall contain the professional design firm registration number issued by the Division.

(Source: Amended at 39 Ill. Reg. 14826, effective November 13, 2015)

**Section 1270.50 Renewals**

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- a) Every license as a Professional Land Surveyor issued under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew ~~that~~<sup>such</sup> license during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 and meeting the professional development requirements set forth in Section 1270.65.
- b) It is the responsibility of each licensee to notify the Division in writing of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.
- c) *A license for a Land Surveyor-in-Training is valid for 10 years and may not be renewed (Section 18 of the Act).*
- d) Every license issued to a professional design firm under the Act shall expire on April 30 of each odd-numbered year. The holder of ~~a~~<sup>such</sup> license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 and ~~certifying that the firm is in submitting an annual report or certificate of~~ good standing ~~with~~<sup>from</sup> the Secretary of State, ~~if applicable~~.
- e) Practicing or offering to practice on a license ~~that~~<sup>which</sup> has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 27 of the Act.

(Source: Amended at 39 Ill. Reg. 14826, effective November 13, 2015)

**Section 1270.56 Minimum Standards of Practice**

The minimum standards of practice set forth in this Section are intended to provide protection for the public by insuring that surveying services defined in this Section are completed in accordance with prevailing professional practices and current technological methods, and to provide a means by which professional performance of the individual practitioner can be assessed. These standards are to be binding upon every person and firm practicing land surveying in the State of Illinois, except where differing federal, State or local laws, ordinances or rules may be more stringent, or when special conditions exist that effectively prevent the survey from meeting these minimum standards. When special conditions exist any necessary

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deviations from the standards shall be noted on the plat of survey. It shall be a violation of this Part to use special conditions to circumvent the intent and purpose of the minimum standards. Any of the professional services set forth in this Section are greatly influenced by the evaluation of recorded information and field observations, and all those services shall be accomplished in compliance with these standards to ensure that they are located, described and platted in a professional manner. All terms used in these Minimum Standards of Practice shall be interpreted to agree with the definitions of those terms in the most current publication of Black's Law Dictionary, Definitions of Surveying and Associated Terms published by the American Congress on Surveying and Mapping (ACSM) and the American Society of Civil Engineers (ASCE), and Glossary of the Mapping Sciences published by American Society for Photogrammetry and Remote Sensing (ASPRS), ACSM and the ASCE.

- a) ALTA/ACSM Land Title Survey:-
  - 1) An ALTA/ACSM land title survey is a specialized survey that meets the specific needs peculiar to title insurance purposes, to enable title insurance companies to insure title to land without exceptions as to survey matters.
  - 2) All land title surveys shall be subject to the "2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", published jointly by the American Land Title Association (ALTA), 1828 L. St., N.W., Suite 705, Washington, D.C. 20036 and the National Society of Professional Surveyors (NSPS), 6 Montgomery Village Avenue, Suite #403, Gaithersburg MD 20879. This incorporation does not include any later amendments or editions.
  - 3) All ALTA/ACSM land title surveys are to be performed to the current ALTA/ACSM Minimum Standard Detail Requirements. It is incumbent upon the licensed professional land surveyor to discuss with the client additional or optional requirements to be provided.
- b) Boundary Survey:-
  - 1) A boundary survey is a land survey that requires study, investigation and evaluation of major factors affecting and influencing the location of boundary lines and that culminates in the deliberate location or relocation of the perimeters, division lines or boundaries of a certain lot, parcel or

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quantity of real estate, according to the record title description of the parcel or parent tract. This description should be furnished by the client, unless otherwise jointly agreed upon by the client and surveyor.

- 2) The purpose of a boundary survey is to establish or re-establish the extent of title lines, and to define and identify those lines so as to uniquely locate each lot, parcel or other specific land area in relation to well recognized and established points of reference, adjoining properties, and rights of way.
- 3) A boundary survey shall include, but not be limited to, the following:
  - A) Clear and legible field notes containing all pertinent information, measurements and observations made in the course of the field survey.
  - B) Unless requested otherwise by the client or his/her agent, a plat of survey.
  - C) A legal description for any parcel surveyed.
  - D) Unless requested otherwise by the client or his/her agent, monuments or witness points shall be set for all accessible corners of the survey.
- 4) Information Research Required. Sufficient information to perform the survey shall be either furnished by the client and/or his/her agent or obtained by the surveyor by agreement with the client. The following appropriate factors must be evaluated by the surveyor:
  - A) A property description describing the subject parcel. If, in the opinion of the surveyor, the description furnished or obtained is insufficient to fully define the extent or location of the parcel to be surveyed due to ambiguity or calls for adjoining deeds, prior recorded survey plats, etc., it is the duty of the client (unless agreed upon otherwise) to furnish the additional information requested by the surveyor. This is not to be construed to indicate that the

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surveyor has an obligation to research the title of record.

- B) A reproduction of the recorded subdivision plat that created the subject lot, block or parcel.
  - C) A reproduction of the Government Township Plat and pertinent Monument Records if the survey is of a section or aliquot part of a section.
  - D) Relevant data provided by the client regarding special circumstances, such as unrecorded easements, judgements or Court decrees that may influence the location of boundaries of the survey.
- 5) Monuments. Monuments set or called for, whether artificial or natural, bear witness to the footsteps of a surveyor and his/her professional opinion as to the proper marking of a desired position. Monumentation for public land survey systems corners shall be in accordance with the Land Survey Monuments Act. The following shall be considered acceptable types of artificial monuments for all other corners:
- A) Types:
    - i) Iron bars or rods shall be a minimum of ½" in diameter by 24" in length. Iron pipes shall be a minimum of ½" in diameter by 24" in length, with a minimum wall thickness of ⅛". Where rocky soils prevent specified lengths, the bar, rod or pipe should be driven to refusal at depths where it will remain stable.
    - ii) Concrete monuments shall be a minimum size of 5" in diameter by 24" in length, or 4" square by 24" in length, and shall have a precise corner mark and shall be reinforced by at least a ¼" re-bar or ½" or larger iron pipe.
    - iii) Stone monuments shall be a minimum size of 4" square by 24" in length and shall have a precise corner mark.

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- iv) Commercial cast iron or aluminum survey markers no less than 24" in length. Non-ferrous markers shall have ceramic magnets attached to aid in recovery.
  - v) Other monuments, such as drill holes, chiseled marks in stone, concrete or steel, punch marks, precast bronze discs, nails or spikes, etc., shall be of sufficient size, diameter or depth to be definitive, stable and readily identified as a survey marker. Objects upon which the marks or markers are placed shall be of a stable and permanent nature.
- B) Requirements-
- i) Where placement of corner monuments is a condition of the survey and it is physically impossible or impractical to set a monument at the corner, a witness corner or corners will be set, or noted if existing witness corners are found. Witness corners shall be referenced to the survey corner or survey lines.
  - ii) Monuments must be set to a sufficient depth so as to retain a stable and distinctive location. Material and size for monuments shall be chosen in regard to the terrain and situation that exists at the site of the survey. All monuments shall be set vertically whenever possible.
- 6) Plats. On all boundary surveys the completed plat shall be drawn on a stable and durable medium with a minimum size of 8½" by 11" and shall contain the following:
- A) Firm name, address and registration number.
  - B) Professional land surveyor seal, signature, date of signing, and license expiration date. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a

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~~signature generated by a computer. Rubber stamp signatures, computer generated signatures or other reproduced signatures are prohibited.~~

- C) Client's name.
- D) North arrow.
- E) Scale-written or graphic.
- F) Date of completion of field work.
- G) Legal description of the property.
- H) Legend for all symbols and abbreviations used on the plat.
- I) Monuments or witness corners, whether set or found, intended to represent or reference corners of the survey, shall be shown and described as to size, shape and material, and their positions noted in relation to the survey corners.
- J) Sufficient angles, bearings or azimuths, linear dimensions and curve data must be shown on the plat to provide a mathematically closed figure for the exterior of the survey. Where record angular dimensions, bearings or azimuths, linear dimensions or curve data exist, such data shall be shown on the plat and distinguished from measured dimensions or data. Area of the survey is to be shown on the face of the plat unless otherwise requested by the client.
- K) Where bearing, azimuth or coordinate systems are used, the basis or proper names of the system shall be noted on the plat.
- L) If the survey is a parcel in a recorded subdivision, any adjacent rights of way or easements and setback lines shown on the recorded plat that affect the subject parcel are to be shown and dimensioned.

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- M) Visible physical evidence of possession or occupation either way from the exterior lines of the survey shall be shown and dimensioned.
  - N) Show visible evidence of improvements, rights of way, easements, or use when requested by the client.
  - O) Exculpatory statements that attempt to restrict the uses of boundary surveys shall not be affixed to any plat.
  - P) The following statement shall be placed near the professional land surveyor seal and signature: "This professional service conforms to the current Illinois minimum standards for a boundary survey."
- 7) Field Procedures. All field work shall be performed by a professional land surveyor or a person under his/her direct control and supervision in accordance with accepted methods of surveying theory, practice and procedures. It is the responsibility of the professional land surveyor to insure conformance with the following specific requirements:
- A) All surveying instruments shall be kept in proper adjustment and calibration.
  - B) All corners or monuments called for in the information provided or obtained under subsection (b)(4) that affect the location of the boundaries of the land to be surveyed shall be physically searched for in a methodical and meticulous fashion. Each corner or monument recovered shall be evaluated as to its agreement by description and location with the information in subsection (b)(4).
  - C) Other evidence that could influence the location of the lines or corners of the survey shall be located and evaluated.
  - D) When the survey is of an aliquot or divisional part of a larger tract, sufficient field work must be performed to ensure that the existence of excess or deficiency, if any, in the parent tract can be determined and distributed by the professional judgment of the

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surveyor.

- E) All field data, including electronic field notes, shall be retained in a legible and orderly fashion that will be understandable to other surveyors.
- 8) It shall be the responsibility of each professional land surveyor to monitor his/her work and that of those working under his/her supervision, so that the methods used to perform the survey and produce the plat and/or report will be of such quality that the accuracy, precision and positional tolerance of the final product delivered to his/her client will equal or exceed that which would be provided by another competent surveyor under similar circumstances.
- c) **Condominium Surveys.** Condominium surveys are a specialized class of boundary surveys and are governed by the Condominium Property Act [765 ILCS 605]. The plat requirements referred to in Section 5 of that Act must be the result of actual field measurements and are not to be transcribed from plans or other informational materials. The exterior boundaries of a condominium parcel shall be monumented as required by the Plat Act [765 ILCS 205]. Notes on the condominium plat must indicate whether the interior measurements shown are referring to finished or unfinished surfaces or planes and what data was used for any elevations depicted on the plat.
- d) **Subdivision Surveys-**
  - 1) Subdivision surveys are properly included in the boundary survey category and are primarily governed by the Plat Act. Subdivision surveys differ from the typical boundary survey in that monumentation for subdivision surveys is mandatory according to the statute. All exterior corners of the subdivision must be monumented prior to recordation of the subdivision plat. If, in the opinion of the subdividing surveyor, a disproportionate number of interior monuments would be destroyed by grading, utility installation, etc., monumentation of the interior corners may be delayed unless local regulations or ordinances specify otherwise. Interior corners of the subdivision must be monumented prior to the conveyance of any lot, block, parcel or unit within the subdivision and in

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all cases the monumentation must be in place within 12 months after the recording date of the subdivision plat. All of the interior corners subject to delayed staking shall be denoted on the record plat as "to be set", either by labeling or appropriate symbols. Upon completion of the monumentation the subdividing surveyor shall file an affidavit with the Recorder of the county in which the subdivision is located certifying that the monumentation of the subdivision has been completed. The affidavit shall include the name of the subdivision, date of plat recording and recording location information (book and page and/or document number).

- 2) Vertical subdivisions, i.e., subdivisions that divide property by horizontal, vertical, and oblique planes, require that all exterior boundary corners of the subdivision be monumented at its ground elevation prior to recordation of the subdivision plat. The physical features, if any, controlling the limits of the subdivided property must be defined on the subdivision plat. The datum used to control the dividing horizontal planes must be defined on the subdivision plat together with the benchmark used to determine the elevations of these planes. The interior corners or any lot or block corners other than those that are required for monumenting the exterior boundary corners do not require monumentation.
- e) Mortgage Inspection. A Mortgage Inspection does not approach the standards of other survey categories, though by the provisions of Section 5 of the Illinois Professional Land Survey Act of 1989 [225 ILCS 330/5] the services of an Illinois Professional Land Surveyor are required. A mortgage inspection is not a type of boundary survey or ALTA/ACSM survey and does not constitute a boundary survey of the subject real property. A mortgage inspection includes field investigation, measurements and graphic representation of improvements.
- 1) Purpose. The mortgage inspection is intended for use by a mortgage lender and/or title insurer and is only a professional opinion of the relationship of improvements with respect to the deed lines and the existence, location and type of building on the property, the intent of which is to assist in the determination of the property's suitability to serve as collateral for a mortgage. It is not an opinion as to deed, title or platted lines. It is not to be used in matters of boundary disputes, legal actions between landowners, or for construction purposes. No new legal

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descriptions can be created from a mortgage inspection.

- 2) Product. A complete mortgage inspection will produce a drawing entitled "Mortgage Inspection" and, if required, a written report of the surveyor's findings and determinations.
- 3) Information-
  - A) The following information shall be furnished by the client and/or his/her agent:
    - i) Legal description and address for the tract of land.
    - ii) Copy of commitment of title insurance for the tract of land, if possible.
  - B) The following information shall be obtained by the surveyor:
    - i) Copy of recorded subdivision plats (if applicable).
    - ii) Recorded section corner tie monuments and original government surveys (if applicable).
    - iii) Other necessary surveying information.
- 4) Monuments. No monuments shall be set.
- 5) Tolerances. Tolerances cannot be mandated for a mortgage inspection since the very nature of recovering deed lines and other information for that purpose precludes a rigid adherence to any standard value.
- 6) Field Procedures. The following procedures should generally be considered as minimum, but deviations as dictated by specific conditions shall be allowed:
  - A) Preliminary search and recovery of existing monument evidence.

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- B) Field location of tract through measurement from some controlling locations, such as: street intersection, subdivision corner, section corners, etc., sufficient to eliminate the possibility of gross error in location of the premises.
  - C) Through field measurements, locate and dimension relevant improvements.
  - D) If evidence of deed lines does not exist, the surveyor is obligated to refuse to perform a mortgage inspection until satisfactory evidence is obtained, either through a boundary survey or a land title survey.
  - E) If evidence exists of the possibility that the improvements on the subject property or adjoining property are on or very near the apparent deed lines, the surveyor is obligated to note his/her findings and recommend that a boundary survey or land title survey be performed.
- 7) Drawing:
- A) Minimum size: 8½" x 11".
  - B) The drawing shall be entitled:

## MORTGAGE INSPECTION

## THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

(The above two lines shall be of the same letter size and shall be twice the letter size of all other lettering on the drawing.)

- C) A North arrow, scale of drawing, date and drawing legend shall be included.
- D) Building dimensions and type of structure shall be shown.
- E) Boundary dimensions shown shall be based on the public record or description provided; field measurements do not need to be shown.

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- F) No dimensional ties from structures or other improvements to apparent deed lines are required.
- G) The legal description of the tract shall be given on the face of the drawing.
- H) Use of the word "survey" in the title, or any implication in a certification that this drawing represents a "survey", is prohibited.
- I) Professional land surveyor seal, signature, date of signing, and license expiration date. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer. ~~Rubber stamp signatures, computer generated signatures or other reproduced signatures are prohibited.~~
- J) Address of the tract.
- K) No found corner, boundary line or other survey monumentation shall be shown on the drawing.
- L) Preceding the legal description and in the same size letters as the legal description the following statement shall appear:  
  
"This mortgage inspection and drawing is not a boundary survey or plat of survey. This mortgage inspection was prepared to assist the mortgage company and title insurance company and is not to be used for any purposes of boundary disputes, location of actual deed, title or platted lines, or for construction of new improvements. Graphic representation shall be deemed approximate and no reliance should be placed on the scale of the drawing."
- M) The following statement shall be placed immediately above the signature of the surveyor and in the same size letters as the legal

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description:

"This professional service conforms to the current Illinois minimum standards of practice for a mortgage inspection and is not a boundary survey."

- f) Topographic Survey-
- 1) Topographic Survey. A topographic survey is the delineation of horizontal and/or vertical locations of the existing natural or man-made features of a portion of the earth's surface, subsurface or airspace and the graphic representation of the results of such delineation. Topographic surveys that also depict land boundaries shall be entitled "Boundary and Topographic Survey" or "ALTA/ACSM Land Title and Topographic Survey", and shall be subject to the current minimum standards established for the ALTA/ACSM Land Title Surveys or Boundary Surveys by this Part, except where differing federal, State or local laws, ordinances or rules may be more stringent. When the position and/or extent of a topographic survey is not defined by land boundaries, enough information must be shown on the survey to enable the client to locate the survey on the ground. A licensed professional engineer knowledgeable in topographical survey may perform a topographic survey specific to his/her design project. A licensed professional engineer may not, however, offer topographic surveying services independent of his/her specific design project.
  - 2) Information Research Required. Sufficient information to perform the survey shall be furnished by the client or his/her agent or obtained by the surveyor by agreement with the client. The following appropriate factors must be evaluated by the surveyor.
    - A) A specific description of the survey site, along with designated areas outside the actual survey site where topographic information is required.
    - B) The location, description, datum and elevation of all benchmarks to be used for the survey. The datum should be based on a

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nationally accepted datum whenever practical, unless instructed otherwise by the client or as mandated by a governmental organization having jurisdiction in the area the survey is located.

- C) The location and description of all horizontal control points to be used for the survey.
  - D) If contour lines are required by the client, the contour interval should be agreed upon by the surveyor and client.
  - E) Location and elevations of utilities is often an important part of a topographic survey. The surveyor and client must have a clear understanding of which utilities are to be located and what information on each utility is to be shown.
  - F) The surveyor shall be furnished a clear, concise description of the intended use of the survey.
- 3) Field Requirements-
- A) All surveying instruments shall be kept in proper adjustment and calibration.
  - B) The surveyor may apply procedures that most efficiently meet the requirements of the client without sacrificing the accuracy of the acquired information.
  - C) All field data, including electronic field notes, shall be retained in a legible and orderly fashion that will be understandable to other surveyors.
- 4) Plats. On all topographic surveys, the completed plat shall be drawn on a stable and durable medium with a minimum size of 8½" by 11" and shall contain the following:
- A) Firm name, address and registration number.

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- B) Professional land surveyor seal, signature, date of signing, and license expiration date.
- C) "This professional service conforms to the current Illinois minimum standards for topographic surveys." This statement shall be placed near the professional land surveyor seal and signature.
- D) Client's name.
- E) North arrow.
- F) Date of completion of field work.
- G) Scale as agreed upon by surveyor and client.
- H) Location and elevation of benchmarks at or near the survey shall be shown, and the datum noted.
- I) Legend for all symbols and abbreviations used on the plat.
- J) If elevation points are to be shown, such elevations shall be shown to the nearest one-hundredth of a foot on hard surfaces and to the nearest tenth of a foot elsewhere, unless requested otherwise by the client.
- K) Description of horizontal control points used in the survey, which shall be noted and shall be shown on the plat if possible.
- L) The location of permanent structures, including buildings, retaining walls, bridges, culverts, street or road paving and sidewalks.
- M) Existing contour lines indicating the relief of the entire parcel, unless required otherwise by the client. Elevation points, if shown, may be in a grid pattern or at high points, low points and grade changes, a combination of both methods, or at locations requested by the client.

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- N) Location and water surface elevations of lakes, rivers, streams and drainage courses on or near the surveyed parcel, and direction of flow if any.
  - O) If boundary line information is shown on the plat, the source of the boundary line information.
  - P) If topographic information is to be delivered via electronic media, a suitable format shall be agreed upon. In every case, the surveyor shall also provide a signed and sealed hard copy drawing or representation of the survey. This drawing shall be the official survey and shall be deemed to be correct and superior to the electronic data.
- g) Minimum Standards for Writing Parcel Legal Descriptions. A description defining land boundaries written for conveyance or describing the extent of a survey or for other purposes shall be complete, providing definite and unequivocal identification of the property lines or boundaries of a unique parcel. The description shall be sufficient to be platted, located on the ground and, when appropriate, mathematically closed. The description shall commence at or relate to a physically monumented corner or boundary control line of record.
- 1) If the land is located in a recorded subdivision, the description shall contain the number or other description of the lot, block or other part of the subdivision, or shall describe the parcel by reference to a known corner of the lot, block or other recorded reference.
  - 2) If the parcel is not located within a recorded subdivision, the description shall state the section, township, range, principal meridian and county, and shall describe the parcel by reference to quarter section, quarter-quarter section, government lot, or metes and bounds, beginning/commencing at a monumented corner and referencing an established and monumented line in the United States Public Land Survey System.

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- 3) In any case, when a new description is created or a previous description is rewritten, enough of the original description should be maintained so as to form a trail or chain to follow the history of the parcel.

(Source: Amended at 39 Ill. Reg. 14826, effective November 13, 2015)

**Section 1270.58 Seal and Signature Requirements**

- a) Every individual professional land surveyor shall have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number of the professional land surveyor, and the words "Professional Land Surveyor, State of Illinois". A professional land surveyor shall seal all documents prepared by or under the direct supervision and control of the professional land surveyor. Any seal on a plat of survey, which bears the name of a professional design firm, rather than bearing the name of the individual licensed professional land surveyor responsible for the survey, shall be deemed an invalid seal. The individual licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.
- b) It is unlawful to affix one's seal to documents if doing so masks the true identity of the person who actually exercised direction, control and supervision of the preparation of that work. A Professional Land Surveyor who seals and signs documents is not responsible for damage caused by subsequent changes to or uses of those documents when the subsequent changes or uses, including changes or uses made by State or local government agencies, are not authorized or approved by the Professional Land Surveyor who originally sealed and signed the documents.~~Signatures generated by computer or rubber stamp shall not be permitted.~~

(Source: Amended at 39 Ill. Reg. 14826, effective November 13, 2015)

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- 1) Heading of the Part: The Professional Engineering Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1380
- 3) 

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1380.240	Amendment
1380.242	Amendment
1380.245	Amendment
1380.250	Amendment
1380.260	Amendment
1380.295	Amendment
- 4) Statutory Authority: Implementing The Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) Effective Date of Rules: November 13, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: July 17, 2015; 39 Ill. Reg. 9819.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive differences.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes requested.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: PA 98-993 allowed an exemption from having to take the currently required Test of English as a Foreign Language (TOEFL-iBT) exam for those who have subsequently earned an advanced degree from an accredited institution in the United States. This adopted rulemaking codifies that provision in the rules. The adopted rulemaking also codifies provisions of PA 98-713 which allowed computer-based testing for the Fundamentals of Engineering exam as well as future computer-based testing examinations. It also clarified the certification requirements relating to licensing bodies for passage of the examinations and also allowed for electronic signatures per PA 98-289.
- 16) Information and questions regarding these adopted rules 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 1380

## THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

## Section

1380.210	Approved Engineering Program
1380.220	Definition of Degree in a Non-approved Engineering Program or a Related Science Curriculum
1380.230	Approved Experience
1380.240	Application for Fundamentals of Engineering Examination
1380.242	Application for Enrollment as an Engineer Intern by Acceptance of Examination
1380.245	Application for the Principles and Practice of Engineering Exam (Part II)
1380.250	Application for Licensure as a Professional Engineer by Acceptance of Examination
1380.260	Examination
1380.270	Restoration
1380.275	Fees
1380.280	Endorsement
1380.285	Inactive Status
1380.290	Professional Design Firm
1380.295	Seal Requirements
1380.296	Acts Constituting the Practice of Professional Engineering Pursuant to Section 4 of the Act
1380.300	Standards of Professional Conduct
1380.305	Professional Engineer Complaint Committee
1380.310	Renewals
1380.320	Granting Variances
1380.325	Professional Development
1380.APPENDIX A	Significant Dates for the Administration of Section 19 of the Act – Endorsement

AUTHORITY: Implementing the Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS

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2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; 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; Part repealed at 9 Ill. Reg. 10038, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended at 15 Ill. Reg. 17729, effective November 26, 1991; amended at 16 Ill. Reg. 15553, effective September 28, 1992; amended at 18 Ill. Reg. 14737, effective September 19, 1994; amended at 19 Ill. Reg. 16076, effective November 17, 1995; amended at 20 Ill. Reg. 6477, effective April 25, 1996; amended at 21 Ill. Reg. 13839, effective October 1, 1997; amended at 22 Ill. Reg. 16516, effective September 3, 1998; amended at 24 Ill. Reg. 625, effective December 31, 1999; amended at 24 Ill. Reg. 13727, effective August 28, 2000; amended at 26 Ill. Reg. 4688, effective March 11, 2002; amended at 27 Ill. Reg. 13301, effective July 16, 2003; amended at 34 Ill. Reg. 5623, effective March 30, 2010; amended at 36 Ill. Reg. 272, effective January 6, 2012; amended at 39 Ill. Reg. 14859, effective November 13, 2015.

**Section 1380.240 Application for Fundamentals of Engineering Examination**

- a) An applicant who is in the senior year of an approved engineering baccalaureate curriculum may sit for the Fundamentals of Engineering exam (Part I) and then submit the application and required fee, as specified in Section 1380.275, and proof of having graduated within 12 months after sitting for the first exam.
- b) An applicant who is a graduate of an approved engineering baccalaureate curriculum may sit for the Fundamentals of Engineering exam (Part I) and then submit the application and required fee as specified in Section 1380.275.
- c) An applicant ~~who is a graduate for enrollment as an Engineer Intern~~ from a non-approved engineering program or a related science ~~curriculum degree~~ shall file an application on forms supplied by the Division ~~as specified in Section 1380.260 by November 15 for the spring examination or by May 15 for the fall examination.~~

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The application shall include:

- 1) An official transcript showing receipt of a baccalaureate degree from a non-approved engineering program or related science curriculum and verification, on forms completed by the supervisors, of at least 4 years of experience.
  - A) An applicant who has not acquired the experience but meets the minimum educational requirements may sit for the Fundamentals of Engineering exam and submit the acceptable experience after the passage of the exam;
  - B) Applicants who received their education in a foreign country shall have the education evaluated, at their expense. Applicants shall obtain the forms from NCEES Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road) Clemson SC 29633-1686. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act is separate from the detailed institutional review conducted to determine that the curriculum meets the requirements of Section 1380.210. The review of the transcripts by the Board will be to determine equivalency with the educational requirements of non-approved engineering program set forth in Section 1380.220(b)(1);
  - C) Applicants who received a related science degree in a foreign country shall have the education evaluated at their expense. The evaluation shall be performed by the American Association of Collegiate Registrars (AACRO), 1 Dupont Circle NW, Suite 370, Washington, DC 20036-1110, telephone (202)296-3359;
- 2) The required fee specified in Section 1380.275;
- 3) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such

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participation with a brief description of the program, from the university or on forms provided by the Division;

- 4) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English. However, any applicant who subsequently earned a post-graduate degree in engineering from an accredited educational institution in the United States or its territories shall not be subject to this requirement.
- d) An applicant in an approved engineering program shall be eligible to be seated for the first available Fundamentals of Engineering examination during the 12 months prior to graduation if the applicant provides a certification stating that he/she is expected to graduate by the end of that 12 month period. The applicant shall be allowed to retake the examination during that 12 month period if he/she fails on the first attempt. However, an applicant who passes the Fundamentals of Engineering examination prior to graduation will not be enrolled as an Engineer Intern until the Division has received certification of graduation, as required by subsection (a)(1)(A). If certification of graduation within one year prior to or after passing the exam is not received, the results of the examination will be voided for Illinois purposes and the examination will have to be retaken in order to be enrolled as an Illinois Engineer Intern or licensed as a Professional Engineer.
- e) Upon receipt of the application and all supporting documentation in complete order:
  - 1) Persons with degrees from an approved engineering program will be notified of their eligibility to register for Part I of the examination,

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examination filing deadline and the required examination fee as provided for in Section 1380.275;

- 2) The files of persons with degrees from a non-approved engineering program or related science curriculum will be presented to the Board for evaluation of the required experience and education based on the criteria specified in Sections 1380.220 and 1380.230. Once the applications have been approved, those persons will be notified of their eligibility to register for Part I of the examination, examination filing deadline and the required examination fee as provided for in Section 1380.275.

(Source: Amended at 39 Ill. Reg. 14859, effective November 13, 2015)

**Section 1380.242 Application for Enrollment as an Engineer Intern by Acceptance of Examination**

- a) An applicant who, in the senior year of an approved baccalaureate curriculum, passed the Fundamentals of Engineering exam (Part I) shall submit an application and the required fee, as specified in Section 1380.275, and proof of having graduated within 12 months after passage of the exam.
- b) An applicant who is a graduate of an approved baccalaureate curriculum and passed the Fundamentals of Engineering exam (Part I) shall submit an application, a transcript and the required fee, as specified in Section 1380.275.
- c) An applicant from a non-approved engineering program or a related science degree who was approved to sit for the exam under Section 1380.240 and has passed the Fundamentals of Engineering exam (Part I) shall submit the required 4 years of acceptable experience.
- d) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of that participation is required with a brief description of the program from the university or on forms provided by the Division.
- e) [Certification of Passage of the Fundamentals of Engineering Examination](#)

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- 1) Applicants who were manually approved by Illinois to sit for the Fundamentals of Engineering exam through the designated testing company are not required to submit certification.
  - 2) Applicants who were approved to sit for the Fundamentals of Engineering exam in another jurisdiction shall submit certification of passage of the examination from the appropriate state board, including the date of the examination.
- f)e) Upon receipt of the application and all supporting documentation in complete order:
- 1) Persons with degrees from an approved engineering program will be enrolled as an Illinois Engineer Intern.
  - 2) Persons with degrees from a non-approved engineering program or related science curriculum whose 4 years of acceptable experience is reviewed and approved by the Board, based on the criteria specified in Section 1380.230, shall be enrolled as a Illinois Engineer Intern.
- g)f) Applicants will be deferred enrollment as an Illinois Engineer Intern if:
- 1) Persons with degrees from an approved engineering program did not graduate within 12 months after passage of the Fundamentals of Engineering exam (Part I). Those applicants will be required to re-take the exam in order to be enrolled as an Illinois Engineer Intern.
  - 2) Persons with degrees from a non-approved engineering program or related science curriculum whose 4 years of experience is reviewed and not approved by the Board, based on the criteria specified in Section 1380.230, shall be deferred enrollment as a Illinois Engineer Intern until their experience meets the requirements.

(Source: Amended at 39 Ill. Reg. 14859, effective November 13, 2015)

**Section 1380.245 Application for the Principles and Practice of Engineering Exam (Part II)**

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- a) Applicant Enrolled as an Illinois Engineer Intern
  - 1) An applicant who is a graduate of an approved baccalaureate curriculum may sit for the Principles and Practice of Engineering exam (Part II), and having passed, may then submit the application specified in Section 1380.250, verification of employment and the required fee specified in Section 1380.275.
  - 2) An applicant who is a graduate of a non-approved baccalaureate curriculum who was approved under Section 1380.240 may sit for the Principles and Practice of Engineering exam (Part II) and having passed, may then submit the application specified in Section 1380.250, verification of employment and the required fee specified in Section 1380.275.
- b) Persons Who Were Certified or Enrolled as an Engineer Intern or Engineer-in-Training in Another State or Territory
  - 1) The applicant shall submit certification of the required enrollment from the appropriate state board, including the date of the examination.
  - 2) The applicant shall submit an official transcript showing the degree conferred.
  - 3) Applicants who received their education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from NCEES Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency with the educational requirements of a non-approved engineering program set forth in Section 1380.220(b)(1).

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- 4) For applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English:
  - A) Proof of passage of:
    - i) the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88; or
    - ii) the Test of English as a Foreign Language (TOEFL) with a minimum score of 550, or 213 on the computer-based test, and the Test of Spoken English (TSE) with a minimum of score of 50.
  - B) In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English. However, any applicant who subsequently earned a post-graduate degree in engineering from an accredited educational institution in the United States or its territories shall not be subject to this requirement.
- 5) Applicants who received a related science degree in a foreign country shall have the education evaluated at their expense. The course-by-course evaluation shall be performed by the American Association of Collegiate Registrars & Admissions Officers (AACRAO), 1 Dupont Circle NW, Suite 520, Washington DC 20036-1110, telephone (202) 293-9161.
- 6) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education as specified in Sections 1380.210 and 1380.220. Once the application has been approved, those persons will be notified of their eligibility to register for Part II of the examination, the examination filing deadline and the required examination fee provided for in Section 1380.275.

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- c) Applicant Not Enrolled as an Engineer Intern
- 1) An applicant who is a graduate of an approved curriculum may sit for the Principles and Practice of Engineering exam (Part II) and then submit the application specified in Section 1380.250, verification of employment, and the required fee specified in Section 1380.275.
  - 2) An applicant for examination as a professional engineer who is not enrolled or certified as an Illinois Engineer Intern and is not a graduate from an approved curriculum shall file an application on forms supplied by the Division as specified in Section 1380.260~~by November 15 for the spring examination or by May 15 for the fall examination~~. The application shall include, in addition to the requirements of Section 8 of the Act, the following:
    - A) Education
      - i) A degree from a non-approved Engineering Program or Related Science Curriculum and a completed transcript showing receipt of a baccalaureate degree from a non-approved engineering program or related science curriculum.
      - ii) Applicants who received their engineering education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from NCEES Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency with the

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educational requirements of a non-approved engineering program set forth in Section 1380.220(b)(1).

- iii) Applicants who received a related science degree in a foreign country shall have the education evaluated at their expense. The course-by-course evaluation shall be performed by the American Association of Collegiate Registrars & Admissions Officers (AACRAO), 1 Dupont Circle NW, Suite 520, Washington DC 20036-1110, telephone (202) 293-9161.
- iv) For applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English:
- Proof of passage of:
    - the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88; or
    - the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50.
  - In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English. However, any applicant who subsequently earned a post-graduate degree in engineering from an accredited educational

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institution in the United States or its territories shall not be subject to this requirement.

- B) The required fee specified in Section 1380.275.
- 3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of education as specified in Sections 1380.210 and 1380.220. Once the application has been approved, those persons will be notified of their eligibility to register for Part I and/or Part II of the examination, the examination filing deadline, and the required examination fee as provided for in Section 1380.275.

(Source: Amended at 39 Ill. Reg. 14859, effective November 13, 2015)

**Section 1380.250 Application for Licensure as a Professional Engineer by Acceptance of Examination**

- a) An applicant shall have passed the Fundamentals of Engineering (Part I) and the Principles and Practice of Engineering (Part II) examinations in compliance with Sections 1380.240 and 1380.245.
- 1) Applicants who were manually approved by Illinois to sit for both the Fundamentals of Engineering exam and the Principles and Practice of Engineering exam through the Illinois designated testing company are not required to submit certification.
- 2) Applicants who were approved to sit for the Fundamentals of Engineering exam and/or the Principles and Practice of Engineering exam in another jurisdiction shall submit certification from the appropriate state board, including the date of each examination.
- b) An applicant shall have acquired all experience required by Section 1380.230 prior to review by the Division.
- c) An applicant for licensure as a professional engineer shall file an application on forms supplied by the Division. The application shall include, in addition to the

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requirements of Section 8 of the Act, the following:

- 1) Experience
  - A) An applicant graduating from an approved baccalaureate degree program must submit 4 years of acceptable experience in compliance with Section 1380.230.
  - B) An applicant graduating from a related science or non-approved baccalaureate degree program must submit 8 years of acceptable experience in compliance with Section 1380.230.
  - C) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of that participation with a brief description of the program from the university or on forms provided by the Division.
- 2) The required fee specified in Section 1380.275.
- d) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be reviewed by the Division for evaluation of the required experience as specified in Section 1380.230. Upon submitting an application with proof of passing both examinations, and acceptable experience, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State.
- e) Applicants will be deferred licensure as a Professional Engineer if:
  - 1) Applicants with degrees from a non-approved engineering program or related science curriculum whose 8 years of experience is reviewed and not approved by the Board, based on the criteria specified in Section 1380.230, shall be deferred licensure as a Illinois Professional Engineer until the experience meets the requirements.
  - 2) Applicants whose applications were submitted more than 3 years previously and were not complete (passage of exams and acceptable experience) must submit a new application and fee for review once the

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experience is complete.

(Source: Amended at 39 Ill. Reg. 14859, effective November 13, 2015)

**Section 1380.260 Examination**

- a) Examinations may be given in various formats, and different submittal dates apply depending on the examination format. For examinations administered in paper form in October and April, there is an examination assignment cutoff date that varies depending on the actual date of the examination. For examinations administered in the spring, receipt of the applications after November 15 for the April exam or, for examinations administered in the fall, after May 15 for the October examination, may not provide sufficient time for required credentials to arrive at the Department and be reviewed by the Board prior to the exam assignment cutoff date. If this occurs, the applicant will be approved to sit for a later examination if all requirements are met. For examinations administered continuously in a computer-based format, there is no deadline for submittal of the application and the applicant, if approved to sit for the exam, will be allowed to test for three years after date of receipt of the application by the Department. For the computer based examinations, there will be four windows in a year, with a maximum of three attempts in any calendar year, and no more than one attempt in a window.
- b)a) The examination for licensure as a professional engineer shall be divided into two Parts, ~~each Part being 8 hours in duration~~. If an applicant wishes only to be enrolled as an Engineer Intern, and if he or she otherwise qualifies under Section 1380.240, he or she shall be required to take only Part I of the examination.
- 1) Part I – Fundamentals of Engineering Examination shall consist of problems or other examining techniques designed to evaluate the applicant's knowledge of the basic and engineering sciences and related subjects normally considered as the fundamentals of an engineering education.
  - 2) Part II – Principles and practice of Engineering Examination shall consist of problems or other examining techniques relating to designs in or to the practice of professional engineering as described in Section 4(o) of the

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Act.

- ~~c)~~<sup>b)</sup> The examination administered by the Division shall be provided by the National Council of Examiners for Engineering and Surveying (NCEES). The specific examination content, length and method of administration shall be as determined by periodic evaluations of the test specifications by NCEES.
- ~~d)~~<sup>e)</sup> Part I of the examination will be waived for an applicant who is licensed as a structural engineer and who received such license by passing the fundamentals of engineering examination administered under the Structural Engineering Licensing Act of 1989 [225 ILCS 340].
- ~~e)~~<sup>d)</sup> The scoring of the examinations and determination of scores shall be as approved by NCEES. Separate scores shall be given for Part I and Part II and shall be reported as pass or fail.
- ~~f)~~<sup>e)</sup> An applicant who sits for both Parts I and II of the examination and passes only Part I shall be eligible to be enrolled as an Engineer Intern.
- ~~g)~~<sup>f)</sup> Retake of Examination:
- 1) Applicants shall be required to retake only the ~~Parts~~<sup>Part(s)</sup> on which a passing score was not achieved.
  - 2) *If an applicant neglects, fails without an approved excuse, or refuses to take the next available examination offered for licensure under this Act within 3 years after filing the application, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee (Section 9(b) of the Act). New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application except as provided in subsection ~~(h)~~<sup>(g)</sup>.*
- ~~h)~~<sup>g)</sup> Successful scores of previously passed Parts of the examination shall be accepted for the purposes of licensure provided the applicant has met all other requirements

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for licensure as outlined in the Act. For such purposes, the most recent score on a Part shall be the score of record. In no circumstances shall the Division accept a previous passing score on a Part for an applicant whose score of record is a failing score.

- i) A candidate who fails an examination may not review his/her examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted for paper examinations but no retabulation of a computer based examination is allowed.
- j) If an applicant has failed an examination, the examination may not be waived for licensure.

(Source: Amended at 39 Ill. Reg. 14859, effective November 13, 2015)

**Section 1380.295 Seal Requirements**

Every licensed professional engineer shall have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name, the license number of the professional engineer, and the words "Licensed Professional Engineer of Illinois". A professional engineer shall seal all documents prepared by or under the direct supervision and control of the professional engineer. Any document that bears the name of a professional design firm, rather than bearing the name of the individual licensed professional engineer responsible for the document, shall be deemed an invalid seal. The individual licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer. ~~Computer generated signatures will not be permitted.~~

(Source: Amended at 39 Ill. Reg. 14859, effective November 13, 2015)

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- 1) Heading of the Part: The Structural Engineering Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1480
- 3) 

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1480.135	Amendment
1480.140	Amendment
1480.150	Amendment
1480.160	Amendment
1480.170	Amendment
1480.175	Amendment
1480.185	Amendment
- 4) Statutory Authority: Implementing The Structural Engineering Practice Act of 1989 [225 ILCS 340] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15]
- 5) Effective Date of Rules: November 13, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: July 17, 2015; 39 Ill. Reg. 9836
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive differences.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.
- 13) Will this rulemaking replace any emergency rule currently in effect? No

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- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 98-993 allowed an exemption from having to take the currently required Test of English as a Foreign Language (TOEFL-iBT) exam for those who have subsequently earned an advanced degree from an accredited institution in the United States. The adopted rules codify that provision in the rules (Section 1480.135 - Application for Enrollment as a Structural Engineer Intern by Examination, Section 1480.140 - Application for Licensure by Examination and Section 1480.170 - Endorsement). The adopted rule also codified provisions of PA 98-713 which allowed for computer-based testing as well as future computer-based testing examinations with further clarification that manual retabulation is allowed for paper and pencil examinations but not computer based tests (Section 1480.150 - Examinations). The adopted rules also clarified the examination allowed for restoration (Section 1480.160 Restoration) to allow the passage of the 16-hour structural examination which replaced the Structural II examination. The testing is provided to IDFPR through the National Council of Examiners for Engineering and Surveying (NCEES). The adopted rules also clarified the current seismic design requirements (Section 1480.175 – Seismic Design Requirements) as well as updates to the continuing education (CE) requirements to allow for on-line/webinar sessions and clarification on totaling for CE activity consisting of presentations of 60 minutes or longer (Section 1480.185).
- 16) Information and questions regarding these adopted rules shall be directed to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> 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 1480

## THE STRUCTURAL ENGINEERING PRACTICE ACT OF 1989

## Section

1480.10	Statutory Authority (Repealed)
1480.20	Licensure (Repealed)
1480.30	Approved Education Qualifications (Repealed)
1480.40	Approved Experience Qualifications (Repealed)
1480.45	Renewals (Renumbered)
1480.50	Restoration of Expired Certificate (Repealed)
1480.60	Granting Variances (Renumbered)
1480.110	Approved Structural Engineering Curriculum
1480.120	Definition of Degree in Related Science
1480.130	Approved Experience
1480.135	Application for Enrollment as a Structural Engineer Intern by Examination
1480.140	Application for Licensure by Examination
1480.150	Examination
1480.160	Restoration
1480.170	Endorsement
1480.175	Seismic Design Requirement
1480.180	Inactive Status
1480.185	Continuing Education
1480.190	Renewals
1480.195	Fees
1480.200	Professional Design Firm
1480.205	Acts Constituting the Practice of Structural Engineering Pursuant to Section 5 of the Act
1480.210	Standards of Professional Conduct
1480.215	Structural Engineer Complaint Committee
1480.220	Granting Variances

AUTHORITY: Implementing the Structural Engineering Practice Act of 1989 [225 ILCS 340] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS

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2105/2105-15].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 242, effective May 15, 1980; amended at 4 Ill. Reg. 44, p. 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; 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; transferred from Chapter I, 68 Ill. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1480 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13891, effective August 22, 1989; amended at 15 Ill. Reg. 7081, effective April 29, 1991; amended at 17 Ill. Reg. 11162, effective July 1, 1993; amended at 18 Ill. Reg. 14751, effective September 19, 1994; amended at 19 Ill. Reg. 2309, effective February 14, 1995; amended at 19 Ill. Reg. 16081, effective November 17, 1995; amended at 21 Ill. Reg. 13844, effective October 1, 1997; amended at 24 Ill. Reg. 639, effective December 31, 1999; amended at 24 Ill. Reg. 13734, effective August 28, 2000; amended at 26 Ill. Reg. 12271, effective July 24, 2002; emergency amendment at 27 Ill. Reg. 12114, effective July 14, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18990, effective December 5, 2003; amended at 34 Ill. Reg. 5669, effective March 30, 2010; amended at 36 Ill. Reg. 4844, effective May 1, 2012; amended at 39 Ill. Reg. 14876, effective November 13, 2015.

**Section 1480.135 Application for Enrollment as a Structural Engineer Intern by Examination**

- a) An applicant for enrollment as a structural engineer intern shall file an application on forms supplied by the Division as required by Section 1480.150(j) by November 15 for the spring examination or by May 15 for the fall examination.
  - 1) The application shall include:
    - A) Either:
      - i) Proof of a degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110. Official college transcript showing all coursework completed and conferral of a baccalaureate degree from an approved structural engineering or architecture curriculum

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as set forth in Section 1480.110; or

- ii) Proof of a degree in a related science as set forth in Section 1480.120. Official college transcript showing all coursework completed and conferral of a bachelor of science degree in a related science; and completed experience verification forms, indicating the required 4 years of approved experience;
  - B) The required fee specified in Section 1480.195;
  - C) For an applicant claiming credit for participation in a cooperative program, as described in Section 1480.130(a)(3), certification of participation, with a brief description of the program, from the university and verification of supervision;
  - D) Proof of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) for applicants who apply after January 1, 1997, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English. The minimum acceptable scores are 550 for the paper TOEFL, 213 for the computer based TOEFL and 50 for the paper TSE, or 88 for the Internet-based TOEFL iBT with a minimum score of 26 on the speaking module. However, any applicant who subsequently earned a post-graduate degree in engineering from an accredited educational institution in the United States or its territories shall not be subject to this requirement.
- 2) An applicant shall have acquired the experience required by subsection (a)(1)(A)(ii) after conferral of the degree and prior to applying to the Division.
  - 3) Applicants who received their education in a foreign country shall have

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the education evaluated at their expense. Applicants shall obtain the forms from NCEES Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in Sections 1480.110 and 1480.120.

- b) Upon receipt of the application and all supporting documentation in complete order, all files will be presented to the Board for evaluation of the required education and experience based on the criteria specified in Sections 1480.110 and 1480.130. Once the applications have been approved, those persons will be notified of their eligibility to register for the Fundamentals of Engineering Examination, the examination filing deadline and the required examination fee as provided for in Section 1480.195.

(Source: Amended at 39 Ill. Reg. 14876, effective November 13, 2015)

**Section 1480.140 Application for Licensure by Examination**

- a) Applicant Enrolled as a Structural Engineer Intern or Engineer Intern
  - 1) An applicant shall have acquired all experience required by Section 1480.130 prior to making application to the Division.
  - 2) An applicant for licensure as a structural engineer who is enrolled as a structural engineer intern or engineer intern shall file an application on forms supplied by the Division as required by Section 1480.150(j) by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 9 of the Act, the following:
    - A) Experience verification forms completed by the supervisor, indicating the required 4 years of experience earned. For engineer interns enrolled with a degree in a related science, experience verification forms shall be completed for the entire 8 years of

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required experience as set forth in Section 1480.130.

- B) For persons who were certified or enrolled as an engineer intern or engineer-in-training in Illinois or another state or territory:
    - i) A certification of enrollment from the appropriate state board, including the date of the examination; and
    - ii) Official college transcripts showing coursework completed and degree received.
  - C) The required fee specified in Section 1480.195.
  - D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1480.130(a)(3), certification of participation with a brief description of the program, from the university and verification of supervision.
- b) Applicant Not Enrolled as a Structural Engineer Intern or an Engineer Intern
- 1) An applicant shall have acquired all experience as required in Section 1480.130 prior to making application to the Division.
  - 2) An applicant for registration as a structural engineer who is not enrolled or certified as a Structural Engineer Intern shall file an application on forms supplied by the Division ~~as required by Section 1480.150(j) by November 15 for the spring examination or by May 15 for the fall examination~~. The application shall include, in addition to the requirements of Section 9 of the Act, the following:
    - A) Verification of experience indicating the approved experience as set forth in Section 1480.130;
    - B) Certification of education of one of the following:
      - i) A degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110.

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An official transcript of educational credit showing receipt of a baccalaureate degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110; an official transcript of educational credit; and completed experience certification forms indicating the required 4 years of approved experience, except as provided in subsection (c) of this Section; or

- ii) A degree in a related science as set forth in Section 1480.120. An official transcript of educational credit showing receipt of a bachelor of science degree in a related science; an official transcript of educational credit; and completed experience certification forms, indicating the required 8 years of approved experience; and

C) The required fee specified in Section 1480.195.

- c) If an applicant has ever been licensed to practice engineering in another jurisdiction, certification from the jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the following:
  - 1) The date of issuance of the applicant's license and the current status of the license;
  - 2) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and
  - 3) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant.
- d) Applicants not enrolled as a structural engineer intern in Illinois who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from NCEES Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES

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and ECEI as evaluators for engineering degrees. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in Sections 1480.110 and 1480.120.

- e) Applicants not enrolled as a structural engineer intern in Illinois shall submit proof of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) for applicants who apply after January 1, 1997, who graduated from a structural engineering, architecture or related science program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the structural engineering, architecture or related science program from which the applicant graduated was taught in English. The minimum acceptable scores are 550 for the paper TOEFL, 213 for the computer based TOEFL and 50 for the TSE, or 88 for the Internet-based TOEFL-iBT with a minimum score of 26 on the speaking module. [However, any such applicant who subsequently earned a post-graduate degree in engineering from an accredited educational institution in the United States or its territories shall not be subject to this requirement.](#)
- f) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education and experience as specified in Sections 1480.110 and 1480.130. Once the application has been approved, those persons will be notified of their eligibility to register for the Fundamentals of Engineering, the 16-hour Structural examination, the examination filing deadline and the required examination fee as provided for in Section 1480.195.

(Source: Amended at 39 Ill. Reg. 14876, effective November 13, 2015)

**Section 1480.150 Examination**

- a) Prior to the April 2011 exam administration, the examination for licensure as a structural engineer shall be divided into 3 Parts.
- 1) Fundamentals of Engineering. This examination shall consist of problems or other examining techniques designed to evaluate the applicant's knowledge of the basic and engineering sciences and related subjects

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normally considered as the fundamentals of engineering.

- 2) Structural I Examination. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques relating to designs in or to the practice of structural engineering as described in Section 5 of the Act.
  - 3) Structural II Examination. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques relating to designs in structural engineering, including seismic design. ~~These Such~~ problems may include, but not be limited to, bridges, buildings, foundations, and seismic and lateral forces.
- b) Beginning with the April 2011 exam administration, the examination for licensure as a structural engineer shall be divided into 2 Parts.
- 1) Fundamentals of Engineering. This examination shall consist of problems or other examining techniques designed to evaluate the applicant's knowledge of the basic and engineering sciences and related subjects normally considered as the fundamentals of engineering.
  - 2) 16-hour Structural Examination. This examination shall consist of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. An applicant must receive acceptable results on both 8-hour components to pass the Structural examination. An applicant may sit for each component in separate exam administrations but must receive acceptable results on both components within a five-year period. The problems may include, but not be limited to, bridges, buildings, foundations, or the practice of structural engineering as described in Section 5 of the Act. This examination replaces the Structural I and Structural II examinations.
  - 3) No credit will be accepted for passing either the Structural I or the Structural II examination, if both the examinations were not passed prior to the April 2011 examination administration.
- c) The examination administered by the Division shall be provided by the National

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Council of Examiners for Engineering and Surveying (NCEES). The specific examination content shall be as determined by periodic evaluations of the test specifications by NCEES.

- d) The scoring of the examinations and determination of scores shall be as approved by NCEES.
- e) Separate scores shall be given for the Fundamentals of Engineering, Structural I and Structural II and/or the 16-hour Structural. All scores shall be graded as pass or fail. Once an applicant fails a Part of the examination, that Part shall not be waived.
- f) Candidates may not review their examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted for a paper examination, but no retabulation of a computer-based examination is allowed.
- g) Retake of Examination
  - 1) Applicants shall be required to retake only the Part on which a passing score was not achieved.
  - 2) If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, the applicant may thereafter make a new application for examination, accompanied by the required fee (Section 1480.195). New applications shall include proof of meeting the qualifications for examination in effect at the time of the new application except as provided for in subsection (g)(1).
- h) Successful scores of previously passed Parts of the examination shall be accepted for the purpose of licensure provided the applicant has met all other requirements for licensure as outlined in the Act. For these purposes, the most recent score on a Part shall be the score of record. In no circumstances shall the Division accept a previous passing score on a Part for an applicant whose score of record is a failing score.

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- i) After the October 2010 examination administration, if an applicant has not passed both the Structural I and II examinations, the applicant will be required to take and pass the 16-hour Structural examination and will receive no credit for passing either the Structural I or the Structural II examinations.
- j) Examinations may be given in various formats with different application submittal dates depending on the examination format. For examinations administered in paper form in October and April, the application deadline is November 15 for the April exam and May 15 for the October exam. For examinations administered continuously in a computer-based format, there is no deadline for submittal of the application. Computer-based examinations will be offered at times and in manners prescribed by NCEES. If approved for any examination, paper or computer-based, the applicant will be allowed to test for three years after the date of receipt of the application by the Department, with no limit on the number of times the examination may be taken.
- k) Any person who is licensed in Illinois as a Structural Engineer will not be allowed to retake a passed examination or take a different version of the structural examination unless specifically required to do so by the Board.

(Source: Amended at 39 Ill. Reg. 14876, effective November 13, 2015)

**Section 1480.160 Restoration**

- a) A licensee seeking restoration of a license that has expired for less than 5 years shall have the license restored upon application to the Division, proof of 30 hours of continuing education completed in accordance with Section 1480.185 within 2 years prior to application, and payment of the required fee specified in Section 1480.195.
- b) A licensee seeking restoration of a license that has been placed on inactive status for less than 5 years shall have the license restored upon application to the Division, proof of 30 hours of continuing education completed in accordance with Section 1480.185 within 2 years prior to application, and payment of the current renewal fee specified in Section 1480.195.
- c) A licensee seeking restoration of a license after it has expired or been placed on

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inactive status for more than 5 years shall file an application, on forms supplied by the Division, for review by the Board and proof of 30 hours of continuing education completed in accordance with Section 1480.185 within 2 years prior to application, together with the fee required by Section 1480.195. The licensee shall also submit:

- 1) Sworn evidence of active practice in another jurisdiction for at least the last 2 years. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of the active practice;
- 2) An affidavit attesting to military service, as provided in Section 14 of the Act;
- 3) Proof of passage of the NCEES Structural II examination [or the 16-hour Structural examination](#) (see Section 1480.150) within the 5 years preceding restoration; or
- 4) Other evidence of continued competence in structural engineering, including, but not limited to:
  - A) Employment in a responsible capacity by a licensed structural engineer;
  - B) Lawfully practicing structural engineering as an employee of a governmental agency;
  - C) Teaching structural engineering in a college or university; or
  - D) Performing structural engineering research.
- d) Any person seeking restoration of a license within 2 years after discharge from military service (see Section 14 of the Act) will be required to pay only the current renewal fee.
- e) A restoration applicant shall meet the requirement for seismic design set forth in Section 1480.175.

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- f) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience required by subsection (c)(4) is questioned by the Division because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of a license shall be requested to:
- 1) Provide information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain the relevance or sufficiency when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon recommendation of the Board, and approval by the Director of the Division of Professional Regulation (Director) with the authority delegated by the Secretary, an applicant shall have the license restored or shall be notified of the reason for the denial of the application for restoration.

(Source: Amended at 39 Ill. Reg. 14876, effective November 13, 2015)

**Section 1480.170 Endorsement**

- a) Any person who holds an unexpired certificate of registration or license to practice structural engineering issued under the laws of another state or territory and who desires to become licensed by endorsement shall file an application, on forms provided by the Division, together with:
- 1) Proof of meeting requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by examination in the other jurisdiction (i.e., a separate written 16 hour structural engineering examination and the Fundamentals of Engineering examination), including certification of education and verification of experience;
  - 2) A certification by the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice, including the following:

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- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
  - B) The basis of licensure and a description of all examinations by which the applicant was licensed in that jurisdiction and the date of passage of any such examinations; and
  - C) Whether the records of the licensing authority contain any disciplinary action taken against the applicant;
- 3) If the qualifications of the applicant at the time of original licensure did not meet the requirements for licensure in this State at that time, the applicant may submit additional certifications of other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure;
  - 4) The required fee set forth in Section 1480.195;
  - 5) Applicants who received their education in a foreign country and who were originally licensed after January 1, 1997 shall have the education evaluated at their expense. Applicants shall obtain the forms from NCEES Engineering and Surveying Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in [Sections](#)~~Section~~ 1480.110 and 1480.120; and
  - 6) Proof of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE), for applicants who were originally licensed in another jurisdiction after January 1, 1997, who graduated from a structural engineering, architecture or related science program outside the United States or its territories and whose first language is not English.

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In order to determine whose first language is English, the applicant shall submit verification from the school that the structural engineering, architecture or related science program from which the applicant graduated was taught in English. The minimum acceptable scores are 550 for the paper TOEFL, 213 for the computer based TOEFL and 50 for the TSE, or 88 for the internet-based TOEFL iBT with a minimum score of 26 on the speaking module. However, any applicant who subsequently earned a post-graduate degree in engineering from an accredited educational institution in the United States or its territories shall not be subject to this requirement.

- b) An endorsement applicant shall meet the requirements for seismic design set forth in Section 1480.175.
- c) The Division may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he or she has graduated from an approved engineering curriculum, has achieved special honors or awards, has had numerous articles published in professional journals, has participated in the writing of textbooks relating to structural engineering, and any other attribute the Board accepts as evidence that the applicant has outstanding and proven ability in the practice of structural engineering.
- d) In order to provide background in structural engineering experience, an applicant licensed as a structural engineer in another state or territory and who has met all previously stated requirements may be requested to appear before the Board for an oral interview at which questions will be asked to determine the applicant's qualifications and knowledge of structural engineering. Specifically, questions may explore the applicant's knowledge concerning the design of concrete, structural steel, timber, masonry and foundations and analysis procedures, design codes, materials and recommended practices for design and construction.
- e) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking a license maywill be requested to:

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- 1) Provide information as may be necessary;
  - 2) Appear for oral interviews before the Board; and/or
  - 3) If licensed prior to January 1, 1997, upon review of the educational requirements, have his or her education evaluated at his or her expense as set forth in subsection (a)(5).
- f) The Division shall examine each endorsement application to determine whether the qualifications of the applicant, at the time of original or subsequent licensure, were substantially equivalent to the requirements then in force in this State. After review of the application, the Division shall either issue a license by endorsement to the applicant or notify the applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement shall automatically be reviewed under the provisions of Section 1480.140.

(Source: Amended at 39 Ill. Reg. 14876, effective November 13, 2015)

**Section 1480.175 Seismic Design Requirement**

All restoration or endorsement applicants applying for licensure pursuant to Sections 1480.160 and 1480.170 must submit satisfactory evidence of knowledge in seismic design at the time of application.

- a) The seismic design requirement can be satisfied by passage of one of the following:
  - 1) The 16-hour NCEES Structural examination beginning with the April 2011 administration;
  - 2) The NCEES Structural II examination beginning with the April 2004 administration;
  - 3) The NCEES Structural II PM examination administered by Illinois from April 1991 through October 2003;

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- 4) The NCEES Structural II PM examination administered by all other jurisdictions from April 1993 through October 2003;
- 5) The Western States Structural Examination administered from Spring 1993 through Fall 2003;
- 6) The Western States Structural Examination administered prior to Spring 1993 and submission of satisfactory evidence that the applicant has been responsible for current seismic design procedures during his or her practice of structural engineering within the 5 years prior to application to Illinois;
- ~~7)6)~~ Satisfactory completion of a Board approved course of instruction dealing with seismic design that is part of an approved engineering curriculum. ~~The licensee shall submit the course title and catalog course description to the Board for approval prior to taking the course. Evidence of completion shall be a college transcript. Audited courses are not acceptable;~~
- ~~8)7)~~ Satisfactory completion of a Board approved professional seminar dealing with seismic design and involving a minimum of 16 contact hours ~~(1.6 continuing education units or one semester hour of university credit)~~ of lectures within the 5 years prior to application. Evidence of completion shall be by means of a valid certificate of completion signed by the providers of the ~~seminars~~seminar or an official transcript from the university. ~~Audited courses are not acceptable. A short essay of approximately 1000 words to be reviewed by the Board on Illinois seismic conditions and requirements may be used to satisfy a maximum of 2 hours of the 16 contact hour requirement~~15 contact hour course may be substituted, in which case, the applicant shall also submit a short essay to be reviewed by the Board on Illinois seismic conditions and requirements; or
- ~~9)8)~~ Evidence that the ~~applicant~~licensee has, within the 5 years prior to application to Illinois, taught ~~a~~ Board approved professional ~~seminars~~seminar or ~~courses~~course dealing with current seismic design procedures that ~~are~~is part of an approved engineering curriculum or has conducted significant research into the problems of seismic resistance of

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structures and published the results of the significant research.

- b) Evidence of passage of one of the examinations identified in subsections (a)(1) through (4) shall be submitted by the licensing jurisdiction where the applicant passed the examination~~licensee and may be a copy of the licensee's pass notice.~~
- c) The Board shall utilize, but not be limited to, the following standards when approving a course or seminar in subsection (a):
  - 1) Effects of earthquakes on buildings or bridges;
  - 2) Structural standards and specifications for buildings or bridges;
  - 3) Concepts in structural dynamics;
  - 4) Seismic loading, including seismicity;
  - 5) Seismic response analysis; and
  - 6) Seismic design concepts, including concrete, steel, other structural materials and foundations.

(Source: Amended at 39 Ill. Reg. 14876, effective November 13, 2015)

**Section 1480.185 Continuing Education**

The continuing education required as a condition for license renewal under the Act is set forth in this Section. All structural engineers shall meet these requirements.

- a) Continuing Education Requirements
  - 1) ~~For Beginning with the November 30, 2004 renewal and for~~ every renewal ~~thereafter~~, renewal applicants shall complete 30 hours of Continuing Education (CE) relevant to the practice of structural engineering during each prerenewal period. The prerenewal period is the 24 months preceding the expiration date of the license. Failure to comply with these requirements may result in nonrenewal~~non-renewal~~ of the structural

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engineer's license or other disciplinary action, or both.

- 2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
  - 3) Structural engineers licensed in Illinois but residing and practicing in another state must comply with the CE requirements set forth in this Section. Continuing education credit hours used to satisfy the CE requirements of another state and meeting the requirements of this Section may be submitted toward fulfillment of the CE requirements of the State of Illinois.
  - 4) The minimum length of ~~the technical portion of~~ any single CE activity is one hour. After completion of the initial CE hour, credit may be given in one-half hour increments.
  - 5) One continuing education hour shall represent a minimum of 50 minutes of instruction or participation. No credit will be allowed for introductory remarks, meals, breaks or administrative matters related to courses of study. For a CE activity consisting of a single presentation with duration greater than 60 minutes or consisting of multiple individual presentations with total duration greater than 60 minutes, the CE credit earned shall be determined by totaling the minutes of instruction or participation and dividing by 60 to convert to hours. The number of hours from this calculation shall be rounded down to the nearest one-half hour increment.
  - 6) Nontechnical portions of a ~~CE activity program~~, such as receptions, dinners, etc., do not qualify for credit as CE.
- b) Activities for which CE credit may be earned are as follows:
- 1) Course work relevant to structural engineering completed at an accredited college or university. One semester credit hour of course work is equivalent to 15 hours of CE and one quarter credit hour of course work is equivalent to 10 hours of CE.
  - 2) A maximum of 10 CE credit hours per prer renewal period may be earned

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for the completion of a self-administered course. Each self-administered course shall include an examination that will be graded by the sponsor.

- 3) Successful completion of continuing education courses.
  - 4) A maximum of 10 CE credit hours per prerenewal period may be earned for attending in-house courses. Credit for in-house courses will be based on one CE credit for each hour of attendance. For courses presented in-house by outside individuals, see subsection (b)(3).
  - 5) Attending workshops or professional or technical meetings, conventions or conferences in person or by webinar in real-time with opportunities for interaction with the presenter. Attendance at qualifying programs, professional and/or technical society meetings will earn CE credits for the actual time of each program. Visiting exhibitor booths or similar activities shall not qualify for CE credit. Recorded webinars shall be considered self-administered and subject to the requirements of subsection (b)(2).
  - 6) Teaching or presenting in the activities described in subsections (b)(1) through (5). CE credit will be applied at the rate of 3 hours for every hour taught, and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program).
  - 7) Authoring published papers, articles or books. The preparation of each published paper or book chapter dealing with structural engineering may be claimed as 10 hours of CE credit.
  - 8) Two hours of CE credit may be earned by active participation on a committee in a professional or technical society. A maximum of 10 CE credit hours earned through participation on committees will be accepted per prerenewal period.
- c) All programs or courses shall:
- 1) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in practice of structural engineering;

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- 2) Foster the enhancement of general or specialized practice and values of structural engineering;
  - 3) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
  - 4) Specify the course objectives, course content and teaching methods to be used.
- d) Acceptable providers for programs or course activities shall include, but not be limited to:
- 1) Technical or professional societies or organizations relating to structural engineering;
  - 2) Colleges, universities or other accredited educational institutions; or
  - 3) Providers of services or products used by or specified by structural engineers.
- e) It shall be the responsibility of a licensee to maintain a record of CE for 4 years after the renewal that includes:
- 1) All of the following:
    - A) The name and address of the sponsor or presenter;
    - B) A brief statement of the subject matter, printed program schedules, registration receipts or other proof of participation;
    - C) The number of hours attended in each program; and
    - D) The date and place of the program; or
  - 2) The certificate of attendance, transcript or records of CE credits maintained by an acceptable provider of continuing education or a records

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administrator, or log of activities that include activities for CE credit not given by a CE provider.

- f) Certification of Compliance with CE Requirements
  - 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
  - 2) The Division may require additional documentation in order to demonstrate compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. The additional documentation will be required in the context of a Division audit.
  - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- g) The Division may conduct random audits to verify compliance with continuing education requirements.
- h) Waiver of CE Requirements
  - 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application, the required renewal fee, a statement setting forth the facts concerning the non-compliance, a request for waiver of the CE requirements on the basis of these facts, and proof of CE that was completed during the prerenewal period. The applicant may request an interview with the Board at the time of the waiver request. If the Division, upon the written recommendation of the Board, finds from the applicant's affidavit or any other evidence submitted that extreme hardship has been shown to substantiate granting of a waiver, the Division shall waive enforcement of the CE requirements for the renewal period for which the applicant has applied.

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- 2) If an interview with the Board is requested at the time the request for waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
- 3) Extreme hardship shall be determined by the Board on an individual basis and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
  - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
  - B) An incapacitating medical condition, documented by a currently licensed physician;
  - C) A physical inability to travel to the sites of approved programs, documented by a currently licensed physician; or
  - D) Any other similar extenuating circumstances (i.e., family illness and prolonged hospitalization).
- 4) Any renewal applicant who, prior to the expiration date of his/her license, submits a request for a waiver, pursuant to the provisions of this subsection (h), shall be deemed to be in good standing and may practice until the Division's final decision on the waiver has been made.

(Source: Amended at 39 Ill. Reg. 14876, effective November 13, 2015)

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- 1) Heading of the Part: Early Intervention Program
- 2) Code Citation: 89 Ill. Adm. Code 500
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
500.55	Amendment
500.APPENDIX C	Amendment
- 4) Statutory Authority: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA)(20 USC 1400 et seq., as amended in 1997)
- 5) Effective Date of Rules: October 27, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 8, 2015; 39 Ill. Reg. 6153
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 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: This rulemaking is necessary to be in compliance with 34 CFR 303.203(a), 303.13(d), 303.16(c), 303.31 and 303.34 by adding specific

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language to match the Part C federal regulations. This rulemaking adds new subsection 500.55(r) to incorporate the term "other services". In addition, it also adds the definition for "qualified staff" to Section 500.Appendix C (Requirements for Professional and Associate Level Early Intervention (EI) Credentialing and Enrollment to Bill).

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

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

217/785-9772

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER e: EARLY CHILDHOOD SERVICES

PART 500  
EARLY INTERVENTION PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
500.10	Purpose
500.15	Incorporation by Reference
500.20	Definitions

SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM

Section	
500.25	Public Awareness and Child Find
500.30	Central Directory
500.35	Local Interagency Councils
500.40	Illinois Interagency Council on Early Intervention
500.45	Regional Intake Entities
500.50	Eligibility
500.55	Early Intervention Services/Devices
500.60	Provider Qualifications/Credentialing and Enrollment
500.65	Monitoring

SUBPART C: SERVICE DELIVERY REQUIREMENTS

Section	
500.70	Intake
500.75	Eligibility Determination
500.80	Individualized Family Service Plan Development
500.85	Individualized Family Service Plan Implementation
500.90	Individualized Family Service Plan Updating
500.95	Case Transfer
500.100	Transition to Part B or Other Appropriate Services at Age Three
500.105	Case Closure

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- 500.110 Recordkeeping
- 500.115 Service Provider Requirements

## SUBPART D: FINANCIAL MATTERS

- Section
- 500.120 Billing Procedures
- 500.125 Payor of Last Resort
- 500.130 Family Fee/Insurance

## SUBPART E: PROCEDURAL SAFEGUARDS/CLIENT RIGHTS

- Section
  - 500.135 Minimum Procedural Safeguards
  - 500.140 Request for a Due Process Hearing
  - 500.145 Mediation
  - 500.150 Confidentiality/Privacy
  - 500.155 Right to Consent
  - 500.160 Surrogate Parents
  - 500.165 Written Prior Notice
  - 500.170 State Complaint Procedure
- 
- 500.APPENDIX A Sliding Fee Schedule
  - 500.APPENDIX B Assessment Instruments (Repealed)
  - 500.APPENDIX C Requirements for Professional and Associate Level Early Intervention (EI) Credentialing and Enrollment to Bill
  - 500.APPENDIX D Use of Associate Level Providers
  - 500.APPENDIX E Medical Conditions Resulting in High Probability of Developmental Delay (not an exclusive list)

AUTHORITY: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997).

SOURCE: Adopted at 25 Ill. Reg. 8190, effective July 1, 2001; amended at 27 Ill. Reg. 2611, effective February 7, 2003; amended at 27 Ill. Reg. 13438, effective July 24, 2003; amended at 28 Ill. Reg. 8727, effective June 1, 2004; amended at 29 Ill. Reg. 2254, effective January 31,

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2005; amended at 32 Ill. Reg. 2161, effective January 23, 2008; amended at 33 Ill. Reg. 8206, effective June 8, 2009; amended at 38 Ill. Reg. 11086, effective May 12, 2014; amended at 39 Ill. Reg. 14900, effective October 27, 2015.

## SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM

**Section 500.55 Early Intervention Services/Devices**

EI services may include the following as deemed necessary under the IFSP:

- a) Assistive technology, including:
  - 1) Assistive technology devices, meaning any item, piece of equipment or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain or improve the functional capabilities of children with disabilities. The term does not include a medical device that is surgically implanted, including cochlear implant, or the optimization (e.g., mapping), maintenance or replacement of that device. Devices must be approved prior to purchase by the Department. Prior approval will not exclude assistive technology devices as defined in this Part that are required in order to meet the child's EI needs. Devices that meet the medical, life sustaining or routine daily needs of the child do not fall within the definition of assistive technology device.
  - 2) Assistive technology services, meaning services that directly assist an infant or toddler with a disability in selection, acquisition or use of an assistive technology device. Assistive technology services include:
    - A) Evaluating the needs of an infant or toddler with a disability, including a functional evaluation of the infant or toddler with a disability in the child's customary environment;
    - B) Selecting, designing, fitting, customizing, adapting, maintaining or repairing assistive technology devices;
    - C) Coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with

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existing education and rehabilitation plans and programs; and

- D) Training or technical assistance for an infant or toddler with a disability or, if appropriate, that child's family.
- b) Audiology, aural rehabilitation/other related services for the purposes of:
- 1) Identification of children with auditory impairment, using at risk criteria and appropriate audiologic screening techniques;
  - 2) Determination of the range, nature, and degree of hearing loss and communication functions by use of audiological evaluation procedures;
  - 3) Referral for medical and other services necessary for the habilitation or rehabilitation of an infant or toddler with a disability who has an auditory impairment;
  - 4) Provision of auditory training, aural rehabilitation, speech reading and listening device orientation and training, and other related services;
  - 5) Determination of the child's individual amplification, including selecting, fitting, and dispensing appropriate listening and vibrotactile devices, and evaluating the effectiveness of those devices;
  - 6) Provision of services for prevention of hearing loss; and
  - 7) Family training, education and support provided to assist the child's family in understanding the child's special needs as related to audiology, aural rehabilitation and other related services and to enhancing the child's development.
- c) Developmental therapy services for the purposes of:
- 1) Evaluation to determine a child's developmental status and need for EI services;
  - 2) The design of learning environments and activities that promote the

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infant's or toddler's acquisition of skills in a variety of developmental areas, including cognitive processes and social interaction;

- 3) Curriculum planning, including the planned interaction of personnel, materials, and time and space, that leads to achieving the outcomes in the IFSP for the infant or toddler with a disability;
  - 4) Providing families with information, skills and support related to enhancing the skill development of the child;
  - 5) Working with the infant or toddler with a disability to enhance the child's development; and
  - 6) Family training, education and support provided to assist the child's family in understanding the child's special needs as related to developmental therapy services and to enhance the child's development.
- d) Family training and support that can include education provided to assist the family of an eligible child in understanding the needs of the child as related to the provider's specific discipline and to enhance the child's development.
  - e) Health consultation by a licensed physician who has provided recent and/or ongoing medical treatment for the child with service providers who are identified on a child's IFSP as members of the child's multidisciplinary team concerning the health care needs of infants and toddlers with disabilities that will need to be addressed in the course of providing other EI services.
  - f) Medical services for diagnostic or evaluation purposes provided by a licensed physician to determine a child's developmental status and need for EI services.
  - g) Nursing services for the purposes of:
    - 1) Evaluation to determine a child's developmental status and need for EI services;
    - 2) Assessment to determine a child's health status for the purpose of providing nursing care, including the identification of patterns of human

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response to actual or potential health problems;

- 3) Provision of required nursing care to prevent health problems, restore or improve functioning, and promote optimal health and development during the time the child is receiving other EI services, such as:
    - A) administration of medications, treatments, and regimens prescribed by a licensed physician; and
    - B) clean intermittent catheterization, tracheostomy care, tube feeding, the changing of dressings or colostomy collection bags, and other health services as required to allow the child to participate in other EI services;
  - 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to nursing services and to enhancing the child's development. Nursing services do not include hospital or home health nursing care required due to surgical or medical intervention or medical health services such as immunizations and regular "well child" care that are routinely recommended for all children.
- h) Nutrition services for the purposes of:
- 1) Conducting individual assessments in nutritional history and dietary intake, anthropometric, biochemical, and clinical variables, feeding skills and feeding problems, and food habits and food preferences;
  - 2) Developing and monitoring appropriate plans to address the nutritional needs of the eligible child based upon individual assessment;
  - 3) Making referrals to appropriate community resources to carry out nutrition goals; and
  - 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to nutrition services and to enhancing the child's development.

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- i) Occupational therapy services to address the functional needs of an infant or toddler with a disability related to adaptive development; adaptive behavior and play; and sensory, motor, and postural development. These services are designed to improve the child's functional ability to perform tasks in home, school, and community settings and include:
  - 1) Identification, evaluation, assessment and intervention;
  - 2) Adaptation of the environment and selection, design and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills;
  - 3) Prevention or minimization of the impact of initial or future impairment, delay in development, or loss of functional ability; and
  - 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to occupational therapy services and to enhancing the child's development.
  
- j) Physical therapy services to address the promotion of sensorimotor function through enhancement of musculoskeletal status, neurobehavioral organization, perceptual and motor development, cardiopulmonary status, and effective environmental adaptation. These services include:
  - 1) Evaluation, screening and assessment of infants and toddlers to identify movement dysfunction;
  - 2) Obtaining, interpreting, and integrating information appropriate to program planning to prevent, alleviate, or compensate for movement dysfunction and related functional problems;
  - 3) Providing individual and group services or treatment to prevent, alleviate, or compensate for movement dysfunction and related functional problems; and
  - 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to physical therapy services

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and to enhancing the child's development.

- k) Psychological services for the purposes of:
  - 1) Evaluation to determine a child's developmental status and need for EI services;
  - 2) Administering psychological and developmental tests and assessment procedures to determine the need for psychological or other counseling services;
  - 3) Interpreting assessment results;
  - 4) Obtaining, integrating and interpreting information about child behavior and child and family conditions related to learning, mental health and development;
  - 5) Planning and managing a program of psychological or other counseling services, including psychological or other counseling for children and parents, family counseling, consultation on child development, parent training and education programs;
  - 6) Family training, education and support provided to assist the child's family in understanding the child's needs as related to psychological or other counseling services and to enhancing the child's development; and
  - 7) Identifying, mobilizing and coordinating community resources and services to enable the child and family to receive maximum benefit from EI services.
- l) Service coordination carried out by a Service Coordinator to assist and enable an infant or toddler with a disability and the child's family to receive the services and rights, including procedural safeguards, and services that are authorized to be provided through the State's EI Program, including:
  - 1) Assisting parents of infants and toddlers with disabilities in obtaining access to needed EI services and other services identified in the IFSP,

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including making referrals to providers for needed services and scheduling appointments for infants and toddlers with disabilities and their families;

- 2) Coordinating the provision of EI services and other services (such as educational, social and medical services that are not provided for diagnostic or evaluative purposes) that the child needs or is being provided;
- 3) Coordinating evaluations and assessment;
- 4) Facilitating and participating in the development, review and evaluation of IFSPs;
- 5) Conducting referral and other activities to assist families in identifying available EI services providers;
- 6) Coordinating, facilitating and monitoring the delivery of EI services to ensure that the services are provided in a timely manner;
- 7) Conducting follow-up activities to determine that appropriate Part C services are being provided;
- 8) Informing families of their rights and procedural safeguards and related resources;
- 9) Coordinating the funding sources for services required under this Part;
- 10) Facilitating the development of a transition plan to preschool, school or, if appropriate, other services;
- 11) Contacting the child/family at a minimum of one time per month to coordinate and monitor the provision of needed evaluation/assessments and services;
- 12) Developing and maintaining the child's permanent and electronic EI record at the regional intake entity; and

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- 13) Informing families of the availability of advocacy services.
- m) Sign language and cued language services, including teaching sign language, cued language, and auditory/oral language, providing oral transliteration services (such as amplification), and providing sign and cued language interpretation. These services shall be covered under the existing EI services.
- n) Social work services for the purposes of:
  - 1) Evaluation to determine a child's developmental status and need for EI services;
  - 2) Making home visits to evaluate a child's living conditions and patterns of parent-child interaction to determine the need for social work or other counseling services;
  - 3) Preparing a social or emotional developmental assessment of the infant or toddler within the family context;
  - 4) Providing individual and family group counseling with parents and other family members, and appropriate social skill building activities with the infant or toddler and parents;
  - 5) Working with those problems in the living situation (home, community, and any center where EI services are provided) of an infant or toddler with a disability and the family of that child that affect the child's maximum utilization of EI services;
  - 6) Identifying, mobilizing, and coordinating community resources and services to enable the infant or toddler with a disability and family to receive maximum benefit from EI services; and
  - 7) Family training, education and support provided to assist the child's family in understanding the child's needs as related to social work or other counseling services and to enhancing the child's development.
- o) Speech-language pathology services for the purposes of:

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- 1) Evaluation/assessment activities to identify children with communicative or language disorders and delays in development of communication skills, including the diagnosis and appraisal of specific disorders, and delays in those skills;
  - 2) Referral for medical or other professional services necessary for the habilitation or rehabilitation of children with communicative or language disorders and delays in development of communication skills;
  - 3) Provision of services for the habilitation, rehabilitation, or prevention of communication or language disorders and delays in development of communication skills; and
  - 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to speech therapy services and to enhancing the child's development.
- p) Transportation services and related costs include the cost of travel (e.g., loaded mileage for travel by taxi, service car or private auto) provided in accordance with the Department's EI transportation policies that are necessary to enable an infant or toddler with a disability and the child's family to travel to and from the location where the child receives another EI service.
- q) Vision services for the purposes of:
- 1) Evaluation/assessment of visual functioning, including the diagnosis and appraisal of specific visual disorders, delays and abilities that affect early childhood development;
  - 2) Referral for medical or other professional services necessary for the habilitation and/or rehabilitation of visual functioning disorders;
  - 3) Communication skills training, orientation and mobility training for all environments, visual training, and additional training necessary to activate visual motor abilities; and

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- 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to vision services and to enhancing the child's development.

r) Other Services

- 1) The services and personnel do not comprise exhaustive lists of the types of services that may constitute early intervention services. Nothing prohibits the identification in the IFSP of another type of service as long as the service meets the criteria identified under Section 500.20 under the definition of "EI services" and personnel have met the requirements of Section 500.60 and Appendix C.
- 2) EI services do not include services that are surgical in nature; purely medical in nature; related to the implementation, optimization, maintenance or replacement of a medical device that is surgically implanted, including a cochlear implant; devices (such as heart monitors, respirators and oxygen, and gastrointestinal feeding tubes and pumps) necessary to control or treat a medical condition; and medical-health services (such as immunizations and regular "well-baby" care that are routinely recommended for all children).

(Source: Amended at 39 Ill. Reg. 14900, effective October 27, 2015)

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**Section 500.APPENDIX C Requirements for Professional and Associate Level Early Intervention (EI) Credentialing and Enrollment to Bill**

Nothing in this Appendix C shall exempt any individual from compliance with any and all State licensing requirements and/or supervisory requirements pertinent to the individual's delivery of services.

## EI SERVICE

## QUALIFIED STAFF

Assistive Technology

Durable medical equipment and supplies; providers may enroll to bill. No credential required.

Audiology, Aural  
Rehabilitation/Other Related  
Services

Audiologists with a current license in the state where they provide services to Illinois children may enroll to bill. Audiologists are not required to obtain a credential. (Provider is automatically enrolled under assistive technology and aural rehabilitation categories.)

Speech/Language Pathologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Speech/Language Pathologist credential and enroll to bill for aural rehabilitation services. (Provider is automatically enrolled under aural rehabilitation and speech therapy categories.)

Individuals with a masters in speech-language pathology who are participating in a supervised professional experience and hold a temporary license in the state where they provide services to Illinois children may apply for an EI Associate: Speech/Language Pathologist in supervised professional experience credential. Associate services are billed under the enrolled supervisor's name.

Individuals with a current Special Education degree for Deaf and Hard of Hearing may apply for an EI Specialist: Developmental Therapist/Hearing credential and enroll to bill for aural rehabilitation services. May also provide

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Clinical Assessment,  
Counseling, and Other  
Therapeutic Services

Developmental Therapy Services. (Provider is automatically enrolled under aural rehabilitation category.)

Clinical Psychologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Psychologist credential and enroll to bill.

Clinical Professional Counselors with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Professional Counselor credential and enroll to bill.

Marriage and Family Therapists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Marriage and Family Therapist credential and enroll to bill.

Clinical Social Workers with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Social Worker credential and enroll to bill.

Behavior Analysts with current national certification as a Board Certified Behavior Analyst from the Behavior Analyst Certification Board may apply for an EI Specialist: Behavior Analyst credential and enroll to bill.

Unlicensed individuals employed by school districts as School Psychologists who will only be providing services through their school employment may apply for an EI Specialist: School Psychologist credential.

Graduate students in clinical psychology or clinical counseling who submit a letter from the graduate school verifying that they are providing psychological or clinical counseling services in a supervised internship setting in

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order to complete a comprehensive, culminating training experience prior to granting of a graduate degree in psychology may apply for an EI Associate: Psychology/Counseling Intern credential. Associate services are billed under the enrolled supervisor's name.

## Developmental Therapy

Individuals with an EI Specialist Developmental Therapist credential on January 1, 2004 or who are applying for an EI Specialist Developmental Therapist credential prior to January 1, 2004 must have (1) a minimum of Teacher Endorsement in Early Childhood Education (ECE) or Special Education or bachelors degree in ECE, Early Childhood Special Education, Special Education, or human service field with one year of experience working hands on with children birth to 3 with developmental disabilities (Persons with a degree in a human service field must submit proof of training on the use of a formal assessment tool that would allow the provider to perform global evaluations/assessments.); or (2) a current license in art, music, recreation, or other type of therapy, rehabilitative or habilitative in nature, in the state where they provide services to Illinois children may apply for credential renewal or, prior to January 1, 2004, may apply for an EI Specialist Developmental Therapist credential and enroll to bill.

Individuals who do not hold an EI Specialist Developmental Therapist credential on January 1, 2004 must have a bachelors degree or higher in Early Childhood Education, Early Childhood Special Education, Special Education, Special Education: Deaf/Hard of Hearing or Blind/Partially Sighted, Child Development/Family Studies, EI, Elementary Education, Developmental Psychology, or Social Work; or with a bachelors degree or higher and a full specialist credential in the EI Program; or a current license in art, music, recreation, or other type of therapy, rehabilitative or habilitative in nature, in the state where they provide

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services to Illinois children; and can document the completion of educational experiences as approved by the Department that include at least 2 semester college hours or the equivalent (30 clock hours or CEU credit hours) in each of the following EI core knowledge content areas: the Development of Young Children; Typical and Atypical; Working with Families of Young Children with Disabilities; Intervention Strategies for Young Children with Special Needs; and Assessment of Young Children with Special Needs; and can submit proof of training on the use of a formal assessment tool that would allow the provider to perform global evaluations/assessments may apply for an EI Specialist: Developmental Therapist credential and enroll to bill.

Individuals who do not hold an EI Specialist Developmental Therapist credential on July 1, 2013 may apply for an EI Specialist Developmental Therapist credential and enroll to bill if they:

(1) have a bachelors degree or higher in Early Childhood, Early Childhood Special Education, Special Education, Special Education: Deaf/Hard of Hearing or Blind/Partially Sighted, Child Development, EI or Elementary Education, or from an EI approved college/university program (i.e., a program for which the Department or its designee has determined that the degree is equivalent to one of the above stated degrees); and (2) can document the completion of educational experiences as approved by the Department that include at least 2 semester college hours of, or the equivalent (30 clock hours or CEU credit hours) in, each of the following EI core knowledge content areas: the Development of Young Children, Typical and Atypical; Working with Families of Young Children with Disabilities; Intervention Strategies for Young Children with Special Needs; and Assessment of Young Children with Special Needs; and (3) can submit proof of training on the use of a

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formal assessment tool that would allow the provider to perform global evaluations and assessments.

An emergency waiver of educational requirements for developmental therapists may be applied for and must be accompanied by the recommendation of a regional intake entity manager documenting the need for developmental therapy services in the service area. A bachelors degree or higher is required. If approved, the resulting temporary credential will be awarded for a maximum of 18 months. A training plan toward qualification for full credential status must be submitted with the emergency waiver application.

Individuals with a Special Education degree for Deaf and Hard of Hearing may apply for an EI Specialist: Developmental Therapist/Hearing credential and enroll to bill. They may also provide aural rehabilitation services based on their qualifications and experience. (Provider is automatically enrolled under aural rehabilitation category.)

Individuals with (1) a bachelors degree or higher in Orientation and Mobility or (2) a Special Education degree for Blind and Partially Seeing may apply for an EI Specialist: Developmental Therapist/Vision credential and enroll to bill. They may provide Developmental and/or Vision Therapy services related to visual functioning based on their qualifications and experience. (Provider is automatically enrolled under the vision category.)

## Evaluation/Assessment

Individuals with a current EI Full Specialist credential and who also meet all the following requirements may apply for an Evaluation/Assessment credential:

Documentation of a minimum of three years (full time equivalent) pediatric experience within the EI Specialist credentialed discipline is required with no less than 20% of that experience (750 direct service

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hours) related to infants and toddlers between birth and three years of age or the equivalent, with a minimum of one year (full time equivalent) pediatric experience within the EI Specialist credentialed discipline with no less than 60% of that experience (750 direct service hours) related to infants and toddlers;

Documentation of a minimum of six months pediatric post degree supervision;

Demonstration of training in using and interpreting a variety of approved assessment tools related to his/her discipline by participating in evaluator specific training;

Agreement to work with the Service Coordinator, other evaluators, and the family as an effective team member;

Agreement to participate in IFSP meetings as specified in this Part;

Agreement to perform evaluation/assessments and present recommendations thereon, that are consistent with DHS EI philosophy and best practices, and to provide adequate justification for recommendations based thereon;

Agreement to participate in routine quality assurance and/or EI monitoring activities conducted by the Department or its Designee, or the U.S. Department of Education, Office of Special Education Programs;

Agreement to comply with all applicable federal and/or State laws, rules, regulations, policies, provider agreement and procedure and guidelines;

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Documentation of completion of the EI Systems Training that includes evaluation/assessment and evaluation/assessment training as required and provided by the Department in other formats.

The expiration date of an Evaluation/Assessment credential will coincide with the EI Specialist discipline specific credential. Renewal of the Evaluation/Assessment credential is contingent on the successful renewal of the EI Specialist discipline specific credential.

## Family Training and Support

Individuals with a high school diploma or equivalent who are the parent or guardian of a child with special needs and are employed by an entity such as an agency or hospital that provides EI services as a Parent Liaison may apply for an EI Parent Liaison credential and enroll to bill. Completion of Parent Liaison Training is required within 90 days after being issued a temporary credential for full credential status and continued enrollment.

Individuals who are bilingual or an interpreter for the deaf may enroll to bill as an interpreter. Upon application for enrollment, the bilingual applicant must identify the languages for which he/she is applying to interpret and/or translate and document completion of EI Systems Training as defined in Section 500.60(f) and training for bilingual interpreter/translators as required and provided by the Department and oral and/or written language proficiency demonstrated through testing procedures as required and provided by the Department or through documentation of a nationally recognized certification based upon comparable proficiency testing procedures. Oral and/or written proficiency testing procedures test the language skills of a written translator and oral interpreter for comprehension of the source language and the extent that translated and/or interpreted text/speech conveys the full meaning of the

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source language. In addition, the proficiency testing for the written translator determines if the translated text is coherent and grammar, punctuation, spelling, syntax, usage and style are appropriate. By January 1, 2009, all enrolled bilingual interpreters must have documented completion of EI approved training for bilingual interpreters/translators and oral and/or written language proficiency demonstrated through testing procedures as required and provided by the Department or through documentation of a nationally recognized certification based upon comparable proficiency testing procedures to maintain enrollment. Prior to January 1, 2009, interpreters for the deaf must meet the requirements set forth in the Interpreters for the Deaf Act [225 ILCS 442] and on or after January 1, 2009 must comply with the licensure requirements set forth in the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443] or the licensure, certification or screening requirements in the state where services are provided to children if not in Illinois, and document completion of EI Systems Training as defined in Section 500.60(f).

Deaf adults who have been certified by Hearing and Vision Connections as a language mentor for the deaf may enroll to bill. Language mentors are not required to obtain a credential.

## Health Consultation

Physicians with a current license in the state where they provide services to Illinois children may enroll to bill. Physicians are not required to obtain a credential.

Medical Services  
(Diagnostic/Evaluation  
Purposes Only)

Physicians with a current license in the state where they provide services to Illinois children may enroll to bill. Physicians are not required to obtain a credential.

Individuals on the physician's service team should refer to the service area appropriate to their discipline for credentialing requirements.

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- Nursing Registered Nurses with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Registered Nurse credential and enroll to bill. (Provider is automatically enrolled under nutrition category.)
- Nutrition Licensed Dietitian Nutritionists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Dietitian credential and enroll to bill.
- Registered Nurses with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Registered Nurse credential and enroll to bill.
- Occupational Therapy Occupational Therapists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Occupational Therapist credential and enroll to bill.
- Certified Occupational Therapy Assistants with a current license in the state where they provide services to Illinois children may apply for an EI Associate: Licensed Certified Occupational Therapy Assistant credential. Associate services are billed under the enrolled supervisor's name.
- Physical Therapy Physical Therapists with a current license in the state where they provide Part C EI service to Illinois children may apply for an EI Specialist: Licensed Physical Therapist credential and enroll to bill.
- Physical Therapist Assistants with a current license in the state where they provide services to Illinois children may apply for an EI Associate: Licensed Physical Therapist

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Assistant credential. Associate services are billed under the enrolled supervisor's name.

## Service Coordination

Individuals with an EI Service Coordination credential on January 1, 2003 and ~~either~~- (1) an EI Specialist credential of any type, (2) a bachelors degree or higher in human services, behavioral science, social science or health related field, (3) a current license as a Registered Nurse, (4) current employment as a Service Coordinator in a Family Case Management Agency, or (5) an associates degree in human services, education, behavioral science, social science, or health related field plus 2 years of experience working with children birth to 5 to provide intervention services or service coordination in a community agency serving children and families; may apply for renewal of their credential.

Individuals who do not hold an EI Service Coordination credential on January 1, 2003 and with a bachelors degree or higher in human services, behavioral science, social science or health related field or a current license as a Registered Nurse may apply for an EI Service Coordination Credential and enroll as an employee of a Child and Family Connections office. Additional training is required within 90 days after being issued a temporary credential for full credential status and continued enrollment.

## Social Services

Social Workers with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Social Worker credential and enroll to bill.

Professional Counselors with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Professional Counselor credential and enroll to bill.

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Unlicensed individuals employed by school districts as School Social Workers who will only be providing services through their school employment may apply for an EI Specialist: School Social Worker credential and enroll to bill.

Graduate students in social work who submit a letter from their graduate school verifying that they are providing social work services in a supervised internship setting in order to complete a comprehensive, culminating training experience prior to granting of a graduate degree in social work may apply for an EI Associate: Social Work Intern credential. Associate services are billed under the enrolled supervisor's name.

## Speech Therapy

Speech/Language Pathologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Speech/Language Pathologist credential and enroll to bill. (Provider is automatically enrolled under aural rehabilitation and speech therapy categories.)

Individuals with a masters in speech-language pathology who are participating in a supervised professional experience and hold a temporary license in the state where they provide services to Illinois children may apply for an EI Associate: Speech/Language Pathologist in supervised professional experience credential. Associate services are billed under the enrolled supervisor's name.

Speech/Language Pathology Assistants with a current license in the state where they provide services to Illinois children may apply for an EI Associate: Speech/Language Therapy Assistant credential. Associate services are billed under the enrolled supervisor's name.

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Transportation                      Individuals with an appropriate vehicle registration number, insurance and current driver's license may enroll to bill. Not required to obtain a credential.

Vision                                      Optometrists or Ophthalmologists with a current license in the state where they provide services to Illinois children may enroll to bill. Not required to obtain a credential.

Individuals with (1) a bachelors degree or higher in Orientation and Mobility or (2) a Special Education degree for Blind and Partially Seeing may apply for an EI Specialist: Developmental Therapist/Vision credential and enroll to bill. They may provide Developmental and/or Vision services related to visual functioning based on their qualification and experience.

Other Services

Personnel who have met State approved or recognized certification, licensing, registration or other comparable requirements that apply to the areas in which the individuals are conducting evaluations or assessments or providing EI services.

(Source: Amended at 39 Ill. Reg. 14900, effective October 27, 2015)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Motor Vehicle Accident Prevention Courses For Liability Insurance Premium Reduction
- 2) Code Citation: 50 Ill. Adm. Code 8000
- 3) Section Number: 8000.30                      Adopted Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/6-521
- 5) Effective Date of Rule: October 29, 2015
- 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*: 39 Ill. Reg. 9915; July 17, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes  

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
8000.40	Amendment	39 Ill. Reg. 12796; September 18, 2015
- 15) Summary and Purpose of Rulemaking: The Secretary of State approves course providers to teach motor vehicle accident prevention courses to insured over the age of 55 that

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allow the insured to ask for a reduction of their liability insurance premiums. As more residents of Illinois turn 55, there is a need to expand the maximum class size from 35 persons to 50 persons.

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

Jennifer Egizii  
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 Amendment begins on the next page:

## SECRETARY OF STATE

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TITLE 50: INSURANCE  
CHAPTER IV: SECRETARY OF STATEPART 8000  
MOTOR VEHICLE ACCIDENT PREVENTION COURSES  
FOR LIABILITY INSURANCE PREMIUM REDUCTION

## Section

8000.10	Introduction
8000.20	Course and Sponsoring Agency Approval
8000.30	Delivery Agency Approval
8000.40	Course Instructor Approval
8000.50	Retroactive Approval
8000.60	Denial, Suspension, and Withdrawal of Approval - Hearing
8000.70	Sponsoring Agency Course Administration
8000.80	Delivery Agency Course Administration
8000.90	Course Advertising
8000.100	Records of Certification of Course Completion

**AUTHORITY:** Implementing and authorized by Section 143.29 of the Illinois Insurance Code [215 ILCS 5].

**SOURCE:** Adopted at 6 Ill. Reg. 7480, effective July 1, 1982; amended and codified at 7 Ill. Reg. 9928, effective August 3, 1983; amended at 8 Ill. Reg. 23717, effective November 28, 1984; amended at 39 Ill. Reg. 14926, effective October 29, 2015.

**Section 8000.30 Delivery Agency Approval**

A delivery agency which conducts a sponsoring agency's approved course must have such sponsoring agency submit a completed application for approval on a form prescribed by the Secretary and receive approval from the Program Administrator before it can conduct such approved course for liability insurance premium reduction.

- a) In order to be approved, a delivery agency must:
  - 1) utilize an instructor or instructors who are approved pursuant to Section 8000.40 ~~of this Part~~;

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- 2) where applicable, provide the identifying number of the driver education instructor's certificate or driver training school instructor's license and the date of their last renewal for all instructors who have or at any time have had such certificate or license;
  - 3) provide names and addresses of all instructors who will be utilized by the delivery agency indicating those instructors who have been approved pursuant to Section 8000.40 ~~of this Part~~ and provide completed applications on all proposed instructors who have not been approved; and
  - 4) provide the address and description of the classroom facility. Maximum capacity must be indicated. Classes may not exceed ~~5035~~ students or the maximum capacity of the accommodation, whichever is less. Classroom facilities should provide adequate space, lighting, ventilation, and freedom from distracting noises. If a delivery agency conducts an approved course at more than one ~~(+)~~ location, an address and description of each classroom facility must be filed.
- b) Delivery agency approval must be renewed every two ~~(2)~~ years by having the sponsoring agency submit a completed application for approval to the Program Administrator.

(Source: Amended at 39 Ill. Reg. 14926, effective October 29, 2015)

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

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1030.1	Amendment
1030.16	Amendment
1030.150	New Section
- 4) Statutory Authority: 625 ILCS 5/6-110(e-3) & (e-5) and 625 ILCS 5/6-903(b)(4)
- 5) Effective Date of Rules: October 29, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 39 Ill. Reg. 8773; June 26, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: All changes recommended by JCAR have been made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u><i>Illinois Register</i> Citations:</u>
1030.85	Amendment	39 Ill. Reg. 11889; August 28, 2015
1030.22	Amendment	39 Ill. Reg. 12800; September 18, 2015

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- 15) Summary and Purpose of Rulemaking: The amendment to 1030.1 amends the definition of unfavorable medical report to include vision conditions. In 1030.16, a typographical error in paragraph (g) is being corrected. The addition of Section 1030.150 codifies the process to be used when issuing a driver's license or identification card bearing a "Veteran" designation.
- 16) Information and questions regarding these adopted rules shall be directed to:

Jennifer Egizii  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield IL 62723

217/557-4462

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ISSUANCE OF LICENSES

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

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 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

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Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; 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

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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; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015.

**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].

"Adult Driver Education Course" – six hour classroom or online course of driver education for persons age 18, 19 or 20, offered by an adult driver education course provider.

"Adult Driver Education Course Provider" or "Provider" – an entity certified by the Secretary of State to provide an adult driver education course, either in a classroom setting or online.

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or

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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*

*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" –

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competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"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*

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*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) (2014), subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725). [625 ILCS 5/6-500(5.5)]*

*"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.*

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"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].

"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 to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR 383 (October 1, 2014), that authorizes the individual to operate a certain class of commercial motor vehicle [625 ILCS 5/1-111.6].*

*"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 (October 1, 2014), as provided in 49 CFR 390.3(f), 391.2, 391.68 or 398.3 (October 1, 2014);*

*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*

*removes the CDL privilege from the driver's license. [625 ILCS 5/6-500(5.7)]*

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

"Commercial Learner's Permit" or "CLP" – a permit issued to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR 383 (October 1, 2014), which, when carried with a valid driver's license issued by the same state or jurisdiction of domicile, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid CDL for purposes of behind-the-wheel training. When issued to a CDL holder, a CLP serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current CDL is not valid.

*"Commercial Motor Vehicle" or "CMV" – a motor vehicle or combination of motor vehicles used in commerce designed to transport passengers or property if the motor vehicle:*

*has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of any towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds), whichever is greater; or*

*has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds) or more, whichever is greater; or*

*is designed to transport 16 or more passengers, including the driver; or*

*is of any size and is used in transporting hazardous materials as defined in 49 CFR 383.5 (October 1, 2014).*

*Commercial Motor Vehicle does not include:*

*recreational vehicles, when operated primarily for personal use;*

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*vehicles owned by or operated under the direction of the United States Department of Defense or the United States Coast Guard only when operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or*

*firefighting, police, and other emergency equipment (including, without limitation, equipment owned or operated by a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code [55 ILCS 5]), with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations. [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].*

*"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.*

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*"Conviction" – A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].*

*"Conviction-CLP Holder" or "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.

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" – the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

"Current Medical Report" – any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

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"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

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

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" – a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" – the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" – the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

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

"Department of Administrative Hearings" – the Department of Administrative Hearings of the Office of the Secretary of State.

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"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1).

*"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 CLP or CDL by the state or jurisdiction of issuance;*

*any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);*

*a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391 (October 1, 2014). [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].*

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"Driver Applicant" – a person who applies to a state or other jurisdiction to obtain, transfer, upgrade or renew a CDL or to obtain or renew a CLP.

"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).

"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.

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"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 authorization to an individual's CLP or CDL required to permit the individual to operate certain types of commercial motor vehicles.

"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, 2014) from all or part of the qualification requirements of 49 CFR 391 (October 1, 2014) and is not required to obtain a medical examiner's certificate by 49 CFR 391.45 (October 1, 2014). [625 ILCS 5/6-500(15.3)]*

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*"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.

"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

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individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

*"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].*

*"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].*

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

*"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in 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.

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"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, 2014). [625 ILCS 5/1-124.5]*

*"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].*

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 (October 1, 2014) or any quantity of a material listed as a select agent or toxin in 42 CFR 73 (October 1, 2014).

"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].*

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"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).

*"Imminent Hazard" – the existence of:*

*any condition of a vehicle, employee, or commercial motor vehicle operations that substantially increases the likelihood of serious injury or death if not discontinued immediately; or*

*a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment. [625 ILCS 5/6-500(20.5)]*

"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.

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"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"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, cafalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

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

"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

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the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"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*

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*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)]*

*"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, 2014).

"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, 2014).

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*"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, 2014), subpart C or 49 CFR 391.64 (October 1, 2014); or*

*a skilled performance evaluation (SPE) certificate permitting operation of a CMV pursuant to 49 CFR 391.49 (October 1, 2014). [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]*

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*"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].*

*"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.*

*"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].*

*"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)]*

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"Nasal Vision Reading" – a field of vision 35° from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" – the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL" – any other type of motor vehicle license, such as an automobile driver's license or a motorcycle license.

"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, 2014), and is required to obtain a medical examiner's certificate by 49 CFR 391.45 (October 1, 2014). [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.

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"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" – acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

*Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];*

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*Current declaration page of a liability policy* [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

*Liability insurance binder* [625 ILCS 5/7-602(d)];

*Certificate of Insurance* [625 ILCS 5/7-602(d)];

*Payment receipt for a liability insurance premium* [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

*Current rental agreement* [625 ILCS 5/7-602(e)];

*Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance* [625 ILCS 5/7-602(f)];

*Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability* [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"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;

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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].*

"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).

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"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 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 by the Department to administer the CDL skills tests specified in subparts G and H of 49 CFR 383 (October 1, 2014) to the entities' employees and members. A safety officer is equivalent to a Third Party Skills Test Examiner as defined in 49 CFR 383.5 (October 1, 2014).

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"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:*

*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*

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*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 Learner's Permit" or "School Bus CLP" – a learner's 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 driver 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).

"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.

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"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 CLP or CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CLP or 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 serious 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 (October 1, 2014), 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.

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*"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 or tanks having an individual rate capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more 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]*

*"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:*

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*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 a third-party certifying entity that allows the entity to participate in the third-party certification program.

"Third-Party Certification Program" – a Secretary of State program that allows a third-party entity to administer the CDL skills tests specified in subparts G and H of 49 CFR 383 (October 1, 2014) to its employees or members.

"Third-Party Certifying Entity" or "Entity" – an entity licensed by the Secretary of State to participate in the third-party certification program. A third-party certifying entity is equivalent to a third party tester as defined in 49 CFR 383.5 (October 1, 2014).

"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

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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 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; or

containing a professional opinion that, due to a vision condition, the driver is not visually safe to operate a motor vehicle.

"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].

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"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 Illinois State Police (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.

"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.

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"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 39 Ill. Reg. 14930, effective October 29, 2015)

**Section 1030.16 Physical and Mental Evaluation**

- a) The Department shall require a driver to submit a medical report from a competent medical specialist when:
  - 1) The driver answers in the affirmative to any question on the driver's license application regarding physical or mental health pursuant to IVC Section 6-109.
  - 2) The Department receives written comments and/or recommendations based upon firsthand knowledge or pursuant to an official investigation that brings into question a driver's physical or mental ability to safely operate a motor vehicle. The comments and/or recommendations are confidential and must be submitted on official letterhead or a form designed by the Department and signed by an authorized source.
  - 3) The Department receives an Adjudication of Disability court order in which where the court appointed a guardian to manage the financial affairs or the estate of the person.
  - 4) The driver is renewing a driver's license that, at the time of issuance, required the driver to submit a medical report, except as provided in subsection (1).
  - 5) The Department receives a mandatory law enforcement report or message, based on first-hand knowledge or pursuant to an official investigation, that brings into question a driver's physical or mental ability to safely operate a motor vehicle.

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- 6) A driver, cited under Section 1030.15, is involved in a motor vehicle crash during a road exam.
- b) The Department shall cancel or medically deny driving privileges upon receipt of an Adjudication of Disability order in which the court appointed a guardian to make responsible decisions concerning the care of the person or of both the person and his/her financial affairs or estate, or the Department receives an order finding the driver unfit to stand trial.
    - 1) The notice of cancellation shall be mailed to the court-appointed guardian and the driver.
    - 2) The cancellation order shall remain in effect until the court issues an order terminating the adjudication of disability or the driver is found fit to stand trial.
    - 3) After receipt of an order of restoration, the Department shall request a favorable medical report. Upon receipt of a favorable medical report, the cancellation order shall be terminated and the person may reapply for driving privileges as outlined in IVC Section 6-106.
  - c) The Department shall cancel or medically deny a driver pursuant to IVC Sections 6-103(8) and 6-201(a)(5), if one or more of the authorized sources submits a mandatory law enforcement report or a signed, written notification on official letterhead to the Department that, based upon firsthand knowledge or pursuant to an official investigation, the person was the driver of a motor vehicle involved in any type of accident or incident resulting from a seizure, an attack of unconsciousness or a blackout.
    - 1) Following a cancellation or denial of driving privileges, the driver must submit a medical report to be forwarded to the Board and abide by all subsequent requests by either the Department or the Board, if any, for further information and/or clarification prior to being eligible to reapply.
    - 2) Any medical reports and/or other information concurrently or subsequently received by the Department shall be referred along with the entire case to the Board for determination as to the driver's ability to safely

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operate a motor vehicle as outlined in subsection (j).

- d) The Department is authorized to cancel, pursuant to IVC Section 6-201(a)(8), any driver's license or permit upon determining that a driver failed to report to the Secretary of State, within 10 days after the driver became aware of the condition, as required by IVC Section 6-116.5, the existence of a medical condition that is likely to cause loss of consciousness (i.e., inability of the driver to sustain consciousness throughout the entire interval in which he/she intends to drive) or loss of ability to safely operate a motor vehicle. If a driver's license is canceled and a favorable medical report is subsequently received, the cancellation shall be rescinded.
- e) When a driver is required to submit a medical report or clarification on a questionable report pursuant to subsections (a)(2), (3) and (5), the Department shall furnish the appropriate form to the driver to be completed by a competent medical specialist. The driver must resubmit the completed medical report or requested information to the Department within 20 days.
  - 1) If a medical report is not received by the Department within 20 days, the driver's license shall be canceled or the driver medically denied driving privileges.
  - 2) If a driver's license is canceled and a preliminary favorable report or favorable medical report is subsequently received, the cancellation shall be rescinded, provided an unfavorable medical report is not received.
- f) If a driver fails to submit a medical report pursuant to subsection (a)(4), the Department shall cancel or medically deny driving privileges pursuant to IVC Sections 6-103(8) and 6-201(a)(5). If the Department subsequently receives a preliminary favorable report or favorable report, the cancellation shall be rescinded, provided an unfavorable medical report is not received.
- g) Except as provided in subsection (~~k~~), if, pursuant to subsection (a), the Department receives a favorable medical report, the Department shall authorize the issuance or renewal of driving privileges, unless the driver is otherwise ineligible.

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- h) If, pursuant to subsection (a), the Department receives an unfavorable medical report, the Department shall cancel or medically deny the driving privileges pursuant to IVC Sections 6-103(8) and 6-201(a)(5).
- i) Except as provided in subsection (k), if, pursuant to subsection (a), the Department receives a preliminary favorable report, the Department shall authorize the issuance or renewal of driving privileges, unless the driver is otherwise ineligible. The Department shall then make a further determination as to the type of information and/or clarification that is needed in order to finish processing the report.
  - 1) If the report is incomplete or not current, a request shall be made to the driver to obtain the necessary information required to process the report.
    - A) If the Department requests additional information from the driver, and the Department does not receive this information within 45 days after the written request, the Department shall cancel or medically deny the renewal of the driving privileges pursuant to IVC Sections 6-103 and 6-201.
    - B) If a cancellation order is entered based upon an incomplete medical report or one that is not current, and information is received to make the medical report favorable or preliminarily favorable, a rescind order shall be entered, provided an unfavorable medical report is not received.
  - 2) If the report is questionable, the Department may forward the medical report to the Board for determination as to the driver's ability to safely operate a motor vehicle as outlined in subsection (j).
- j) If the Department receives a report from a competent medical specialist indicating the driver failed to abide by any of the terms of the medical agreement, the Department shall:
  - 1) cancel or medically deny the driving privileges if the medical report does not contain a professional opinion that the driver can safely operate a motor vehicle, and may, pursuant to subsection (k), forward the entire case

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to the Board for determination as to the driver's ability to safely operate a motor vehicle; and

- 2) forward the entire case to the Board for determination as to the driver's ability to operate a motor vehicle, if the medical report or medical statement contains a professional opinion that the driver can safely operate a motor vehicle; and
  - 3) cancel or medically deny driving privileges if the medical report or medical statement contains a professional opinion that the driver cannot safely operate a motor vehicle; the entire file shall be considered an unfavorable medical report as outlined in subsection (g).
- k) The Department shall forward a driver's case to the Board when:
- 1) the driver was medically denied or canceled based upon the Board's last recommendation;
  - 2) the Board has requested to review intermittent reports;
  - 3) a different competent medical specialist submits a favorable medical report contradictory to an unfavorable medical report on file that was used as the basis to deny or cancel driving privileges;
  - 4) the Department receives a request from a driver who wishes to have all medical reports on file with the Department reviewed by the Board;
  - 5) the Department receives a request from a driver who wishes to appeal a Type B, C, D, E, F, G, J01 or any other medical restriction that has been added to a driver's license or permit pursuant to Section 1030.92; or
  - 6) the driver, after a cite, was involved in a motor vehicle crash during a road exam.
- l) When a case is referred by the Department to the Board for review, the case shall be initially reviewed in the following manner:

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- 1) The Department shall assign the case to an individual Board member based upon the member's specialty or field of expertise. The Department shall serve as a correspondent for the collection and distribution of all medical reports and/or other information between the driver and the Board.
- 2) Upon receipt of the case from the Department, the individual Board member shall review the entire file and prepare an informal determination regarding the driver's medical ability to safely operate a motor vehicle for submission to the Chairperson.
  - A) The Board member shall consider the driver's past driving record as evidenced by the driving abstract, medical reports, and any other medical or other information deemed to have probative value by the Board member regarding the driver's medical case.
  - B) The Board member shall consider any medications and/or rehabilitative devices currently being used or available to the driver.
  - C) The Board member shall use the medical criteria listed in Section 1030.18 when reviewing the driver's medical condition.
- 3) When reviewing a medical case, the Board member may require the driver to submit to further medical examinations and/or a driving assessment conducted by a driver rehabilitation specialist and to agree to make the results of these examinations/assessments available to the Board member for use in rendering an informal determination.
  - A) The driver shall be solely responsible for the selection, scheduling and expenses related to any additional examinations/assessments that may be required.
  - B) While the Board member may designate the type of physician, medical specialist or driver rehabilitation specialist from whom the driver needs further examination/assessment, the Board member shall not recommend a particular physician, medical specialist or

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driver rehabilitation specialist.

- C) The driver shall have up to 45 days from the date of the Department's written request to submit additional reports.
  - D) The driver's license of any driver who refuses to submit to additional examinations as requested, or refuses to make these reports available to the Board member, shall be canceled or medically denied until the driver complies with the Board member's request and the Board member is able to render an informal determination to the Chairperson pursuant to IVC Sections 6-103 and 6-201.
- 4) The informal determination shall include the medical condition of the driver and the limitations associated with the condition that could reasonably impair a driver's ability to safely operate a motor vehicle; the scope of driving privilege, if any; and the reasons for the Board member's decision.
  - 5) All stages of the informal determination process shall be made as soon as possible, given the individual Board member's and Chairperson's caseload and the complexity of the case.
  - 6) The name of the Board member rendering the informal determination shall not be disclosed.
- m) Upon receipt of the informal determination from the Board member, the Chairperson shall make a formal determination to the Department regarding the driver's medical fitness to safely operate a motor vehicle and the scope of licensure, if any, including the use of mechanical devices and/or other conditions for driving.
    - 1) The formal determination by the Chairperson shall include the existence of the medical condition and/or limitation that may impair the driver's ability to safely operate a motor vehicle.
    - 2) The formal determination shall also be based upon the Findings of Fact

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and opinion of the individual Board member, including, but not limited to, medical evaluations, reports submitted by medical specialists, including driver rehabilitation specialists, medications taken by the driver, the driving record, and other scientifically recognized information commonly accepted in the medical profession.

- 3) The formal determination shall also indicate the scope of driving privileges that would enable the driver to safely operate a motor vehicle, including the extent to which compensatory aids and devices must be used and may require the person to complete any rehabilitation or training recommended by the rehabilitation specialist.
  - 4) In the event driving privileges are restricted or denied, the formal determination shall also state the reasoning for the restriction or denial in accordance with the medical criteria stated in Section 1030.18.
  - 5) The Chairperson shall have the authority to confer with the Board member who rendered the determination, in the event the Chairperson needs to confirm or clarify any portion of the Board member's informal determination.
- n) Upon receipt of the formal determination, the Department shall take the appropriate action, in accordance with the recommendation of the Chairperson, on behalf of the Board.
- 1) If the Department receives a recommendation from the Board that in its professional opinion the driver is not medically fit to safely operate a motor vehicle, the Department shall enter an order canceling or medically denying driving privileges pursuant to IVC Sections 6-103 and 6-201.
  - 2) If the Department receives a recommendation from the Board that in its professional opinion the driver is medically fit to safely operate a motor vehicle, the Department shall rescind or terminate any medically related cancellation or cancellation entered pursuant to Section 1030.15(e).
- o) If a driver wants to contest a restriction, cancellation or denial of driving privileges, the Department must receive a written request from the driver for a

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panel review of the medical case within 30 days after the action taken by the Department. Panel review of the driver's medical case shall be made by a panel of three Board members selected by the Chairperson based upon the Board member's specialty or field of expertise. The Board member who rendered the formal determination shall participate in the panel review process. The following procedure shall apply to the medical case under panel review:

- 1) The Department shall notify the driver immediately and confirm the driver's request for panel review within seven working days after receipt of the written request.
- 2) The driver has 45 days from the date of the notice to submit all additional medical reports to the Department for consideration by the panel.
- 3) The driver may furnish additional medical reports and/or statements for review by the panel. The document must be returned to the Department at the address indicated on the confirmation notice.
- 4) The Department, at the direction of the Chairperson, shall prepare and forward the medical case to the panel upon receipt of the documents from the driver, or a written statement from the driver indicating the decision not to submit additional reports and to proceed with the review, or at the expiration of 45 days, whichever occurs first.
- 5) Each panel member shall consider the contents of the file that was used to make the formal determination, including additional medical reports submitted by the driver and any new entries listed on the driver's driving record. The panel shall use the same medical criteria and procedure that apply when reviewing an individual case, including the authority to request additional medical examinations as found in subsection (1)(3). The panel shall only consider evidence in written form. No oral testimony shall be allowed during this type of review.
- 6) The formal determination under panel review shall be made as soon as reasonably possible given the Board members' and Chairperson's caseload, and the complexity of the case. Panel review cases shall be given priority.

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- 7) Upon completion of the panel review, the informal determination of each panel review member shall be forwarded to the Chairperson. The informal determination shall contain the same elements as outlined in subsection (1)(4).
  - 8) Any restriction of driving privileges, cancellation or medical denial shall remain in effect until the Department notifies the driver in writing.
- p) Upon receipt of each of the panel members' determinations, the Chairperson shall make a formal recommendation to the Department regarding the driver's ability to safely operate a motor vehicle and the scope of any licensure, including the use of mechanical devices and/or other conditions for driving.
- 1) The recommendation of the Chairperson shall be based upon the majority ruling of the members' informal determinations.
  - 2) The Chairperson shall have the authority to confer with the members of the panel to confirm, clarify and formulate the recommendation to the Department.
  - 3) The Chairperson's recommendation shall contain the same elements as outlined in subsections (1)(1) through (4).
- q) The Department shall follow the recommendation of the Chairperson based upon the determination rendered by the panel.
- 1) If the Department receives a formal recommendation from the Chairperson to uphold the decision of the individual Board member who first reviewed the case, the action taken by the Department shall remain in effect.
  - 2) If the Department receives a formal determination from the Chairperson to amend the original determination of the Board member who first reviewed the case, the Department shall follow the determination of the panel, including the recommendation of the granting of full or limited driving privileges or complete cancellation or denial of driving privileges.

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- 3) The driver shall be notified immediately in writing by the Department of the panel's formal determination regarding his/her driving privileges. The driver shall also be notified in writing of his/her right to request a medical hearing.
- r) A driver who wants to contest the cancellation or medical denial of driving privileges for medical reasons shall be entitled to a hearing in accordance with 92 Ill. Adm. Code 1001.Subparts A and E, and IVC Section 2-118.
- s) Unless a competent medical specialist has submitted a medical report indicating the physical or mental condition or disability no longer exists, the Department shall require the driver to submit a medical report at each driver's license renewal.
  - 1) The Department shall notify the driver at least 30 days prior to the expiration of his/her driver's license.
  - 2) Notification shall be in writing and mailed to the driver's last known address as indicated on the Department's driving record. The notice shall state that the driver must submit a medical report when renewing a driver's license.
- t) The Department shall require a driver to appear at a Driver Services Facility to receive a corrected driver's license if a competent medical specialist or the Board recommends a driver's license restriction pursuant to Section 1030.92.
  - 1) The Department shall immediately provide written notification to the driver at the last known address indicated on the Department's driving record. The notice shall state that failure to comply within 20 days after the request will result in the cancellation of the person's driver's license pursuant to IVC Section 6-201.5.
  - 2) The Department shall mail a medical restriction card to the driver describing the restrictions on the driver's license.
  - 3) The driver must abide by the restrictions contained on the card.
  - 4) The driver, upon receipt of the medical restriction card from the

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Department, shall carry the medical card with his/her driver's license when operating a motor vehicle.

- 5) If a driver's license is canceled for failing to comply with a written request from the Department, and the driver subsequently complies with all requests of the Department, the cancellation shall be rescinded or terminated.
- u) The Department shall require periodic medical reports between renewals, if recommended by a competent medical specialist or the Board.
- v) The Chairperson is authorized to appoint a designee to complete any of the duties required to be performed by the Chairperson as prescribed by this Section.

(Source: Amended at 39 Ill. Reg. 14930, effective October 29, 2015)

**Section 1030.150 Veteran Designation on Driver's License or Identification Card**

- a) Definitions. For the purposes of this Section, the following terms shall have the meanings set forth in this subsection (a):

"Active duty" – means active duty under an executive order of the President of the United States, an Act of the Congress of the United States, or an order of the governor of any U.S. state or territory.

"Armed Forces" – means any of the Armed Forces of the United States, including a member of any reserve component or National Guard unit called to active duty.

"DVA" – means the Illinois Department of Veterans' Affairs.

"Veteran" – means a person who has served on active duty in the Armed Forces and was discharged or separated under honorable conditions. [15 ILCS 335/5(b)]

- b) Effective July 1, 2015, for each original or renewal driver's license or identification card (ID) application, the Secretary shall inquire as to whether the applicant is an honorably discharged veteran. If the applicant is an honorably discharged veteran, the applicant shall be informed that he or she is entitled to

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have the designation "Veteran" on the face of his or her driver's license or ID card.

- c) In order to obtain a driver's license or ID with the "Veteran" designation, an applicant must first contact the Department by personally going to any of DVA's field offices across Illinois to request Confirmation of Status as an Honorably Discharged Veteran.
- d) If DVA can confirm status as an honorably discharged veteran, the Department shall affix a stamp to the veteran's DD214, Certification of Military Service (NA Form 13038) or other official Department of Defense discharge document if a DD214 was not issued or is unavailable.
- e) The Secretary shall issue an original, renewal, corrected or duplicate driver's license or ID with the "Veteran" designation to applicants who present a DD214 Form 13038 or other official Department of Defense discharge document bearing the Department's fully executed stamp. The applicant shall pay the statutory fee, as required by IVC Section 6-118 to have a "Veteran" designation added to a duplicate or corrected driver's license and Section 12 of the Illinois Identification Card Act 625 ILCS 5/6-118 and added to a duplicate or corrected ID. [15 ILCS 335/12].
- f) No less often than once per month the Secretary shall provide DVA with a list of the applicants who were issued a driver's license or ID with the "Veteran" designation since the last list was provided. The list shall contain the full name, driver's license or ID number, date of birth, gender and full social security number of the applicant. DVA shall compare that list to its records of veterans to whom a confirmation form has been issued. DVA shall notify the Secretary if it determines the Secretary has issued a "Veteran" driver's license or ID to an applicant who's DD214, NA Form 13038 or other official Department of Defense discharge document was not certified by DVA.
- g) Upon being notified that an applicant has been issued a "Veteran" driver's license or ID without first being confirmed as an honorably discharged veteran by DVA, the Secretary shall notify the applicant in writing that DVA has no record of confirming the applicant's status as an honorably discharged veteran, and shall inform the applicant that he or she has 30 days to appear in person at a DVA

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office and provide proof of his or her veteran status to the DVA. If, within that 30 day period, DVA notifies the Secretary that upon further review it has determined that the DD214, DVA NA Form 13038 or other official Department of Defense discharge document submitted to the Secretary by the applicant was in fact issued by DVA, the Secretary will take no further action regarding the matter.

- h) If the Secretary does not receive notification from DVA within the 30 day period specified in subsection (g) confirming the applicant's status as an honorably discharged veteran, the Secretary shall cite the applicant to appear at a Secretary of State facility within 15 days after the date of the citation to surrender the driver's license or ID card with the "Veteran" designation and be issued a new card without the "Veteran" designation. If the applicant does not appear pursuant to the citation, the applicant's driver's license or ID shall be canceled.
- i) An applicant whose driver's license or ID has been cancelled pursuant to this Section may apply for a driver's license or ID without the "Veteran" designation.

(Source: Added at 39 Ill. Reg. 14930, effective October 29, 2015)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Number: 1040.44                      Adopted Action: New Section
- 4) Statutory Authority: 625 ILCS 5/6-206(a)(47)
- 5) Effective Date of Rule: October 29, 2015
- 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 Department's Division of Driver Services, and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 39 Ill. Reg. 8372, June 19, 2015
- 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? No changes were requested.
- 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 adopted rule sets for the sanctions for a conviction of 625 ILCS 5/11-502.1, possession of medical cannabis in a motor vehicle.
- 16) Information and questions regarding this adopted rule shall be directed to:

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Jennifer Egizii  
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 Amendment begins on the next page:

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

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
<a href="#">1040.44</a>	<a href="#">Suspension or Revocation for Violation of Possession of Medical Cannabis in a</a>

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Motor Vehicle

- 1040.46 Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or Revocations
- 1040.48 Vehicle Emission Suspensions (Repealed)
- 1040.50 Occupational Driving Permit
- 1040.52 Driver Remedial Education Course
- 1040.55 Suspension or Revocation for Driver's License Classification Violations
- 1040.60 Release of Information Regarding a Disposition of Court Supervision
- 1040.65 Offenses Occurring on Military Bases
- 1040.66 Invalidation of a Restricted Driving Permit
- 1040.70 Problem Driver Pointer System
- 1040.80 Cancellation of Driver's License Upon Issuance of a Disabled Person Identification Card
- 1040.100 Rescissions
- 1040.101 Reinstatement Fees
- 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
- 1040.105 Suspension for Five or More Tollway Violations and/or Evasions
- 1040.107 Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle
- 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations
- 1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations
- 1040.110 Bribery
- 1040.111 Suspension for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
- 1040.115 Suspension for Theft of Motor Fuel
- 1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings
- 1040.117 Suspension for Concealment or Obstruction of Registration to Hinder Law Enforcement

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

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SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441,

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effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009; amended at 35 Ill. Reg. 1667, effective January 13, 2011; amended at 35 Ill. Reg. 8512, effective May 31, 2011; amended at 36 Ill. Reg. 10055, effective June 29, 2012; amended at 36 Ill. Reg. 11211, effective July 5, 2012; amended at 37 Ill. Reg. 1762, effective January 25, 2013; amended at 37 Ill. Reg. 8832, effective June 17, 2013; amended at 38 Ill. Reg. 9591, effective April 15, 2014; amended at 39 Ill. Reg. 9475, effective June 23, 2015; amended at 39 Ill. Reg. 11648, effective July 28, 2015; amended at 39 Ill. Reg. 14983, effective October 29, 2015.

**Section 1040.44 Suspension or Revocation for Violation of Possession of Medical Cannabis in a Motor Vehicle**

If any person has been convicted of violating Section 11-502.1(a), (b) or (c) of the IVC, the Department shall take the following action;

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
<u>1<sup>st</sup> Conviction</u>	<u>6-month Suspension</u>
<u>2<sup>nd</sup> Conviction</u>	<u>12-month Suspension</u>
<u>3<sup>rd</sup> or Subsequent Conviction</u>	<u>Revocation</u>

(Source: Added at 39 Ill. Reg. 14983, effective October 29, 2015)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement system
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1650.160	Amendment
1650.270	Amendment
1650.272	Amendment
1650.3005	Amendment
1650.3015	Amendment
1650.3020	Amendment
1650.3030	Amendment
1650.3035	Amendment
1650.3040	Amendment
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]
- 5) Effective Date of Rules: October 30, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Teachers' Retirement System's principal office and are available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: June 12, 2015; 39 Ill. Reg. 8243
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposal and Final Version: TRS accepted JCAR's recommendation to add parenthetical language in Section 160 to clarify the meaning of "express" authorization.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? TRS will respond within 90 days to JCAR's Statement of Recommendation to Proposed Rulemaking to consider further amendments.
- 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 amendment of 1650.160 allows TRS members to provide written, email, or oral authorization to release information in the member's record as appropriate. Revisions to 1650.270 and 1650.272 reflect current practice, which is to require a copy of the member's federal tax return as evidence of dependency. TRS' rules governing competitive selection procedures for investment services were originally drafted in 2010. Revisions to 1650.3005 through 1650.3040 reflect current practice in the restructuring of investment oversight committees.
- 16) Information and questions regarding these adopted rules shall be directed to:

Cynthia M. Fain. Gray, Assistant General Counsel  
Teachers' Retirement System  
2815 West Washington, P.O. Box 19253  
Springfield IL 62794-9253

217/753-0375

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE  
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section

1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records  
1650.120 Claims Records (Repealed)  
1650.130 Individual Accounts (Repealed)  
1650.140 Ledger and Accounts Books (Repealed)  
1650.150 Statistics (Repealed)  
1650.160 Confidentiality of Records  
1650.180 Filing and Payment Requirements  
1650.181 Early Retirement Incentive Payment Requirements (Repealed)  
1650.182 Waiver of Additional Amounts Due  
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits – Application Procedure; Effective Date  
1650.202 Disability Benefits – Definitions  
1650.203 Disability Retirement Annuity – Definitions  
1650.204 Gainful Employment – Consequences  
1650.205 Medical Examinations and Investigation of Disability Claims  
1650.206 Physician Certificates  
1650.207 Disability Due to Pregnancy

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

1650.208	Disability Payments
1650.209	Computation of Annual Salary When Member Has Different Semester Salary Rates (Repealed)
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 1650.357 Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
- 1650.360 Settlement Agreements and Judgments
- 1650.370 Calculation of Average Salary (Renumbered)
- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

## Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
- 1650.417 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)
- 1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
- 1650.450 Compensation Recognized As "Salary"
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System
- 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
- 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
- 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
- 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
- 1650.485 Employer Contributions for Salary Increases in Excess of 6% – Receipt of Bill

## SUBPART F: ANNUITANTS AND BENEFICIARIES

## Section

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1650.505	Beneficiary (Repealed)
1650.510	Re-entry Into Service (Repealed)
1650.511	Separation from Service
1650.512	Verification of Compliance with Post-Retirement Employment Limitations
1650.520	Suspension of Benefits
1650.530	Power of Attorney
1650.540	Conservators/Guardians
1650.550	Presumption of Death
1650.560	Benefits Payable on Death
1650.561	Valid Beneficiary Designations
1650.570	Survivors' Benefits
1650.571	Payment of Monthly Survivor Benefits to a Trust
1650.575	Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580	Evidence of Eligibility
1650.590	Comptroller Offset
1650.595	Overpayments

## SUBPART G: ATTORNEY GENERALS' OPINION

Section	
1650.605	Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

## SUBPART H: ADMINISTRATIVE REVIEW

Section	
1650.610	Staff Responsibility
1650.620	Right of Appeal
1650.630	Form of Written Request
1650.635	Presiding Hearing Officer – Duties and Responsibilities
1650.640	Prehearing Procedure
1650.641	Claims Hearing Committee Hearing Packet
1650.650	Hearing Procedure
1650.660	Rules of Evidence (Repealed)

## SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1650.710 Amendments

## SUBPART J: RULES OF ORDER

## Section

1650.810 Parliamentary Procedure

## SUBPART K: PUBLIC RECORD REQUESTS

## Section

1650.910 Summary and Purpose (Repealed)  
1650.920 Definitions (Repealed)  
1650.930 Submission of Requests  
1650.940 Form and Content of FOIA Requests (Repealed)  
1650.950 Appeal of a Denial (Repealed)  
1650.960 Executive Director's Response to Appeal (Repealed)  
1650.970 Response to FOIA Requests (Repealed)  
1650.980 Inspection of Records at System Office  
1650.990 Copies of Public Records  
1650.995 Materials Immediately Available

## SUBPART L: BOARD ELECTION PROCEDURES

## Section

1650.1000 Nomination of Candidates  
1650.1001 Elections Date/Election Day – Defined  
1650.1010 Petitions  
1650.1020 Eligible Voters  
1650.1030 Election Materials  
1650.1040 Marking of Ballots  
1650.1050 Return of Ballots  
1650.1060 Observation of Ballot Counting  
1650.1070 Certification of Ballot Counting  
1650.1080 Challenges to Ballot Counting  
1650.1090 Special Election to Fill Un-Expired Term of Elected Trustee

## SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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## Section

- 1650.1110 Definitions
- 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1650.1112 Requirements for a Valid QILDRO Calculation Order
- 1650.1113 Required Forms
- 1650.1114 Filing a QILDRO or a Calculation Order with the System
- 1650.1115 Benefits Affected by a QILDRO
- 1650.1116 Effect of a Valid QILDRO
- 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1650.1118 Alternate Payee's Address
- 1650.1119 Electing Form of Payment
- 1650.1120 Automatic Annual Increases
- 1650.1121 Reciprocal Systems QILDRO Policy Statement (Repealed)
- 1650.1122 Providing Benefit Information for Divorce Purposes
- 1650.1123 Suspension and Expiration of a QILDRO
- 1650.1124 Income Tax Reporting
- 1650.1125 Lump-Sum Death Benefit Allocation to Alternate Payee

## SUBPART N: PAYROLL DEDUCTION PROGRAM

## Section

- 1650.1200 Payroll Deduction Program Guidelines
- 1650.1201 Employer Responsibility Under the Payroll Deduction Program
- 1650.1202 Payroll Deduction Agreements – Suspensions and Terminations
- 1650.1203 Payroll Deduction Program – Full Time Employment Defined
- 1650.1204 Payroll Deduction Program – Disability Defined
- 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

## SUBPART O: RETIREMENT BENEFITS

## Section

- 1650.2900 Excess Benefit Arrangement

SUBPART P: COMPETITIVE SELECTION PROCEDURES  
FOR INVESTMENT SERVICES

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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## Section

1650.3000	Summary and Purpose
1650.3005	Definitions
1650.3010	Public Markets Manager Database
1650.3015	Emerging Investment Managers
1650.3020	Public Market Searches
1650.3025	Small and Mid Cap Equity Searches
1650.3030	Private Market and Commingled Fund Searches
1650.3032	Co-Investment Opportunities
1650.3035	Private Market Real Estate Separate Account Searches
1650.3040	Consultant Searches
1650.3045	Evaluation by Investment Committee

## SUBPART Q: PLAN QUALIFICATION

## Section

1650.3100	Summary and Purpose
1650.3105	Exclusive Benefit Rule
1650.3110	USERRA (Uniformed Services Employment and Reemployment Rights Act (38 USC 4301-4335)) Compliance
1650.3115	Required Minimum Distributions
1650.3120	Federal Contribution and Benefit Limitations
1650.3125	Mortality Tables and Interest Rates

**AUTHORITY:** Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

**SOURCE:** Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg.

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15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25, 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. 19541, effective November 18, 2011; amended at 36 Ill. Reg. 7688, effective May 4, 2012; amended at 36 Ill. Reg. 18914, effective December 14, 2012; amended at 37 Ill. Reg. 5150, effective April 4, 2013; amended at 38 Ill. Reg. 21239, effective October 21, 2014; amended at 39 Ill. Reg. 5259, effective March 20, 2015; amended at 39 Ill. Reg. 14989, effective October 30, 2015.

## SUBPART B: BASIC RECORDS AND ACCOUNTS

**Section 1650.160 Confidentiality of Records**

The Board, its Executive Director, and agents and employees of the System are prohibited from

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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disclosing the contents of a member's, annuitant's, or beneficiary's files, records, papers, or communications except: for purposes connected with the official responsibility of the Teachers' Retirement System; to other systems subject to and participating in the Reciprocal Act; to the Department of Central Management Services for annuitant health insurance purposes; to the Social Security Administration for government pension offset determination and windfall elimination purposes; upon ~~express (e.g., mail, verbal, personal)~~written authorization from the individual whose record is to be released; in response to a subpoena; or when required pursuant to the Freedom of Information Act [5 ILCS 140].

(Source: Amended at 39 Ill. Reg. 14989, effective October 30, 2015)

## SUBPART C: FILING OF CLAIMS

**Section 1650.270 Reversionary Annuity - Evidence of Dependency**

For the purposes of the reversionary annuity provided in Section 16-136 of the Act, the term "dependent" shall include a spouse, an unmarried natural or adopted child under age 18, or any other individual meeting the support requirements set forth herein. If any individual other than a spouse or unmarried natural or adopted child under age 18 is designated by the retiring member, the retiring member must furnish the System with evidence that the retiring member provided over 50% of the support of the designated individual during the 12 calendar months immediately preceding retirement. A copy of the member's federal income tax return, filed for the tax years covering the above 12 month period, shall be ~~required~~accepted as evidence of dependency.

(Source: Amended at 39 Ill. Reg. 14989, effective October 30, 2015)

**Section 1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability**

- a) To establish eligibility for a survivor benefit as an *eligible child dependent by reason of a physical or mental disability* under the provisions of Section 16-140(4) of the Act, a claimant or his or her duly authorized representative shall furnish the following to the System:
  - 1) A copy of the member's federal income tax return filed for the tax year preceding the death, evidencing that the deceased member provided over 50% of the support of the eligible disabled child; and~~Reliable documentary evidence that at the time of the member's or annuitant's~~

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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~~death, the member or annuitant parent was providing support necessary so that the parent could claim the claimant as a dependent for federal income tax purposes in the tax year preceding the member's or annuitant's death; and~~

- 2) Written reports by two or more licensed physicians certifying that the claimant is physically or mentally unable to engage in substantial gainful activity as defined in Section 1650.250(c) and will remain disabled for a period of not less than twelve months. Claimant physician reports are subject to review by the System, and the claimant may be required to be examined by a physician or physicians selected by the System to verify eligibility.
- b) Unless the claimant's disability has been determined to be permanent or expected to result in death within two years by the claimant's examining physicians, the claimant shall be required to furnish the System annual physician certifications of disability. Recertifications are due to the System 30 days prior to the annual anniversary of the claimant's survivor benefits start date.

(Source: Amended at 39 Ill. Reg. 14989, effective October 30, 2015)

SUBPART P: COMPETITIVE SELECTION PROCEDURES  
FOR INVESTMENT SERVICES

**Section 1650.3005 Definitions**

- a) The definitions in Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16] apply to this Subpart.
- b) The definition of "investment services" in the Illinois Pension Code [40 ILCS 5/1-113.14(a)] applies to this Subpart.
- c) "System" means the Teachers' Retirement System of the State of Illinois.
- d) "Consultant" means the independent investment consulting firm or firms contractually engaged by the System to provide general or specialty investment

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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consulting services for the prudent administration of the System's investment portfolio.

- e) "Board" means the Board of Trustees of the Teachers' Retirement System of the State of Illinois.
- f) "Investment Committee" means the investment committee of the Board of Trustees of the Teachers' Retirement System of the State of Illinois.
- g) "Manager Database" means an industry database of institutional quality registered investment management firms utilized by the consultant as described in this Subpart.
- h) "Oversight Committee" refers to the applicable internal staff governance committee, including, but not limited to, the following:
  - 1) Public Markets Oversight Committee (PMOC)
  - 2) Private Capital Oversight Committee (PCOC)
  - 3) Real Asset Oversight Committee (RAOC)
  - 4) Diversifying Strategies Oversight Committee (DSOC)
  - 5) Real Estate Oversight Committee (REOC)
  - 6) TRS Staff Investment Committee (TRSIC)
- ~~h) "PEOC" means the internal Staff Private Equity Oversight Committee.~~
- ~~i) "PMOC" means the internal Staff Public Market Oversight Committee.~~
- ~~j) "REOC" means the internal Staff Real Estate Oversight Committee.~~
- k) "Staff" means the professional investment staff of the Teachers' Retirement System responsible for the applicable asset class.

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(Source: Amended at 39 Ill. Reg. 14989, effective October 30, 2015)

**Section 1650.3015 Emerging Investment Managers**

- a) The System's Emerging Manager Program~~emerging managers program~~ is broadly available across all asset classes. The program is open to any firm meeting the definition of "emerging investment manager" as defined in Section 1-109.1(4) of the Illinois Pension Code and to any other younger, growing investment firms with smaller asset bases and developing track records. Any firm interested in participating in the Emerging Manager Program~~emerging managers program~~ may submit the appropriate questionnaire provided on the TRS website (trs.illinois.gov). All responses are reviewed by staff and included in the System's emerging manager database.
- b) Staff screens the System's database for emerging manager candidates across all asset classes and actively pursues other potential candidates not included within the database through industry participation and other networking channels.
- c) Based on review of the database and submitted questionnaires, staff meets to identify managers that appear to have the highest probability of success over the next three to five years and the potential for graduation from the Emerging Manager Program~~emerging manager program~~ into the main portfolio.
- d) Staff and the consultant conduct in-person interviews of managers at the System's offices or an alternate location agreed upon by the System and the manager.
- e) Following favorable results of the in-person interviews, staff identifies finalist firms for on-site due diligence at the candidate firm's offices. On-site visits and finalist recommendations must be approved by the applicable Oversight Committee~~staff oversight committee (PMOC, PEOC or REOC)~~.
- f) After on-site due diligence is completed, staff initiates fee and contract negotiations with the finalist firms. All contracts and related documentation relative to hiring an investment manager should be negotiated in final form prior to Investment Committee consideration. Any open items relating to fee and contract negotiation must be disclosed prior to Investment Committee consideration.

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- g) Any finalist firm that successfully passes staff due diligence review (including approval of the ~~appropriate oversight committee~~ applicable Oversight Committee) and fee and contract negotiations is presented to the Investment Committee for consideration.

(Source: Amended at 39 Ill. Reg. 14989, effective October 30, 2015)

**Section 1650.3020 Public Market Searches**

- a) The Board authorizes the System's asset allocation targets and investment manager structure by recorded vote in a business meeting of the Board conducted in accordance with the Open Meetings Act [5 ILCS 120]. Staff may initiate searches as necessary to implement the System's asset allocation and/or fill vacancies within the manager structure.
- b) At each meeting of the Investment Committee, staff will notify the Board of any new manager search, the status of all existing searches, and the outcome of all completed searches.
- c) With the initiation of a search, staff, working with the consultant, prepares a written candidate profile that lists specific requirements for each search. The candidate profile identifies specific quantitative and qualitative factors, such as:
- 1) Minimum assets under management;
  - 2) Minimum track record;
  - 3) Risks relative to benchmarks;
  - 4) Return relative to benchmarks over various time periods;
  - 5) Size and tenure of professional staff;
  - 6) Investment strategy and process; and
  - 7) Organizational stability and strength.

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- d) The candidate profile is posted on the TRS website to allow all interested candidates to review the search criteria and understand how to participate in the search.
- e) The candidate profile identifies a specific screening period during which the consultant will screen the Manager Database or other candidate information to identify all managers meeting the criteria of the candidate profile.
- f) During the screening period identified in the candidate profile, staff and the consultant identify and rank all candidates in the Manager Database that meet the quantitative criteria specified in the candidate profile.
- g) Staff and the consultant review the candidate list to eliminate any managers that fail to meet qualitative screens. All emerging managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, that meet the minimum criteria of the search will be identified and the most promising emerging manager candidates will be included in the selection process described in this Section.
- h) Staff and the consultant further refine the candidate list to identify semi-finalist firms that, based on criteria in the candidate profile, appear to have the highest probability of success over the next three to five years. In the event more information is necessary to narrow the semi-finalist list, a standardized Request for Information (RFI) may be issued to the pool of eligible semi-finalists to facilitate further in-depth analysis by staff and the consultant. Semi-finalists in this case are selected from the RFI submissions.
- i) Staff conducts in-person interviews of semi-finalist firms at the System's offices or an alternate location agreed upon by the System and the firm. Semi-finalist candidates must be approved by the [applicable Oversight Committee](#)PMOC.
- j) Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate firm's offices. Due diligence meetings and finalist recommendations must be approved by the [applicable Oversight Committee](#)PMOC.

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- k) Following favorable due diligence review and successful contract and fee negotiations, a finalist candidate is, or candidates are, presented to the [applicable Oversight Committee](#)~~PMOC~~ for final approval.
- l) With approval from the [applicable Oversight Committee](#)~~PMOC~~, staff will present the recommendation to the Investment Committee Chair and/or Vice Chair. Documentation to the Chair will include a timeline of the search process, a summary of that process, and confirmation that the search was conducted in accordance with TRS policy.
- m) With approval of the Investment Committee Chair and/or Vice Chair, staff is authorized to implement the recommendation.
- n) At the next scheduled meeting of the Investment Committee following the completion of any search, staff will provide the Committee a full report of the search process, including a summary of the search criteria and candidate firms. The Investment Committee and Board will provide final ratification for the long-term selection of the investment manager.
- o) If any eligible managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, meet the minimum criteria of the search, the most qualified emerging candidate will be invited to present as a finalist to the Investment Committee at its next scheduled meeting.

(Source: Amended at 39 Ill. Reg. 14989, effective October 30, 2015)

**Section 1650.3030 Private Market and Commingled Fund Searches**

- a) Funds and managers are opportunistically reviewed as they are available in the market based on the System's tactical plans and quality of the fund's or manager's team, process and strategy.
- b) Each year, staff, working with the consultants, prepare tactical plans for private ~~market investments~~[equity, real estate, and absolute return for presentation](#) to the Investment Committee. The annual tactical plans establish allocation targets for opportunistic investments within the private equity, real estate, and absolute return asset classes for the upcoming year. [Tactical plans also establish](#)

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[investment guidance for segments of the System's real return and global fixed income asset classes.](#)

- c) Summaries of the System's annual tactical plans are posted on the TRS website (trs.illinois.gov) following Board approval. Investment focus for the fiscal year is specified in the annual tactical plan summaries for all interested funds and managers to review.
- d) Funds and managers interested in participating in the System's alternative investment program and meeting the investment focus specified in the annual tactical plans may identify themselves to the System or its consultants via email, as instructed on the TRS website.
- e) Over the course of the tactical plan period, staff reviews all information received from funds and managers that best position the System's investment portfolio for its intended strategic allocation targets.
- f) Staff eliminates any investment opportunities that fail to meet the System's qualitative requirements and/or do not fit into a strategic allocation defined in the annual tactical plans.
- g) Any fund or manager meeting the criteria set forth in the annual tactical plan and deemed to be a complementary fit to the portfolio may be invited to interview with staff in person or via conference call. ~~Any decision to interview a prospective fund or manager must be approved by the applicable staff oversight committee (PEOC, REOC, or PMOC).~~
- h) Following favorable interview results and staff research into the fund offering or manager, the fund or manager is asked to complete the System's standardized comprehensive due diligence questionnaire. ~~Any recommendation to send the due diligence questionnaire must be approved by the applicable staff oversight committee.~~
- i) Following continued favorable review, staff proceeds with formal due diligence meetings, typically at the candidate firm's offices. Any recommendation for due diligence meetings must be approved by the applicable staff Oversight Committee~~oversight committee.~~

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- j) After due diligence is completed, staff initiates fee and contract negotiations with the finalist firm. All contracts and related documentation relative to hiring a fund or manager should be negotiated in final form prior to Investment Committee consideration. Disclosure must be made to the Investment Committee prior to consideration in the event of any contractual issues still under negotiation.
- k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.

(Source: Amended at 39 Ill. Reg. 14989, effective October 30, 2015)

**Section 1650.3035 Private Market Real Estate Separate Account Searches**

- a) The Board authorizes searches for new or replacement private market real estate separate account managers by recorded vote in a business meeting of the Board conducted in accordance with the Open Meetings Act [5 ILCS 120].
- b) The Board's vote authorizing a search is reported in the System's press release issued to the financial press and posted on the TRS website (trs.illinois.gov) as soon as possible and no later than two business days following conclusion of the Board meeting.
- c) Following Board authorization, staff, working with the consultant, prepares a standardized Request for Information (RFI) that lists specific requirements for each search. The RFI identifies specific quantitative and qualitative factors, such as:
  - 1) Minimum assets under management;
  - 2) Minimum track record;
  - 3) Risks relative to benchmarks;
  - 4) Return relative to benchmarks over various time periods;
  - 5) Size and tenure of professional staff;

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- 6) Investment strategy and process; and
- 7) Organizational stability and strength.
- d) The RFI is posted on the TRS website to allow all interested candidates to review the search criteria and understand how to participate in the search.
- e) The RFI identifies a specific timeline for interested candidates to submit their responses to the RFI.
- f) Following the RFI deadline, staff and the consultant identify and rank all candidates' submissions that meet the quantitative criteria specified in the RFI.
- g) Staff and the consultant review the candidate list to eliminate any managers that fail to meet qualitative screens. All emerging managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, that meet the minimum criteria of the search will be identified and the most promising emerging manager candidates will be included in the selection process described in this Section.
- h) Staff and the consultant further refine the candidate list to identify semi-finalist firms that, based on criteria in the RFI, appear to have the highest probability of success over the next three to five years.
- i) Staff conducts in-person interviews of semi-finalist firms at the System's offices or an alternate location agreed upon by the System and the firm. Semi-finalist candidates must be approved by the applicable Oversight Committee.
- j) Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate firm's offices. Due diligence meetings and finalist recommendations must be approved by the applicable Oversight Committee.
- k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.

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- l) If any eligible emerging managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, meet the minimum criteria of the search, the most qualified emerging manager candidate will be invited to present as a finalist to the Investment Committee.
- a) ~~Real estate separate account managers are opportunistically reviewed as they are available in the market based on the System's annual real estate tactical plan and quality of the manager's team, process and strategy.~~
- b) ~~Staff, working with the consultant, prepares a real estate tactical plan for presentation to the Investment Committee at the beginning of each fiscal year. The annual real estate tactical plan establishes the search criteria, investment strategy and allocation targets.~~
- e) ~~A real estate tactical plan summary is posted on the TRS web site (trs.illinois.gov) following Board approval. Search criteria for the fiscal year are listed in the real estate tactical plan summary for all interested managers to review.~~
- d) ~~Managers interested in participating in the System's real estate program and meeting the criteria specified in the annual real estate tactical plan may identify themselves to the System or the consultant via email, as instructed on the TRS web site.~~
- e) ~~Over the course of the real estate tactical plan period, staff reviews all information received from managers that best position the System's investment portfolio for its intended strategic allocation targets.~~
- f) ~~Staff eliminates any investment opportunities that fail to meet the System's qualitative requirements and/or do not fit into a strategic allocation defined in the annual real estate tactical plan.~~
- g) ~~Any manager meeting the criteria set forth in the annual real estate tactical plan and deemed to be a complementary fit to the portfolio is invited to interview with staff in person or via conference call. Any decision to interview a prospective manager must be approved by the REOC.~~

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- h) ~~Following favorable results of interview and staff research, the manager is asked to complete the System's standardized comprehensive due diligence questionnaire. Any recommendation to send the due diligence questionnaire must be approved by the REOC.~~
- i) ~~Following favorable results of the completed due diligence questionnaire, staff proceeds with formal due diligence meetings, typically at the candidate firm's offices. Any recommendation for due diligence meetings must be approved by the REOC.~~
- j) ~~After due diligence is completed, staff initiates fee and contract negotiations with the finalist firm. All contracts and related documentation relative to hiring a manager must be negotiated in final form prior to Investment Committee consideration.~~
- k) ~~Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.~~

(Source: Amended at 39 Ill. Reg. 14989, effective October 30, 2015)

**Section 1650.3040 Consultant Searches**

- a) The Board authorizes every search for a new or replacement consultant to provide general or specialty investment consulting services to the System by recorded vote in a business meeting of the Board conducted in accordance with the Open Meetings Act [5 ILCS 120].
- b) The Board's vote authorizing a search is reported in the System's press release issued to the financial press and posted on the TRS website ([trs.illinois.gov](http://trs.illinois.gov)) as soon as possible and no later than two business days following conclusion of the Board meeting.
- c) Following Board authorization, staff prepares a Request for Proposal (RFP) containing the following information:
  - 1) The type of services required;

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- 2) An estimate of when and for how long the services will be required;
  - 3) The contract to be used;
  - 4) The date and time by which proposals must be submitted; and
  - 5) A statement of the information the proposal must contain.
- d) The RFP is posted on the TRS website to allow any interested candidate to review the search criteria. The RFP notice posted on the TRS ~~website~~[Web site](#) summarizes the services sought, tells how and where to submit proposals, specifies the deadline for submitting proposals, and tells when and where proposals will be publicly opened and how to obtain paper copies of the RFP.
- e) Proposals submitted in response to an RFP must comply with all requirements set forth in the RFP and submitted within the time frame specified in the RFP. Proposals are date and time stamped upon receipt. Proposals that arrive late for any reason will not be considered.
- f) Proposals are publicly opened at the date and time specified on the TRS website. Staff reviews all proposals timely received to ensure all required information is included. Proposal information is publicly available following execution of a contract with the successful firm.
- g) Staff identifies and ranks all proposals meeting all minimum qualifications specified in the RFP to identify semi-finalist firms.
- h) Staff conducts in-person interviews of semi-finalist firms at the System's offices or alternate location agreed upon by the System and the firm.
- i) Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate firm's offices.
- j) After due diligence is completed, staff initiates fee and contract negotiations with finalist firms. All contracts and related documentation relative to hiring a consultant must be negotiated in final form prior to Investment Committee

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consideration. Contracts for consultant services may not exceed five years in duration.

- k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.

(Source: Amended at 39 Ill. Reg. 14989, effective October 30, 2015)

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

The Illinois Environmental Protection Agency ("Illinois EPA") Bureau of Air will hold a public hearing on Wednesday, December 16, 2015, at 10:00 a.m. in the Sangamo Room at the Illinois EPA's headquarters, 1021 North Grand Avenue East, Springfield IL. The public hearing will be held for the purpose of gathering public comments on the draft "Illinois Sulfur Dioxide (SO<sub>2</sub>) Attainment Demonstration: Lemont, Lockport, and DuPage Townships (Cook/Will Counties) and Cincinnati, Pekin, and Hollis Townships (Pekin/Tazewell Counties)" ("Attainment Demonstration"), which sets forth the State's plan for attaining the 2010 SO<sub>2</sub> National Ambient Air Quality Standard. The Illinois EPA intends to submit the Attainment Demonstration to the United States Environmental Protection Agency as a revision to Illinois' State Implementation Plan ("SIP") under the Clean Air Act ("CAA"), 42 USC 7401 et seq.

The hearing will be held in accordance with the provisions of the Illinois EPA's "Procedures for Informational and Quasi-Legislative Public Hearings," set forth at 35 Ill. Adm. Code 164. Any questions about the hearing procedures, requests for copies of the hearing rules, or other requests should be directed to Dean Studer, the Illinois EPA's Hearing Officer, at the address and telephone number listed below.

Dean Studer, Hearing Officer  
Illinois EPA  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276

217/558-8280  
TDD: 217/782-9143

The Hearing Record will close on Friday, January 15, 2016. Written comments will be accepted but must be directed to Dean Studer at the address above, and must be physically received by January 15, 2016.

Copies of the proposed SIP revision may be viewed by the public during regular business hours (Monday through Friday 8:30 a.m. to 4:30 p.m., except for State holidays) at the following Illinois EPA offices: 1021 North Grand Avenue East, Springfield IL; 9511 Harrison Street, Des Plaines IL; and 412 SW Washington Street, Suite D, Peoria IL. No walk-in requests for copies of this material will be accommodated, unless advance notice is provided. Requests and public inquiries should be directed to Dean Studer at the address and phone number listed above.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

This notice is intended to satisfy the requirements of Section 110(l) of the CAA regarding public notice for SIP submittals, 42 USC 7410(l).

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

MICHAEL A. BILANDIC BUILDING  
ROOM 600C  
CHICAGO, ILLINOIS  
NOVEMBER 17, 2015  
11:00 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Capital Development Board

71-600-15-12425 AC

1. Illinois Energy Conservation Code (71 Ill. Adm. Code 600)
  - First Notice Published: 39 Ill. Reg. 12425 – 9/11/15
  - Expiration of Second Notice: 12/11/15

Education

23-226-15-08906 LB

2. Special Education (23 Ill. Adm. Code 226)
  - First Notice Published: 39 Ill. Reg. 8906 – 7/6/15
  - Expiration of Second Notice: 12/4/15

Emergency Management Agency

32-326-15-12037 JE

3. Financial Assurance Requirements (32 Ill. Adm. Code 326)
  - First Notice Published: 39 Ill. Reg. 12037 – 9/4/15
  - Expiration of Second Notice: 12/3/15

32-330-15-12046 JE

4. Licensing of Radioactive Material (32 Ill. Adm. Code 330)
  - First Notice Published: 39 Ill. Reg. 12046 – 9/4/15
  - Expiration of Second Notice: 12/3/15

32-332-15-12059 JE

5. Licensing Requirements of Source Material Milling Facilities (32 Ill. Adm. Code 332)
  - First Notice Published: 39 Ill. Reg. 12059 – 9/4/15
  - Expiration of Second Notice: 12/3/15

32-340-15-12068 JE

6. Standards for Protection Against Radiation (32 Ill. Adm. Code 340)
  - First Notice Published: 39 Ill. Reg. 12068 – 9/4/15
  - Expiration of Second Notice: 12/3/15

#### Financial and Professional Regulation

68-1150-15-09759 LB

7. Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)
  - First Notice Published: 39 Ill. Reg. 9759 – 7/17/15
  - Expiration of Second Notice: 12/11/15

68-1300-14-22373 LB

8. Nurse Practice Act (68 Ill. Adm. Code 1300)
  - First Notice Published: 38 Ill. Reg. 22373 – 12/5/14
  - Expiration of Second Notice: 12/5/15

#### Healthcare and Family Services

89-148-15-10334 EMS

9. Hospital Services (89 Ill. Adm. Code 148)
  - First Notice Published: 39 Ill. Reg. 10334 – 7/24/15
  - Expiration of Second Notice: 12/16/15

#### Human Services

89-50-15-09731 EMS

10. Child Care (89 Ill. Adm. Code 50)  
-First Notice Published: 39 Ill. Reg. 9731 – 7/17/15  
-Expiration of Second Notice: 12/4/15

Insurance

50-916-15-05997 MR

11. Required Procedure for Filing and Securing Approval of Policy Forms (50 Ill. Adm. Code 916)  
-First Notice Published: 39 Ill. Reg. 5997 – 5/1/15  
-Expiration of Second Notice: 11/18/15

50-5701-15-10361 MR

12. Viatical Settlement Provider Reporting Requirements (50 Ill. Adm. Code 5701)  
-First Notice Published: 39 Ill. Reg. 10361 – 7/24/15  
-Expiration of Second Notice: 11/18/15

Labor

56-320-15-11199 LB

13. Equal Pay in Employment (56 Ill. Adm. Code 320)  
-First Notice Published: 39 Ill. Reg. 11199 – 8/14/15  
-Expiration of Second Notice: 11/18/15

56-340-15-11206 LB

14. Job Opportunities for Qualified Applicants Act (56 Ill. Adm. Code 340)  
-First Notice Published: 39 Ill. Reg. 11206 – 8/14/15  
-Expiration of Second Notice: 11/18/15

Labor Relations Board

80-1200-15-10617 LB

15. General Procedures (80 Ill. Adm. Code 1200)  
-First Notice Published: 39 Ill. Reg. 10617 – 7/31/15  
-Expiration of Second Notice: 12/3/15

Pollution Control Board

35-214-15-07125 JE

16. Sulfur Limitations (35 Ill. Adm. Code 214)  
-First Notice Published: 39 Ill. Reg. 7125 – 5/22/15  
-Expiration of Second Notice: 11/18/15

35-217-15-07164 JE

17. Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)  
-First Notice Published: 39 Ill. Reg. 7164 – 5/22/15  
-Expiration of Second Notice: 11/18/15

35-225-15-07176 JE

18. Control of Emissions from Large Combustion Sources (35 Ill. Adm. Code 225)  
-First Notice Published: 39 Ill. Reg. 7176 – 5/22/15  
-Expiration of Second Notice: 11/18/15

35-901-15-06179 JE

19. Sound Emission Standards and Limitations for Property Line Noise-Sources (35 Ill. Adm. Code 901)  
-First Notice Published: 39 Ill. Reg. 6179 – 5/8/15  
-Expiration of Second Notice: 12/5/15

#### Public Health

77-235-15-09866 AC

20. Adverse Health Care Event Reporting Code (77 Ill. Adm. Code 235)  
-First Notice Published: 39 Ill. Reg. 9866 – 7/17/15  
-Expiration of Second Notice: 11/18/15

77-245-14-23298 AC

21. Home Health, Home Services, and Home Nursing Agency Code (77 Ill. Adm. Code 245)  
-First Notice Published: 38 Ill. Reg. 23298 – 12/12/14  
-Expiration of Second Notice: 12/7/15

#### Revenue

86-100-14-21758 ES

22. Income Tax (86 Ill. Adm. Code 100)  
-First Notice Published: 34 Ill. Reg. 21758 – 11/21/14  
-Expiration of Second Notice: 12/11/15

### **PEREMPTORY RULEMAKING**

#### Human Services

89-121-15-13513P EMS

23. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)  
-Notice Published: 39 Ill. Reg. 13513 – 10/9/15

**INTERNAL RULEMAKINGS**Financial and Professional Regulation

2-1326-15-13367A LB

24. Access to Information (Repealer) (2 Ill. Adm. Code 1326)

-Notice Published: 39 Ill. Reg. 13367 – 10/9/15

2-1326-15-13369A LB

25. Freedom of Information Act Requests for Public Records (New Part) (2 Ill. Adm. Code 1326)

-Notice Published: 39 Ill. Reg. 13369 – 10/9/15

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of October 27, 2015 through November 2, 2015. The rulemakings are scheduled for review at the Committee's November 17, 2015 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>
12/11/15	<u>Capital Development Board</u> , Illinois Energy Conservation Code (71 Ill. Adm. Code 600)	9/11/15 39 Ill. Reg. 12425	11/17/15
12/11/15	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	11/21/14 39 Ill. Reg. 21758	11/17/15
12/11/15	<u>Department of Financial and Professional Regulation</u> , Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)	7/17/15 39 Ill. Reg. 9759	11/17/15

## PROCLAMATIONS

**2015-300  
Food Day**

WHEREAS, the health and wellbeing of our citizens is of primary concern for the State of Illinois; and,

WHEREAS, reducing obesity and diet-related diseases by promoting safe and healthy diets is a critical factor in improving citizens' overall health; and,

WHEREAS, supporting sustainable family farms and local agriculture benefits our state's economy; and,

WHEREAS, obtaining fair pay and safe conditions for food and farm workers is beneficial for both the producer and consumer, so that the food we produce and consume is safe and fair for all; and,

WHEREAS, expanding access to food and ending hunger is of critical importance to aid those who live in food deserts; and,

WHEREAS, curbing junk-food marketing aimed at children is vitally important in order to combat rising obesity rates and raise a generation of healthy children; and,

WHEREAS, protecting the environment and farm animals is necessary to sustain future generations;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 24, 2015, as **FOOD DAY** in Illinois.

Issued by the Governor September 30, 2015

Filed by the Secretary of State October 30, 2015

**2015-301  
International Pumpkin Day**

WHEREAS, pumpkins, which have origins in Central America and are members of the vine crops family called cucurbits, range in size from less than a pound to over 1,000 pounds; and,

WHEREAS, pumpkins come in an array of colors, shapes, and sizes, and can be eaten, decorated, carved, and even used for medicinal purposes; and,

WHEREAS, the largest pumpkin ever grown weighed 1,140 pounds; and,

## PROCLAMATIONS

WHEREAS, 80 percent of the pumpkin supply in the United States is available in October, and around 90 to 95 percent of the processed pumpkins in our nation are grown in Illinois; and,

WHEREAS, the State of Illinois is not only the nation's leading pumpkin producer, but also its leading pumpkin processor; and,

WHEREAS, Morton, Illinois is the "pumpkin capital" of the world; and,

WHEREAS, around a half-billion pounds of pumpkin are produced annually in Illinois, and our top ten pumpkin producing counties are Tazewell, Kankakee, Mason, Logan, Will, Marshall, Kane, Pike, Carroll, and Woodford; and,

WHEREAS, the \$32.8 million pumpkin industry in Illinois plays a vital role in promoting economic development, and it is critically important that the State of Illinois recognize the contributions of pumpkin farmers and the delicious pumpkin pie that is served at restaurants and eaten by individuals and families across our state; and,

WHEREAS, October 10, 2015 will be the 7th annual celebration of International Pumpkin Day, a holiday created in Chicago, Illinois by Timothy Killeen and Joseph Lindahl and celebrated the second Saturday of October each year; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 10, 2015, as **INTERNATIONAL PUMPKIN DAY** in Illinois, in recognition of the history and many uses of the remarkably delicious and widely celebrated pumpkin.

Issued by the Governor September 30, 2015

Filed by the Secretary of State October 30, 2015

**2015-302****Male Breast Cancer Awareness Week**

WHEREAS, an estimated 2,300 men in the United States are diagnosed with breast cancer each year and an estimated 450 men each year will die from the disease; and,

WHEREAS, the public commonly thinks of breast cancer as a disease affecting only women, a misconception that can delay diagnosis and treatment in men, often leading to death; and,

WHEREAS, early detection of male breast cancer is critical, as men who are diagnosed when breast cancer is in its earliest stages have an increased chance of successful treatment and, ultimately, survival; and,

## PROCLAMATIONS

WHEREAS, due in part to a lack of awareness that men can develop the disease, men are generally diagnosed with breast cancer at a later stage than women, which affects prognosis and treatment; and,

WHEREAS, in order to facilitate early diagnosis and prompt treatment of male breast cancer, public education, awareness, and understanding of the disease is necessary; and,

WHEREAS, in remembrance of the men who have lost their lives to breast cancer, and in support of those who are currently fighting this often overlooked disease, it is appropriate to designate October 18 through October 24, 2015 as "Male Breast Cancer Awareness Week";

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 18-24, 2015, as **MALE BREAST CANCER AWARENESS WEEK** in Illinois.

Issued by the Governor September 30, 2015

Filed by the Secretary of State October 30, 2015

**2015-303****Net Cancer Awareness Day**

WHEREAS, neuroendocrine tumors/tumours (NETs) often develop into cancer and, if left untreated, can result in serious illness and death; and,

WHEREAS, all too often healthcare professionals underestimate the malignant and metastatic potential of neuroendocrine tumors/tumours; and,

WHEREAS, NET cancer patients are often misdiagnosed or receive a delayed diagnosis, which can have a negative impact on their chance of survival and quality of life; and,

WHEREAS, survival for NET cancer patients is further compromised by fragmented care and lack of access to treatment by networks of specialists; and,

WHEREAS, although there have been advances in the detection and treatment of NET cancers, not all patients are benefiting quickly enough from scientific and medical progress in the field; and,

WHEREAS, with timely diagnosis and proper treatment, NET cancer patients can have significantly improved outcomes and quality of life;

## PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 10, 2015, as **NET CANCER AWARENESS DAY** in Illinois, and encourage patients, caregivers, healthcare professionals, as well as the wider community, to work together to raise awareness about NET cancers and the need for timely diagnosis and access to optimal treatment and care.

Issued by the Governor September 30, 2015

Filed by the Secretary of State October 30, 2015

**2015-304****Save Today Day**

WHEREAS, The American Medical Association Alliance initiated "Stop America's Violence Everywhere (SAVE)" in June 1995, because Alliances across the country recognized the toll that violence takes in communities; and,

WHEREAS, the Illinois State Medical Society Alliance and County Medical Alliances have observed SAVE Today on the second Wednesday of October for twenty years; and,

WHEREAS, the Illinois State Medical Society and Alliance recognized the violence epidemic and kicked off its Anti-Violence Initiative in September 1993 with Dr. Jane Jackman and Senators Topinka and Severns presenting an educational panel that prepared physicians and their spouses to present a video and script and disburse physician informational packets with an enrollment form for the AMA's Coalition of Physicians Against Family Violence; and,

WHEREAS, Illinois physicians and their spouses have developed and implemented SAVE projects including a CME course "More Than Words" for physician and the community on how to treat and combat domestic violence, Hands Are Not for Hitting lessons for pre-school and grade school children, domestic violence billboard, poster and education campaigns, conflict resolution, self-esteem and anti-bullying programs and educational materials, promotion of the Attorney General's office's anti-violence Tip-Line program, showers for domestic violence shelters, and Peace Gardens, poetry contests, and internet safety education; and,

WHEREAS, the SAVE Campaigns have made an impact on violence wherever it exists – in homes, in schools, on the community streets and in media – and drawn attention to the devastating effects of violence that rob so many Americans of quality living;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 14, 2015, as **SAVE TODAY DAY** in Illinois, in support of the AMAA and Illinois State Medical Society and Alliance 20<sup>th</sup> Anniversary of this program.

## PROCLAMATIONS

Issued by the Governor September 30, 2015  
Filed by the Secretary of State October 30, 2015

**2015-305**  
**Breast Cancer Awareness Month and Mammography Day**

WHEREAS, October 2015 marks the 30th anniversary of National Breast Cancer Awareness Month, a season to educate women and men about breast cancer and the importance of early detection through mammography; and,

WHEREAS, 1 in 8 women will be diagnosed with breast cancer in their lifetime; and,

WHEREAS, a projected 231,840 new cases of breast cancer will be diagnosed across the United States in 2015; and,

WHEREAS, 40,290 women are estimated to lose their lives to breast cancer in the year 2015; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program offers free breast exams and mammograms to uninsured and underinsured women; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program served 19,944 women with free breast and cervical cancer screenings in FY 2015; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program is projected to serve 13,052 women in Illinois with cancer screening and diagnostic services in FY 2016; and,

WHEREAS, breast cancer is the most common cancer diagnosed in women other than skin cancer and is the second leading cause of cancer deaths for women; and,

WHEREAS, the best chance for detecting breast cancer early is through mammography screening, and earlier detection gives higher survival rates; and,

WHEREAS, since 1993, the United States has recognized the third Friday in October as National Mammography Day;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2015 as **BREAST CANCER AWARENESS MONTH** and October 18, 2015, as **MAMMOGRAPHY DAY** in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.

## PROCLAMATIONS

Issued by the Governor October 2, 2015

Filed by the Secretary of State October 30, 2015

**2015-306****Alpha-1 Awareness Month**

WHEREAS, Antitrypsin Deficiency (Alpha-1) is one of the most common and serious hereditary disorders in the world and can result in life-threatening liver disease and lung disease; and,

WHEREAS, Alpha-1 has been identified in virtually all populations; and,

WHEREAS, Alpha-1 is the most common known genetic risk factor for Chronic Obstructive Pulmonary Disease (COPD); and,

WHEREAS, Lung disease is the most frequent cause of disability and early death among affected persons, striking in the prime of life and is a major reason for lung transplants; and,

WHEREAS, Alpha-1 originates in the liver and can lead to liver failure at any time in life; and,

WHEREAS, the only current treatment for liver disease caused by Alpha-1 is a liver transplant; and,

WHEREAS, Alpha-1 support groups will be conducting awareness activities throughout the state of Illinois to educate both the medical community and citizens on this serious and often fatal disease;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 2015, as **ALPHA-1 AWARENESS MONTH** in Illinois.

Issued by the Governor October 14, 2015

Filed by the Secretary of State October 30, 2015

**2015-307****American Pharmacists Month**

WHEREAS, pharmacy is one of the oldest of the health care professions dedicated to the health and well-being of all people; and,

WHEREAS, today, there are over 300,000 pharmacists licensed in the United States and nearly 19,500 licensed pharmacists in Illinois providing service and health care counseling to assure the rational and safe use of all medications; and,

## PROCLAMATIONS

WHEREAS, the effective and safe use of medication, when monitored by a licensed pharmacist, is a cost-effective alternative to more expensive medical procedures and is becoming a major force in moderating overall health care costs; and,

WHEREAS, today's powerful medications require greater attention to the manner in which they are used by different patient population groups, both clinically and demographically; and,

WHEREAS, it is important that all users of prescription and nonprescription medications be knowledgeable about their drug therapy; and,

WHEREAS, pharmacists, as health care providers, are specifically educated with a focus and level of expertise on medication therapy and are ideally suited to work collaboratively with other health care providers and patients to improve medication use and outcomes; and,

WHEREAS, pharmacists ensure the integrative safety of drug use by diligently working to reduce medication abuse, discontinuing medications with no indication, and advocating for the safe use of all medications; and,

WHEREAS, the American Pharmacists Association and the Illinois Pharmacists Association have declared October as the American Pharmacists Month with the theme "Know Your Medicines-Know Your Pharmacist";

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2015 as **AMERICAN PHARMACISTS MONTH** in Illinois, in recognition of the vital contributions made by pharmacists to health care in our State.

Issued by the Governor October 14, 2015

Filed by the Secretary of State October 30, 2015

**2015-308****Certified Veterinary Technicians Week**

WHEREAS, Certified Veterinary Technicians are important members of the veterinary health care team, work in veterinary medicine throughout the nation, and are extremely important in the effort to provide quality animal health care to insure the humane treatment of all animals; and,

WHEREAS, there are over sixty accredited programs throughout the United States which provide intensive study of the skills and knowledge to work competently as a Certified Veterinary Technician, including, anatomy, physiology, microbiology, clinical techniques,

## PROCLAMATIONS

pharmacology, anesthesiology, surgical and medical nursing, radiology, and clinical pathology training; and,

WHEREAS, it is extremely important that each Certified Veterinary Technician maintain certification, registration, or licensure through the successful completion of a national and or state examination, practice lifelong learning through continuing education and uphold high ethical standards; and,

WHEREAS, Certified Veterinary Technicians will be joining their colleagues across the country to urge all to become aware of the important contribution of Certified Veterinary Technicians to the health and well-being of all animals;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 11-17, 2015, as **CERTIFIED VETERINARY TECHNICIANS WEEK** in Illinois.

Issued by the Governor October 14, 2015

Filed by the Secretary of State October 30, 2015

**2015-309****Childhood Lead Poisoning Prevention Week**

WHEREAS, in 2014, more than 500,000 children in the United States were estimated to have blood lead levels greater than the intervention level recommended by the U.S. Centers for Disease Control and Prevention (CDC); and

WHEREAS, Illinois identified approximately 18,500 children with confirmed blood lead levels greater than the intervention level recommended by the CDC in 2014; and

WHEREAS, lead poisoning is one of the most preventable environmental health problems; and

WHEREAS, even at low levels, lead poisoning can affect nearly every system in the body, causing learning disabilities, shortened attention span, behavioral problems and, in extreme instances, seizure, coma and even death; and

WHEREAS, lead poisoning can affect any family regardless of race, socioeconomic status and education; and

WHEREAS, the major source of lead exposure among Illinois children continues to be lead-contaminated dust and lead-based paint banned in 1978; and

## PROCLAMATIONS

WHEREAS, while Illinois data indicates a significant decline in the number of lead poisoned children from 1996 to 2014, there still remain more than 3.5 million housing units and an estimated 2 million homes in Illinois that contain lead-based paint that can result in lead poisoning; and

WHEREAS, Illinois passed the Lead Poisoning Prevention Act in 1973 to set mandatory assessment, testing and reporting requirements; and

WHEREAS, Illinois established the Lead Poisoning Prevention Program in the Illinois Department of Public Health to monitor the identification and treatment of lead poisoned children; and

WHEREAS, Illinois implemented the amended Lead Poisoning Prevention Act in 2015, establishing new guidelines to expand on lead poisoning prevention efforts in the state; and

WHEREAS, Illinois is pleased to join with health care professionals, agencies and their delegates in observance of National Lead Poisoning Prevention Week, and in an effort to increase awareness and promote prevention of lead poisoning in children;

THEREFORE, I, Bruce Rauner, Governor of the state of Illinois, proclaim October 25-31, 2015, as **CHILDHOOD LEAD POISONING PREVENTION WEEK** in Illinois and encourage all citizens to recognize the prevalence of lead poisoning in our society and to join in working toward eradicating this unfortunate and unnecessary condition.

Issued by the Governor October 14, 2015

Filed by the Secretary of State October 30, 2015

**2015-310****Diabetes Awareness Month**

WHEREAS, diabetes affects 29.1 million people, 9.3% of the population in the United States, and is a serious disease for which there is no known cure and which is the seventh leading cause of death by disease in the United States; and,

WHEREAS, approximately one quarter of the Americans who have diabetes, 8.1 million people, do not know they have the disease and may experience damage to the heart, eyes, kidneys, and limbs without presenting any symptoms; and,

WHEREAS, another 86 million people have pre-diabetes, a condition which puts them at greater risk for developing Type 2 diabetes, and if current trends continue, 1 in 3 American adults will have diabetes by 2050; and,

## PROCLAMATIONS

WHEREAS, Type 1 diabetes (T1D) is an autoimmune disease in which a person's pancreas stops producing insulin; and,

WHEREAS, T1D occurs when the body's immune system attacks and destroys the insulin producing cells in the pancreas, and there is no prevention or present cure; and,

WHEREAS, T1D strikes both children and adults at any age and comes on suddenly, causing dependence on injected or pumped insulin for life, and carries the constant threat of devastating complications; and,

WHEREAS, diabetes has many faces, affecting everyone, young and old, and with minorities having an increased risk of developing the disease; and,

WHEREAS, an increase in community awareness of risk factors and symptoms related to diabetes can improve the likelihood that people with diabetes will get the attention they need before suffering the devastating complications of the disease;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim November, 2015, as **DIABETES AWARENESS MONTH** in the State of Illinois, and encourage all citizens to help fight this disease and its deadly complications by increasing awareness of the risk factors for diabetes, and by providing support to those suffering from diabetes.

Issued by the Governor October 14, 2015

Filed by the Secretary of State October 30, 2015

**2015-311****National Service Recognition Day**

WHEREAS, more than 15,000 people of all ages and backgrounds are serving in more than 2,000 national and local nonprofits, schools, faith-based organizations, and other groups across Illinois through national service programs; and,

WHEREAS, National Service Members serve their communities by improving education, protecting public safety, promoting healthy living, ensuring economic opportunity, safeguarding the environment, providing disaster relief, and promoting civic engagement; and,

WHEREAS, more than 2,800 AmeriCorps State and National, AmeriCorps VISTA, and AmeriCorps NCCC Members serving in Illinois will take their pledge and promise to carry this commitment to service throughout their lives; and,

## PROCLAMATIONS

WHEREAS, since 1994, over 35,000 Illinoisans have served over 48 million hours through AmeriCorps, which equals \$1.1 billion in impact; and,

WHEREAS, over 12,000 Senior Corps Members are currently contributing their lifetime of experience and talents through the Foster Grandparent, Senior Companion, and Retired and Senior Volunteer (RSVP) programs; and,

WHEREAS, the Social Innovation Fund is investing \$960,000 into 12 nonprofits in Illinois to act as a catalyst for growth; and,

WHEREAS, the Serve Illinois Commission on Volunteerism and Community Service is charged with enhancing and supporting community volunteerism in all its forms and in the administration of the AmeriCorps State program in Illinois;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim October 21, 2015, as **NATIONAL SERVICE RECOGNITION DAY** in the State of Illinois, and congratulate Illinois families of national service volunteers, both past and present, on their service in strengthening communities through volunteerism in the State of Illinois.

Issued by the Governor October 14, 2015

Filed by the Secretary of State October 30, 2015

**2015-312****Native American Heritage Month**

WHEREAS, the first American Indian Day was declared on the second Saturday in May of 1916 by the Governor of New York; and,

WHEREAS, in 1990 President George Bush approved a joint resolution designating November 1990 as National American Indian Heritage Month, and similar proclamations have been issued by American presidents every year since 1994; and,

WHEREAS, National American Indian and Alaska Native Heritage Month is celebrated in November to recognize Native American culture and to educate the public about the cultural heritage, traditions, history, and art of the American Indian and Alaskan native peoples; and,

WHEREAS, a consortium of Native American tribes once inhabited what is today Illinois, and those early civilizations have enriched our heritage and added to all aspects of our society; and,

## PROCLAMATIONS

WHEREAS, Illinois is home to Cahokia Mounds State Historic Site near Collinsville, Illinois, which contains the preserved remains of one of the most sophisticated prehistoric native civilizations north of Mexico; and,

WHEREAS, Native American culture is woven into the fabric of our daily lives from the foods we eat, the medicines and remedies we take, and the highways we drive, which are based on ancient trails; and,

WHEREAS, Illinoisans are grateful for the lasting cultural influences and contributions of Native Americans;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of November, 2015, as **NATIVE AMERICAN HERITAGE MONTH** in the State of Illinois and encourage all Illinoisans to celebrate and learn more about the cultural legacy of Illinois's Native Americans.

Issued by the Governor October 14, 2015

Filed by the Secretary of State October 30, 2015

**2015-313**  
**Paralegal Day**

Whereas, paralegals provide essential and vital legal support for many organizations, including law firms, corporate legal departments, and government offices; and,

Whereas, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and significance for the operation of American organizations and the application of American law; and,

Whereas, according to the United States Bureau of Labor Statistics, the paralegal profession will experience greater than average growth through the year 2015; and,

Whereas, created in 1972, the Illinois Paralegal Association represents more than 1,100 paralegals in our state. The association is one of the oldest and largest statewide organizations that supports paralegals and is celebrating its 43rd anniversary this year; and,

WHEREAS, the purpose of the Illinois Paralegal Association is to promote the paralegal profession and communication among paralegals, the legal community, and civic and professional organizations, as well as encourage the continuing education of paralegals;

## PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 5<sup>th</sup>, 2015, as **PARALEGAL DAY** in the State of Illinois, as the Illinois Paralegal Association meets for an annual conference, and to commend paralegals in our state for their contributions to our communities.

Issued by the Governor October 14, 2015

Filed by the Secretary of State October 30, 2015

**2015-314****Rural Health Day**

WHEREAS, 82 rural counties in Illinois are the heart and soul of Illinois and the United States; and,

WHEREAS, these communities are fueled by the creative energy of their leaders – ordinary people willing to step forward, share and implement a vision, and drive change that benefits everyone; and,

WHEREAS, rural communities are places where residents know each other, listen to and respect each other, and work together for the greater good; and,

WHEREAS, health care in rural America focuses on relationships – healthcare providers get to know the people they care for and have the opportunity to practice more patient-centered medicine; and,

WHEREAS, the main emphasis of rural health care has always been on providing affordable, holistic, primary care – a model for the rest of the country to follow as America transitions to a wellness/prevention-based system of health care; and,

WHEREAS, rural hospitals and health systems are often the economic foundation and largest employers of their communities; and,

WHEREAS, the healthcare needs of rural citizens are as unique as the communities in which they live and cannot be addressed by utilizing a "one size fits all" approach; and,

WHEREAS, addressing transportation, workforce, infrastructure and broadband/telecommunication needs and overcoming geographic barriers is necessary to ensure that all rural safety net providers can adequately meet the basic healthcare needs of the residents they serve; and,

## PROCLAMATIONS

WHEREAS, the Illinois Department of Public Health, Center for Rural Health, the National Organization of State Offices of Rural Health and other rural stakeholders provide services and resources and foster relationships that help rural communities address their unique healthcare needs; and,

WHEREAS, National Rural Health Day will be celebrated throughout America on November 19, 2015;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim November 19, 2015 to be **RURAL HEALTH DAY** in Illinois in honor of National Rural Health Day.

Issued by the Governor October 14, 2015

Filed by the Secretary of State October 30, 2015

**2015-315****Clinical Research Awareness Day**

WHEREAS, thousands of people in Illinois give the "gift of participation" by volunteering in clinical research studies each year; and

WHEREAS, Participation in clinical research helps to advance medical knowledge and ultimately public health; and

WHEREAS, The Center for Information and Study on Clinical Research Participation is an independent, non-profit organization dedicated to providing information to help people make informed decisions about clinical research participation; and

WHEREAS, Clinical research has made important medical advances that have improved the quality of life for the citizens of Illinois

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 28th, 2015, as **CLINICAL RESEARCH AWARENESS DAY** in Illinois and urge all the citizens of Illinois to take cognizance of this event and participate fittingly in its observance.

Issued by the Governor October 21, 2015

Filed by the Secretary of State October 30, 2015

**2015-316****National Apprenticeship Week**

## PROCLAMATIONS

WHEREAS, apprenticeships offer employers in every industry the tools to develop a highly skilled workforce to help successfully grow their business; and

WHEREAS, apprenticeships offer opportunities to earn a salary while learning the skills necessary to succeed in high-demand careers; and

WHEREAS, apprenticeships embody the highest competency standards, instructional rigor and quality training of all career based programs of study; and

WHEREAS, National Apprenticeship Week is an opportunity for the nation's apprenticeship community to tell the story of apprenticeship and is an invitation to business and industry, education, career seekers, community based organizations, students and workers to learn about the real world advantages of apprenticeships; and

WHEREAS, National Apprenticeship Week is a unique chance for employers to plan and host events that showcase leadership, raise awareness and promote the value of career based training systems and to create signature events locally, regionally or nationally; and

WHEREAS, Illinois consortia like the Central Illinois Center of Excellence in Secure Software and the Illinois Consortium for Advanced Technical Training are furthering Apprenticeships in Illinois by hosting events and raising public awareness during National Apprenticeship week that put a spotlight on the value of Apprenticeships;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 2-6, 2015, as **NATIONAL APPRENTICE WEEK** in Illinois, in support of meaningful pathways to promote jobs and economic prosperity.

Issued by the Governor October 21, 2015

Filed by the Secretary of State October 30, 2015

**2015-317****Progressive Multifocal Awareness Month**

WHEREAS, the Courtney Project Incorporated was founded by the father of Courtney Leigh Hewitt, who died of Progressive Multifocal Leukoencephalopathy (PML) in 2009; and,

WHEREAS, the Courtney Project Incorporated, with the support of 27 PML awareness affiliates across 26 states, carries out its mission to educate the public worldwide about the rare virus; and,

## PROCLAMATIONS

WHEREAS, the Courtney Project Incorporated and its state affiliates promote awareness and provide educational aides to the public and partners with various other agencies to seek a cure; and,

WHEREAS, PML attacks the white matter known as the myelin sheath, which protects the central nervous system's nerve endings resulting in stroke-like symptoms; and,

WHEREAS, PML is caused by the JC virus, which stands for John Cunningham, in whom the virus was first detected; and,

WHEREAS, there is no known cure for PML; and,

WHEREAS, reportedly 85 to 90 percent of the world's population carries the JC virus, which lays dormant within the bodies of those who have had chickenpox; and,

WHEREAS, the prognosis for most PML patients is normally three to six months unless it is caught and treated with medication;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2015 as **PROGRESSIVE MULTIFOCAL AWARENESS MONTH** in Illinois.

Issued by the Governor October 21, 2015

Filed by the Secretary of State October 30, 2015

**2015-318**  
**Respiratory Care Week**

WHEREAS, respiratory diseases are a major health problem in the United States; however, the causes of some respiratory diseases are unknown, and many have no known cure; and,

WHEREAS, appropriate therapy can often slow the progress of respiratory disease, relieve symptoms, reduce the extent of permanent lung damage and respiratory disability, and avert or delay the onset of life-threatening complications; and,

WHEREAS, there are educational programs for patients and their families, as well as a variety of treatments for respiratory disease such as the administration of life-supporting oxygen, drug treatment, lung rehabilitation; and,

WHEREAS, to inform the public about the respiratory care profession and promote lung health, the American Association for Respiratory Care and its affiliate organizations, including the Illinois Society for Respiratory Care, annually sponsor Respiratory Care Week; and,

## PROCLAMATIONS

WHEREAS, respiratory therapy centers throughout the country participate by hosting educational screenings, programs, and fundraisers patients in need of assistance and other worthy causes and,

WHEREAS, this year, the American Association and Illinois Society for Respiratory Care will observe Respiratory Care Week from October 25-31; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 25-31, 2015 as **RESPIRATORY CARE WEEK** in Illinois and urge all Illinoisans to raise awareness about respiratory diseases that affect the lives of many citizens of our state.

Issued by the Governor October 21, 2015

Filed by the Secretary of State October 30, 2015

**2015-319****School Psychology Awareness Week**

WHEREAS, all children and youth learn best when they are healthy, supported, and receive an education that enables them to strive, grow, and thrive academically, socially and emotionally; and,

WHEREAS, schools can more effectively ensure all students are able to learn when they meet the needs of the whole child and provide integrated, multi-tiered support; and,

WHEREAS, children's mental health is directly linked to their learning and development, and the learning environment provides an optimal context to promote good mental health; and,

WHEREAS, sound psychological principles are integral to instruction and learning, social and emotional development, prevention and early intervention, and safety, as well as supporting culturally diverse student populations; and,

WHEREAS, school psychology has more than 60 years of well established, widely recognized, and highly effective practices and standards that are included in the National Association for School Psychologist's Model for Comprehensive and Integrated School Psychology Services; and,

WHEREAS, school psychologists are specially trained to deliver a continuum of mental health services and academic supports that lower barriers to teaching and learning; and,

## PROCLAMATIONS

WHEREAS, school psychologists help children thrive by nurturing their individual strengths across both personal and academic endeavors; and,

WHEREAS, school psychologists are trained to assess student and school-based barriers to learning, utilize data-based decision-making, implement research-driven prevention and intervention strategies, evaluate outcomes and improve accountability; and,

WHEREAS, it is important that the citizens of the State of Illinois recognize the vital role that school psychologists play in the personal and academic development of our children;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 9-15, 2015, as **SCHOOL PSYCHOLOGY AWARENESS WEEK** in Illinois.

Issued by the Governor October 21, 2015

Filed by the Secretary of State October 30, 2015

**2015-320****James Vernon Day**

WHEREAS, on Tuesday, October 13, 2015 a 19-year-old man wielding a knife walked into the Morton Public Library in central Illinois; and,

WHEREAS, James Vernon, age 75, a U.S. Army veteran was teaching the game of chess to a group of 16 students; and,

WHEREAS, with the realization of the impending danger, James Vernon acted courageously by positioning himself between the attacker and the entryway allowing the students critical time to flee to safety; and,

WHEREAS, the man attacked James Vernon with two knives, cutting two arteries and damaging a tendon; and,

WHEREAS, James Vernon was able to successfully fend off the disturbed attacker using knife training he received nearly 50 years ago; and,

WHEREAS, James Vernon's quick thinking, selflessness, and heroic actions saved the lives of many students and thwarted a potentially heinous tragedy;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois do hereby proclaim Monday, October 26th, 2015 as **JAMES VERNON DAY** in Illinois in recognition and gratitude of his bravery and lifesaving actions.

PROCLAMATIONS

Issued by the Governor October 23, 2015

Filed by the Secretary of State October 30, 2015

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 39, Issue 46 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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