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September 16, 2016 Volume 40, Issue 38

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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 2016

| Issue# | Rules Due Date | Date of Issue |
|---------------|-----------------------|----------------------|
| 1 | December 21, 2015 | January 4, 2016 |
| 2 | December 28, 2015 | January 8, 2016 |
| 3 | January 4, 2016 | January 15, 2016 |
| 4 | January 11, 2016 | January 22, 2016 |
| 5 | January 19, 2016 | January 29, 2016 |
| 6 | January 25, 2016 | February 5, 2016 |
| 7 | February 1, 2016 | February 16, 2016 |
| 8 | February 8, 2016 | February 19, 2016 |
| 9 | February 16, 2016 | February 26, 2016 |
| 10 | February 22, 2016 | March 4, 2016 |
| 11 | February 29, 2016 | March 11, 2016 |
| 12 | March 7, 2016 | March 18, 2016 |
| 13 | March 14, 2016 | March 25, 2016 |
| 14 | March 21, 2016 | April 1, 2016 |
| 15 | March 28, 2016 | April 8, 2016 |
| 16 | April 4, 2016 | April 15, 2016 |
| 17 | April 11, 2016 | April 22, 2016 |
| 18 | April 18, 2016 | April 29, 2016 |
| 19 | April 25, 2016 | May 6, 2016 |
| 20 | May 2, 2016 | May 13, 2016 |
| 21 | May 9, 2016 | May 20, 2016 |
| 22 | May 16, 2016 | May 27, 2016 |

| | | |
|----|--------------------|--------------------|
| 23 | May 23, 2016 | June 3, 2016 |
| 24 | May 31, 2016 | June 10, 2016 |
| 25 | June 6, 2016 | June 17, 2016 |
| 26 | June 13, 2016 | June 24, 2016 |
| 27 | June 20, 2016 | July 1, 2016 |
| 28 | June 27, 2016 | July 8, 2016 |
| 29 | July 5, 2016 | July 15, 2016 |
| 30 | July 11, 2016 | July 22, 2016 |
| 31 | July 18, 2016 | July 29, 2016 |
| 32 | July 25, 2016 | August 5, 2016 |
| 33 | August 1, 2016 | August 12, 2016 |
| 34 | August 8, 2016 | August 19, 2016 |
| 35 | August 15, 2016 | August 26, 2016 |
| 36 | August 22, 2016 | September 2, 2016 |
| 37 | August 29, 2016 | September 9, 2016 |
| 38 | September 6, 2016 | September 16, 2016 |
| 39 | September 12, 2016 | September 23, 2016 |
| 40 | September 19, 2016 | September 30, 2016 |
| 41 | September 26, 2016 | October 7, 2016 |
| 42 | October 3, 2016 | October 14, 2016 |
| 43 | October 11, 2016 | October 21, 2016 |
| 44 | October 17, 2016 | October 28, 2016 |
| 45 | October 24, 2016 | November 4, 2016 |
| 46 | October 31, 2016 | November 14, 2016 |
| 47 | November 7, 2016 | November 18, 2016 |
| 48 | November 14, 2016 | November 28, 2016 |
| 49 | November 21, 2016 | December 2, 2016 |
| 50 | November 28, 2016 | December 9, 2016 |
| 51 | December 5, 2016 | December 16, 2016 |
| 52 | December 12, 2016 | December 27, 2016 |
| 53 | December 19, 2016 | December 30, 2016 |

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code Citation: 89 Ill. Adm. Code 300
- 3) Section Number: 300.Appendix B Proposed Action: Amendment
- 4) Statutory Authority: 325 ILCS 5
- 5) A Complete Description of the Subjects and Issues Involved: A new allegation, #86, has been added to Appendix B as a result of changes to ANCRA in which the Department now has the authority to investigate and indicate an agency for neglect to a child. Additionally, DCFS is requesting a change to Allegation #74, in order to more accurately reflect Director Sheldon's policy to allow parents to make prudent and reasonable parenting decisions regarding their children. The timing of the revision to Allegation #74 is important to avoid potential litigation that was beyond DCFS' statutory authority as set forth in the Abused and neglected Child Reporting Act.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services

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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 300
REPORTS OF CHILD ABUSE AND NEGLECT

| Section | |
|----------------|----------------------------------------------------------------------------------------------------------------|
| 300.10 | Purpose |
| 300.20 | Definitions |
| 300.30 | Reporting Child Abuse or Neglect to the Department |
| 300.40 | Content of Child Abuse or Neglect Reports |
| 300.45 | Five Year Demonstration of the Differential Response Program |
| 300.50 | Transmittal of Child Abuse or Neglect Reports |
| 300.60 | Special Types of Reports (Recodified) |
| 300.70 | Referrals to the Local Law Enforcement Agency and State's Attorney |
| 300.80 | Delegation of the Investigation |
| 300.90 | Time Frames for the Investigation |
| 300.100 | Initial Investigation |
| 300.110 | The Formal Investigative Process |
| 300.120 | Taking Children into Temporary Protective Custody |
| 300.130 | Notices Whether Child Abuse or Neglect Occurred |
| 300.140 | Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents |
| 300.150 | Referral for Other Services |
| 300.160 | Special Types of Reports |
| 300.170 | Child Death Review Teams |
| 300.180 | Abandoned Newborn Infants |
| 300.APPENDIX A | Acknowledgement of Mandated Reporter Status |
| 300.APPENDIX B | Child Abuse and Neglect Allegations |

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill.

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Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendment at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13590, effective November 15, 1999; amended at 24 Ill. Reg. 7707, effective June 1, 2000; amended at 25 Ill. Reg. 12781, effective October 1, 2001; amended at 26 Ill. Reg. 7435, effective May 15, 2002; amended at 26 Ill. Reg. 11730, effective August 1, 2002; amended at 27 Ill. Reg. 1114, effective January 15, 2003; amended at 27 Ill. Reg. 9431, effective June 9, 2003; peremptory amendment at 29 Ill. Reg. 21065, effective December 8, 2005; amended at 33 Ill. Reg. 7862, effective June 15, 2009; amended at 34 Ill. Reg. 6373, effective May 1, 2010; amended at 35 Ill. Reg. 1599, effective January 15, 2011; amended at 35 Ill. Reg. 2861, effective February 8, 2011; amended at 36 Ill. Reg. 4026, effective March 5, 2012; amended at 36 Ill. Reg. 16756, effective November 15, 2012; emergency amendment at 38 Ill. Reg. 1100, effective January 1, 2014, for a maximum of 150 days; emergency expired May 30, 2014; amended at 38 Ill. Reg. 1962, effective December 31, 2013; amended at 38 Ill. Reg. 13214, effective June 11, 2014; amended at 40 Ill. Reg. 648, effective December 31, 2015; amended at 40 Ill. Reg. 7682, effective May 16, 2016; amended at 40 Ill. Reg. _____, effective _____.

Section 300.APPENDIX B Child Abuse and Neglect Allegations

This Appendix describes the specific incidents of harm which must be alleged to have been caused by the acts or omissions of the persons identified in Section 3 of the Abused and Neglected Child Reporting Act before the Department will accept a report of child abuse or neglect. The allegation definitions focus upon the harm or the risk of harm to the child. Many of

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the allegations of harm can be categorized as resulting from either abuse or neglect. All abuse allegations of harm are coded with a one or two digit number under 50. All neglect allegations of harm are coded with a two digit number greater than 50. The allegations of harm are defined as follows:

ALLEGATION #**DEFINITION****1/51****Death**

Death means the permanent cessation of all vital functions.

The following definitions of death are also commonly used:

- Total irreversible cessation of cerebral function, spontaneous function of the respiratory system, and spontaneous function of the circulatory system;
- The final and irreversible cessation of perceptible heartbeat and respiration.

Verification of death must come from a physician or coroner.

2/52**Head Injuries**

As used in this Part, head injury means a serious head injury causing skull fracture, brain damage or bleeding on the brain, such as subdural hematoma. Brain damage, skull fractures, hematomas and subdural hematomas are considered head injuries.

Brain Damage

Brain damage means injury to the brain contained within the cranium skull.

Skull Fracture

Skull fracture means a broken bone of the skull.

Hematoma

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Hematoma means a swelling or mass of blood (usually clotted) confined to an organ, tissue or space and caused by a break in a blood vessel.

Subdural Hematoma

Subdural means beneath the dura mater (the outer membrane covering the spinal cord and brain).

A subdural hematoma is located beneath the membrane covering the brain and is usually the result of head injuries or the shaking of a small child or infant. It may result in the loss of consciousness, seizures, mental or physical damage, or death.

Additional abusive head trauma includes subarachnoid subgaleal and epidural hematomas.

Shaken Baby Syndrome

Abusive head trauma in infants and children is the medical diagnosis and communication to describe the historical term shaken baby syndrome.

Shaking of an infant causes stretching and tearing of blood vessels in the brain causing subdural hematoma, bleeding in the brain and retinal hemorrhage. These injuries may occur with or without obvious evidence of impact.

Verification of head injuries and the presence or absence of any predisposing medical condition that may have caused or contributed to the injuries must come from a physician, preferably a neurosurgeon or radiologist.

Internal Injuries

An internal injury is an injury which is not visible from the outside, e.g., an injury to the organs occupying the thoracic or abdominal cavities. Such injury may result from a direct blow or a penetrating injury. A person so injured may be pale, cold, perspiring freely, have an anxious expression, or may seem semicomatose. Pain is usually intense at first,

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and may continue or gradually diminish as patient grows worse.

Verification of internal injuries must come from a physician.

5/55

BurnsBurns

Burns are tissue injuries resulting from excessive exposure to thermal, chemical, electrical or radioactive agents. The effects vary according to the type, duration and intensity of the agent and the part of the body involved. Burns are usually classified as first, second, third or fourth degree.

- **First Degree (Partial Thickness)**
First degree burns are superficial burns in which damage is limited to the outer layer of the epidermis (skin) and are characterized by scorching or painful redness of the skin.
- **Second Degree (Partial Thickness)**
Second degree burns are burns in which the damage extends through the outer layer of the skin into the inner layers (dermis). Blistering will be present within 24 hours.
- **Third Degree (Full Thickness)**
Third degree burns are burns in which both layers of the skin (epidermis and dermis) are destroyed with damage extending into underlying tissues, which may be charred or coagulated.
- **Fourth Degree (Full Thickness)**
Fourth degree burns are burns that extend beyond skin and underlying tissues into bone, joints and muscles.

Scalding

Scalding is a burn to the skin or flesh caused by moist heat and hot vapors, as steam.

Verification must come from a physician.

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6/56**Poison/Noxious Substances**Poison

A poison is any substance, other than mood altering chemicals or alcohol, taken into the body by ingestion, inhalation, injection, or absorption that interferes with normal physiological functions. Virtually any substance can be poisonous if consumed in sufficient quantity. Therefore, the term poison more often implies an excessive amount rather than the existence of a specific substance.

Noxious Substances

Any substance deemed to be harmful, injurious, not wholesome.

Verification must come from a physician or by a direct admission from the alleged perpetrator that the poison/noxious substance was given to the minor by other than accidental means.

7/57**Wounds**

A wound is a gunshot or stabbing injury.

Verification must come from a physician, a law enforcement officer or by a direct admission from the alleged perpetrator.

9/59**Bone Fractures**

A fracture is a broken bone or certain cartilage injuries such as a broken nose.

Metaphyseal/Epiphyseal Fractures

Fractures located at the end of bones. They are commonly described as corner fractures, chipped fractures or bucket-handle fractures.

Diaphyseal Fractures

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Diaphyseal fractures are located in the bone shaft. Fractures in the shaft of long bones of the extremities are spiral (oblique) or transverse. A spiral fracture is caused by twisting or rotational force. Transverse fractures results from a direct blow or bending force.

Verification of the injury and the likely cause, including presence or absence of any predisposing medical conditions that may have caused or contributed to the injury, must come from a physician, preferably an orthopedist or radiologist.

10/60

**Substantial Risk of Physical Injury (Abuse)/Environment
Injurious to Health and Welfare (Neglect)****10 – Substantial Risk of Physical Injury (Abuse)**

Substantial risk of physical injury means that the *parent*, caregiver, *immediate family member* aged 16 or over, other person *residing in the home* aged 16 or over, or the *parent's paramour* has created a real and significant danger of *physical injury by other than accidental means that would likely cause death, disfigurement, impairment of physical health or loss or impairment of any body function* [325 ILCS 5/3]. This allegation of harm is to be used when the type or extent of harm is undefined but the total circumstances lead a reasonable person to believe that the child is at substantial risk of physical injury. This allegation of harm also includes incidents of violence or intimidation directed toward the child that have not yet resulted in injury or impairment but that clearly threaten injury or impairment.

Incidents

Examples of incidents that can cause a substantial risk of physical injury include, but are not limited to:

- Choking the child;
- Smothering the child;
- Pulling the child's hair out;

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- Violently pushing or shoving the child into fixed or heavy objects;
- Throwing or shaking a smaller child;
- Subjecting the child to participation in or witnessing the physical abuse or restraint of another person when it is used by the perpetrator to intimidate the child (e.g., this could happen to you, this will happen to you); or
- Other violent or intimidating acts directed toward the child that cause excessive pain or fear.

Circumstances

Examples of circumstances that place the child in substantial risk of physical injury include, but are not limited to:

- A perpetrator of child abuse who has been ordered by a court to remain out of the home returns home and has access to the abused child;
- Anyone living in the home has a documented history of violence toward children or has been arrested for violence to a child;
- Domestic violence in the home when the child has been threatened and the threat is believable, as evidenced by a past history of violence or uncontrolled behavior on the part of the perpetrator;
- Allowing or encouraging a child to be involved in a criminal activity; or
- The circumstances surrounding the death of one child provides reason to believe that another child is at real and significant risk of harm.

60 – Environment Injurious to Health and Welfare (Neglect)

Environment injurious means that a *child's environment creates a likelihood of harm to the child's health, physical well-being or welfare*

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and that the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities [325 ILCS 5/3]. This allegation shall be used when the type or extent of harm is undefined but the totality of circumstances, including inculpatory and exculpatory evidence, leads a reasonable person to believe that the child's environment may likely cause harm to the child's health, physical well-being or welfare due to the parent's or caretaker's blatant disregard. Blatant disregard is defined as an incident where the real, significant and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm [325 ILCS 5/3]. This allegation of harm shall also be used when there are conditions that create a real, significant and imminent likelihood of harm to the child's health, well-being or welfare (i.e., domestic violence, intimidation, or a child's participation in a criminal act) and the parent or caretaker blatantly disregarded his/her parental responsibility by failing to exercise reasonable precautionary measures to prevent or mitigate the imminent risk of moderate to severe harm.

Circumstances

Examples of circumstances that may create real, significant and imminent risk of moderate to severe harm include, but are not limited to:

- exposure to toxic vapors resulting from flammable or corrosive chemicals used in the manufacture of illicit drugs;
- the circumstances surrounding the death of one child provides reason to believe that another child is at real, significant and imminent risk of harm;
- exposing a child to an environment that significantly affects the health and safety of the child, based on the sale or manufacture of illegal drugs;
- a court has adjudicated a parent as unfit and the parent has not completed services that would correct the conditions or behavior leading to the court finding;

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- situations that place a child at substantial risk of harm due to the effects of being subjected to participation in or the witnessing of the use of physical force or restraint of another.

Examples of circumstances that may, though not by themselves, create a real, significant and imminent risk of moderate to severe harm include, but are not limited to:

- Domestic Violence: The Illinois Domestic Violence Act defines domestic violence as a crime in which *physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation* [750 ILCS 60/103(1) and (3)] is perpetrated by one family or household member against another. *Family or household members include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who shared or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants and caregivers as defined in Section 12-4.4a of the Criminal Code of 2012 [720 ILCS 5/12-4.4a]. [720 ILCS 5/12-0.1]*
 - An incident of past or current domestic violence may qualify for an allegation of environment injurious if the domestic violence creates a real, significant and imminent risk of moderate to severe harm to the child's health, physical well-being, or welfare, and the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of harm to the child.
 - Domestic violence is also referred to as "intimate partner violence". The adult victim of domestic violence, who is the non-offending parent or caregiver, is presumed to not be neglectful or to have created an environment injurious to the child so long as he or she has exercised precautionary measures to prevent or mitigate the real, significant and imminent risk of moderate to severe harm to the child.
- Mental Health: A parent's or caregiver's mental illness and behavior

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may qualify for an allegation of environment injurious if an incident or behavior that is symptomatic of the mental illness creates a real, significant and imminent risk of moderate to severe harm to the child's health, physical well-being or welfare, and if the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of harm to the child. To indicate an allegation based on this factor, the Investigation Specialist must rule out dependency, as defined in the Juvenile Court Act of 1987 [705 ILCS 405], as the presenting problem.

- **Substance Abuse/Dependence:** A parent's or caregiver's substance abuse/dependence and behavior may qualify for an allegation of environment injurious if an incident or behavior caused by the substance abuse/dependence creates a real, significant and imminent risk of moderate to severe harm to a child's health, physical well-being or welfare, and if the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of harm to the child.
- **Prior Harm to a Child:** Prior harm to a child may qualify for an allegation of environment injurious on behalf of another child if the prior incidents of harm create a real, significant and imminent risk of moderate to severe harm to the child's health, physical well-being or welfare and if the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of harm to the child.

Factors To Be Considered

Whether there is a real and significant danger to justify taking a report is determined by the following factors. All factors need not be present to justify taking the report. One factor alone may present sufficient danger to justify taking the report. The list of factors does not constitute child abuse or neglect in every instance. All factors must be given consideration in order to identify potential aggravating or mitigating circumstances.

- The child's age;

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- The child's medical condition, behavioral, mental or emotional problems, developmental disability or physical handicap, particularly related to his or her ability to protect himself or herself;
- The severity of the occurrence;
- The frequency of the occurrence;
- The alleged perpetrator's physical, mental and emotional abilities, particularly related to his or her ability to control his or her actions;
- The dynamics of the relationship between the alleged perpetrator and the child;
- The alleged perpetrator's access to the child;
- The previous history of indicated abuse or neglect;
- The current stresses or crisis in the home;
- The presence of other supporting persons in the home; or
- The precautionary measures exercised by a parent or caregiver to protect the child from harm.

11/61

Cuts, Bruises, Welts, Abrasions and Oral InjuriesCut (Laceration)

A cut is an opening, incision or break in the skin made by some external agent.

Bruise

A bruise is an injury that results in bleeding under the skin, in which the skin is discolored but not broken. A bruise is also referred to as a contusion.

Welt

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A welt is an elevation on the skin produced by a lash, blow, or allergic stimulus. The skin is not broken and the mark is reversible.

Abrasion

An abrasion is the scraping away of the skin.

Oral Injuries

Oral injuries are injuries to the child's mouth, including broken teeth.

Factors To Be Considered

Not every cut, bruise, welt, abrasion, or oral injury constitutes an allegation of harm. The following factors should be considered when determining whether an injury that resulted in cuts, bruises, welts, abrasions or oral injuries constitutes an allegation of abuse or neglect:

- The child's age, mobility and developmental stage. Bruises on children younger than 6 months are suspicious due to the limited mobility often seen in children 0 to 6 months of age.
- The child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly as they relate to the child's ability to seek help.
- A single incident or pattern or chronicity of similar events.
- The severity/extent of the cuts, bruises, welts, abrasions, or oral injuries (size, number, depth, extent of discoloration). Some bruises may fade quickly, such as around a young child's mouth, but still be considered serious if the type of bruise (e.g., fingerprint marks) suggest intentionality.
- The location of the cuts, bruises, welts, abrasions, or oral injuries. Accidental bruises are frequently seen over bony areas such as knees, shins, the forehead, and other exposed bony surfaces. Bruises located on padded areas such as the buttocks, cheeks, genitalia, or on

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relatively protected areas like the ear lobes, neck or upper lip, or on soft areas such as the stomach are highly suspicious.

- The pattern of the injury.
- Whether the injury was caused by an instrument used on the child.
- Previous history of indicated abuse or neglect, or history of previous injuries.

If the child has been treated by a physician, verification of the injury and the likely cause, including the presence or absence of any predisposing medical conditions that may have caused or contributed to the injury, must come from the physician who treated the child. Direct admission of the alleged perpetrator.

12/62**Human Bites**

A human bite is a bruise, cut or indentation in the skin caused by seizing, piercing, or cutting the skin with human teeth.

Previous history of indicated abuse or neglect or history of previous injuries.

13/63**Sprains/Dislocations**Sprain

A sprain is a trauma to a joint that causes pain and disability, depending upon the degree of injury to ligaments and/or surrounding muscle tissue. In a severe sprain, ligaments and/or muscle tissue may be completely torn. The signs are rapid swelling, heat and disability, often discoloration and limitation of function.

Dislocation

A dislocation is the displacement of any part, especially the temporary displacement of a bone from its normal position in a joint. Types of dislocations include complicated, compound, closed and complete.

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- **Complicated.** A complicated dislocation is associated with other major injuries.
- **Compound.** A compound dislocation is one in which the joint is exposed to the external air.
- **Closed.** A closed dislocation is a simple dislocation.
- **Complete.** A complete dislocation is a dislocation that completely separates the surfaces of a joint.

The injury was inflicted or allowed to be inflicted through other than accidental means or was a result of blatant disregard of parental or caregiver responsibilities.

Verification of the injury and likely cause, including the presence or absence of any predisposing medical condition that may have caused or contributed to the injury, must come from a physician, preferably an orthopedist or radiologist.

14**Tying/Close Confinement**

Tying/close confinement is the unreasonable restriction of a child's mobility, actions, or physical functioning by tying the child to a fixed (or heavy) object, tying limbs together or forcing the child to remain in a closely confined area that restricts physical movement. Examples include, but are not limited to:

- Locking a child in a closet or small room;
- Tying one or more limbs to a bed, chair, or other object, except as authorized by a licensed physician;
- Tying a child's hand behind his or her back;
- Putting a child in a cage;

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- Locking or blocking exits with the intention of preventing the child's ability to escape in case of an emergency.

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Substance MisuseOption A

The consumption of a mood altering chemical capable of intoxication to the extent that it harmfully affects the child's health, behavior, motor coordination, judgment, or intellectual capability. Mood altering chemicals include cannabis (marijuana), hallucinogens, stimulants (including cocaine and methamphetamine), sedatives (including alcohol and Valium), narcotics, or inhalants (abuse/neglect). Abuse occurs if the parent provides the substance to the child. Neglect occurs if the parent allows the use or fails to protect the child from consumption.

Option B

A diagnosis of fetal alcohol syndrome or drug withdrawal at birth caused by the mother's addiction to drugs is included in this definition and is considered child neglect (neglect).

Option C

Any amount of a controlled substance or a metabolite thereof that is found in the blood, urine or meconium (newborn's first stool) of a newborn infant. A controlled substance is defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act [720 ILCS 570/102] (neglect). The presence of such substances shall not be considered as child neglect if the presence is due to medical treatment of the mother or infant.

NOTE: Methadone withdrawal or other withdrawal verified as under the auspices of a drug treatment program is not included under drug withdrawal at birth.

Examples

- Giving a minor (unless prescribed by a physician) any amount of

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heroin, cocaine, morphine, peyote, LSD, PCP, pentazocine, or methaqualone or encouraging, insisting, or permitting a minor's consumption of the above substances.

- Giving any mood altering substance, including alcohol or sedatives, unless prescribed by a physician, to an infant or toddler.
- Encouraging, insisting or permitting any minor to become intoxicated by alcohol, drugs, or another mood altering substance even if on an infrequent basis.

Parents supervising children permitted to drink a small amount of alcohol as part of a religious or family celebration should not be considered abusive/neglectful.

Factors To Be Considered

- Age of the child;
- Frequency of substance misuse;-
- Amount of substance consumption;
- Whether the substance is illegal for general population use;
- Degree of behavioral dysfunction, or physical impairment linked to substance misuse;
- The child's culture, particularly as it relates to use of alcohol in religious ceremonies or on special occasions;
- Whether the parent or caregiver's attempts to control an older child's substance misuse or to seek help for the child's substance misuse were reasonable under the circumstances;
- Whether the parent or caregiver knew or should have known of the child's substance misuse.

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Torture means inflicting, or subjecting the child to, intense physical and/or mental pain, suffering or agony that can be a one time incident or is severe, repetitive, increased or prolonged. This definition includes genital mutilation.

17/67**Mental and Emotional Impairment**

Mental and emotional impairment means injury to the intellectual, emotional or psychological development of a child as evidenced by observable and substantial impairment in the child's ability to function within a normal range of performance and behavior, with due regard to his or her culture.

Verification that a child has been mentally injured must come from a medical doctor, psychiatrist, registered psychologist, certified social worker, registered nurse or a therapist or counselor of a community mental health agency or a licensed therapist in private practice.

18**Sexually Transmitted Diseases**

A sexually transmitted disease is a disease that was acquired originally as a result of sexual penetration or sexual conduct with an individual who is afflicted with the disease. The diseases may include, but are not limited to:

- Acquired Immune Deficiency Syndrome (AIDS)
- AIDS Related Complex (ARC)
- Chancroid
- Chlamydia Trachomatis
- Genital Herpes
- Genital Warts
- Gonorrhea

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- Granuloma Inquinale
- HIV Infection
- Lymphogranuloma Venereum
- Neisseria Gonorrhoea
- Proctitis
- Syphilis
- Trichomonas Vaginalis (Symptomatic)

Sexual penetration is defined in the Illinois Criminal Sexual Assault Act as "any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration."

Sexual conduct is defined in the Act as "any intentional or knowing touching or fondling of the victim or the perpetrator, either directly or through clothing of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child...for the purpose of sexual gratification or arousal of the victim or the accused."

Verification of sexually transmitted diseases must come from a medical source.

Sexual Penetration

Sexual penetration is any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person. This includes acts commonly known as oral sex (cunnilingus, fellatio), anal penetration, coition, coitus, and copulation.

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In order to indicate this allegation, benign touching for the purpose of rendering normal, routine and reasonable care must be ruled out.

20**Sexual Exploitation**

Sexual exploitation is the use of a child for sexual arousal, gratification, advantage, or profit. This includes, but is not limited to:

- Indecent solicitation of a child/explicit verbal enticement;
- Child pornography;
- Intentionally exposing a child to sexually explicit material in any form;
- Exposing sexual organs to a child for the purpose of sexual arousal or gratification;
- Forcing the child to watch sexual acts;
- Self-masturbation in the child's presence;
- Other behavior by an eligible perpetrator that, when considered in the context of the circumstances, would lead a reasonable person to conclude that sexual exploitation of a child has occurred.

NOTE: Sexual penetration and molestation are excluded from this allegation. They are listed as separate allegations.

21**Sexual Molestation**

Sexual molestation is sexual conduct with a child when the contact, touching or interaction is used for arousal or gratification of sexual needs or desires. Parts of the body, as used in the examples below, refer to the parts of the body described in the definition of sexual conduct found in the Illinois Criminal Sexual Assault Act [720 ILCS 5/12-12] as quoted above under Allegation 18, Sexually Transmitted Diseases. Examples include, but are not limited to:

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- Fondling;
- The alleged perpetrator inappropriately touching or pinching parts of the child's body generally associated with sexual activity;
- Encouraging, forcing, or permitting the child to touch parts of the alleged perpetrator's body normally associated with sexual activity.

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Substantial Risk of Sexual Injury

Substantial risk of sexual injury means that the parent, caregiver, immediate family member, other person residing in the home, or the parent's paramour has created a real and significant danger of sexual abuse as explained in the following options.

Option A

An indicated, registered, or convicted sex perpetrator has significant access to children, and the extent/quality of supervision during contact is unknown or suspected to be deficient.

Option B

There are siblings or other children in the same household as the alleged perpetrator of a current allegation of sexual abuse. There is credible information/evidence of a current or previous incident of child sexual abuse that did not meet Department eligibility requirements for a report to be taken (e.g., an ineligible victim or the victim discloses after attaining the age of 18) and the alleged perpetrator has current access to children.

Option C

Persistent, highly sexualized behavior or knowledge in a very young child (e.g., under the age of 5 chronologically or developmentally) that is grossly age inappropriate, and there is reasonable cause to believe that the most likely manner in which this behavior or knowledge was learned is in having been sexually abused.

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Reports of risk of sexual harm are not to be taken solely on the inappropriate or suggestive behavior of the alleged offender or because there is insufficient information for an allegation of specific sexual abuse.

If, during the course of the investigation, a specific allegation of harm is identified, the appropriate allegation must be added and a determination made on all the allegations. If another allegation is determined to be more appropriate, that allegation should be utilized and the substantial risk of sexual injury allegation unfounded.

Option D

A member of the household is suspected of, or known to possess or engage in, the making and/or distribution of child pornography and has significant access to the children and the extent/quality of the supervision is unknown or suspected to be deficient.

A member of the household has engaged in child pornography activities outside and/or inside the residence and has significant access to the child and the extent/quality of the supervision is unknown or suspected to be deficient.

40/90

Human Trafficking of Children

Federal law defines severe forms of trafficking of persons as: sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. (22 USC 7102(8))

Incidents of Maltreatment

- Coerced labor exploitation (abuse);
- Domestic servitude (abuse);
- Commercial sexual exploitation (i.e., prostitution) (abuse);

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- Anyone in the home exposes the child to an environment that significantly influences the child's health and safety (neglect).

Factors To Be Considered

All factors need not be present to justify taking a report. One factor alone may present sufficient danger to justify taking a report.

- The child's age.
- The child's inability to attend school on a regular basis due to actions of the perpetrator.
- A child who is a chronic runaway has been recruited, enticed, harbored and transported for the purpose of forced labor and/or commercial sexual exploitation.
- The child makes references to frequent travel to other cities.
- The child makes reference to having a pimp.
- The child makes reference to being coerced into performing illegal activities.
- The child exhibits bruises or other physical trauma, withdrawn behavior, depression or fear.
- The child lacks control over his or her identification documents.
- The child shows signs of exposure to drug manufacturing.

Additional factors that may indicate sex-related trafficking include the following:

- The child has a sudden change in attire, behavior or material possessions (e.g., expensive items).

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- The child makes references to sexual situations that are beyond age-specific norms.
- The child has a "boyfriend/girlfriend" who is noticeably older (10+ years).
- The child makes references to terminology of the commercial sex industry that are beyond age-specific norms or engages in promiscuous behavior and may be labeled "fast" by peers.

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Inadequate Supervision

Inadequate supervision occurs when a child is placed at a real, significant and imminent risk of likely harm due to a parent's or caregiver's blatant disregard of parental or caregiver responsibilities of care and support, including supervision.

"Blatant disregard" means an incident where the real, significant, and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm. [325 ILCS 5/3]

Option A – Children Left Home Alone, Outside or in the Community

This option may be used when a child has been placed at a real, significant and imminent risk of likely harm by being left alone at home, outside or in the community due to a parent's or caregiver's blatant disregard of his or her duty of care.

Option B – Children Left in Vehicles

This option may be used when a child has been placed at a real, significant and imminent risk of likely harm by being left alone inside a vehicle due to a parent's or caregiver's blatant disregard of his or her duty of care.

Option C – Children Left in the Care of an Inadequate Caregiver

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This option may be used when a child has been placed at a real, significant and imminent risk of likely harm by being left in the care of an individual whose age, impairment, lack of qualifications or insufficient capabilities posed an obvious risk of likely harm to the child due to a parent's or caretaker's blatant disregard of his or her duty of care.

Option D – General Category

This option may be used when a child has been placed at a real, significant and imminent risk of likely harm when the child is not receiving proper care or support, including supervision due to a parent's or caregiver's blatant disregard of his or her duty of care.

Factors to Be Considered

To determine if the child is placed at a real, significant and imminent risk of likely harm due to a parent's or caregiver's blatant disregard of parental or caregiver responsibilities, the following factors should be considered. The list of factors does not constitute child neglect in every instance and all factors need not be present when making a final finding determination.

- Age of the child;
- Special needs of the child;
- Maturity level of the child;
- The duration of time and frequency of occurrence the child was left without care and support, including supervision;
- The time of day or night the child was left without care and support, including supervision;
- Weather conditions, including whether the child was left in a location with adequate protection from the natural elements, such as adequate heat, light or shelter;
- Condition or location of the place where the child was left without care and support, including supervision;

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- The location and accessibility of the parent or guardian to the child;
- The physical distance the child was from the parent or guardian at the time the child was without care and support, including supervision;
- Whether the child was given a phone number of a person or location to call in the event of an emergency and whether the child was capable of making an emergency call;
- Whether the child's movement was restricted;
- The child's access to or ability to access provisions necessary for his or her physical well-being, such as food, water, necessary medication or medical treatments;
- The age and physical and mental capabilities of the caregiver;
- The number and ages of the children left at the location;
- Other factors that may endanger the health and safety of the child;
- Other factors that demonstrate that the parent or caregiver took other precautionary measures to prevent or mitigate the risk of any harm to the child.

~~The child has been placed in a situation or circumstances that are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for this or her welfare has left the child in the care of an adult relative for any period of time [325 ILCS 5/3]. Examples include, but are not limited to:~~

- ~~– Leaving children alone when they are too young to care for themselves.~~
- ~~– Leaving children alone who have a condition that requires close supervision. Such conditions may include medical conditions, behavioral, mental or emotional problems, or developmental or~~

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~~physical disabilities.~~

- ~~- Leaving children in the care of an inadequate or inappropriate caregiver.~~
- ~~- Being present but unable to supervise because of the caregiver's condition. (This includes (1) the parent or caregiver repeatedly uses drugs or alcohol to the extent that it has the effect of producing a substantial state of stupor, unconsciousness, intoxication or irrationality and (2) the parent or caregiver cannot adequately supervise the child because of his or her medical condition, behavioral, mental, or emotional problems, or a developmental or physical disability.)~~
- ~~- Leaving children unattended in a place that is unsafe for them when their maturity, physical condition, and mental abilities are considered.~~

Factors To Be Considered

~~The following factors should be considered when determining whether a child is inadequately supervised:~~

Child Factors

- ~~- The child's age and developmental stage, particularly related to the ability to make sound judgments in the event of an emergency.~~
- ~~- The child's physical condition, particularly related to the child's ability to care for or protect himself or herself. Is the child physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications?~~
- ~~- The child's mental abilities, particularly as they relate to the child's ability to comprehend the situation.~~

Caregiver Factors

- ~~- Presence or Accessibility of Caregiver~~

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- ~~How long does it take the caregiver to reach the child?~~
- ~~Can the caregiver see and hear the child?~~
- ~~Is the caregiver accessible by telephone?~~
- ~~Has the child been given access to a phone and numbers to call in the event of an emergency?~~
- ~~Caregiver's Capabilities~~
 - ~~Is the caregiver mature enough to assume responsibility for the situation?~~
 - ~~Does the caregiver depend on extraordinary assistance to care for self and the child, i.e., meal preparation, laundry, grocery shopping, transportation? Is the caregiver without consistent or reliable assistance?~~
 - ~~Is the child assuming primary care giving duties, i.e., meal preparation, laundry, grocery shopping, transportation?~~
- ~~Caregiver's Physical Condition~~
 - ~~Is the caregiver physically able to care for the child? Do the caregiver's own health needs present serious obstacles to the care and well being of the child?~~
- ~~Caregiver's Cognitive and Emotional Condition~~
 - ~~Is the caregiver able to make appropriate judgments on the child's behalf?~~
 - ~~Do the caregiver's own health needs present serious obstacles to the care and well being of the child?~~

~~Incident Factors~~

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- ~~– What is the frequency of occurrence?~~
- ~~– What is the duration of the occurrence (as related to the "child factors" above)?~~
- ~~– What is the time of the day or night when the incident occurs?~~
- ~~What is the condition and location of the place where the minor was left without supervision?~~
- ~~– What were the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light?~~
- ~~– Were there other supporting persons who are overseeing the child? Was the child given a phone number of a person or location to call in the event of an emergency, and whether the child was capable of making an emergency call?~~
- ~~– Was there food and other provisions left for the child?~~
- ~~– Are there other factors that may endanger the health and safety of the child?~~

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Abandonment/DesertionAbandonment

Abandonment is parental/legal guardian conduct that demonstrates the purpose of relinquishing all parental/legal rights and claims to the child. Abandonment is also defined as any parental or caregiver conduct that evinces a settled purpose to forego all parental/legal claims to the child.

Desertion

Desertion is any conduct on the part of a parent or legal guardian that indicates that the parent or legal guardian has no intention, now or in the future, to maintain any degree of interest, concern or responsibility

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for the child. Desertion includes leaving a child with no apparent intention to return unless the child has been left in the care of a relative.

Examples

- Leave a baby on a doorstep;
- Leave a baby in a garbage can;
- Leave a child with no apparent intention to return;
- Leave a child with an appropriate caregiver without a proper plan of care.

76

Inadequate Food

Inadequate food means that there is a lack of food adequate to sustain normal functioning. It is not as severe as malnutrition or failure to thrive, both of which require a medical diagnosis.

Examples

- The child frequently and repeatedly misses meals or is frequently and repeatedly fed insufficient amounts of food;
- The child frequently and repeatedly asks neighbors for food and other information substantiates that the child is not being fed;
- The child is frequently and repeatedly fed unwholesome foods when his or her age, developmental stage and physical condition are considered.

Factors To Be Considered

Child Factors

- The child's age;
- The child's developmental stage;

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- The child's physical condition, particularly related to the need for a special diet;
- The child's mental abilities, particularly related to his or her ability to obtain and prepare his or her own food.

Incident Factors

- The frequency of the occurrence;
- The duration of the occurrence;-
- The pattern or chronicity of occurrence;
- Previous history of occurrences;
- The availability of adequate food.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

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Inadequate Shelter

Inadequate shelter means there is a lack of shelter that is safe and that protects the children from the elements.

Examples

- No housing or shelter;
- Condemned housing;
- Housing with exposed, frayed wiring;

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- Housing with structural defects that endanger the health or safety of a child;
- Housing with indoor temperatures consistently below 50°F;
- Housing with broken windows in sub-zero weather;
- Housing that is an obvious fire hazard to a reasonable person;
- Housing with an unsafe heat source that poses a fire hazard or threat of asphyxiation.

Factors To Be Considered

Child Factors

- The child's age;
- The child's developmental stage;
- The child's physical condition, particularly when it may be aggravated by the inadequate shelter;
- The child's mental abilities, particularly related to the child's ability to comprehend the dangers posed by the inadequate shelter.

Shelter Factors

- Seriousness of the problem;
- Frequency of the problem;
- Duration of the problem;
- Pattern or chronicity of the problem;
- Previous history of shelter-related problems.

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Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

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Inadequate Clothing

Inadequate clothing means a lack of appropriate clothing to protect the child from the elements.

Factors To Be Considered

Child Factors

- The child's age;
- The child's developmental stage;
- The child's physical condition, particularly related to conditions that may be aggravated by exposure to the elements;
- The child's mental abilities, particularly related to his or her ability to obtain appropriate clothing.

Incident Factors

- Frequency of the incident;
- Duration of the incident;
- Chronicity or pattern of similar incidents;
- Weather conditions such as extreme heat or extreme cold.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to

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indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

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Medical Neglect

Medical or Dental Treatment

Lack of medical or dental treatment for a health problem or condition that, if untreated or not treated as prescribed, could become severe enough to constitute serious or long-term harm to the child; lack of follow-through on a reasonable prescribed medical or dental treatment plan for a condition that could become serious enough to constitute serious or long-term harm to the child if the treatment or treatment plan goes unimplemented.

Treatment is the administration of a remedy to cure a health condition.

Management is the practice of providing care of a chronic medical condition.

Lack of medical or dental management for a health problem or condition that, if unmanaged or not managed as prescribed, could become severe enough to constitute serious or long-term harm to the child.

Lack of proper or necessary health care recognized under State law as necessary for the child's well-being.

Proper and necessary preventive health care to include preventive health care, such as HIV and newborn screening tests that place children at serious risk of illness due to lack of early detection and treatment.

Health care professionals include physicians, nurse practitioners, nurses, dentists, physical therapists, infant development specialists and nutritionists.

Factors To Be Considered

- The child's age, particularly as it relates to the child's ability to

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obtain and implement a treatment/management plan;

- The child's developmental stage;
- The child's physical condition;
- The seriousness of the current health problem;
- The probable outcome if the current health problem is not treated and the seriousness of that outcome;
- The generally accepted health benefits of the prescribed treatment;
- The generally recognized side effects/harms associated with the prescribed treatment;
- Whether the parent has been informed about the availability of preventive health care services and how services can be obtained.

It must be verified that the child has/had an untreated health problem, or that a prescribed treatment plan was implemented. The verification must come from a physician, registered nurse, dentist, or by a direct admission from the alleged perpetrator. It must further be verified by a physician, registered nurse or dentist that the problem or condition, if untreated, could result in serious or long-term harm to the child.

81**Failure to Thrive (Non-Organic)**

Failure to thrive is a serious medical condition most often seen in children under one year of age. The child's weight, height and motor development fall significantly short of the average growth rates of normal children (i.e., below the fifth percentile). In a small percentage of these cases, there is an organic cause such as a serious kidney, heart or intestinal disease, a genetic error of metabolism or brain damage. Usually in non-organic failure to thrive cases there is a disturbed parent/child relationship that manifests itself as physical and emotional neglect of the child. Diseases that may prevent growth and psychosocial reasons that cause growth failure are not mutually exclusive. They are often found together. Non-organic failure to thrive requires a medical

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diagnosis before it may be indicated.

Verification of failure to thrive must come from a physician who has the relevant information to make a diagnosis.

Factors That Must Be Present

- The infant or child's weight and head circumference do not match standard growth charts. The person's weight falls lower than 3rd percentile (as outlined in standard growth charts) or 20% below the ideal weight for his or her height.
- There is emotional deprivation as a result of parental withdrawal, rejection or hostility.
- The physician has made a diagnosis of failure to thrive after eliminating medical causes such as Down syndrome and Turner syndrome or diseases involving major organs (e.g., heart, kidney, intestinal).

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Environmental Neglect

The child's person, clothing, or living conditions are unsanitary to the point that the child's health may be impaired. This may include infestations of rodents, spiders, insects, snakes, etc., human or animal feces, rotten or spoiled food or rotten or spoiled garbage that the child can reach.

Factors To Be Considered

Special attention should be paid to the child's physical condition and the living conditions in the home in order to determine whether the report constitutes an allegation of harm. In addition, the following factors should be considered.

Child Factors

- The child's age (children aged 6 and under are more likely to be harmed);

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- The child's developmental stage;
- The child's physical condition;
- The child's mental abilities.

Incident Factors

- The severity of the conditions;
- The frequency of the conditions;
- The duration of the conditions;
- The chronicity or pattern of similar conditions.

83

Malnutrition (Non-Organic)

Malnutrition is the lack of necessary or proper food substances in the body caused by inadequate food, lack of food, or insufficient amounts of vitamin or minerals. This is also known as marasmus or kwashiorkor. Non-organic malnutrition requires a medical diagnosis before it may be indicated. There are various physical signs of malnutrition:

- A decrease in lean body mass or fat; very prominent ribs; the child may often be referred to as skin and bones;
- Hair is often sparse, thin, dry, and is easily pulled out or falls out spontaneously;
- The child is often pale and suffers from anemia;
- Excessive perspiration, especially about the head;
- The face appears lined and aged, often with a pinched and sharp appearance;

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- The skin has an old, wrinkled look with poor turgor and typically; skin folds hang loose on the inner thigh and buttock;
- The abdomen is often protuberant;
- There are abnormal pulses, blood pressure, stool patterns, intercurrent infections, abnormal sleep patterns and a decreased level of physical and mental activity.

Verification of malnutrition must come from a physician.

84**Lock-Out**

The parent or caregiver has denied the child access to the home and has refused or failed to make provisions for another living arrangement for the child.

85**Medical Neglect of Disabled Infants**

Medical neglect of a disabled infant is the withholding of appropriate nutrition, hydration, medication or other medically indicated treatment from a disabled infant with a life-threatening condition. Medically indicated treatment includes medical care that is most likely to relieve or correct all life-threatening conditions and evaluations or consultations necessary to assure that sufficient information has been gathered to make informed medical decisions. Nutrition, hydration and medication, as appropriate for the infant's needs, are medically indicated for all disabled infants. Other types of treatment are not medically indicated when:

- The infant is chronically and irreversibly comatose;
- The provision of the treatment would be futile and would merely prolong dying;
- The provision of the treatment would be virtually futile and the treatment itself would be inhumane under the circumstances.

In determining whether treatment will be medically indicated, reasonable medical judgments, such as those made by a prudent physician

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knowledgeable about the case and its treatment possibilities, will be respected. However, opinions about the infant's future "quality of life" are not to bear on whether a treatment is judged to be medically indicated.

Factors To Be Considered

- The infant's physical condition;
- The seriousness of the current health problem;
- The probable medical outcome if the current health problem is not treated and the seriousness of that outcome;
- The generally accepted medical benefits of the prescribed treatment;
- The generally recognized side effects associated with the prescribed treatment;
- The opinions of the Infant Care Review Committee (ICRC), if the hospital has an ICRC;
- The judgment of the Perinatal Coordinator regarding whether treatment is medically indicated and whether there is credible evidence of medical neglect;
- The parent's knowledge and understanding of the treatment and the probable medical outcome.

Verification that treatment was medically indicated must come from a physician and may come from experts in the field of neonatal pediatrics.

Neglect by AgencyNeglect by Agency means:

- the failure of an agency to implement practices that ensure the health, physical well-being or welfare of the children or adult residents residing in the facility;

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- there are conditions at the agency that expose children or adult residents to harm, risk of harm or a lack of other necessary care, including, but not limited to, adequate supervision, food, clothing and shelter;
- a child or adult resident is subjected to an environment that is injurious to the extent staff culpability for abuse or neglect is mitigated by systemic problems, such as inadequate staffing, management, training or supervision of staff; and/or
- an incident of abuse or neglect against a child or adult resident when the perpetrator of the harm cannot be identified.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Eligible State Bank
- 2) Code Citation: 38 Ill. Adm. Code 380
- 3)

| | |
|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 380.10 | Amendment |
| 380.20 | Amendment |
- 4) Statutory Authority: Implementing Section 48(2) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/48(2) and 48(6)] and Sections 9002 & 9004 of the Savings Bank Act [205 ILCS 205/9002 & 9004]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to revise its rules governing when State banks are eligible to participate in the alternate examination program to align them with the policies of the Federal Deposit Insurance Corporation. This alignment will promote consistency and reduce regulatory burden.

The Department has also taken this opportunity to make a few non-substantive changes to reflect the consolidation of agencies into the Department of Financial and 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
- 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.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 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:

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: None
 - B) Reporting, bookkeeping or other procedures required for compliance: No new requirements are being added.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because we did not anticipate the need to amend it.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
OFFICE OF BANKS AND REAL ESTATE

PART 380

ELIGIBLE STATE BANK AND SAVINGS BANK

Section

| | |
|--------|-------------------------|
| 380.10 | Purpose |
| 380.20 | Definitions |
| 380.30 | General Rule (Repealed) |

AUTHORITY: Implementing Section 48(2) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/48(2) and 48(6)] and Sections 9002 and 9004 of the Savings Bank Act [205 ILCS 205/9002 and 9004].

SOURCE: Adopted at 18 Ill. Reg. 4630, effective March 14, 1994; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 8380, effective June 24, 1997; amended at 40 Ill. Reg. _____, effective _____.

Section 380.10 Purpose

The applicable Act, as defined in Section 380.20, Section 48(2)(a) of the Illinois Banking Act [205 ILCS 5/48(2)(a)] requires the Secretary Commissioner to examine, at least once within each time period specified in the applicable Act, the affairs of every state bank, as defined in Section 380.20, except that an examination conducted by an eligible state bank's appropriate federal banking agency may suffice as a substitute for the Secretary's Commissioner's own examination during alternating time periods, provided the appropriate federal banking agency has made such an examination. The purpose of Section 380.20 this Part is to define "eligible state bank" in a manner that enables identification of those state banks for which an examination conducted by the appropriate federal banking agency may be acceptable in lieu of the Secretary's Commissioner's own examination on an alternating basis.

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

Section 380.20 Definitions

"Applicable Act" means Section 48(2)(a) of the Illinois Banking Act (IBA) [205

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ILCS 5] in the case of state banks chartered under the IBA, and also means Section 9004 of the Savings Bank Act (SBA) [205 ILCS 205] in the case of a savings bank chartered under the SBA.

"Appropriate federal banking agency" means the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis, as determined by federal law (12 USCU.S.C. 1813(q)).

"CAMELS Rating" means the rating assigned to a state bank by the ~~Secretary~~Commissioner or by the state bank's appropriate federal banking agency, based on a composite evaluation of the following six individual performance components: Capital Adequacy, Asset Quality, Management, Earnings, Liquidity and Sensitivity to Market Risk. The composite CAMELS Rating, and the rating assigned to each individual performance component, will be assigned a number from a range of 1 through 5, with 1 being the highest possible rating and 5 being the lowest possible rating.

~~"Commissioner" means the Illinois Commissioner of Banks and Real Estate or a person authorized by the Commissioner to act in the Commissioner's stead.~~

"Eligible state bank" means an Illinois state bank that, at its last ~~regular~~ examination, was assigned a composite CAMELS Rating of 1 or 2, or stable and improving composite 3-rated institutions if the composite rating is confirmed by an offsite review in which no adverse trends are noted from other available information;~~a CAMELS Rating of 2, with no more than one individual performance component rated 3; provided, however, that the management performance component must be rated 1 or 2, and no individual performance component may be rated 4 or 5;~~ except that, unless otherwise determined by the ~~Secretary~~Commissioner, the following shall not be an eligible state bank:

A newly chartered state bank, for the first three years after receiving its charter;

A state bank that results from the merger of a state bank with a financial institution other than a state bank, for the first examination period after ~~the~~such merger;

A state bank that results from the merger of a state bank with another state bank ~~that~~which was assigned a CAMELS Rating of 3, 4 or 5 at its last

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regular examination, for the first examination period after ~~the~~such merger;

A state bank that results from the conversion of a financial institution other than a state bank, for the first examination period after the conversion;

A state bank that has undergone a change of control pursuant to ~~the applicable Act that~~Section 18 of the Illinois Banking Act which results in new ownership or control of more than 50% of the outstanding voting stock of the state bank, for the first examination period after the change of control;

A state bank whose management or board of directors has requested an examination by the ~~Secretary~~Commissioner;

A state bank, ~~that,~~ in the opinion of the ~~Secretary~~Commissioner, is:

operating in an unsafe manner;

operating in an unsound condition;

conducting its business in violation of applicable laws, rules or regulations; or

conducting its business in a fraudulent manner;

A state bank concerning which the appropriate federal banking agency has communicated to the ~~Secretary~~Commissioner that ~~the~~such federal banking agency will not alternate in conducting examinations of the particular bank or class of banks; and

A state bank that is subject to an administrative order or other regulatory or enforcement action issued by the ~~Secretary~~Commissioner or the appropriate federal banking agency.

"Examination period" means the time frame within which the ~~Secretary~~Commissioner must conduct a regular examination of each state bank pursuant to ~~the applicable Act~~Section 48(2) of the Illinois Banking Act.

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"Regular examination" means a full scope, on-site examination of a state bank conducted by the ~~Secretary~~Commissioner or by the state bank's appropriate federal banking agency within each examination period.

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

"State bank" means, for purposes of this Part only, a state bank chartered under the Illinois Banking Act or a savings bank chartered under the Savings Bank Act, as the case may be.

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

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- 1) Heading of the Part: Herptile Code
- 2) Code Citation: 17 Ill. Adm. Code 885
- 3)

| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
|-------------------------|--------------------------|
| 885.10 | New Section |
| 885.15 | New Section |
| 885.20 | New Section |
| 885.30 | New Section |
| 885.40 | New Section |
| 885.45 | New Section |
| 885.50 | New Section |
| 885.60 | New Section |
| 885.70 | New Section |
| 885.80 | New Section |
| 885.90 | New Section |
| 885.100 | New Section |
| 885.110 | New Section |
| 885.120 | New Section |
| 885.130 | New Section |
| 885.140 | New Section |
| 885.150 | New Section |
| 885.160 | New Section |
| 885.170 | New Section |
- 4) Statutory Authority: Implementing and authorized by Sections 5-20, 5-30, 5-35, 10-5, 10-15, 10-40, 20-10, 20-30, 25-10, 25-30, 30-10, 40-10, 45-5, 50-10, 55-5, 60-5, 65-5, 70-5, 75-5, 80-5, 85-5, 90-5, 100-5, 100-10, 100-15, 105-5, 105-10, 105-15, 105-20, 105-25, 105-40, 105-55, 105-60, 105-65 and 105-70 of the Herptiles-Herp Act [510 ILCS 68/5-20, 5-30, 5-35, 10-5, 10-15, 10-40, 20-10, 20-30, 25-10, 25-30, 30-10, 40-10, 45-5, 50-10, 55-5, 60-5, 65-5, 70-5, 75-5, 80-5, 85-5, 90-5, 100-5, 100-10, 100-15, 105-5, 105-10, 105-15, 105-20, 105-25, 105-40, 105-55, 105-60, 105-65 and 105-70], Sections 1-20, 10-30, 10-35, 10-60, 10-65 and 10-115 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 10-30, 10-35, 10-60, 10-65 and 10-115], Sections 4 and 5 of the Wildlife Code [520 ILCS 10/4 and 10/5] and Section 48-10 of the Dangerous Animals Act [720 ILCS 5/48-10]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being established to govern the taking, acquisition, possession, transport, disposition and

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commercial use of Herptiles defined and specified in the Illinois Herptiles-Herps Act [510 ILCS 68] and the issuance of said permits and reporting requirements for such activities.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: PA 98-752
- 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 neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

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- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agenda's because: This rule has been under review and was inadvertently omitted from the last two agendas.

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

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 885
HERPTILE CODE

| Section | |
|---------|-----------------------------------------------------------------------------------------------|
| 885.10 | Definitions |
| 885.15 | Purpose |
| 885.20 | Season, Limits and Methods of Take for Bullfrogs, Snapping Turtles and Other Native Herptiles |
| 885.30 | Counties Documented with Ranavirus |
| 885.40 | Indigenous or Native Herptile Taxa List |
| 885.45 | Use of Boas, Pythons and Anacondas at Strictly Educational Events |
| 885.50 | Herptile Scientific Collection Permit Application |
| 885.60 | Herptile Scientific Collection Permit Provisions |
| 885.70 | Herptile Scientific Collection Permit Reports and Renewal |
| 885.80 | Herpetoculture Permit Requirements, Application and Fees |
| 885.90 | Herpetoculture Permit Provisions |
| 885.100 | Herpetoculture Permit Reporting and Renewal |
| 885.110 | Medically Significant Rear-fanged Colubridae |
| 885.120 | Resident Herptile Special Use Permit Requirements, Application and Fee |
| 885.130 | Resident Herptile Special Use Permit Provisions |
| 885.140 | Resident Herptile Special Use Permit Reporting Requirements |
| 885.150 | Limited Entry (Nonresident) Special Use Herptile Permits; Fees, Reporting and Renewal |
| 885.160 | Herptile Facilities and Welfare Standards |
| 885.170 | Suspension and Revocation Procedures |

AUTHORITY: Implementing and authorized by Sections 5-20, 5-30, 5-35, 10-5, 10-15, 10-40, 20-10, 20-30, 25-10, 25-30, 30-10, 40-10, 45-5, 50-10, 55-5, 60-5, 65-5, 70-5, 75-5, 80-5, 85-5, 90-5, 100-5, 100-10, 100-15, 105-5, 105-10, 105-15, 105-20, 105-25, 105-40, 105-55, 105-60, 105-65 and 105-70 of the Herptiles-Herps Act [510 ILCS 68/5-20, 5-30, 5-35, 10-5, 10-15, 10-40, 20-10, 20-30, 25-10, 25-30, 30-10, 40-10, 45-5, 50-10, 55-5, 60-5, 65-5, 70-5, 75-5, 80-5, 85-5, 90-5, 100-5, 100-10, 100-15, 105-5, 105-10, 105-15, 105-20, 105-25, 105-40, 105-55, 105-60, 105-65 and 105-70], Sections 1-20, 10-30, 10-35, 10-60, 10-65 and 10-115 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 10-30, 10-35, 10-60, 10-65 and 10-115], Sections 4 and 5

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of the Wildlife Code [520 ILCS 10/4 and 5], and Section 48-10 of the Dangerous Animals Act [720 ILCS 5/48-10].

SOURCE: Adopted at 40 Ill. Reg. _____, effective _____.

Section 885.10 Definitions

"Act" means the Herptile-Herps Act [510 ILCS 68].

"Administrative rule" means a regulatory measure adopted, pursuant to the Illinois Administrative Procedure Act [5 ILCS 100], by the Director under the Act.

"Authorized Law Enforcement Officer" means all sworn members of the Law Enforcement Division of the Department and those persons specifically granted law enforcement authorization by the Director.

"Bonafide Scientific or Educational Institution" means confirming educational or scientific tax-exemption from the federal Internal Revenue Service or the applicant's national, state or local tax authority, or a statement of accreditation or recognition as an educational institution.

"Code" means the Fish and Aquatic Life Code [515 ILCS 5].

"Commercialize" means to sell, offer for sale, barter, trade or otherwise assign a commercial value to a herptile protected under this Part.

"Contraband" means all reptile or amphibian life taken, bought, sold or bartered, shipped, or held in possession or held in any conveyance, vehicle, watercraft or other means of transportation whatsoever, except sealed railroad cars or other sealed common carriers, used to transport or ship any reptile or amphibian life or any part of reptile or amphibian life taken, contrary to the Act or this Part, or used to transport, contrary to the Act or this Part, any of the specified species when taken illegally.

"Culling" means picking out from others and removing rejected members because of inferior quality.

"Department" means the Illinois Department of Natural Resources.

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"Director" means the Director of the Illinois Department of Natural Resources.

"Educational Program" means a program of organized instruction or study for providing education intended to meet a public need.

"Endangered or Threatened Species" means any species listed as endangered or threatened to the species level on either the Illinois List of Endangered and Threatened Fauna or the federal U.S. Fish and Wildlife Service List of Threatened or Endangered Species.

"Herptile Special Use Permit" means the permit issued by the Department under Section 10-15 of the Act and Sections 885.120, 885.140 and 885.150 of this Part that authorizes use of special use herptiles for programs of a bonafide educational purpose.

"HSCP" means the Herptile Scientific Collection Permit described in Section 885.50.

"Herptile" means collectively any amphibian or reptile taxon, whether indigenous to this State or not.

"Indigenous" or "Native Taxa" means those amphibians and reptiles to the subspecies level (where applicable) that can be found naturally in this State.

"Individual" means a natural person.

"Limited Entry Special Use Herptile Permit" or "Limited Entry Permit" means a Herpetoculture Permit or Special Use Herptile Permit issued to a nonresident of Illinois allowing that person to bring specified herptiles into Illinois for a limited period not to exceed 30 days.

"Medically Significant" means a venomous or poisonous species whose venom or toxin can cause death or serious illness or injury in humans that may require emergency room care or the immediate care of a physician. These species are categorized as being "medically significant" or "medically important".

"Non-listed" means a species that is not endangered or threatened.

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"Owner" means an individual who has a legal right to the possession of a herptile.

"Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture or group.

"Possession Limit" means the maximum number or amount of herptiles either alive or dead that can be lawfully held or possessed by one person at any time.

"Possessor" means any person who possesses, keeps, harbors, brings into the State, cares for, acts as custodian for, has in his or her custody or control or holds a property right to a herptile.

"Ranavirus" means any group of viruses in the family Iridoviridae that are highly infectious and often lethal to aquatic and terrestrial cold-blooded wildlife. Ranaviruses can cause mass die-offs, especially in aquatic populations. These viruses are found nearly worldwide and can infect any species of fish, amphibian or reptile.

"Reptile Show" means any event open to the public, for a fee or without a fee, that is not a licensed pet store, where herptiles or herptiles together with other animals are exhibited, displayed, sold, bought, traded or otherwise made available for public display.

"Resident" means a person who in good faith makes application for any license or permit and verifies by statement that he or she has maintained his or her permanent abode in this State for a period of at least 30 consecutive days immediately preceding the person's application, and who does not maintain permanent abode or claim residency in another state for the purposes of obtaining any of the same or similar licenses or permits under the Act. A person's permanent abode is his or her fixed and permanent dwelling place, as distinguished from a temporary or transient place of residence. Domiciliary intent is required to establish that the person is maintaining his or her permanent abode in this State. Evidence of domiciliary intent includes, but is not limited to, the location where the person votes, pays personal income tax, or obtains a driver's license. Any person qualifying as a resident under this definition who is on active duty in the Armed Forces shall be considered a resident of Illinois during his or her period of military duty.

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"Special Use Herptile" means any taxon of amphibian or reptile (including, but not limited to crocodilians, Komodo dragons, crocodile monitor lizards, or venomous species) for which a Special Use Herptile Permit is required to acquire and possess.

"Take" means possess, collect, catch, detain, hunt, shoot, pursue, lure, kill, destroy, capture, gig or spear, trap or ensnare or harass, or an attempt to do so.

"Taxidermy Services" means the act of preparing, preserving, stuffing and/or mounting the skins of animals with lifelike effect (e.g., mounting, cleaning, tanning).

"Taxon" or the plural "Taxa" means a taxonomic category such as a genus, species or subspecies.

"Transport" or "Ship" means to convey by parcel post, express, freight, baggage or shipment by common carrier of any description; by automobile, motorcycle or other vehicle of any kind; by water or aircraft of any kind; or by any other means of transportation.

"Turtle Farming" means the act of breeding, hatching, raising or selling turtles, or any combination, commercially for the purpose of providing turtles, turtle eggs or turtle parts to pet suppliers, exporters and food industries.

"Voucher Herptile" means an actual herptile specimen deposited into a museum or scientific institution collection as proof of its existence in the locality at which it was collected.

"Wildlife Sanctuary" means any non-profit organization that:

is exempt from taxation and currently confirmed as exempt under the federal Internal Revenue Code;

operates a place of refuge where wild animals are provided care for their lifetime or released back to their natural range;

does not conduct activities on animals in its possession that are not inherent to the animal's nature;

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does not use animals in its possession for entertainment;

does not sell, trade or barter animals in its possession or parts of those animals; and

does not breed animals in its possession. [510 ILCS 68/1-15]

Section 885.15 Purpose

This Part is established to govern the taking, acquisition, possession, transport, disposition and commercial use of herptiles defined and specified in the Act, the issuance of those permits, and reporting requirements.

Section 885.20 Seasons, Limits and Methods of Take for Bullfrogs, Snapping Turtles and Other Native Herptiles

- a) A sport fishing license is required for residents, unless exempt from a sport fishing license under Section 20-5 of the Code to legally collect or take any native herptile taxon on private land, with the landowner's permission.
- b) Bullfrogs and common snapping turtles may be taken only June 15 through October 15. There is no closed season on all other non-listed native herptiles.
- c) The daily catch limit for bullfrogs is 8, with a possession limit of 16. The daily catch limit for common snapping turtles is 2, with a possession limit of 4.
- d) For non-listed native herptile taxa (excluding bullfrogs), the possession limit is 8 collectively, with no more than 4 per species.
- e) Unless otherwise authorized, turtles other than common snapping turtles may be taken only by hand. Common snapping turtles may be taken only by hand, hook and line or bow and arrow. Common snapping turtles may not be taken by bow and arrow in the following counties: Randolph, Perry, Franklin, Hamilton, White, Gallatin, Saline, Williamson, Jackson, Union, Johnson, Pope, Hardin, Massac, Pulaski and Alexander.
- f) Nonresidents

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- 1) Nonresidents may not possess or collect herptiles collected from the wild within this State, except:
 - A) for scientific purposes with a Herptile Scientific Collection permit; or
 - B) for personal consumption with a nonresident sport fishing license.
- 2) Nonresidents not conducting scientific research may photograph and briefly manipulate nonvenomous herptiles not listed as endangered or threatened in the wild, provided the herptiles are not harmed or removed from the site where encountered.

Section 885.30 Counties Documented with Ranavirus

- a) The following Illinois counties have been documented with Ranavirus: Clark, Jackson, Madison, Monroe and Vermilion.
- b) This Section may be amended to add additional counties as ongoing research documents new outbreaks of the virus in Illinois.

Section 885.40 Indigenous or Native Herptile Taxa List

The following list comprises Illinois' indigenous or native herptile taxa to the subspecies level, if applicable. A current list of State endangered/threatened species may be found in 17 Ill. Adm. Code 1010. A single asterisk (*) denotes a venomous and special use species.

Salamanders

| | |
|--------------------------|------------------------------|
| Jefferson Salamander | Ambystoma jeffersonianum |
| Blue-spotted Salamander | Ambystoma laterale |
| Spotted Salamander | Ambystoma maculatum |
| Marbled Salamander | Ambystoma opacum |
| Silvery Salamander | Ambystoma platineum |
| Mole Salamander | Ambystoma talpoideum |
| Small-mouthed Salamander | Ambystoma texanum |
| Eastern Tiger Salamander | Ambystoma tigrinum |
| Eastern Hellbender | Cryptobranchus alleganiensis |
| Spotted Dusky Salamander | Desmognathus conanti |

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| | |
|--------------------------------|------------------------------------------------|
| Northern Dusky Salamander | <i>Desmognathus fuscus</i> |
| Southern Two-lined Salamander | <i>Eurycea cirrigera</i> |
| Eastern Long-tailed Salamander | <i>Eurycea longicauda longicauda</i> |
| Dark-sided Salamander | <i>Eurycea longicauda melanopleura</i> |
| Cave Salamander | <i>Eurycea lucifuga</i> |
| Four-toed Salamander | <i>Hemidactylium scutatum</i> |
| Common Mudpuppy | <i>Necturus maculosus</i> |
| Central Newt | <i>Notophthalmus viridescens louisianensis</i> |
| Eastern Red-backed Salamander | <i>Plethodon cinereus</i> |
| Northern Zigzag Salamander | <i>Plethodon dorsalis</i> |
| Northern Slimy Salamander | <i>Plethodon glutinosus</i> |
| Western Lesser Siren | <i>Siren intermedia nettingi</i> |

Frogs and Toads

| | |
|------------------------------|-----------------------------------------|
| Blanchard's Cricket Frog | <i>Acris blanchardi</i> |
| American Toad | <i>Anaxyrus americanus americanus</i> |
| Dwarf American Toad | <i>Anaxyrus americanus charlesmithi</i> |
| Fowler's Toad | <i>Anaxyrus fowleri</i> |
| Eastern Narrow-mouthed Toad | <i>Gastrophryne carolinensis</i> |
| Western Bird-voiced Treefrog | <i>Hyla avivoca</i> |
| Cope's Gray Treefrog | <i>Hyla chrysoscelis</i> |
| Green Treefrog | <i>Hyla cinerea</i> |
| Eastern Gray Treefrog | <i>Hyla versicolor</i> |
| Northern Crawfish Frog | <i>Lithobates areolatus circulosus</i> |
| Plains Leopard Frog | <i>Lithobates blairi</i> |
| American Bullfrog | <i>Lithobates catesbeianus</i> |
| Green Frog | <i>Lithobates clamitans</i> |
| Pickerel Frog | <i>Lithobates palustris</i> |
| Northern Leopard Frog | <i>Lithobates pipiens</i> |
| Southern Leopard Frog | <i>Lithobates sphenoccephalus</i> |
| Wood Frog | <i>Lithobates sylvaticus</i> |
| Spring Peeper | <i>Pseudacris crucifer</i> |
| Upland Chorus Frog | <i>Pseudacris feriarum</i> |
| Illinois Chorus Frog | <i>Pseudacris illinoensis</i> |
| Boreal Chorus Frog | <i>Pseudacris maculata</i> |
| Western Chorus Frog | <i>Pseudacris triseriata</i> |
| Eastern Spadefoot Toad | <i>Scaphiopus holbrookii</i> |

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Turtles

| | |
|---------------------------|------------------------------------------------------|
| Smooth Softshell Turtle | <i>Apalone mutica</i> |
| Spiny Softshell Turtle | <i>Apalone spinifera</i> |
| Common Snapping Turtle | <i>Chelydra serpentina</i> |
| Western Painted Turtle | <i>Chrysemys picta bellii</i> |
| Southern Painted Turtle | <i>Chrysemys picta dorsalis</i> |
| Midland Painted Turtle | <i>Chrysemys picta marginata</i> |
| Spotted Turtle | <i>Clemmys guttata</i> |
| Blanding's Turtle | <i>Emydoidea blandingii</i> |
| Northern Map Turtle | <i>Graptemys geographica</i> |
| Northern False Map Turtle | <i>Graptemys pseudogeographica pseudogeographica</i> |
| Mississippi Map Turtle | <i>Graptemys pseudogeographica kohnii</i> |
| Ouachita Map Turtle | <i>Graptemys ouachitensis ouachitensis</i> |
| Yellow Mud Turtle | <i>Kinosternon flavescens</i> |
| Eastern Mud Turtle | <i>Kinosternon subrubrum</i> |
| Alligator Snapping Turtle | <i>Macrochelys temminckii</i> |
| River Cooter | <i>Pseudemys concinna</i> |
| Common Musk Turtle | <i>Sternotherus odoratus</i> |
| Eastern Box Turtle | <i>Terrapene carolina carolina</i> |
| Ornate Box Turtle | <i>Terrapene ornata</i> |
| Red-eared Slider | <i>Trachemys scripta elegans</i> |

Lizards

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|------------------------------|-------------------------------------------|
| Eastern Six-lined Racerunner | <i>Aspidoscelis sexlineata sexlineata</i> |
| Western Slender Glass Lizard | <i>Ophisaurus attenuatus attenuatus</i> |
| Five-lined Skink | <i>Plestiodon fasciatus</i> |
| Broad-headed Skink | <i>Plestiodon laticeps</i> |
| Eastern Fence Lizard | <i>Sceloporus undulatus</i> |
| Ground Skink | <i>Scincella lateralis</i> |

Snakes

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|------------------------|-----------------------------------|
| Midwestern Worm Snake | <i>Carphophis amoenus helenae</i> |
| Western Worm Snake | <i>Carphophis vermis</i> |
| Northern Scarlet Snake | <i>Cemophora coccinea copei</i> |
| Kirtland's Snake | <i>Clonophis kirtlandii</i> |

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| Blue Racer | <i>Coluber constrictor foxii</i> |
| Southern Black Racer | <i>Coluber constrictor priapus</i> |
| Prairie Ring-necked Snake | <i>Diadophis punctatus arnyi</i> |
| Northern Ring-necked Snake | <i>Diadophis punctatus edwardsii</i> |
| Mississippi Ring-necked Snake | <i>Diadophis punctatus stictogenys</i> |
| Western Mud Snake | <i>Farancia abacura reinwardtii</i> |
| Western Hog-nosed Snake | <i>Heterodon nasicus</i> |
| Eastern Hog-nosed Snake | <i>Heterodon platirhinos</i> |
| Prairie King Snake | <i>Lampropeltis calligaster calligaster</i> |
| Speckled King Snake | <i>Lampropeltis getula holbrookii</i> |
| Black King Snake | <i>Lampropeltis getula nigra</i> |
| Red Milk Snake | <i>Lampropeltis triangulum sypila</i> |
| Eastern Milk Snake | <i>Lampropeltis triangulum triangulum</i> |
| Eastern Coachwhip | <i>Masticophis flagellum</i> |
| Mississippi Green Watersnake | <i>Nerodia cyclopion</i> |
| Plain-bellied Watersnake | <i>Nerodia erythrogaster</i> |
| Broad-banded Watersnake | <i>Nerodia fasciata</i> |
| Diamond-backed Watersnake | <i>Nerodia rhombifer rhombifer</i> |
| Midland Watersnake | <i>Nerodia sipedon pleuralis</i> |
| Northern Watersnake | <i>Nerodia sipedon sipedon</i> |
| Rough Green Snake | <i>Opheodrys aestivus</i> |
| Smooth Green Snake | <i>Opheodrys vernalis</i> |
| Great Plains Rat Snake | <i>Pantherophis emoryi</i> |
| Black Rat Snake | <i>Pantherophis obsoletus obsoletus</i> |
| Gray Rat Snake | <i>Pantherophis obsoletus spiloides</i> |
| Western Fox Snake | <i>Pantherophis vulpinus vulpinus</i> |
| Bull Snake | <i>Pituophis catenifer sayi</i> |
| Graham's Crayfish Snake | <i>Regina grahamii</i> |
| Queen Snake | <i>Regina septemvittata</i> |
| Midland Brown Snake | <i>Storeria dekayi wrightorum</i> |
| Northern Red-bellied Snake | <i>Storeria occipitomaculata occipitomaculata</i> |
| Flat-headed Snake | <i>Tantilla gracilis</i> |
| Western Ribbon Snake | <i>Thamnophis proximus proximus</i> |
| Plains Garter Snake | <i>Thamnophis radix</i> |
| Eastern Ribbon Snake | <i>Thamnophis sauritus</i> |
| Chicago Garter Snake | <i>Thamnophis sirtalis semifasciatus</i> |
| Eastern Garter Snake | <i>Thamnophis sirtalis sirtalis</i> |
| Lined Snake | <i>Tropidoclonion lineatum</i> |
| Western Smooth Earth Snake | <i>Virginia valeriae elegans</i> |

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| Southern Copperhead | Agkistrodon contortrix contortrix * |
| Northern Copperhead | Agkistrodon contortrix mokasen * |
| Western Cottonmouth | Agkistrodon piscivorus leucostoma * |
| Timber Rattlesnake | Crotalus horridus * |
| Eastern Massasauga | Sistrurus catenatus * |

Section 885.45 Use of Boas, Pythons and Anacondas at Strictly Educational Events

- a) Any person using *a boa, python or anaconda that is not native to the United States*, at strictly educational events with no commercialization, sponsored by a herpetological society, museum, zoo or nature center, *must maintain physical possession or control of that species at all times*. [510 ILCS 68/15-15] These events include, but are not limited to, the Chicago Herpetological Society's Reptile Fest, Wildlife Discovery Center's Reptile Rampage, Central Illinois Herpetological Society's Reptile Fair and Midwest Museum of Natural History's Rockin for the Reptiles.
- b) Physical possession or control without direct contact of a boa, python or anaconda as stated in subsection (a) shall be conducted in a manner that results in no physical harm to a member of the public while interacting with the snakes during the interpretive events and fundraising. (See 510 ILCS 68/15-25.)

Section 885.50 Herptile Scientific Collection Permit Application

- a) Any person who wishes to do research on, take or salvage non-listed Illinois herptiles must obtain and possess a valid Herptile Scientific Collection Permit (HSCP) from the Department. The HSCP will permit, for strictly scientific purposes, the capture, marking, handling, banding or collection (including hide, skin, bones, teeth, claws, nest, eggs or young) of any of the herptiles not protected under federal law or the Illinois Endangered Species Protection Act [520 ILCS 10], but now protected under the Herptiles-Herps Act. Any collections made must be for permanent donation to bonafide public or state scientific, educational or zoological institutions. There is no fee for this permit.
- b) To be eligible for an HSCP for scientific research or salvage, the applicant must:
 - 1) be at least 18 years of age;

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- 2) be engaged in scientific research, which may include, but is not necessarily limited to, research sponsored by universities, colleges or scientific institutions; and
 - 3) have public or state scientific, educational or zoological institutions available that will take any voucher herptiles that are collected.
- c) To be eligible for an HSCP for salvage and subsequent rehabilitation of crippled herptiles, the applicant must:
- 1) be at least 18 years of age;
 - 2) have held a salvage permit the previous year or submit a reference statement from a licensed veterinarian, zoological curator, conservation police officer or an IDNR wildlife resources, natural heritage or fisheries biologist, as appropriate, stating that the applicant has experience in treating and handling wild herptiles and has facilities available to treat, care for and produce self-dependent herptiles for release to the wild; and
 - 3) have public or state scientific, educational or zoological institutions available that will take voucher and/or permanently disabled herptiles.
- d) Application for an HSCP shall be made on forms provided by the Department. Information items requested on application forms will include, but are not limited to: name, address, phone number, list of herptile species to be requested for that permit. These forms may be submitted via email at DNR.HerpPermit@illinois.gov.
- e) HSCPs may be issued by the Department provided the applicant has met the eligibility requirements of this Section and the application form has been completed.
- f) Collecting on Department-owned, -managed and -leased properties, including but not limited to, collecting in State Parks or Conservation Areas, Nature Preserves or Land and Water Reserves may require additional permits, pursuant to Section 6 of the State Parks Act [20 ILCS 835], Section 23 of the Illinois Natural Areas Preservation Act [525 ILCS 30], and 17 Ill. Adm. Code 110.70, 4000.570, 4000.580 and 4010.260.

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- g) Final judgment of applications will be at the sole discretion of the Department. Permits may be denied for previous herptile-related violations of Scientific Permits (see 515 ILCS 5/20-100, 520 ILCS 5/3.22 and 17 Ill. Adm. Code 520). Other grounds for denial of permits include, but are not limited to: interfering with or obstructing an ongoing investigation, illegal activity involving any herptile-related violations, and misleading or false statements made to the Department or any of its employees.

Section 885.60 Herptile Scientific Collection Permit Provisions

- a) Full-time employees of state or federal conservation agencies shall be issued an HSCP at no charge for the term of their employment, as long as that person continues to submit, by January 31 of each year, an annual report of the past year's activities as defined in Section 885.70.
- b) The HSCP is valid for only the approved type of research and/or collection of a voucher herptile stated on the permit. Under no circumstances shall an HSCP be used in lieu of sport or commercial licenses. HSCPs exempt holders from herptile possession limits for strictly research only, whereas sport fishing licenses do have personal herptile possession limits and Herpetoculture Permits (see Sections 885.80, 885.90 and 885.100) exempt holders from herptile possession limits for personal or commercial purposes only.
- c) The permittee's method of taking herptiles must be approved by the Department. All devices used for taking, which are left unattended, must have the permittee's name, address and Scientific Permit number visible on them.
- d) Taking and/or salvage of herptiles shall be performed by or under the direct supervision of the permittee. The permittee shall disclose in the permit application the name of any other person who will assist the permittee. The permittee must be present when any person named in the application is involved in the actual taking of herptiles.
- e) Taking and/or collection of a voucher herptile is only allowed in areas designated on the permit.
- f) Taking and/or collection of a voucher herptile on private properties requires oral or written landowner's or landowner designee's permission. This permit does not allow the privilege of trespass.

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- g) Taking and/or collection of a voucher herptile on Department-owned or -managed lands, including, but not limited to, collection in State Parks, Conservation Areas, Nature Preserves or Land and Water Reserves, is not permitted without additional permits, pursuant to the State Parks Act, Illinois Natural Areas Preservation Act and 17 Ill. Adm. Code 110.70, 4000.570, 4000.580 and 4010.260.
- h) The HSCP must be carried on the person at all times when taking specimens and be presented, upon request, to Department or law enforcement personnel.
- i) Herptiles taken and rehabilitated shall be released to the wild here originally captured or shall be permanently donated to a public or state scientific educational or zoological institution. Any proposed return of a herptile taken under an HSCP to the wild of Illinois must first be pre-approved in writing by the Department. Return of a herptile to the wild of Illinois without written approval by the Department will constitute a violation of this Part.
- j) The permittee is responsible for the taking activities under the permit and for submitting the annual report required by Section 885.70. The permittee must maintain a record of all specimens taken for no less than 2 years and shall present that record, upon request, to Department or law enforcement personnel.
- k) An HSCP does not release the permittee from other provisions under the Act, nor from federal or other State statutes and does not supersede federal permits.
- l) No person shall transfer a permit issued under this Section to another person.

Section 885.70 Herptile Scientific Collection Permit Reports and Renewal

- a) By January 31 annually, the permit holder shall submit to the Department an annual report, either in hardcopy or online, on forms provided by the Department. Failure to provide this report by the due date will result in a violation of this Part and denial of subsequent renewal requests by the permittee for a period of not less than one year.
- b) The permittee shall also provide the Department one copy of all written reports resulting from the permitted activities, in a format specified by the Department, including, but not limited to, reports, technical papers or technical notes. Permits will be renewed only after copies of the annual report and all written reports have

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been received by the Department. Permittees are required to update, when submitting the annual report, any applicable personal or contact information.

Section 885.80 Herpetoculture Permit Requirements, Application and Fees

- a) A Herpetoculture Permit is required of any persons wishing to:
 - 1) be exempt from his or her possession limits for non-listed native herptile taxa, regardless of whether the permit holder only possesses, or also breeds or commercializes;
 - 2) commercialize any non-listed native herptile taxa that have not originated from the wild in Illinois;
 - 3) breed (either intentionally or unintentionally) any non-listed native herptile taxa.
- b) Residents seeking to obtain a Herpetoculture Permit must submit an application form, provided by the Department, along with a nonrefundable annual fee of \$50. Information items requested on application forms will include, but are not limited to: name, address, phone number, list of herptile species to be requested for that permit. These forms may be submitted via email at DNR.HerpPermit@illinois.gov. The Department will review and act on these permit requests within 60 days after receipt of the request. Residents applying for renewal of their permit must submit an application, along with annual reports for the preceding year's activities and a nonrefundable fee of \$50. Hardcopy applications may be mailed to IDNR, Herptile Permits, One Natural Resources Way, Springfield IL 62702.
- c) Nonresidents seeking to obtain a limited entry Herpetoculture Permit to sell or offer for sale any non-listed native herptile taxa that have not originated from the wild in Illinois must submit an application, provided by the Department, along with a nonrefundable fee of \$25. This permit shall be valid for a specified period that does not exceed 15 consecutive days.
- d) Applicants must be at least 18 years of age. All portions of the permit application must be completed in full and accompanied by the nonrefundable fee. Incomplete applications will be rejected. All non-listed native herptile taxa the applicant wishes to work with or commercialize must be listed on the permit application form.

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- e) No Herpetoculture Permit will be issued for any special use herptile taxa. Special use herptile taxa are subject to permitting requirements of Section 885.120.
- f) Indigenous herptile taxa collected from the wild in this State, or any resulting offspring, may not be bred or commercialized, including any lineages of wild-caught Illinois herptiles, unless otherwise authorized by the Department, in writing, for research or recovery purposes.
- g) Release of any propagated indigenous herptile is prohibited unless authorized by the Department in writing.
- h) Issuance, modification or denial of any and all permits shall be at the sole discretion of the Department. The Department's action shall be based on such considerations as completeness of the application, the applicant's history, if any, of violations of the Act or this Part, etc. Additionally, permits may be denied for previous herptile-related violations of aquatic life dealers licenses and aquaculture permits (see 515 ILCS 5/20-70, 20-90 and 20-105 and 17 Ill. Adm. Code 870 and 880). Other grounds for denial of permits include, but are not limited to: interfering with or obstructing an ongoing investigation, illegal activity involving any herptile-related violations, and misleading or false statements made to the Department or any of its employees.

Section 885.90 Herpetoculture Permit Provisions

- a) Additions of native herptile species to Herpetoculture Permits must be approved by the Department prior to acquisition of the species and any changes or reductions in native herptile species identified on the permit must be reported to the Department in writing no later than the first business day after the change or reduction occurs.
- b) Herpetoculture Permit holders must have in possession proof of origin of the native herptiles that are being sold or offered for sale. This can be original receipts from when the permit holder acquired the specimens, along with photo documentation of subsequent hatching eggs and/or hatchlings. Documentation must be presented, upon request, to any authorized officer or agent of the Department or local, state or federal law enforcement officer.

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- c) Native herptile species held under a Herpetoculture Permit shall be maintained in facilities that meet the standards of Section 885.160.
- d) Paper receipts/bills of sale must be issued for each sale of native herptile species. Failure to issue paper receipts/bills of sale or issuance of incomplete paper receipts/bills of sale shall constitute a violation of this Part. Receipts/bills of sale shall include:
 - 1) name, address, phone number and Department Herpetoculture Permit number of the seller in the upper left hand corner;
 - 2) name, address and phone number of the buyer;
 - 3) date of transaction;
 - 4) quantities and species of each native herptile sold.
- e) Any sale of a native herptile to a nonresident shall be documented by a receipt/bill of sale as described in subsection (d) to verify, when the herptile is exiting the State, that it was legally obtained.
- f) Permits must be in the possession of the holder or his or her agent (the agent must be disclosed in the permit application) when engaged in activities involving native herptile species and must be presented, upon request, to any authorized officer or agent of the Department or any local, state or federal law enforcement officer.
- g) No person shall transfer a Herpetoculture Permit to another person.
- h) The authorization on the face of a permit that allows specific activities (such as sale, possession, etc.), specifies numbers of native herptile species, or otherwise specifically limits the permit are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.
- i) All records of permit holder sales and purchases must be kept for a minimum of 2 years from the date of disposition of the herptile.

Section 885.100 Herpetoculture Permit Reporting and Renewal

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- a) Resident permit holders shall submit a report by January 31 of each year on forms provided by the Department that summarizes activities conducted under the permit during the preceding calendar year. Failure to submit this annual report by the due date will constitute a violation of this Part and may result in denial of subsequent renewal requests.
- b) Any permit holder approved to sell or offer to sell non-listed native herptiles shall present copies of receipts/bills of sale to any agent of the Department or authorized local, state or federal law enforcement officer upon request. Failure to present copies of receipts/bills of sale will constitute a violation of this Part.
- c) Resident permit holders applying for renewal of the Herpetoculture Permit shall do so by January 31 of each year and shall submit the nonrefundable fee (see Section 885.80), along with the annual report.
- d) Nonresident Limited Entry Herpetoculture Permit holders shall submit a report within 30 days after the expiration of the permit, on forms provided by the Department, along with the copies of receipts/bills of sale. Failure to provide to the Department the report and copies will constitute a violation of this Part.

Section 885.110 Medically Significant Rear-fanged Colubridae

- a) The following 15 medically significant colubrid genera are subject to this Section: *Alsophis*, *Boiga*, *Conophis*, *Hydrodynastes*, *Macropisthodon*, *Malpolon*, *Oligodon*, *Phalotris*, *Philodryas*, *Psammophis*, *Rhamphiophis*, *Thrasops*, *Tomodon*, *Waglerophis* and *Xenodon* [510 ILCS 68/10-5].
- b) Except for boomslangs (*Dispholidus*), twig snakes (*Thelotornis*), keelbacks (*Rhabdophis*), brown tree snake (*Boiga irregularis*), and Lichtenstein's green racer (*Philodryas olfersii*), all other medically significant species within the genera listed in subsection (a) may be kept with a Herptile Special Use Permit and be exempt from the required hours of experience needed (see Section 10-15 of the Act) and liability insurance requirement (see Section 60-5 of the Act). Annual permit fee, reporting requirements, prohibition on breeding (intentional or unintentional), and required educational programs remain in effect. The facilities to be used to house rear-fanged colubrids must still meet the standards of Article 10 of the Act (Venomous Reptiles) and Section 885.220. Experience with rear-fanged colubrids will not count towards experience with other venomous species.

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Section 885.120 Resident Herptile Special Use Permit Requirements, Application and Fee

- a) A Herptile Special Use Permit is required of any resident who commits to conducting at least 6 educational programs per calendar years, for which he or she is seeking to possess any venomous reptile or other special use herptile species, including, but not limited to, any crocodilian, Komodo dragon or crocodile monitor lizard, pursuant to Articles 10, 20 (Crocodilians) and 25 (Monitor Lizards) of the Act, unless exempted under Section 110-5 of the Act. An application for a Herptile Special Use Permit must file an application with the Department on a form provided by the Department. Information items requested on application forms will include, but are not limited to: name, address, phone number, list of herptile species to be requested for that permit. These forms may be submitted via email at DNR.HerpPermit@illinois.gov, or hardcopy applications may be mailed to IDNR, Herptile Permits, One Natural Resources Way, Springfield IL 62702. A period of 60 days should be allowed for the Department to receive and approve permits. Unless otherwise exempted by the Department, prior to any person obtaining a Herptile Special Use Permit, the following criteria must be met:
- 1) Applicants must be at least 18 years of age and complete all portions of the permit application form. Incomplete applications will be rejected.
 - 2) Each applicant must submit payment for each application. The nonrefundable annual fee for a residential Herptile Special Use Permit shall be \$250 per permittee.
 - 3) The requirements of Article 60 of the Act (Herptile Special Use Requirements) must be met.
 - 4) The venomous or special use herptile species applied for must be included in the approved list in Section 10-20, 20-5 or 25-5 of the Act.
 - 5) Unless otherwise exempted, proof of the liability insurance or surety bond required by Section 60-5 of the Act shall be provided and maintained during the term of the permit.
- b) In addition to completing a permit application form provided by the Department, the applicant must submit:

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- 1) an outline of the educational program to be presented. Every educational program shall include information on the status of the special use herptiles being displayed or utilized and an explanation of the legal acquisition of the specimens;
 - 2) a list of all similar programs conducted by the applicant during the 2 years preceding the application for a Herptile Special Use Permit, including estimates of the number of persons attending each presentation;
 - 3) a statement as to how the possession of the specimens or products of special use herptiles by the applicant will enhance the welfare of the species involved;
 - 4) a description, including photographs, of the facilities intended for use in holding the special use herptile species; and
 - 5) a verified statement that any special use herptiles will be obtained legally.
- c) A permit for special use herptiles may be issued if the applicant meets the following criteria:
- 1) unless exempted (see Section 885.110(b)), the credentials and required hours of experience of the applicant indicate training and experience that will assure the applicant has the ability to conduct the proposed programs;
 - 2) the program promotes the survival of the special use herptile species and its natural habitat;
 - 3) the program promotes understanding of the ecological needs of natural populations of the species;
 - 4) the program promotes understanding of the role of the special use herptile species in its natural environment;
 - 5) the applicable nonrefundable fee has been submitted (see subsection (a)(2));

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- 6) unless otherwise exempted, the permit holder has obtained the amount of liability insurance applicable to the number of special use herptiles (see Section 885.150(b)(3));
 - 7) the facilities to be used to house special use herptile species are shown to meet the standards defined in Section 885.160; and
 - 8) a pre-inspection of the proposed facilities has been conducted and the Department has approved the facility.
- d) Issuance, modification or denial of a permit shall be at the sole discretion of the Department. Permits may be denied for previous herptile-related violations of the Illinois Endangered Species Protection Act or 17 Ill. Adm. Code 1070 (Possession of Specimens or Products of Endangered or Threatened Species). Other grounds for denial of permits include, but are not limited to: interfering with or obstructing an ongoing investigation, illegal activity involving any herptile-related violations, and misleading or false statements made to the Department or any of its employees.

Section 885.130 Resident Herptile Special Use Permit Provisions

- a) Special use herptiles for which a Herptile Special Use Permit has been issued will not count against an individual's possession limits under the Herpetoculture Permit.
- b) It shall be unlawful for any person to propagate or attempt to propagate any special use herptile, either intentionally or unintentionally, without a Herptile Special Use Permit.
- c) It shall be unlawful for any person to sell or offer for sale any special use herptile without a Herptile Special Use Permit.
- d) Additions of specimens to Herptile Special Use Permits must be approved prior to acquisition of the specimens. Any changes in numbers of specimens possessed must be reported to the Department in writing no later than the first business day after that change occurs.
- e) A minimum of 6 documented educational programs shall be required of each permittee per calendar year.

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- f) The special use herptile shall be maintained in a facility that meets the requirements of Sections 10-25, 20-15 and 25-15 of the Act and Section 885.160 of this Part.
- g) Educational program use of special use herptiles shall be in accordance with Sections 10-30, 20-20 and 25-20 of the Act.
- h) Transport of special use herptiles shall be in accordance with Sections 10-35, 20-25 and 25-25 of the Act.
- i) All special use herptiles must be pit-tagged or microchipped to individually identify them unless the specimen is too small to be tagged or chipped. In that case, a color photograph documenting pattern aberrancies unique to that specimen may be accepted until the herptile is larger, at the sole discretion of the Department.
- j) The Herptile Special Use Permit, or a valid copy of the permit, must be in the possession of the holder or his or her agent (the agent must be disclosed in the permit application) when engaged in activities involving special use herptile species and presented upon demand to any authorized officer or agent of the Department or authorized local, state or federal law enforcement officer.
- k) No person shall transfer a Herptile Special Use Permit to another person.
- l) The authorization on the face of a permit that allows specific activities (such as taking, possession, etc.), specifies the number or quantity of special use herptile specimens or products, or otherwise specifically limits the permit are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

Section 885.140 Resident Herptile Special Use Permit Reporting Requirements

- a) A person who possesses any special use herptile must maintain records pertaining to the acquisition, possession and disposition of the special use herptile.
- b) These records shall be maintained for a minimum of 2 years after the date the special use herptile is no longer in possession of the permit holder. All records

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are subject to inspection by any authorized officer or agent of the Department or authorized local, state or federal law enforcement officer.

- c) All pit-tag or microchip numbers, and any identifying photographs, are to be maintained as other pertinent records, unless otherwise provided.
- d) Holders of Herptile Special Use Permits shall submit a report by January 31 of each year on forms provided by the Department that summarizes activities conducted under the permit during the preceding calendar year. Failure to submit this annual report by the due date will constitute a violation of this Part.
- e) Permit holders may transfer special use herptiles to other permit holders with written approval by the Department. The transferring permit holder must include copies of receipts/bills of sale with the annual report. Failure to provide copies of receipts/bills of sale will constitute a violation of this Part.
- f) Permit holders seeking to renew their Herptile Special Use Permits must submit the renewal application by January 31 of each year and must submit the nonrefundable permit fee (see Section 885.120(a)(2)), liability insurance renewal (if applicable), and proof of educational programs, along with the annual reports.
- g) A permit holder shall notify the Department in writing of any change in his or her name or address or any change in his or her operations within 10 days after making the change.

Section 885.150 Limited Entry (Nonresident) Special Use Herptile Permits; Fees, Reporting and Renewal

- a) Nonresidents seeking to transport, ship or display venomous or other special use herptiles through or within the State must apply for a Limited Entry Special Use Herptile Permit. The permit shall be valid for a specified period that does not exceed 30 consecutive days. The nonrefundable fee for the Limited Entry Permit is \$25.
- b) *The Department may issue a Limited Entry Permit to an applicant who:*
 - 1) *is not a resident of this State;*
 - 2) *complies with the requirements of the Act and this Part;*

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- 3) *provides proof to the Department that he or she shall, during the permit term, maintain sufficient liability insurance coverage of \$100,000 per special use herptile, up to a maximum of \$1,000,000;*
 - 4) *pays to the Department, along with each Limited Entry Permit, a nonrefundable fee of \$25;*
 - 5) *uses the special use herptile for an activity authorized in the Limited Entry Permit [510 ILCS 68/65-5]; and*
 - 6) meets the standards defined in Article 10 of the Act and Section 885.160 of this Part to house special use herptiles.
- c) In addition to completing a Limited Entry Permit application form provided by the Department, the applicant must submit:
- 1) a description, including photographs, of the facilities intended for use in holding the special use herptiles while in Illinois;
 - 2) the name and address of any venues where the special use herptiles will appear;
 - 3) the dates of entry and exit from the State;
 - 4) a complete inventory of special use herptiles entering the State with the applicant; and
 - 5) a verified statement that any specimens to be possessed while in Illinois have been obtained legally.
- d) Limited Entry Permit holders must submit a report to the Department within 30 days after the expiration of the permit, on forms provided by the Department. Failure to provide required reports can result in denial of subsequent permit requests.
- e) Issuance, modification or denial of any Limited Entry Permit shall be at the sole discretion of the Department. Permits may be denied for previous herptile-related violations of the Illinois Endangered Species Protection Act or 17 Ill. Adm. Code

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1070 (Possession of Specimens or Products of Endangered or Threatened Species). Other grounds for denial of permits include, but are not limited to: interfering with or obstructing an ongoing investigation, illegal activity involving any herptile-related violations, or misleading or false statements made to the Department or any of its employees.

Section 885.160 Herptile Facilities and Welfare Standards

a) Facility Standards

All Herpetoculture and Herptile Special Use Permit holders shall keep herptiles in a secure, escape-proof enclosure that is large enough to allow the herptiles reasonable movement. The herptiles shall be supplied clean water, cover and a clean environment and shall be fed regularly.

- 1) Enclosures must be relatively free of feces and multiple shed skins. Non-eaten food items must be removed. Each permit holder must demonstrate that his or her premises and any facilities used in his or her operation comply with this Section.
- 2) The facility must be constructed of materials of sufficient strength and design to prohibit escape, and enclosures must be of dimensions that allow the intended species to move about freely. Facilities shall be structurally sound and maintained in good repair to protect herptiles from damage by unauthorized persons or from other causes. Electric power, if required to comply with other provisions of this Section, shall be available on the premises.
- 3) Temperatures in indoor facilities shall be regulated by heating or cooling to simulate conditions of the herptile's natural environment. Indoor facilities shall have lighting, by natural or artificial means or both, of quality, intensity, color, temperature, distribution and duration appropriate for the species.
- 4) Outdoor facilities shall be sited and constructed to simulate the natural environment of the herptile with regard to humidity, moisture, temperature, lighting, cover, clean water, and all other factors necessary for survival and growth.

b) Inspection of Facilities

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To assure adequacy of facilities when a permit application is being reviewed, or upon receipt of a complaint, the applicant/permit holder shall make the premises, facilities and equipment available at times mutually agreeable to the applicant/permit holder and the Department's representative, for the purpose of ascertaining compliance with the Act and this Part. If the applicant's/permit holder's premises, facilities or equipment do not meet the requirements of the Act and this Part, the applicant/permit holder will be advised of deficiencies and the corrective measures that must be taken to bring the premises, facilities and equipment into compliance. The permit holder will be given a deadline by which prescribed corrective measures must be completed.

Section 885.170 Suspension and Revocation Procedures

- a) Failure to comply with any provision of this Part or the Act, or providing false information to obtain any permit under the Act, may result in suspension or revocation of the permit. Additional causes for suspension or revocation include, but are not limited to:
 - 1) The permit holder fails to comply with the provisions and reporting requirements of the permit;
 - 2) Annual reports are not submitted by the stated deadline, are incomplete or contain false information;
 - 3) The permit holder fails to comply with herptile facility and welfare standards of the Act and this Part;
 - 4) Violation of State or federal laws.
- b) Any person whose permit has been revoked or privileges suspended shall not be eligible to apply for a new permit in his or her name or in any other name for a period of one year from the ending date of the revocation or suspension.
- c) Any person who has been or is an officer, agent or employee of a permittee whose permit has been revoked and who was responsible for or participated in the violation upon which the revocation was based shall not receive a permit within the period during which the revocation is in effect.

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- d) Failure to comply with the provisions of the Herptile Scientific Collection Permit may result in suspension of privileges and/or revocation of that permit. Any suspension of the HSCP will be for a period of not less than one year.
- e) Failure to comply with the provisions of the Herpetoculture Permit may result in suspension of privileges and/or revocation of that permit. Any suspension of the permit will be for a period of one to 5 years from the date of violation.
- f) Any person who has been convicted of a violation of any provision of the Illinois Endangered Species Protection Act shall not be eligible to apply for a permit under this Part in his or her own name or in any other name for a period of one to 5 years from the date of conviction.
- g) Suspension and revocation of Herptile Special Use Permits are determined pursuant to Article 70 of the Act.
- h) Upon suspension or revocation of any herptile-related permits, previously permitted herptiles owned by the permittee are immediately and permanently forfeited to the Department.
- i) Unless already provided in Article 70 and Sections 105-40 and 105-70 of the Act, suspension and revocation procedures, the rights of permittees to notice and hearing, and the procedures governing hearings are set forth in 17 Ill. Adm. Code 2530.

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- 1) Heading of the Part: Inspection Procedures for Special Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 438
- 3)

| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
|-------------------------|-------------------------|
| 438.10 | New Section |
| 438.20 | New Section |
| 438.30 | New Section |
| 438.40 | New Section |
| 438.APPENDIX A | New Section |
| 438.APPENDIX B | New Section |
| 438.APPENDIX C | New Section |
| 438.APPENDIX D | New Section |
| 438.APPENDIX E | New Section |
| 438.APPENDIX F | New Section |
| 438.APPENDIX G | New Section |
| 438.APPENDIX H | New Section |
| 438.APPENDIX I | New Section |
| 438.APPENDIX J | New Section |
| 438.APPENDIX K | New Section |
- 4) Statutory Authority: Implementing and authorized by Sections 12-711 and 12-503 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-711 and 12-503], the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 6-410 of the Illinois Driver Licensing Law [625 ILCS 5/5-410]
- 5) Effective Date of Rules: September 1, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of this adopted rule, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 2449; February 5, 2016
- 10) Has JCAR issued a Statement of Objection to these rules? No

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- 11) Differences between Proposal and Final Version: Between the proposal and final version, the Department added the definition of "Highway" in Section 438.20. In Section 438.APPENDIX D, the Department also clarified the procedures to reject vehicles with king pin damage or fasteners that are damaged, loose or missing. The language of Section 438.APPENDIX E was amended in regard to enforcement area of windshields. Minor grammatical changes were also 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 any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This new Part updates the inspection procedures and rejection criteria for vehicles designated as "special vehicles" by the Department. Examples of special vehicles include, but are not limited to:
 - Buses designed to transport 11-15 persons, including the driver (except school buses);
 - Contract carriers;
 - Driver education training vehicles;
 - Limousines;
 - Medical transport vehicles;
 - Rebuilt (salvage) vehicles;
 - Religious Organization Buses; and
 - Tow trucks used intrastate.

This Part replaces Appendix A, Appendix C, and Appendix D, as well as Exhibits A and B of 92 Ill. Adm. Code 448, Official Testing Stations. The administrative requirements for operating an Official Testing Station in Sections 448.5 through 448.130 are now located in 92 Illinois Adm. Code 451, Administrative Requirements for Official Testing Stations, and have been repealed from Part 448. Therefore, the entire Part 448 has simultaneously been repealed elsewhere in this Register.

Part 448 was filed in 1977 with the majority of the procedures and rejection criteria found in Appendix A remaining relatively unchanged since it was filed. In January 1990, PA 86-408 amended the Illinois Vehicle Inspection Law to require: For trucks, truck tractors, trailers, semi-trailers, and buses, the safety test shall be conducted in accordance

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with the Minimum Periodic Inspection Standards promulgated by the Federal Highway Administration of the U.S. Department of Transportation and contained in Appendix G to Subchapter B of Chapter III of Title 49 of the Code of Federal Regulations. (This inspection is commonly referred to as an Appendix G inspection.) To comply with PA 86-408, the Department instructed the owners of Illinois Official Testing Stations to inspect those applicable vehicles that were affected by PA 86-408 by using the Appendix G inspection criteria and to no longer use the procedures prescribed in Part 448.

The Federal Highway Administration intended the Appendix G inspection standards to be applicable to commercial motor vehicles, which are generally larger commercial-type vehicles. Some of the Appendix G standards cannot be applied to vehicles smaller than what is generally thought of as a commercial motor vehicle. (A commercial motor vehicle is generally defined as a vehicle that has a Gross Vehicle Weight Rating of more than 10,000 lbs. or a passenger carrying vehicle designed to transport more than 15 persons, including the driver.) An example of when Appendix G criteria cannot be applied to special vehicles is the inspection of the service brake system. Appendix G criteria requires the measurement of a brake's push rod travel to determine the readjustment limits for service brakes. However, only vehicles manufactured with an air brake system (i.e., larger vehicles) are equipped with a push rod necessary to determine the push rod travel. Part 448 required the braking action for braking systems other than air brakes be measured with the use of a brake testing machine. Public Official Testing Stations are required to be equipped with an approved brake testing machine. The procedures for utilizing a brake testing machine are also set out in this new Part 438 and will continue to be used to inspect special vehicles.

Illinois law also requires additional equipment on special vehicles that is not required for an Appendix G inspection. An example of additional equipment required for a special vehicle is the oscillating light required to be located on the roof of an ambulance.

In 1990, the Department classified the vehicles that should not be inspected using solely Appendix G criteria as "special vehicles" with distinct inspection criteria unique to those vehicles as prescribed in 92 Ill. Adm. Code 448.

As the inspection program progressed, it became apparent to the Department that, for consistency, the existing inspection criteria for "special" vehicles should be updated and amended to more closely match the procedures and criteria used for an Appendix G inspection. Consistency within the inspection program, whenever possible, is a goal for this rulemaking.

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In this rulemaking, the Department amended the inspection procedures for consistency with the procedures used for an Appendix G inspection. Wherever possible, the Department uses Appendix G criteria that can be applied to special vehicles. This makes the inspection process less complicated for the Certified Safety Testers (CST) who perform the inspections. It also assists with the training of new CSTs when the inspection procedures and rejection criteria are the same and consistent for as many vehicles as possible.

At Section 438.30, Incorporation by Reference of Federal Regulations, the Department is incorporating all applicable Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571) as of October 1, 2015, the most current edition of the FMVSS. The National Highway Traffic Safety Administration (NHTSA) requires all vehicles manufactured for use in the United States to meet the FMVSS.

The following provides a comparison between this new Part 438 and the previous requirements of Part 448.

Section 438.Appendix A (Battery or Batteries through Exhaust System) through Appendix E (Tires through Windshield Wipers)

No substantive changes were made to the following components in these Sections:

| | |
|------------------------------|----------------------------|
| Service Brakes | Tires |
| Fenders | Warning Devices |
| Floor, Firewall and Occupant | Wheel Housings |
| Compartment | Wheels Locks or Side Rings |
| Hood | Wheels and Rims |
| Horn | Windows |
| Reflectors | Windshield |
| Steering System | Windshield Washers |
| Suspension System | Windshield Wipers |

Amendments and clarifications were made to the following components in these Sections:

| | |
|-------------------------|---------------------------|
| Emergency Parking Brake | Frame, Cab and Body |
| Bumpers | Fuel Storage and Delivery |
| Doors | System |
| Exhaust System | Lights |

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Mirrors

Seat, Driver's

The following components were added to these Sections:

Battery

Seat Belts

Battery Cable

Wiring

Pedals

Section 438.Appendix F (Special Requirements for Buses (Vehicles Manufactured to Transport 11 or More Passengers, Including the Driver))

No substantive changes were made to the following component in this Section:

First Extinguisher

Amendments and clarifications were made to the following components in this Section:

Emergency Exits

Lettering

Lights and Lenses

Seats, Passenger and Driver

Steps and Floor Covering

Prohibited Items

The following components were added to this Section:

Lifts and Ramps

Section 438.Appendix G (Special Requirements for Contract Carriers, First Division Vehicles used to Transport School Children (K-12) and Limousines)

No significant changes were made to the inspection criteria for these vehicles.

Section 438.Appendix H (Special Requirements for Driver Education Training Vehicles)

Provided procedures for driver education training vehicles owned by both commercial driver training schools and public high schools. Procedures were established for motorcycles used by commercial driver training schools.

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Section 438.Appendix I (Special Requirements for Medical Transport Vehicles (Ambulances, Medical Carriers, and Rescue Vehicles))

Established procedures for medical transport vehicles that are equipped with an operating lift or ramp.

Section 438.Appendix J (Special Requirements for Rebuilt Vehicles)

Clarified acceptable forms of proof of ownership documentation. Clarified and updated procedures and rejection criteria for rebuilt motorcycles.

Section 438.Appendix K (Special Requirements for Tow Trucks Used in Intrastate Commerce)

Deleted identification requirements (i.e., company name, address and telephone number). Moving splash guard requirements to this Appendix. Added Agency Note to clarify that tow trucks used in interstate commerce and displaying a USDOT number are exempt from the requirements of this Part.

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

Carrie B. Boyd, Esq.
Rules Manager
Office of Chief Counsel
Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield IL 62764

217/524-3838

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)PART 438
INSPECTION PROCEDURES FOR SPECIAL VEHICLES

Section

| | |
|----------------|-----------------------------------------------------------------------------------------------------------------------------|
| 438.10 | Purpose and Applicability |
| 438.20 | Definitions |
| 438.30 | Incorporation by Reference of Federal Regulations |
| 438.40 | General Requirements |
| 438.APPENDIX A | Battery or Batteries through Exhaust System |
| 438.APPENDIX B | Fenders through Hood |
| 438.APPENDIX C | Horn through Seat, Driver's |
| 438.APPENDIX D | Seat Belts through Suspension System |
| 438.APPENDIX E | Tires through Wiring System |
| 438.APPENDIX F | Special Requirements for Buses (Vehicles Manufactured to Transport 11 or More Passengers, Including the Driver) |
| 438.APPENDIX G | Special Requirements for Contract Carriers, First Division Vehicles Used to Transport School Children (K-12) and Limousines |
| 438.APPENDIX H | Special Requirements for Driver Education Training Vehicles |
| 438.APPENDIX I | Special Requirements for Medical Transport Vehicles (Ambulances, Medical Carriers and Rescue Vehicles) |
| 438.APPENDIX J | Special Requirements for Rebuilt Vehicles |
| 438.APPENDIX K | Special Requirements for Tow Trucks used in Intrastate Commerce |

AUTHORITY: Implementing and authorized by Sections 12-711 and 12-503 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-711 and 12-503], the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 6-410 of the Illinois Driver Licensing Law [625 ILCS 5/6-410].

SOURCE: Adopted at 40 Ill. Reg. 13142, effective September 1, 2016.

Section 438.10 Purpose and Applicability

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The purpose of this Part is to promote the safety of the general public by establishing inspection standards for Official Testing Stations that conduct safety tests necessary for the following vehicles to receive a valid certificate of safety. (See IVC Sections 13-101 and 6-410.)

- a) Buses designed to transport 11-15 persons, including the driver (except school buses) (see 92 Ill. Adm. Code 441, 443 and 445 for school bus inspection procedures);
- b) Buses registered as charitable vehicles (except motorcoach-style buses) (see 49 CFR 399.appendix G);
- c) Contract carriers transporting employees in the course of their employment on an Illinois highway in a vehicle designed to carry 15 or fewer passengers;
- d) Driver education training cars operated by commercial driver training schools;
- e) Driver education training cars that are over five model years of age or have an odometer reading of more than 75,000 miles and are used by public high schools;
- f) First division vehicles, including, but not limited to, taxis that are used for a purpose that requires the driver to have a school bus driver permit;
- g) Limousines;
- h) Medical transport vehicles;
- i) Multifunction school activity buses manufactured prior to July 1, 2012 and owned or operated by a public or private school (K-12);
- j) Rebuilt (salvage) vehicles (except rebuilt trailers) (see 49 CFR 399.appendix G);
- k) Religious organization buses (except motorcoach-style buses);
- l) Senior citizen transport vehicles designed to transport 11-15 persons, including the driver; and
- m) Tow trucks used in intrastate transportation.

Section 438.20 Definitions

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"Ambulance" means any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless. (IVC Section 1-102.01)

"Bead" means that part of the tire usually made of steel wires, rubber and ply cords that are shaped to fit the rim.

"Bottom of the Tread Groove" means the portions of a tread groove nearest the carcass.

"Bumper" means any device or system of devices protruding from and attached to the front and rear of a motor vehicle that has been designed to be used to absorb the impact of a collision. For the purposes of this Part, a bumper also includes a device or system of devices similar in design to those with which new motor vehicles are equipped. (IVC Section 1-106.5)

"Bus" or "Motor Bus" means every motor vehicle, other than a commuter van, designed for carrying more than 10 persons, including the driver. (IVC Section 1-107)

"Carcass" means the tire structure, except the tread and the portion of sidewall rubber outside the cords.

"Charitable Vehicle" or "Religious Organization Bus" means any vehicle that is exclusively owned and operated by a religious or charitable not-for-profit organization and is used primarily in conducting the official activities of the organization. (See IVC Section 1-111.1a.)

"Circumference of the Tire" or "Tire Circumference" means a closed line around the tire perimeter that lies approximately in a plane perpendicular to the axis about which the tire rotates when in use.

"Code" or "IVC" means the Illinois Vehicle Code [625 ILCS 5].

"Commuter Van" means a motor vehicle designed for the transportation of not less than 7 nor more than 16 passengers, that is:

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used in a ridesharing arrangement; or

owned or leased by or on behalf of a company or an employee organization and operated on a non-profit basis with the primary purpose of transporting employees of the company between the employees' homes and the company's place of business or a public transportation station and in which the operating, administrative, maintenance and reasonable depreciation costs are paid principally by the persons utilizing the commuter van. (IVC Section 1-111.9)

"Contour Type Splash Guard" means rear fender splash guards that contour the wheel. The splash guard shall have a lip or flange on its outside edge to minimize side throw and splash. The lip or flange shall extend toward the center of the wheel, and shall be perpendicular to and extend not less than 2 inches below the inside or bottom surface line or plane of the guard. These contour type splash guards may be constructed of either a rigid or flexible material, but shall be attached in such a manner that, regardless of movement either by the splash guards or the vehicle, the splash guards will retain their general parallel relationship to the tread surface of the tire or wheel under all ordinary operating conditions. (See Section 12-710(a) of the Illinois Vehicle Equipment Law for a more detailed description.)

"Contract Carrier" means a vehicle designed to carry 15 or fewer passengers that is owned by a third party company that is contracted to transport employees of another company in the course of their employment.

"Cord" means a filament or strand of nonrubbery material woven with others or laid parallel with others to form a layer or ply in a tire carcass.

"Department" means the Department of Transportation of the State of Illinois, acting directly or through its duly authorized officers and agents. (IVC Section 1-115.05)

"Exhaust System" means the manifold and piping leading from the exhaust ports of the engine to and including the muffler, resonator and tail piping. The exhaust system includes each component used to conduct exhaust from an engine exhaust port to an authorized exit point, including each sealing, connecting and supporting component.

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"First Division Vehicle" means *those motor vehicles that are designed for the carrying of not more than 10 persons, including the driver.* (IVC Section 1-217)

"Flap type splash guard" means rear fender splash guards that are wide enough to cover the full tread width of the tire or tires being protected. They shall be so installed that they extend from the underside of the vehicle in a vertical plane behind the rear wheels to within 12 inches of the ground when the vehicle is loaded to maximum legal capacity. Flap type splash guards may be constructed of either a rigid or flexible material. (See Section 12-710(b) of the Illinois Vehicle Equipment Law for a more detailed description.)

"FMVSS" means the rules and standards set forth in 49 CFR 571 and known as the Federal Motor Vehicle Safety Standards.

"Fuel Storage and Delivery System" means the fuel tank, fuel pump and necessary piping to carry the fuel from the tank to the fuel intake system.

"Gross Vehicle Weight Rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of the vehicle. (See IVC Section 1-124.5.) (The vehicle's GVWR is located on the federal certification label affixed to the vehicle by the manufacturer.)

"Highway" means *the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or located on public school property.* (IVC Section 1-129)

"Illinois Vehicle Equipment Law" means 625 ILCS 5/Ch. 12.

"Interstate" or "Interstate Commerce" means *transportation between 2 or more states or transportation originating in one state and passing into or through other states for delivery in another state, and that is not intrastate.* (IVC Section 1-133)

"Intrastate" or "Intrastate Commerce" means *transportation originating at any point or place within this State and destined to any other point or place within this State, irrespective of the route, highway or highways traversed, and including transportation that passes into or through another state before delivery is made*

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within this State, and including any act of transportation that includes or completes a pickup within Illinois for delivery within Illinois. (IVC Section 1-134)

"Limousine" means any privately owned First Division vehicle intended to be used for the transportation of persons for-hire when the payment is not based on a meter charge, but is prearranged for a designated destination. (IVC Section 1-139.1)

"Medical Carrier" means any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for, the nonemergency transportation of persons for compensation for the purpose of obtaining medical services. (IVC Section 1-142.1)

"Medical Transport Vehicle" includes ambulances, medical carriers and rescue vehicles. (IVC Section 1-142.2)

"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding an autocycle or tractor. (IVC Section 1-147)

"Multifunction School Activity Bus" or "MFSAB" means a school bus manufactured for the purpose of transporting 11 or more persons, including the driver, whose purposes do not include transporting students to and from home or school bus stops. An MFSAB is prohibited from meeting the special requirements for school buses in IVC Sections 12-801, 12-802(a), 12-803 and 12-805. (IVC Section 1-148.3a5)

"Ply" means a layer of rubber-coated parallel or woven cords, including those laid under a tread in the form of a circumferential belt.

"Recut" or "Regroove" means the deliberate deepening of existing tread grooves or tread wear indicators by cutting, burning or other means or the deliberate forming (by cutting, burning or other means) of a groove or grooves other than the groove molded by the tire manufacturer or retreader.

"Rescue Vehicle" means any publicly or privately owned vehicle that is specifically designed, configured and equipped for the performance of access and extrication of persons from hazardous or life-endangering situations, as well as

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for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless. (IVC Section 1-171.8)

"Rim" means the metal that supports a tire and that is located between the tire and either the wheel disc or the wheel spokes when on a road wheel. The rim may be integral with, permanently or temporarily attached to, or separate from the wheel.

"Second Division Vehicle" means those motor vehicles that:

are designed for carrying more than 10 persons;

are designed or used for living quarters;

are designed for pulling or carrying property, freight or cargo;

are of the First Division remodelled for use and used as motor vehicles of the Second Division; and

are of the First Division used and registered as school buses. (IVC Section 1-217)

"Separation" means a parting or pulling away from the adjacent portion of the tire material or carcass.

"Sidewall" means the portion of a tire between tread and bead.

"Special Vehicles" means those vehicles listed in Section 438.10.

"Tandem Axles" means any two or more single axles whose centers are more than 40" and not more than 96" apart, measured to the nearest inch between extreme axles in the series, except as provided in IVC Section 15-111 for special hauling vehicles. (IVC Section 1-204.3)

"Tie Bar" means rubber that is molded across a tread groove and braces or stabilizes adjacent tread elements.

"Tow Truck" means every truck designed or altered and equipped for and used to push, tow, carry upon or draw vehicles by means of a crane, hoist, towbar, towline or auxiliary axle, or carried upon to render assistance to disabled

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vehicles, except for any truck tractor temporarily converted to a tow truck by means of a portable wrecker unit attached to the fifth wheel of the truck tractor and used only by the owner to tow a disabled vehicle also owned by him or her and never used for hire. (IVC Section 1-205.1)

"Tread" means the thickness of the tire rubber that is located outside the carcass and that normally comes into contact with the roadway as the inflated tire wears during use.

"Tread Element" means a distinct portion of the tread (such as a rib, lug or knob) that comes into contact with the surface of a smooth, paved road while the properly inflated tire carries its normal service load.

"Tread Groove" means an elongated void area in a tread that may extend circumferentially or laterally about the tread in a straight, curved or zigzag manner.

"Tread Groove Depth" means the shortest distance from a plane in tangential contact with two adjacent tread elements to the bottom of the tread groove that is located between the adjacent tread elements.

"Tread Wear Indicator" means a molded hump that stands 2/32" above the bottom of a tread groove.

"Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property. (IVC Section 1-211)

"Vehicle" means every device, in, upon or by which any person or property is or may be transported or drawn upon a highway or requiring a certificate of title under IVC Section 3-101(d), except devices moved by human power, devices used exclusively upon stationary rails or tracks, and snowmobiles as defined in the Snowmobile Registration and Safety Act [625 ILCS 40].

For the purposes of this Part, unless otherwise prescribed, a device shall be considered to be a vehicle until such time it either comes within the definition of a junk vehicle, as defined in IVC Section 1-134.1, or a junking certificate is issued for it.

For this Part, vehicles are divided into two divisions:

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First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.

Second Division: Those vehicles that are:

designed for carrying more than 10 persons;

designed or used for living quarters;

designed for pulling or carrying property, freight or cargo;

of the First Division remodelled for use and used as motor vehicles of the Second Division; and

*of the First Division used and registered as school buses.
(IVC Section 1-217)*

"Wheelchair Securement Anchorages" means the provision for transferring wheelchair securement loads to the vehicle structure; commonly referred to as fastening devices. (See 49 CFR 571.222.)

"Wheelchair Securement Device" means a strap, webbing or other device used for securing a wheelchair to the vehicle, including all necessary buckles and other fasteners. (See 49 CFR 571.222.)

Section 438.30 Incorporation by Reference of Federal Regulations

- a) Each vehicle subject to this Part must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.1 through 571.500). Those applicable provisions of the FMVSS are incorporated by reference as that part of the FMVSS was in effect on October 1, 2015. No later amendments to or editions of 49 CFR 571 are incorporated.
- b) Copies of the materials incorporated by reference are available for inspection at the Division of Traffic Safety, 1340 North Ninth Street, Springfield, Illinois 62702 or by calling 217/785-1181. The federal standards are available on the National Archives and Records Administration's website at <http://ecfr.gpoaccess.gov>. The Division of Traffic Safety's rules are available on

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the Department's website at <http://www.idot.illinois.gov/transportation-system/safety/roadway/index>.

Section 438.40 General Requirements

- a) Only vehicles without cargo may be tested.
- b) Vehicles having a compartmentalized body containing tools or other working equipment (such as vehicles operated by telephone, gas, electric companies, etc.) that do not exceed the maximum capabilities of the testing equipment may be tested.
- c) Vehicles equipped with permanently mounted equipment, such as a compressor, winch or lifting device, and licensed with weight plates that do not exceed the maximum capabilities of the testing equipment, may be tested.
- d) If the station owner believes the total weight or size of a vehicle might damage the station or the testing equipment, he/she may refuse to test the vehicle. If the station owner accepts a vehicle for testing, he/she must assume total liability for damages to the station or the testing equipment caused by vehicle build, weight or mass.
- e) Motorcycles are subject only to the applicable requirements in Appendix H(d)(1)(D) and Appendix J(b).

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Section 438.APPENDIX A Battery or Batteries through Exhaust System

a) BATTERY OR BATTERIES

PROCEDURES/SPECIFICATIONS:

A minimum of one battery must be installed. Two or more suitably connected batteries may also be installed.

Battery or batteries must be securely mounted and free of excessive corrosion.

REJECT VEHICLE IF:

Battery or batteries are not securely mounted or are excessively corroded.

b) BATTERY CABLES

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Cables are corroded or are not securely attached.

c) BRAKES

1) SERVICE BRAKES (AIR)

PROCEDURES/SPECIFICATIONS:

Must be equipped with service brakes on all wheels. (See IVC Section 12-301(a)(5).)

Service brakes must provide braking action on any axle required to have brakes. Application of service brakes could cause the vehicle to reduce speed without creating steering problems. All brake components must be in good condition. Brake linings or pads must be clean, securely attached

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and of sufficient thickness. There must be no mismatch of air chamber sizes and slack adjuster lengths across the steering axle of any power unit.

Exception: If the vehicle was manufactured before July 25, 1980 and has 3 or more axles, brakes are not required on the front wheels. However, if two of those axles are steerable, one of them shall have brakes on all wheels.

AGENCY NOTE: Prior to inspecting any components located under the vehicle, be sure wheels have been chocked.

Observe braking action while service brakes are applied. Inspect for the absence of braking action on any axle required to have brakes. An example of absent braking action includes missing brakes or brake shoes that fail to move upon application of a wedge, S-cam, cam or disc brake.

When the following brake components are visible, inspect for good working condition and secure attachment:

- Shoes
- Lining
- Pads
- Springs
- Anchor Pins
- Spiders
- Cam Shaft Support Brackets
- Cam Rollers
- Push Rods (Air Only)
- Air Chamber (includes Mounting Bolts) (Air Only)

Inspect air brake chamber for any audible air leaks (examples include ruptured diaphragm, loose chamber clamp, etc.).

REJECT VEHICLE IF:

Absence of braking action on any axle required to have brakes.

Visible brake components are broken or not secure.

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Audible air leak at brake chamber.

BRAKE PERFORMANCE TEST

PROCEDURES/SPECIFICATIONS:

If Using Drive-On Pad Type Brake Tester:

Check vehicle's stopping ability before testing.

Drive vehicle onto brake machine pads at 4 through 8 m.p.h.

Apply service brakes to bring vehicle to a halt. Do not lock wheels.

Note the braking forces registered by the brake machine.

If Using Roll-On Type Tester:

Each axle must be tested separately. Transmission must be in neutral when testing brakes on any drive axle. Check vehicle's stopping ability before testing.

Drive front axle onto rollers and start roller motor.

Apply service brakes but do not lock the wheels.

Note the braking forces registered by the brake machine.

Repeat the above steps for each axle.

The total braking force on a vehicle must be determined by adding the results of the test on each axle.

REJECT VEHICLE IF:

Drive-On Tester:

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Machine does not register a total braking force of at least 60% of the vehicle empty weight. Braking forces at opposite wheels on same axle vary more than 20%.

Computerized tester does not register a total braking force of at least 45% of the vehicle empty weight.

Roll-On Tester:

Machine does not register a total braking force of at least 60% of the vehicle empty weight. Braking forces at opposite wheels on same axle vary more than 20%.

2) Brake Linings AND Pads

Inspect brake linings and pads for firm attachment to the brake shoe.

Inspect linings and pads for oil, grease or brake fluid saturation.

Measure brake linings for minimum thickness:

Air drum brakes – thickness must measure at least $\frac{1}{4}$ inch at the shoe center.

Air disc brakes – thickness must measure at least $\frac{1}{8}$ inch.

Hydraulic brake linings or pad thickness must measure more than $\frac{1}{16}$ inch.

REJECT VEHICLE IF:

Any brake lining or pad is not securely attached to the shoe.

Any brake lining or pad is saturated with oil, grease and/or brake fluid.

Brake linings with a thickness less than $\frac{1}{4}$ inch at the shoe center for air drum brakes; less than $\frac{1}{8}$ inch for air disc brakes; $\frac{1}{16}$ inch or less for hydraulic brake linings or pads.

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3) AIR CHAMBER SIZE AND SLACK ADJUSTOR LENGTH

PROCEDURES/SPECIFICATIONS:

Inspect the steering axle to determine if air chamber sizes and slack adjuster lengths are the same.

REJECT VEHICLE IF:

Air chamber sizes and slack adjuster lengths are not the same on the steering axle.

4) PARKING BRAKE SYSTEM

PROCEDURES/SPECIFICATIONS:

Upon actuation of the parking brake control, including driveline hand controlled parking brakes, the brakes must be activated on the vehicle.

Apply parking brake control and determine if brakes have been activated.

REJECT VEHICLE IF:

Brakes on the vehicle are not activated when parking brake controls are applied.

Actuating mechanism does not fully release when brake control is operated.

5) BRAKE DRUMS OR ROTORS

PROCEDURES/SPECIFICATIONS:

The brake drums and rotors shall be free of cracks that open when brakes are applied. The brake drums and rotors shall not have any portion missing or in danger of falling away.

Inspect brake drums and rotors for overall integrity to identify if any portions are missing or if there are any flexural cracks.

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AGENCY NOTE: A flexural crack is a crack resulting from the drum or rotor being "flexed" at a turn or bend in the metal. Caution should be taken to insure that short hairline heat cracks are not confused with flexural cracks.

REJECT VEHICLE IF:

Any drum or rotor has a portion missing or in danger of falling away.

Any flexural crack in the drum or rotor opens when the brakes are applied.

6) BRAKE HOSE

PROCEDURES/SPECIFICATIONS:

All brake hoses shall be properly connected and free from damage or leaks.

Inspect hose for damage extending through outer reinforcement ply.

Agency Note: Rubber impregnated fabric cover is not a reinforcement ply. Thermoplastic nylon may have braid reinforcement or color difference between cover and inner tube. Exposure of second color is cause for rejection.

Inspect for any bulge or swelling when air pressure is applied.

Inspect for any audible leaks.

Inspect for two hoses improperly joined, such as a splice made by sliding hose ends over a piece of tubing and clamping hose to tube.

Inspect for cracked, broken or crimped hoses.

REJECT VEHICLE IF:

An audible leak is present in brake hoses.

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A bulge or swell is present when air pressure is applied.

Hoses are cracked, broken or crimped.

7) BRAKE TUBING

PROCEDURES/SPECIFICATIONS:

Brake tubing must be free of leaks and damage from heat and must not be cracked, broken or crimped.

Inspect brake lines throughout the vehicle with special attention to areas where tubing may be subjected to stress to identify:

Any audible leaks;

Cracked tubing;

Tubing damaged by heat; or

Broken or crimped tubing.

REJECT VEHICLE IF:

Brake tubing:

Leaks;

Is damaged from heat; or

Is cracked, broken or crimped.

8) LOW PRESSURE WARNING DEVICE

PROCEDURES/SPECIFICATIONS:

The low pressure warning device must be properly installed and in good working condition.

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Complete the following steps to evaluate the low pressure warning device:

Start the engine.

Apply service brakes and release until air compressor is activated.

Continue to run engine until compressor cut out pressure is reached.

Record compressor cut out pressure.

Shut off engine.

Apply brakes and release until low air pressure warning device functions.

Determine if low pressure warning device (audible or visible) is missing or inoperative.

Record the reading found on the pressure gauge at which the low pressure warning device functions.

REJECT VEHICLE IF:

Missing or inoperative low pressure warning device.

Low pressure warning device does not operate at 55 psi or one half cut-out pressure, whichever is less.

9) AIR COMPRESSOR**PROCEDURES/SPECIFICATIONS:**

Air compressor must be securely mounted with brackets, braces or adapters in good order and with the pulley and belts in proper condition.

Visually inspect air compressor to identify:

Loose air compressor mounting bolts;

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Air compressor mounting brackets, braces or adapters that are cracked or broken;

Drive belts in condition of impending or probable failure; or

Cracked, broken or loose pulley.

REJECT VEHICLE IF:

Air compressor is not securely mounted.

Mounting brackets, braces or adapters are cracked or broken.

Drive belt or belts in condition of impending or probable failure.

Pulley is cracked, broken or loose.

10) HYDRAULIC BRAKES (INCLUDING POWER ASSIST OVER HYDRAULIC AND ENGINE DRIVE HYDRAULIC BOOSTER)

PROCEDURES/SPECIFICATIONS:

A hydraulic brake system must have a sufficient supply of brake fluid. Fluid lines and hoses must be in good working order, with no leaks. Components must function as required.

Examine the hydraulic brake system to determine if the:

Master cylinder fluid is not below the manufacturer's minimum indicator line.

Brake pedal has no reserve when engine is running, except by pumping pedal.

Power assist unit fails to operate.

Brake hoses seep or swell with application of brake pressure.

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Metering valve is missing or inoperative (if vehicle is so equipped).

Examine the hydraulic brake system to determine if:

A leak is observed in the brake system.

Any brake hose is abraded or chafed through outer cover-to-fabric layer.

Any fluid line or connections are leaking, restricted, crimped, cracked or broken.

Brake failure or low fluid warning light is on or inoperative.

REJECT VEHICLE IF:

Master cylinder fluid is below the manufacturer's minimum indicator line.

Brake pedal has no reserve when engine is running, except by pumping pedal.

The power assist unit fails to operate.

Brake hoses seep or swell with the application of brake pressure.

The metering valve is missing or inoperative (if vehicle is so equipped).

A leak is present in the brake system.

Any brake hose is abraded or chafed through outer cover-to-fabric layer.

Any fluid line or connections are leaking, restricted, crimped, cracked or broken.

Brake failure or low fluid warning light or lights are on or inoperative.

11) VACUUM BRAKE SYSTEMS

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PROCEDURES/SPECIFICATIONS:

Any vacuum system must have sufficient vacuum reserve to permit one full application of brakes after engine is shut off. Hoses and lines must be in good condition. Any full vacuum system must be equipped with an operative low vacuum warning device.

Determine that sufficient vacuum reserve is present after engine is shut off to allow one application of brakes.

Examine hoses and lines. Insure that the lines and hoses contain:

No restrictions;

No abrasions (chafing) through outer cover to cord ply;

No crimps, cracks or breaks; or

Any area of collapse in the hose when vacuum is applied.

Physically examine the low vacuum warning device (if vehicle is so equipped) to insure that it is present and operable.

REJECT VEHICLE IF:

Insufficient vacuum reserve for one application of brakes.

Any condition listed in the third paragraph above is present.

Missing or inoperable low vacuum warning devices.

d) BUMPERS

PROCEDURES/SPECIFICATIONS:

Inspect front bumper for secure attachment. Inspect rear bumper, if vehicle is so equipped. (See Section 438.20 for definition of bumper.)

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Exception: Vehicles with a GVWR of more than 9,000 lbs. are exempt from having a rear bumper. (See Section 12-608(a) of the Illinois Vehicle Equipment Law.)

REJECT VEHICLE IF:

The front bumper is missing or loosely attached. If vehicle is required to have a rear bumper, it is missing or loosely attached.

e) DOORS

PROCEDURES/SPECIFICATIONS:

If vehicle is equipped, inspect door latches and handles for proper operation.

REJECT VEHICLE IF:

The door does not operate properly (if the vehicle is so equipped).

f) EXHAUST SYSTEM

PROCEDURES/SPECIFICATIONS:

If vehicle is so equipped, inspect the manifold, muffler, resonator, all pipes, gaskets and supporting hardware.

The exhaust system must be located outside the vehicle's body and attached securely to the vehicle.

The exhaust system must not leak and must discharge outside the perimeter of the vehicle's body or must meet manufacturer's original design.

REJECT VEHICLE IF:

Any part of the system is not securely supported.

Any part of the system is leaking.

Any part of the system contains holes not made by manufacturer.

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Any part of the system passes through the passenger compartment.

Exhaust discharge does not exit outside the perimeter of the vehicle's body or does not meet manufacturer's original design.

Any exposed exhaust stack does not have a protective shield or insulated lining to prevent burns.

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Section 438.APPENDIX B Fenders through Hood

a) FENDERS

PROCEDURES/SPECIFICATIONS:

Inspect for the presence of front and rear fenders. Verify fenders are securely attached to the vehicle.

REJECT VEHICLE IF:

Any fender is missing or not securely attached to the vehicle.

b) FLOOR, FIREWALL AND OCCUPANT COMPARTMENT

PROCEDURES/SPECIFICATIONS:

Inspect floor, firewall and occupant compartment for holes or openings that permit exhaust gases to enter the occupant compartment.

REJECT VEHICLE IF:

Holes or openings are present in the floor, firewall or occupant compartment that permit exhaust gases to enter the occupant compartment.

c) FRAME, CAB AND BODY

PROCEDURES/SPECIFICATIONS:

Inspect frame, subframe, unibody and chassis cross-member assemblies.

Inspect cab and body attachments.

REJECT VEHICLE IF:

Frame, subframe, unibody or cross-member is cracked, broken, loose, sagging, rusted through or missing.

Body bolts or brackets (to chassis) are loose, cracked, broken or missing.

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Body spacer block is missing or body is not level with chassis.

Cab or body is loose on chassis.

d) FUEL STORAGE AND DELIVERY SYSTEM

PROCEDURES/SPECIFICATIONS:

Inspect support straps, tube clamps, fuel tank vent hoses and tubes for leaks and secure mounting.

Inspect the fuel tank or any exhaust additive tank to make certain they are securely attached to the vehicle.

Confirm that the fuel filler cap is present and capable of being tightened (if the vehicle is so equipped).

REJECT VEHICLE IF:

There is fuel leakage at any point in the system.

Any part of the system is not securely fastened.

Fuel filler cap is missing, leaking or not able to be tightened (if the vehicle is so equipped).

e) HOOD

PROCEDURES/SPECIFICATIONS:

Open hood and inspect safety catch for proper operation. Close hood and inspect for proper full closure.

REJECT VEHICLE IF:

Hood does not open or hood latch does not securely hold hood in its proper fully-closed position.

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Secondary or safety catch does not function properly.

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Section 438.APPENDIX C Horn through Seat, Driver's

a) HORN

PROCEDURES/SPECIFICATIONS:

At least one horn shall be provided giving an audible warning at a distance of 200 feet and shall be conveniently controlled from the driver's seated position. (See Section 12-601 of the Illinois Vehicle Equipment Law.)

REJECT VEHICLE IF:

Horn control is:

Missing;

Defective;

Not audible; or

Not readily accessible from the driver's seated position.

b) LIGHTS

Light Emitting Diode (LED) lights that conform to applicable FMVSS are acceptable. Two or more lights or reflectors may be combined if the requirements for each light or reflector are met. However, no clearance light shall be combined with a tail light. (See 49 CFR 571.108 - S6.3.) This subsection (b) provides minimal lighting requirements that must be met to pass inspection. Additional lights that are not required by this subsection are not subject to inspection or rejection criteria.

AGENCY NOTE: The following devices shall be excluded when measuring the vehicle's width:

Exterior, side-mounted mirror assemblies;

Side-mounted turn signals;

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Front and rear bumpers;

Flexible fender skirts or moldings;

Side-mounted clearance lights and reflectors; and

Any other required light or device.

1) Backup

PROCEDURES/SPECIFICATIONS:

At least one white light shall be provided. Must conform to federal standard 49 CFR 571.108.

Exception: Vehicles manufactured prior to 1968 are exempt.

REJECT VEHICLE IF:

Backup light:

Is missing;

Does not function properly; or

Is an improper color.

2) Clearance, Front

PROCEDURES/SPECIFICATIONS:

One amber light on each side, for a total of two front clearance lights. The lights must be located on the same level as high as practicable on the vertical centerline to indicate the width of the vehicle.

Must conform to federal standard 49 CFR 571.108. May be combined with sidemarker light provided the requirements for both lights are met.

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Exception: Vehicles that measure less than 80 inches wide are exempt.

REJECT VEHICLE IF:

Front clearance lights:

Are missing;

Do not function properly;

Are not in correct location; or

Are an improper color.

3) Clearance, Rear

PROCEDURES/SPECIFICATIONS:

One red light on each side, for a total of two rear clearance lights. The lights must be located on the same level as high as practicable on the vertical centerline to indicate the overall width of the vehicle.

Must conform to federal standard 49 CFR 571.108.

Exception: Vehicles that measure less than 80 inches wide are exempt.

REJECT VEHICLE IF:

Rear clearance lights:

Are missing;

Do not function properly;

Are not in correct location; or

Are an improper color.

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4) Identification (Cluster), Front

PROCEDURES/SPECIFICATIONS:

Three amber lights mounted on the vertical centerline of the vehicle. All 3 lights must be located on the same level and as close as practicable to the top of the vehicle. The lamp centers must be spaced not less than 6 inches or more than 12 inches apart.

Must conform to federal standard 49 CFR 571.108.

Exception: Vehicles that measure less than 80 inches wide are exempt.

REJECT VEHICLE IF:

Front identification lights:

Are missing;

Do not function properly;

Are not in correct location; or

Are an improper color.

5) Identification (Cluster), Rear

PROCEDURES/SPECIFICATIONS:

Three red lights mounted on the rear vertical centerline of the vehicle. One light must be located as close as practicable to the vehicle's vertical centerline. One light must be located on each side with lamp centers spaced not less than 6 inches or more than 12 inches apart. All 3 lights must be located on the same level as close as practicable to the top of the vehicle.

Must conform to federal standard 49 CFR 571.108.

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Exception: Vehicles that measure less than 80 inches wide are exempt.

REJECT VEHICLE IF:

Rear identification lights:

Are missing;

Do not function properly;

Are not in correct location; or

Are an improper color.

6) Headlights

PROCEDURES/SPECIFICATIONS:

At least two headlights that function, at a minimum, on the low beam setting must be located on the front of the vehicle at the same height with an equal number at each side of the vertical centerline as far apart as practicable.

The headlights must be located not less than 22 inches nor more than 54 inches above the road surface, measured from the center of the lamp at curb height.

Headlights must be securely attached.

Must conform to federal standard 49 CFR 571.108.

REJECT VEHICLE IF:

Headlights:

Are missing;

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Do not function properly;

Are not in correct location; or

Are not securely attached.

7) License Plate

PROCEDURES/SPECIFICATIONS:

One white light located at rear license plate to illuminate the license plate from the top or sides.

Must conform to federal standard 49 CFR 571.108. May be combined with one of the tail lights.

REJECT VEHICLE IF:

License plate light:

Is missing;

Does not function properly;

Is not in correct location; or

Is an improper color.

8) Parking Lights

PROCEDURES/SPECIFICATIONS:

One white or amber light on each side, for a total of two front parking lights. The lights must be located on the front of the vehicle on each side of the vertical centerline as far apart as practicable.

The parking lights must be located between 15 to 72 inches above the road surface, measured from the center of the lamp at curb height.

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Must conform to federal standard 49 CFR 571.108.

Exception: Vehicles 80 or more inches in overall width are exempt.

REJECT VEHICLE IF:

Parking lights:

Are missing;

Do not function properly;

Are not in correct location; or

Are an improper color.

9) Sidemarker, Front

PROCEDURES/SPECIFICATIONS:

One amber light mounted as far to the front as practicable on each side of the vehicle, for a total of two front sidemarker lights.

The sidemarker lights must be located not less than 15 inches above the road surface measured from the center of the lamp at curb height.

Must conform to federal standard 49 CFR 571.108.

REJECT VEHICLE IF:

Front sidemarker lights:

Are missing;

Do not function properly;

Are not in correct location; or

Are an improper color.

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10) Sidemarker, Rear

PROCEDURES/SPECIFICATIONS:

One red light mounted as far to the rear as practicable on each side of the vehicle, for a total of two rear sidemarker lights.

The sidemarker lights must be located not less than 15 inches above the road surface measured from the center of the lamp at curb height.

On the rear of a trailer, the rear sidemarker lights cannot be more than 60 inches above the road surface measured from the center of the lamp at curb height.

Must conform to federal standard 49 CFR 571.108.

REJECT VEHICLE IF:

Rear sidemarker lights:

Are missing;

Do not function properly;

Are not in correct location; or

Are an improper color.

11) Stop

PROCEDURES/SPECIFICATIONS:

One red light on each side of the rear vertical centerline of the vehicle, for a total of two rear stop lights. The stop lights must be located at the same height and as far apart as practicable.

The stop lights must be located between 15 and 72 inches above the road surface, measured from the center of the lamp at curb height.

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Must conform to federal standard 49 CFR 571.108.

For vehicles with an overall width of less than 80 inches, a high mounted stop light is required (may be two lights).

REJECT VEHICLE IF:

Stop lights:

Are missing;

Do not function properly;

Are not in correct location; or

Are an improper color.

12) Tail

PROCEDURES/SPECIFICATIONS:

One red light on each side of the rear vertical centerline of the vehicle, for a total of two rear tail lights. The tail lights must be located at the same height and as far apart as practicable.

The tail lights must be located between 15 and 72 inches above the road surface, measured from the center of the lamp at curb height.

Must conform to federal standard 49 CFR 571.108.

REJECT VEHICLE IF:

Tail lights:

Are missing;

Do not function properly;

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Are not in correct location; or

Are an improper color.

13) Turn Signal, Front

PROCEDURES/SPECIFICATIONS:

One amber light located on each side of the vertical centerline of the vehicle, for a total of two front turn signal lights. The turn signals must be located at the same height and as far apart as practicable.

The front turn signals must be located not less than 15 nor more than 83 inches above the road surface, measured from the center of the lamp at curb height. The lights may be located on the fender or the cowl, if practicable.

Must conform to federal standard 49 CFR 571.108.

REJECT VEHICLE IF:

Front turn signal lights:

Are missing;

Do not function properly;

Are not in correct location; or

Are an improper color.

14) Turn Signal, Rear

PROCEDURES/SPECIFICATIONS:

One amber or red light located on each side of the vertical centerline of the vehicle, for a total of two rear turn signal lights. The turn signals must be located at the same height and as far apart as practicable.

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The rear turn signals must be located on the same level between 15 and 83 inches above the road surface, measured from the center of the lamp at curb height.

Must conform to federal standard 49 CFR 571.108.

REJECT VEHICLE IF:

Rear turn signal lights:

Are missing;

Do not function properly;

Are not in correct location; or

Are an improper color.

15) Warning Hazards, Front and Rear

PROCEDURES/SPECIFICATIONS:

Operate four-way warning hazard lights to check performance of front and rear lights.

Must conform to federal standard 49 CFR 571.108.

REJECT VEHICLE IF:

Four-way warning hazards do not operate properly.

c) MIRRORS

AGENCY NOTE: Driver education training vehicles must comply with the mirror requirements in Appendix H(c).

1) BUSES AND TRUCKS

PROCEDURES/SPECIFICATIONS:

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Every bus and truck shall be equipped with two rear-vision mirrors, one at each side, securely attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.

Rear-vision mirrors and their replacements shall conform to, at a minimum, the requirements of 49 CFR 571.111 in force at the time the vehicle was manufactured.

Exception: Only one outside mirror is required, located on the driver's side, on trucks that are so constructed that the driver has a view to the rear by means of an interior mirror.

REJECT VEHICLE IF:

Required mirrors:

Are missing;

Are not in correct location;

Are not securely attached;

Are obstructed;

Are cracked, pitted or clouded; or

Do not adjust.

2) ALL OTHER SPECIAL VEHICLES

PROCEDURES/SPECIFICATIONS:

Exterior Rear View, Left Side

Every motor vehicle operated singly or when towing another vehicle shall be equipped with a mirror so located as to reflect to the driver's view of the highway for a distance of at least 200

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feet to the rear of such motor vehicle. (IVC Section 12-502)

From the seated driver's position, visually inspect the exterior mirror on driver's side for a clear and reasonably unobstructed view to the rear. Look for the mirror's correct location, secure attachment and adjustability.

Interior Rear View

From the seated driver's position, visually inspect interior mirror for correct location, secure attachment and adjustability.

If interior rearview mirror does not provide a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle, an exterior rearview mirror shall be located on the right side of the vehicle.

Exterior Rear View, Right Side (Optional)

If the mirror is required, inspect the exterior mirror on passenger's side for secure attachment, adjustability and a clear and reasonably unobstructed view to the rear.

REJECT VEHICLE IF:

Required mirrors:

Are missing;

Are not in correct location;

Are not securely attached;

Are obstructed;

Are cracked, pitted or clouded; or

Do not adjust.

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- d) PEDALS (ACCELERATOR, SERVICE BRAKE, CLUTCH, EMERGENCY/PARKING BRAKE)

PROCEDURES/SPECIFICATIONS:

Brake pedal must be covered with rigid nonslip material.

Manufactured extensions are allowed. Brake pedal extensions must be covered with nonslip material. Nonmanufactured pedal extensions are prohibited.

REJECT VEHICLE IF:

Brake pedal is not covered with rigid nonslip material.

Manufactured pedal extensions are not securely attached.

Pedal extensions are not from a manufacturer.

- e) REFLECTORS

Two or more lights or reflectors may be combined if the requirements for each light or reflector are met. (See 49 CFR 571.108 - S6.3.)

- 1) Left and Right Side, Front

PROCEDURES/SPECIFICATIONS:

One amber reflector shall be located on the left and right sides of the vehicle. The reflectors shall be no more than 12 inches from the front on each side. The reflectors must be mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. (See IVC Section 12-202.)

REJECT VEHICLE IF:

Reflectors are missing.

Reflective material is damaged.

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Reflectors are not located or positioned as required.

2) Left and Right Side, Midpoint

PROCEDURES/SPECIFICATIONS:

On any vehicle more than 30 feet long, one amber reflector must also be provided at or near midpoint between front and rear side reflectors on both sides of the vehicle. (See 49 CFR 571.108.)

REJECT VEHICLE IF:

Reflectors are missing.

Reflective material is damaged.

Reflectors are not located or positioned as required.

3) Left and Right Side, Rear

PROCEDURES/SPECIFICATIONS:

One red reflector shall be located on the left and right sides of the vehicle. The reflectors shall be no more than 12 inches from the rear on each side. The reflectors must be mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. (See IVC Section 12-202.)

REJECT VEHICLE IF:

Reflectors are missing.

Reflective material is damaged.

Reflectors are not located or positioned as required.

4) Rear

PROCEDURES/SPECIFICATIONS:

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Two red reflectors on rear body within 12 inches of lower right and lower left corners. (See IVC Section 12-202.)

Exception: Vehicles that measure less than 80 inches wide are exempt.

REJECT VEHICLE IF:

Reflectors are missing.

Reflective material is damaged.

Reflectors are not located or positioned as required.

f) SEAT, DRIVER'S

PROCEDURES/SPECIFICATIONS:

Inspect the driver's seat for proper operation of adjusting mechanism and verify that the seat is securely anchored to the floor.

REJECT VEHICLE IF:

Adjusting mechanism for driver's seat slips out of position.

Seat is not securely anchored to the floor.

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Section 438.APPENDIX D Seat Belts through Suspension System

a) SEAT BELTS

PROCEDURES/SPECIFICATIONS:

When seat belts are present, they must be securely attached and adjustable and must function properly. Seat belts must not be cracked, broken, frayed or torn.

REJECT VEHICLE IF:

Seat belts are:

Not secured;

Not adjustable;

Cracked, broken, frayed, torn; or

Do not function properly.

b) STEERING SYSTEM

1) GENERAL REQUIREMENTS

PROCEDURES/SPECIFICATIONS:

All steering system components must be capable of free movement.

Instruct a second person to move the steering mechanism from one extreme position to the other while observing the movement.

Inspect all steering system components for any modification or other condition that interferes with free movement.

REJECT VEHICLE IF:

Any modification or other condition exists that interfered with the free movement of any steering component.

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2) STEERING WHEEL FREE PLAY

PROCEDURES/SPECIFICATIONS:

Steering wheel free play must be maintained within specified limits.

When testing for steering wheel free play on vehicles equipped with power steering, the engine must be running.

Complete the following procedures to determine amount of steering wheel free play:

Move the steering wheel one direction until movement of tires is detected.

Make a chalk mark on the steering wheel at the 12 o'clock position.

Move the steering wheel in the opposite direction until movement of the tires is again detected and then make a second chalk mark at the 12 o'clock position.

Measure the distance between the two marks to determine the steering wheel free play, using the table below to determine if the vehicle is within specified limit.

The steering wheel free play will be maintained in accordance with the following table:

| Steering Wheel Diameter | Manual Steering System | Power Steering System |
|-------------------------|------------------------|-----------------------|
| 16" | 2" | 4½" |
| 18" | 2¼" | 4¾" |
| 20" | 2½" | 5¼" |
| 22" | 2¾" | 5¾" |

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REJECT VEHICLE IF:

Steering wheel freeplay is beyond specified limits listed above.

3) STEERING COLUMN

PROCEDURES/SPECIFICATIONS:

The steering wheel and column must be in good condition and properly secured.

Inspect U-bolts and positioning parts for looseness or absence. Tilt-type column must lock in at least one position.

If visible, inspect universal joints for faulty or worn condition or obvious repair welding.

Inspect steering wheel for secure attachment.

REJECT VEHICLE IF:

Steering column has any missing or loose U-bolts or positioning parts.

Tilt-type column does not lock in at least one position.

Steering column has worn, faulty or obviously repair-welded universal joints.

Steering wheel is not properly secured.

4) FRONT AXLE BEAM AND ALL STEERING COMPONENTS
OTHER THAN STEERING COLUMN

PROCEDURES/SPECIFICATIONS:

Front axle beam and all steering components, other than steering column, must be free of any cracks or any obvious welded repairs.

Inspect beam and components for any cracks.

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Inspect beam and components for any obvious welded repairs.

REJECT VEHICLE IF:

Any cracks are present on the front axle beam or any steering component, other than steering column.

Any obvious welded repairs on front axle beam or on any steering component, other than steering column.

5) **BALL JOINTS****PROCEDURES/SPECIFICATIONS:**

Raise vehicle to unload the ball joints (brakes should be applied to eliminate wheel bearing looseness). Either grasp wheel at top and bottom or use a bar for leverage. Attempt to rock wheel in and out. Check movement at extreme top or bottom of tire.

REJECT VEHICLE IF:

Wheel bearing movement exceeds ¼ inch.

Ball joints or fasteners are damaged, loose or missing.

AGENCY NOTE: Do not confuse wheel bearing movement with ball joint movement.

6) **KING PINS AND WHEEL BEARINGS****PROCEDURES/SPECIFICATIONS:**

Raise vehicle to unload the king pins (brakes should be applied to eliminate wheel bearing looseness). Either grasp wheel at top and bottom or use a bar for leverage. Attempt to rock wheel in and out. Check for movement at extreme top or bottom of tire. Measure movement.

REJECT VEHICLE IF:

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Wheel bearing movement exceeds $\frac{1}{4}$ inch.

King pin movement exceeds:

| Wheel Size (in inches) | Max. Allowed (in inches) |
|---------------------------|-----------------------------|
| 16 or less | $\frac{1}{4}$ |
| 16.1 to 18 | $\frac{3}{8}$ |
| over 18 | $\frac{1}{2}$ |

King pins are damaged.

Fasteners are damaged, loose or missing.

7) STEERING GEAR BOX

PROCEDURES/SPECIFICATIONS:

The steering gear box and mounting brackets must be free of any cracks. All steering gear box mounting bolts must be present and securely attached.

Inspect mounting bolts for their presence and secure attachment.

Inspect gear box and mounting brackets for any cracks.

REJECT VEHICLE IF:

Any mounting bolts are loose or missing.

Any cracks in gear box or mounting brackets.

8) PITMAN ARM

PROCEDURES/SPECIFICATIONS:

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The pitman arm on the steering gear output shaft must be securely attached.

Inspect the pitman arm on the steering gear output shaft for any looseness.

REJECT VEHICLE IF:

Pitman arm on the steering gear output shaft is loose.

9) POWER STEERING

PROCEDURES/SPECIFICATIONS:

Inspect power steering lines and steering gear box for severe leakage (not slight dampness) and proper fill level (i.e., manufacturer's designated indicator line).

Inspect the power steering cylinder for secure attachment.

Inspect the auxiliary power assist cylinder for any looseness.

REJECT VEHICLE IF:

Power steering fluid leaks severely (not slight dampness) or fluid level does not meet indicator line.

Power steering cylinder is not securely attached.

Auxiliary power assist cylinder is loose.

10) TIE ROD ENDS, DRAG LINK ENDS, STEERING DAMPER AND IDLER ARMS

PROCEDURES/SPECIFICATIONS:

All clamps, bolts and threaded joints of tie rod and drag links must be securely tightened.

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While the vehicle is on the ground (not jacked up) inspect the tie rod ends, drag link ends, steering damper and idler arms while a second person moves the steering wheel from side to side.

Inspect clamps and clamp bolts for loose condition.

Inspect all threaded joints for loose condition.

Inspect ball and socket joints for movement.

REJECT VEHICLE IF:

Loose clamps or clamp bolts are not present.

Any threaded joint is loose.

Any movement under steering load of a ball and socket joint (i.e., tie rod ends and drag link ends). Any motion, other than rotational, between any linkage member and its attachment point of more than ¼ inch.

11) NUTS

PROCEDURES/SPECIFICATIONS:

All component nuts must be properly located on the tie rods, pitman arm, drag link, steering arm or tie rod arm and must be securely tightened.

Inspect nuts on tie rods, pitman arm, drag link, steering arm and tie rod arm for their presence and secure attachment.

REJECT VEHICLE IF:

Nuts are loose or missing on tie rods, pitman arm, drag link, steering arm or tie rod arm.

12) TOE-IN/TOE-OUT

PROCEDURES/SPECIFICATIONS:

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AGENCY NOTE: Vehicles with an independent suspension on the front axle should not be driven over the wheel alignment indicator immediately after the front end has been raised. A false reading may occur if the vehicle front end is lowered and then within a few feet driven across the alignment indicator. The front wheels will not have had sufficient distance to resume their normal tracking. The vehicle should either be raised after crossing the wheel alignment indicator or should be backed up 10 feet or more before being driven forward across the indicator.

With wheels held in a straight ahead position, drive vehicle slowly over the approved drive-on side slip indicator (i.e., wheel alignment indicator).

Excessive toe-in or toe-out is a general indication that a complete check should be made of all front wheel alignment factors (caster, camber, steering axis inclination).

REJECT VEHICLE IF:

More than 30 feet per mile on the approved side slip indicator.

c) SUSPENSION SYSTEM

1) SHOCK ABSORBERS AND STRUTS

PROCEDURES/SPECIFICATIONS:

If vehicle is equipped, inspect the following components:

Shock absorbers;

Struts;

Mounts;

Mounting bolts; and

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Rubber bushings.

REJECT VEHICLE IF:

Shocks or struts are missing, broken or have severe leakage (not slight dampness) (if vehicle is so equipped).

Mounts or mounting bolts are broken or loose.

Rubber bushing is partially or completely missing.

2) SPRINGS

A) Coil

PROCEDURES/SPECIFICATIONS:

Visually inspect:

Spring;

Control arms; and

Torque arms.

REJECT VEHICLE IF:

Coil is:

Missing;

Disconnected;

Broken;

Has loose bushings;

Is welded; or

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Is damaged.

B) Leaf

PROCEDURES/SPECIFICATIONS:

With the vehicle on the ground (not jacked up), instruct a second person to rock the steering wheel and observe the side to side movement of the leaf spring, shackles and bushings from under the vehicle's hood.

The front of the vehicle must be jacked up on chassis for checking front suspension. With the use of a pry bar and using frame as a pivot, attempt to pry front and rear spring attachments and check for movement.

Inspect the following:

Bushings or pivot;

Center bolts;

Hangers;

Shackles;

Springs; and

U-bolts.

REJECT VEHICLE IF:

Springs are missing or broken (i.e., up and down movement is found);

Shackle, shackle pins, hangers, bushings or U-bolts are worn, loose or missing;

Center bolt in springs are sheared or broken;

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Steering stops allow tire to rub on frame or metal; or

Any leaves are cracked or missing.

C) Torsion Bar

PROCEDURES/SPECIFICATIONS:

If vehicle is so equipped, visually inspect:

Torsion bar (includes bushings);

Mounting brackets;

Control arm;

Torque arm; and

Stabilizer bars.

REJECT VEHICLE IF:

Components are:

Missing;

Disconnected;

Broken;

Loose;

Welded; or

Damaged.

Bushings are worn or missing.

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D) Air Suspension

PROCEDURES/SPECIFICATIONS:

Visually inspect:

Air bag/bellows;

Mountings;

Air lines; and

Leveling devices.

REJECT VEHICLE IF:

Air leaks are present.

Air bag/bellows are not properly inflated.

Vehicle is resting on one or both axles.

Vehicle is not level (tilting to either side).

Air bag/bellow belting is exposed.

Air lines are excessively worn.

Mountings are loose.

AGENCY NOTE: Pressure regulator valve should not allow air into the system until at least 55 p.s.i. is in braking system.

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Section 438.APPENDIX E Tires through Wiring System

a) TIRES

1) Tires on Any Steering Axle of a Power Unit

PROCEDURES/SPECIFICATIONS:

All tires on any steering axle of a power unit must be in good condition and used correctly. There must be at least 4/32 inch tread depth without any mixing of tire construction on the same axle. Buses must not be equipped with recapped or retreaded tires on any steering axle.

The following procedures apply only to tires found on any steering axle of a power unit:

Measure the tread depth at any point on a major tread groove for at least 4/32 inch tread.

Inspect tread or sidewall for exposed body ply or belt material.

Inspect tread or sidewall for separation.

Inspect tire for cuts that expose ply or belt material.

Inspect tire for the label "Not For Highway Use" or any other marking that would exclude its use on a steering axle.

Inspect tire to determine if it is a "tube-type radial". If it is, it must have "radial tube stem" markings. These markings include a red band around the tube stem, the word "radial" embossed in metal stems, or the word "radial" molded in rubber stems.

Inspect for any mixing of bias and radial tires on the same axle.

Inspect for tire flap that protrudes through the valve slot in rim and touches the stem.

Inspect for regrooved tires.

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Inspect tire for boot, blowout patch or other ply repair.

Inspect tire load limit to determine if weight carried exceeds limit. This includes overloaded tire resulting from low air pressure.

Inspect tire for flat condition or noticeable leak (i.e., can be heard or felt).

Inspect buses for recapped or retreaded tires on steering axle.

Inspect tires to determine if they are so mounted or inflated that they come in contact with any part of the vehicle.

REJECT VEHICLE IF:

The following criteria apply only to tires found on any steering axle of a power unit:

Any tire with less than 4/32 inch tread when measured at any point on a major tread groove.

Any tire that has body ply or belt material exposed through the tread or sidewall.

Any tire that has any tread or sidewall separation.

Any tire that has a cut where the ply or belt material is exposed.

Any tire that is labeled "Not for Highway Use" or displaying other marking which would exclude its use on a steering axle.

Any tire with a tube-type radial tire without radial tube stem markings. These markings include a red band around the tube stem, the word "radial" embossed in metal stems, or the word "radial" molded in rubber stems.

Any tire has bias and radial tires mixed on the same axle.

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Any tire where the tire flap protrudes through the valve slot in the rim and touches the stems.

Any tire that has been regrooved on the steering axle.

Any tire with a boot, blowout patch or other ply repair.

Any tire in which the weight carried exceeds tire load limit. This includes overloaded tires resulting from low air pressure.

Any tire that is flat or has a noticeable leak (i.e., can be heard or felt).

Any tire on the steering axle of a bus that is recapped or retreaded.

Any tire that is so mounted or inflated that it comes in contact with any part of the vehicle.

2) All Tires Other Than Those Found on the Steering Axle of a Power Unit

PROCEDURES/SPECIFICATIONS:

All tires other than those found on the steering axle of a power unit must have at least 2/32 inch tread depth, be in good condition and be used correctly.

The following procedures apply to all tires other than those found on the steering axle of a power unit:

Inspect tire load limit to determine if weight carried exceeds limit. This includes overloaded tire resulting from low air pressure or tires of unequal size on the same side of the axle.

Inspect tire for flat condition or noticeable leak (i.e., can be heard or felt).

Inspect tread or sidewall for exposed body ply or belt material.

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Inspect tread or sidewall for separation.

Inspect tire for cuts that expose ply or belt material.

Inspect tires to determine if they are so mounted or inflated that they come in contact with any part of the vehicle, including a tire that contacts its mate.

Inspect tire for the marking "Not For Highway Use" or other marking having like meaning.

Measure tread depth at any point on a major tread groove for at least 2/32 inch tread.

REJECT VEHICLE IF:

The following criteria applies to all tires other than those found on the steering axle of a power unit:

Any tire in which the weight carried exceeds tire load limit. This includes overloaded tires resulting from low air pressure or tires of unequal size on the same side of the axle.

Any tire that is flat or has a noticeable leak (i.e., can be heard or felt).

Any tire that has body ply or belt material exposed through the tread of sidewall.

Any tire that has tread or sidewall separation.

Any tire that has a cut where the ply or belt material is exposed.

Any tire that is so mounted or inflated that it comes in contact with any part of the vehicle, including any tire that contacts its mate.

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Any tire is marked "Not For Highway Use" or has other markings with like meaning.

Any tire with less than 2/32 inch tread when measured at any point on a major tread groove.

b) WARNING DEVICES

PROCEDURES/SPECIFICATIONS:

Warning devices shall consist of (at a minimum):

3 liquid-burning flares or 3 red electric lanterns or 3 portable red emergency reflectors that meet FMVSS 125.

3 red burning 15 minute fusees. (If red electric lanterns or portable red reflectors are used to meet the requirements of the above paragraph, fusees are not required.)

2 red cloth flags or 2 portable red emergency reflectors that conform to FMVSS 125 (in addition to the emergency reflectors authorized in the first paragraph above). (See IVC Section 12-702(a).)

REJECT VEHICLE IF:

Warning devices are missing.

Warning device kit is not complete.

c) WHEELS AND RIMS

1) Housings

PROCEDURES/SPECIFICATIONS:

Full open type attached to floor sheet to prevent water, fumes or dust from entering the body. Inspect wheel housing. Housing must not come in contact with any portion of the wheel or tire.

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Inspect tire and road wheel assemblies.

REJECT VEHICLE IF:

Wheel housing contacts any portion of wheel or tire.

Wheel housings are not securely attached.

Holes are present.

A tire or wheel is rubbing against any portion of the suspension, chassis or body.

2) Lock or Side Ring**PROCEDURES/SPECIFICATIONS:**

All lock and side rings must be in good condition, properly seated and matched correctly with other parts of the wheel and rim.

AGENCY NOTE: Caution must be taken around any lock ring damaged or not properly installed, as they can dislodge and cause injury.

Inspect lock or side rings for bent, broken, cracked or sprung condition.

Inspect lock or side rings for proper seating.

Inspect lock or side rings to determine if they are matched correctly with other wheel and rim parts.

REJECT VEHICLE IF:

Lock or side rings are bent, broken, cracked or sprung.

Improperly seated lock or side rings are present.

Lock or side rings are mismatched.

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3) Wheels and Rims

PROCEDURES/SPECIFICATIONS:

All wheels and rims must be in good condition, with no elongated bolt holes.

Inspect wheels and rims for cracked or broken condition.

Inspect wheels and rims for elongated bolt holes.

REJECT VEHICLE IF:

Wheels or rims are cracked or broken.

Elongated bolt holes are present.

4) Fasteners (both Spoke and Disc Wheels)

PROCEDURES/SPECIFICATIONS:

All fasteners (both spoke and disc wheels) must be present, securely tightened, in good condition and effective.

Inspect all fasteners for their presence and secure tightness.

Inspect all fasteners for broken, cracked, stripped or any other ineffective condition.

REJECT VEHICLE IF:

Any missing or loose fasteners.

Any cracked, broken, stripped or otherwise ineffective fasteners.

5) Welds

PROCEDURES/SPECIFICATIONS:

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All wheels and rims must be free of cracked welds and any improperly welded repairs.

Inspect any welds attaching disc wheel disc to rim.

Inspect any welds attaching tubeless demountable rim to adapter.

Inspect for welded repairs to any aluminum wheels on steering axles.

Inspect any steel disc wheels mounted on the steering axle for any welded repair other than disc to rim attachment.

REJECT VEHICLE IF:

Any cracks in welds attaching disc wheel disc to rim.

Any cracks in welds attaching tubeless demountable rim to adapter.

Any welded repair to aluminum wheels on a steering axle.

Any welded repair other than disc to rim attachment to steel disc wheels mounted on the steering axle.

d) WINDOWS OTHER THAN WINDSHIELD

PROCEDURES/SPECIFICATIONS:

Safety glazing is required in any opening where vehicle manufacturer installed glazing.

REJECT VEHICLE IF:

Glazing is missing (if vehicle is so equipped).

e) WINDSHIELD

PROCEDURES/SPECIFICATIONS:

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Enforcement area does not include a two inch border at the top, a one inch border at each side and the area below the topmost portion of the steering wheel.

The following procedures apply:

Inspect windshield glazing for any discoloration.

Exception: Any coloring or tinting applied at time of manufacture is acceptable.

Inspect windshield glazing for any cracks.

Exception: A crack that measures less than $\frac{1}{4}$ inch wide and is not intersected by any other crack is acceptable.

Inspect windshield glazing for any damaged area.

Exception: A damaged area that measures no more than $\frac{3}{4}$ inch in diameter and is no closer than 3 inches to any other damaged area is acceptable.

Inspect windshield glazing for any vision reducing matter such as labels, stickers, decalomania, etc.

Exception: Stickers required by law may be affixed at the bottom or sides of the windshield provided they do not extend upward more than $4\frac{1}{2}$ inches from the bottom of the windshield and are located outside the driver's sight lines to the road and highway signs or signals.

REJECT VEHICLE IF:

Any discoloration of the windshield glazing exists (see exception listed above).

Any cracks exist on the windshield glazing (see exception listed above).

Any damaged areas exist on the windshield glazing (see exception listed above).

Any vision reducing matter such as labels, stickers, decalomania, etc. located on the windshield glazing (see exception listed above).

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f) WINDSHIELD WASHER

PROCEDURES/SPECIFICATIONS:

Windshield washer fluid must effectively clean entire area covered by both wipers.

REJECT VEHICLE IF:

Windshield washer fluid does not effectively clean entire area.

g) WINDSHIELD WIPERS

PROCEDURES/SPECIFICATIONS:

Wipers must be operable. Inspect metal parts of wiper blade or arm.

REJECT VEHICLE IF:

Windshield wipers do not cover entire cleaning area.

Blades are damaged, torn or hardened.

Rubber wiping element has broken down.

Metal parts of blade or arm are missing, severely damaged or contact glazing.

h) WIRING SYSTEM

PROCEDURES/SPECIFICATIONS:

Inspect the wires, supports and connections in the wiring system.

REJECT VEHICLE IF:

Wiring is frayed.

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Wiring contacts any moving part of the vehicle.

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Section 438.APPENDIX F Special Requirements for Buses (Vehicles Manufactured to Transport 11 or More Passengers, Including the Driver)

- a) The requirements of this Appendix apply to the following types of buses listed in subsections (a)(1) through (a)(5). Any bus that is not listed in subsections (a)(1) through (a)(5) will be inspected according to either 92 Ill. Adm. Code 441, 443 and 445 (Inspection Procedures for School Buses); 92 Ill. Adm. Code 436 (Inspection Procedures for MFSABs that are manufactured on or after July 1, 2012 and that are owned or operated by or for schools K-12) or the appendix G Inspection Manual (49 CFR 399.appendix G).
- 1) Buses designed to transport 11-15 persons, including the driver;
 - 2) Buses registered as charitable vehicles (except motorcoach-style buses and MFSABs that are manufactured on or after July 1, 2012 and that are owned or operated by or for schools K-12);
 - 3) MFSABs manufactured prior to July 1, 2012 and owned or operated by a public or private school (K-12);
 - 4) Religious organization buses (except motorcoach-style buses and MFSABs that are manufactured on or after July 1, 2012 and that are owned or operated by or for schools K-12); and
 - 5) Senior citizen transport vehicles designed to transport 11-15 persons, including the driver.
- b) In addition to Appendix A through Appendix E of this Part, buses listed in subsection (a) shall comply with the following:
- 1) EMERGENCY EXITS
 - A) IDENTIFICATION, INTERIOR

PROCEDURES/SPECIFICATIONS:

If the bus has a GVWR of more than 10,000 lbs., all exits that are labeled either "Emergency Door" or "Emergency Exit" are required to be marked with concise operating instructions

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describing each motion necessary to unlatch and open the exit. These operating instructions must be located within 6 inches of the release mechanism. (See 49 CFR 571.217 (S5.5.1).)

When a release mechanism is not located within an occupant space of an adjacent seat, a label shall be placed within the occupant space that indicates the location of the nearest release mechanism. (See 49 CFR 571.217 (S5.5.1).)

Buses with a GVWR of 10,000 lbs. or less are exempt from emergency exit labels and operating instructions. (See 49 CFR 571.217 (S5.5.1).)

If the bus is equipped with an emergency release handle for the service entrance door, concise operating instructions must be present within 6 inches (16 cm) of the release mechanism.

REJECT VEHICLE IF:

Emergency exits are not properly identified.

B) ALARMS AND LOCKS

PROCEDURES/SPECIFICATIONS:

If the bus is equipped with an emergency door lock, e.g., vandal lock, the bus must be equipped with the following:

The engine starting system shall not operate while any emergency exit door is locked from either inside or outside the bus. An alarm cut-off or "squelch" control is prohibited.

An audible alarm shall alert the driver when the engine is running and any emergency exit door is locked.

Exception: Buses with a GVWR of 10,000 lbs. or less are manufactured so that vandal locks are not necessary (i.e., the locking and unlocking of the vehicle's doors are controlled

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from the interior of the vehicle). However, if any bus is equipped with a vandal lock, the provisions of subsection (b)(1)(B) will apply.

REJECT VEHICLE IF:

Bus is not equipped with an alarm when the emergency door is locked.

Bus' engine starts while emergency door is locked.

C) OBSTRUCTIONS

PROCEDURES/SPECIFICATIONS:

Emergency exits must maintain an opening of at least 19 inches high by 13 inches wide.

REJECT VEHICLE IF:

Emergency exits are obstructed.

D) PROPER OPERATION

PROCEDURES/SPECIFICATIONS:

Operate emergency exit doors and windows.

REJECT VEHICLE IF:

Emergency exit door or window does not readily open and close.

2) FIRE EXTINGUISHER

PROCEDURES/SPECIFICATIONS:

Buses must be equipped with a fully charged fire extinguisher with a minimum rating of 10BC. The fire extinguisher must be mounted in bracket and readily accessible to the driver.

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REJECT VEHICLE IF:

Fire extinguisher:

Is missing;

Does not meet the minimum rating of 10BC;

Is not fully charged;

Is not mounted in a bracket; or

Is not readily accessible to the driver.

3) LETTERING (EXTERIOR AND INTERIOR)

PROCEDURES/SPECIFICATIONS:

No bus inspected under this Section can display the words "SCHOOL BUS" at any location on the bus.

MFSABs that are owned or operated by or for public school districts, private schools or school transportation contractors (K-12) are subject to the following:

The MFSAB's weight and maximum passenger capacity recommended by the manufacturer shall be painted on the exterior of the body to the left of the service door in letters at least 2 inches high.

The name of the owner or the entity for which the MFSAB is operated, or both, shall be painted in a contrasting color on both sides, centered as high as practicable below the window line, in letters at least 4 inches high on the exterior of the body.

An identification number shall be painted as high as practicable on both the front and rear exterior surface of the MFSAB in letters at least 4 inches high.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

"NO STANDEES" is required on the interior bulkhead above the windshield in letters at least 2 inches high.

MFSABs will also be required to display the decal "TO COMMENT ON MY DRIVING CALL" or "TO REPORT ERRATIC DRIVING CALL", followed by the area code and phone number of the MFSAB owner. The decal must be white with black lettering and black numerals that measure one inch high. The decal shall be located on the rear window glazing below the rear seat back, on the MFSAB body below the rear window line, or on the rear bumper. The decal must be visible to the motoring public from the rear of the bus and cannot obstruct any required lettering or numerals. The decal cannot be located on any emergency door glazing or any emergency window glazing. Magnetic signs are prohibited.

Exception: If an MFSAB is being presented for inspection by a dealer or a manufacturer prior to delivery to the owner, the "TO COMMENT ON MY DRIVING CALL" or "TO REPORT ERRATIC DRIVING CALL" decal is optional. (If the decal is not present when the MFSAB is purchased, the decal must be applied by the MFSAB owner.)

Decals may be used instead of painting.

REJECT VEHICLE IF:

"SCHOOL BUS" is displayed at any location on the bus.

Required lettering is not present.

Required lettering is not painted on or is not displayed in decals.

4) LIGHTS AND LENSES

PROCEDURES/SPECIFICATIONS:

Inspect the bus for the presence of the following prohibited lights or lenses:

Functioning strobe light (not required to be removed).

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Yellow and/or red alternately flashing warning lights.

Red lenses on the front of the bus.

REJECT VEHICLE IF:

Bus is equipped with prohibited lighting.

PROCEDURES/SPECIFICATIONS:

Inspect religious organization buses for the presence of an optional 4-light unison flashing amber signal system.

Two lights at the front and two at the rear of the bus may be mounted as high and as widely spaced laterally on the same level as is practicable.

Each light must be a sealed beam at least 5½ inches in diameter and have sufficient intensity to be visible at 500 feet in normal sunlight.

The system shall be actuated only by means of a manual switch.

There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

REJECT VEHICLE IF:

Religious organization buses' warning lights, if installed:

Are not amber in color;

Do not operate in unison; or

Do not meet size, type or location requirements.

Device for indicating to the driver that the system is operating properly is not present or is inoperative.

5) SEATS, PASSENGER AND DRIVER

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NOTICE OF ADOPTED RULES

PROCEDURES/SPECIFICATIONS:

Inspect the driver's seat for proper operation of adjusting mechanism and to see that it is securely anchored to floor.

Inspect each passenger seat to make sure it is securely anchored to the floor.

REJECT VEHICLE IF:

Driver's seat does not adjust.

Seats are not securely anchored to floor.

6) STEPS AND FLOOR COVERING

PROCEDURES/SPECIFICATIONS

If a center aisle is present, the entrance steps and aisle must be free of rips and holes.

REJECT VEHICLE IF:

A center aisle is present and the entrance steps or aisle floor covering is ripped, torn or has holes.

7) STOP SIGNAL ARM PANEL AND NATIONAL SCHOOL BUS GLOSSY YELLOW: PROHIBITED ITEMS

PROCEDURES/SPECIFICATIONS:

Inspect the bus for the presence of the following prohibited items:

Stop signal arm panel; and

Paint that resembles national school bus glossy yellow.

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Stop signal arm panel or paint that resembles national school bus glossy yellow is present on the bus.

8) WHEELCHAIR LIFT, RAMP, SECUREMENT ANCHORAGES AND DEVICES

PROCEDURES/SPECIFICATIONS

If the bus is equipped with an operating lift or ramp, wheelchair securement anchorages and wheelchair securement devices must be present.

REJECT VEHICLE IF:

Vehicle is equipped with an operating lift or ramp but wheelchair securement anchorages or securement devices are missing.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 438.APPENDIX G Special Requirements for Contract Carriers, First Division Vehicles Used to Transport School Children (K-12) and Limousines

Follow the procedures listed in Appendix A through Appendix E.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 438.APPENDIX H Special Requirements for Driver Education Training Vehicles

- a) Driver education training vehicles are either used by public high schools or commercial driver training schools. The requirements and procedures are somewhat different for each. The Certified Safety Tester must establish which type driver education training vehicle is being inspected.
- b) Driver education vehicles operated by public high schools are required to be inspected at Illinois Official Testing Stations at least every 12 months. (If the vehicle passes inspection, an annual certificate of safety will be awarded and shall be displayed.) The inspection is only required for vehicles over 5 model years of age or those having an odometer reading of over 75,000 miles, whichever occurs first.
- c) Driver education training vehicles, including motorcycles, operated by commercial driver training schools are required to be inspected every six months. (The over 75,000 miles or over 5 model years' requirement does not apply.)
- d) In addition to Appendix A through Appendix E, all driver education training vehicles shall comply with either subsection (d)(1) or subsection (d)(2).

- 1) **DRIVER EDUCATION TRAINING VEHICLES OPERATED BY COMMERCIAL DRIVER TRAINING SCHOOLS**

- A) **DUAL CONTROL SERVICE BRAKES**

PROCEDURES/SPECIFICATIONS:

All driver education training vehicles must be equipped with dual control service brakes. Test the dual brake system in accordance with procedures under Brake Systems in Appendix A. Test the dual brake pedal for operation.

Exception: Motorcycles and vehicles that require the driver to obtain a Commercial Driver's License (CDL) are exempt.

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

The vehicle is not equipped, if required, with a dual braking system or the dual system is inoperative.

The dual brake system does not meet the requirements of Brake Systems in Appendix A.

The dual brake pedal does not function properly.

B) MIRRORS, EXTERIOR

PROCEDURES/SPECIFICATIONS:

All driver education training vehicles must be equipped with a mirror located on each side of the vehicle. The mirrors must reflect to the driver a view of the highway for a distance of at least 200 feet to the rear.

REJECT VEHICLE IF:

Mirrors are not mounted on stable supports.

Mirrors are loosely mounted.

Mirror or mirrors are obstructed.

Mirror or mirrors are cracked, pitted or clouded.

Mirror or mirrors are missing.

C) IDENTIFICATION SIGN OR SIGNS

PROCEDURES/SPECIFICATIONS:

Driver education training vehicles operated by commercial driver training schools must be equipped with a sign or signs visible from the front and the rear in letters no less than 2 inches tall listing the full name of the driver training school that has registered and insured the motor vehicle. Decals and magnets are acceptable. (See IVC Section 6-410.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Exception: Motorcycles and vehicles that require the driver to obtain a CDL are exempt.

REJECT VEHICLE IF:

Identification sign, if required, is missing.

Sign is not visible from the front and the rear of the vehicle.

Sign does not meet size or lettering requirements.

D) MOTORCYCLES USED BY A COMMERCIAL DRIVER TRAINING SCHOOL

i) BRAKES

PROCEDURES/SPECIFICATIONS:

Visually inspect braking system for leaks.

Apply front and/or rear brakes and attempt to roll vehicle.

AGENCY NOTE: Section 12-301(a)(2) of the Illinois Vehicle Equipment Law requires every motor-driven cycle, when operated upon a highway, to be equipped with at least one brake that may be operated by hand or foot.

REJECT VEHICLE IF:

Brake system leaks.

Vehicle rolls while brakes are being applied.

ii) CONTROL LEVERS

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Operate control levers to verify they are functioning properly and are in working condition.

REJECT VEHICLE IF:

Control levers do not function properly or are not in working condition.

iii) FRAME

PROCEDURES/SPECIFICATIONS:

Inspect frame for cracks.

REJECT VEHICLE IF:

Frame is cracked.

iv) FUEL SYSTEM

PROCEDURES/SPECIFICATIONS:

Inspect fuel system for leaks.

REJECT VEHICLE IF:

Fuel system leaks.

v) HORN

PROCEDURES/SPECIFICATIONS:

A horn shall be provided giving an audible warning at a distance of 200 feet and shall be conveniently controlled from the driver's seated position. (See Section 12-601 of the Illinois Vehicle Equipment Law.)

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Horn control is missing or defective.

Horn is not audible.

vi) LIGHTS

PROCEDURES/SPECIFICATIONS:

Inspect the required headlight and rear tail light. Inspect the optional rear stop/brake light and turn signals (front and rear), if the motorcycle is so equipped. (See Sections 12-201 and 12-208 of the Illinois Vehicle Equipment Law.)

REJECT VEHICLE IF:

Lights do not function properly (includes optional lights).

Lenses are cracked or broken (includes optional lights).

Headlight color is not white; rear tail light color is not red.

Stop/brake light and/or rear turn signal lights are not red, if motorcycle is so equipped.

Front turn signals are not amber, if vehicle is so equipped.

vii) STEERING HEAD BEARINGS

PROCEDURES/SPECIFICATIONS:

Apply front brake, if vehicle is so equipped, and turn handle bars left to right to inspect for looseness in the head bearing assembly.

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Bearings on the vehicle bind when the handle bars are turned.

Head bearing assembly is loose.

viii) SUSPENSION

PROCEDURES/SPECIFICATIONS:

Inspect the suspension for broken or loose components.

REJECT VEHICLE IF:

Suspension components are broken, loose or do not function properly.

ix) SWITCHES

PROCEDURES/SPECIFICATIONS:

Inspect the headlamp and key switches.

REJECT VEHICLE IF:

Wiring to switches is frayed or switches do not function.

x) TIRES

PROCEDURES/SPECIFICATIONS:

Inspect tire for proper inflation (i.e., flat tire).

Inspect for visible cord damage and exposure of ply cords in sidewalls and treads, including belting material cords.

Inspect for evidence of tread or sidewall separation.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Inspect tire for the label "Not For Highway Use" or any other marking that would exclude its use on a motorcycle.

Inspect tire to determine if it is a "tube-type radial". If it is, it must have "radial tube stem" markings. These markings include a red band around the tube stem, the word "radial" embossed in metal stems, or the word "radial" molded in rubber stems.

Measure the tread depth on the front and rear tires for at least 1/32 inch tread.

REJECT VEHICLE IF:

Improper inflation (flat tire).

A broken or cut cord can be seen. Rubber is worn, cracked, cut or otherwise deteriorated or damaged so that a cord can be seen, either when the tire is not touched or when the edges of the crack, cut or damage are parted or lifted by hand.

Tire has bump, bulge, knot or other evidence of partial carcass failure, air seepage or loss of adhesion between carcass and tread or sidewall.

Any tire that is labeled "Not for Highway Use" or displaying other markings that would exclude its use on a motorcycle.

Any tire with a tube-type radial tire without radial tube stem markings. These markings include a red band around the tube stem, the word "radial" embossed in metal stems, or the word "radial" molded in rubber stems.

Tread depth measures less than 1/32 inch on either front or rear tire.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

xi) WHEELS AND SPOKES

PROCEDURES/SPECIFICATIONS:

Inspect the vehicle's wheels and spokes for cracked, loose, broken or missing components.

REJECT VEHICLE IF:

Wheels or spokes are cracked, broken, loose or missing.

2) DRIVER EDUCATION TRAINING VEHICLES OPERATED BY PUBLIC HIGH SCHOOLS

A) PROOF OF OWNERSHIP FOR CARS OWNED OR OPERATED BY PUBLIC HIGH SCHOOLS

PROCEDURES/SPECIFICATIONS:

Driver education cars that are owned or operated by a public high school will not be issued a registration card from the Secretary of State's Office (SOS). SOS validates the Driver Education License Plates Request/Renewal Form (the Form) and returns the Form to the school district. The vehicle's Vehicle Identification Number (VIN) is not provided on the Form.

Accept an SOS validated and completed copy of the Driver Education License Plates Request/Renewal Form as proof of ownership for driver education cars owned or operated by public high schools. These vehicles will also be exempt from having the VIN documented on the proof of ownership.

AGENCY NOTE: Driver education cars owned by commercial driver training schools are not exempt from any proof of ownership requirements.

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Driver does not present an SOS validated and completed copy of the Driver Education License Plates Request/Renewal Form.

B) DUAL CONTROL SERVICE BRAKES

PROCEDURES/SPECIFICATIONS:

All driver education training vehicles (except motorcycles) must be equipped with dual control service brakes. Test the dual brake system in accordance with Brake Systems in Appendix A.

REJECT VEHICLE IF:

The vehicle is not equipped with a dual braking system or if the dual system is inoperative.

The dual brake system does not meet the requirements of Brake Systems in Appendix A.

C) MIRRORS, EXTERIOR

PROCEDURES/SPECIFICATIONS:

All driver education training vehicles must be equipped with a mirror located on each side of the vehicle. The mirrors must reflect to the driver a view of the highway for a distance of at least 200 feet to the rear.

REJECT VEHICLE IF:

Mirrors are not mounted on stable supports.

Mirrors are loosely mounted.

Mirror or mirrors are obstructed.

Mirror or mirrors are cracked, pitted or clouded.

Mirror or mirrors are missing.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

D) IDENTIFICATION SIGN OR SIGNS

PROCEDURES/SPECIFICATIONS:

Driver education training vehicles operated by public high schools must be equipped with a sign or signs that are visible from the front and the rear identifying the vehicle as a driver education vehicle. Decals or magnets are acceptable. (See IVC Section 13-101.)

REJECT VEHICLE IF:

Identification sign is missing.

Sign is not visible from the front and the rear of the vehicle.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

**Section 438.APPENDIX I Special Requirements for Medical Transport Vehicles
(Ambulances, Medical Carriers and Rescue Vehicles)**

In addition to Appendix A through Appendix E, all medical transport vehicles shall comply with the following:

a) AMBULANCE REQUIREMENTS

1) REGISTRATION

PROCEDURES/SPECIFICATIONS

Each ambulance shall display special ambulance registration plates.



Check registration plates on ambulance.

REJECT VEHICLE IF:

Ambulance does not display ambulance license plates.

2) LIGHTS AND LAMPS

PROCEDURES/SPECIFICATIONS

Each ambulance must be equipped with at least one light that emits a bright oscillating, rotating or flashing red beam, directed in part to the front of the vehicle. The light or lights shall have sufficient intensity to be visible at 500 feet in normal sunlight. (See IVC Section 12-215.)

Inspect ambulance for required light.

REJECT VEHICLE IF:

Required light is absent or not in working condition.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

3) SIREN

PROCEDURES/SPECIFICATIONS

Each ambulance must be equipped with a loud siren producing an audible signal of an intensity of 100 decibels at a distance of 50 feet from the siren.

Check ambulance for required siren.

REJECT VEHICLE IF:

Required siren is absent or not in working condition.

b) MEDICAL CARRIER REQUIREMENTS

1) SIREN, WHISTLE OR BELL

PROCEDURES/SPECIFICATIONS

Medical carriers are prohibited from having a siren, whistle or bell.

REJECT VEHICLE IF:

A siren, whistle or bell is present (does not include back-up alarm).

2) LIGHTS AND LAMPS

PROCEDURES/SPECIFICATIONS

Lights and Lamps:

A medical carrier may have a yellow (amber) oscillating, rotating or flashing light.

If the vehicle is so equipped, the amber oscillating, rotating or flashing light must be directed in part to the front of the vehicle.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

The light shall have sufficient intensity to be visible at 500 feet in normal sunlight. (See IVC Section 12-215.)

Turn Signals:

All turn signals may flash simultaneously on both sides to indicate the presence of a vehicular traffic hazard that requires unusual care in approaching, overtaking or passing.

Auxiliary Turn Signals:

A medical carrier may have auxiliary turn signals on the roof, or lower, if those signals are at the same height on each side. Front turn signals shall be yellow or white. Rear turn signals shall be either yellow or red. Auxiliary turn signals shall be actuated only by the same control that actuates the regular, or standard, turn signals.

Auxiliary (top) and standard (bottom) turn signals may alternately flash top and bottom, but not alternately right and left. Any auxiliary turn signals shall be actuated by the same control that causes the regular, or standard, turn signals to flash simultaneously on both sides as a vehicular hazard signal.

REJECT VEHICLE IF:

Any oscillating, rotating or flashing light is not yellow (or amber) or is not in working condition.

Any turn signal is at wrong height, or any turn signal is wrong color, or all turn signals do not operate from same control.

Lights flash alternately right and left, or any upper or lower pairs of turn signals do not flash simultaneously or all turn signals are not actuated by the same "hazard" control.

- 3) WHEELCHAIR LIFT, RAMP, SECUREMENT ANCHORAGES AND DEVICES

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

PROCEDURES/SPECIFICATIONS

If the vehicle is equipped with an operating lift or ramp, wheelchair securement anchorages and wheelchair securement devices must be present.

REJECT VEHICLE IF:

Vehicle is equipped with an operating lift or ramp but wheelchair securement anchorages or securement devices are missing.

c) RESCUE VEHICLE REQUIREMENTS

1) SIREN

PROCEDURES/SPECIFICATIONS

Rescue vehicles must have a loud siren producing an audible signal of an intensity of 100 decibels at a distance of 50 feet from the siren.

Inspect rescue vehicle for required siren.

REJECT VEHICLE IF:

Required siren is absent or not in working condition.

2) LIGHTS AND LAMPS

PROCEDURES/SPECIFICATIONS

Rescue vehicles must have at least one light that emits a bright oscillating, rotating or flashing red beam, directed in part to the front of the vehicle. The light or lights shall have sufficient intensity to be visible at 500 feet in normal sunlight. (See IVC Section 12-215.)

REJECT VEHICLE IF:

Required light is absent or not in working condition.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 438.APPENDIX J Special Requirements for Rebuilt Vehicles

In addition to Appendix A through Appendix E, all rebuilt vehicles shall comply with the following:

a) PROOF OF OWNERSHIP

PROCEDURES/SPECIFICATIONS

The following documents are considered proof of ownership for rebuilt (salvaged) vehicles:

Illinois Salvage Certificate;

Illinois Certificate of Purchase;

Documentation on Illinois Secretary of State (SOS) letterhead declaring the vehicle is required to be inspected at an Illinois Official Testing Station; or

Out-of-State Title Certificate or Salvage Certificate (see IVC Section 3-303).

Bills of sale or purchase receipts are not considered proof of ownership.

REJECT VEHICLE IF:

Driver does not present approved proof of ownership.

b) MOTORCYCLES

1) BRAKES

PROCEDURES/SPECIFICATIONS:

Visually inspect braking system for leaks.

Apply front and/or rear brakes and attempt to roll vehicle.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

AGENCY NOTE: Section 12-301(a)(2) of the Illinois Vehicle Equipment Law requires every motor-driven cycle, when operated upon a highway, to be equipped with at least one brake that may be operated by hand or foot.

REJECT VEHICLE IF:

Brake system leaks.

Vehicle rolls while brakes are being applied.

2) CONTROL LEVERS

PROCEDURES/SPECIFICATIONS:

Operate control levers to verify they are functioning properly and are in working condition.

REJECT VEHICLE IF:

Control levers do not function properly or are not in working condition.

3) FRAME

PROCEDURES/SPECIFICATIONS:

Inspect frame for cracks.

REJECT VEHICLE IF:

Frame is cracked.

4) FUEL SYSTEM

PROCEDURES/SPECIFICATIONS:

Inspect fuel system for leaks.

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Fuel system leaks.

5) HORN

PROCEDURES/SPECIFICATIONS:

A horn shall be provided giving an audible warning at a distance of 200 feet and shall be conveniently controlled from the driver's seated position. (See Section 12-601 of the Illinois Vehicle Equipment Law.)

REJECT VEHICLE IF:

Horn control is missing or defective.

Horn is not audible.

6) LIGHTS

PROCEDURES/SPECIFICATIONS:

Inspect the required headlight and rear tail light. Inspect the optional rear stop/brake light and turn signals (front and rear), if the motorcycle is so equipped. (See Sections 12-201 and 12-208 of the Illinois Vehicle Equipment Law.)

REJECT VEHICLE IF:

Lights do not function properly (includes optional lights).

Lenses are cracked or broken (includes optional lights).

Headlight color is not white; rear tail light color is not red.

If motorcycle is so equipped, stop/brake light and/or rear turn signal lights are not red.

If vehicle is so equipped, front turn signals are not amber.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

7) STEERING HEAD BEARINGS

PROCEDURES/SPECIFICATIONS:

Apply front brake, if vehicle is so equipped, and turn handle bars left to right to inspect for looseness in the head bearing assembly.

REJECT VEHICLE IF:

Bearings on the vehicle bind when the handle bars are turned.

Head bearing assembly is loose.

8) SWITCHES

PROCEDURES/SPECIFICATIONS:

Inspect the headlamp and key switches.

REJECT VEHICLE IF:

Wiring to switches is frayed.

Switches do not function.

9) SUSPENSION

PROCEDURES/SPECIFICATIONS:

Inspect the suspension for broken or loose components.

REJECT VEHICLE IF:

Suspension components are broken, loose or do not function properly.

10) TIRES

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Inspect tire for proper inflation (i.e., flat tire).

Inspect for visible cord damage and exposure of ply cords in sidewalls and treads, including belting material cords.

Inspect for evidence of tread or sidewall separation.

Inspect tire for the label "Not For Highway Use" or any other marking that would exclude its use on a motorcycle.

Inspect tire to determine if it is a "tube-type radial". If it is, it must have "radial tube stem" markings. These markings include a red band around the tube stem, the word "radial" embossed in metal stems, or the word "radial" molded in rubber stems.

Measure the tread depth on the front and rear tires for at least 1/32 inch tread.

REJECT VEHICLE IF:

Improper inflation (flat tire).

A broken or cut cord can be seen. Rubber is worn, cracked, cut or otherwise deteriorated or damaged so that a cord can be seen, either when the tire is not touched or when the edges of the crack, cut or damage are parted or lifted by hand.

Tire has bump, bulge, knot or other evidence of partial carcass failure, air seepage or loss of adhesion between carcass and tread or sidewall.

Tread depth measures less than 1/32 inch on either front or rear tire.

11) WHEELS AND SPOKES

PROCEDURES/SPECIFICATIONS:

Inspect the vehicle's wheels and spokes for cracked, loose, broken or missing components.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

REJECT VEHICLE IF:

Wheels or spokes are cracked, broken, loose or missing.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 438.APPENDIX K Special Requirements for Tow Trucks used in Intrastate Commerce

In addition to Appendix A through Appendix E, all tow trucks used in intrastate commerce shall comply with the following:

AGENCY NOTE: Tow trucks used in interstate commerce are subject to the inspection criteria found in the federal Inspection Manual (49 CFR 399.appendix G).

a) BODY MOUNTS

PROCEDURES/SPECIFICATIONS:

Visually inspect all mounts that secure the cab and bed of the tow truck to the chassis.

REJECT VEHICLE IF:

Cab or bed of the tow truck is not securely attached to the chassis.

Body mounts are cracked or missing.

b) BODY PANELS

PROCEDURES/SPECIFICATIONS:

Visually inspect the tow truck to determine if all body panels are securely attached and not rusted to the point where they may separate from the vehicle.

REJECT VEHICLE IF:

Body panels are not securely attached to the tow truck.

c) FIRE EXTINGUISHER

PROCEDURES/SPECIFICATIONS:

Inspect for at least one fire extinguisher that displays an Underwriters' Laboratories rating of 4BC or larger.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

REJECT VEHICLE IF:

Fire extinguisher is missing.

Fire extinguisher does not meet minimum rating requirement of 4BC.

d) SLING STRAPS

PROCEDURES/SPECIFICATIONS:

Visually inspect the sling straps to determine if excessive wear is present.

REJECT VEHICLE IF:

Sling straps are worn to a point that could create a hazard when a vehicle is in tow.

e) SPLASH GUARDS

It is unlawful for any person to operate any vehicle of the Second Division, except a truck tractor, upon any highway of Illinois unless such vehicle is equipped with rear fender splash guards of either the contour type or the flap type and which are so attached as to prevent the splashing of mud or water upon the windshield of other motor vehicles.

Section 12-710 of the Vehicle Equipment Law shall not apply to vehicles the construction or design of which does not require such splash guards, nor to vehicles in-transit, nor to pole trailers. (Section 12-710 of the Vehicle Equipment Law) (See Section 438.20 for the definitions of contour and flap type splash guards.)

PROCEDURES/SPECIFICATIONS:

Inspect the width of the splash guard to verify it is as wide as the tread of the tire.

Inspect for the presence of two splash guards (either contour or flap type) on both rear fenders.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Confirm the splash guards are securely attached and not excessively damaged.

REJECT VEHICLE IF:

Splash guards are not as wide as the tread of the tire (if guards are required).

Not equipped with splash guards on both rear fenders (if guards are required).

Splash guards are excessively damaged or are not securely attached (if guards are required).

f) WHEEL LIFT SWIVEL POINTS**PROCEDURES/SPECIFICATIONS:**

Visually inspect the wheel lift swivel points to determine if they are securely attached to the tow truck. Also, visually inspect for cracks or binding at wheel lift swivel points.

REJECT VEHICLE IF:

Wheel lift is not securely attached to the tow truck.

Cracks are found at swivel points.

g) WINCH MOUNTINGS**PROCEDURES/SPECIFICATIONS:**

Visually inspect the winch and winch mountings to determine if the winch is securely attached to the tow truck.

REJECT VEHICLE IF:

Winch mountings are loose or cracked.

Winch is not securely attached to the vehicle.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Official Testing Stations
- 2) Code Citation: 92 Ill. Adm. Code 448
- 3)

| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
|-------------------------|-------------------------|
| 448.5 | Repealed |
| 448.10 | Repealed |
| 448.15 | Repealed |
| 448.20 | Repealed |
| 448.30 | Repealed |
| 448.40 | Repealed |
| 448.50 | Repealed |
| 448.60 | Repealed |
| 448.70 | Repealed |
| 448.80 | Repealed |
| 448.90 | Repealed |
| 448.100 | Repealed |
| 448.110 | Repealed |
| 448.120 | Repealed |
| 448.130 | Repealed |
| 448.APPENDIX A | Repealed |
| 448.EXHIBIT A | Repealed |
| 448.ILLUSTRATION A | Repealed |
| 448.ILLUSTRATION B | Repealed |
| 448.ILLUSTRATION C | Repealed |
| 448.ILLUSTRATION D | Repealed |
| 448.ILLUSTRATION E | Repealed |
| 448.ILLUSTRATION F | Repealed |
| 448.ILLUSTRATION G | Repealed |
| 448.ILLUSTRATION H | Repealed |
| 448.APPENDIX B | Repealed |
| 448.APPENDIX C | Repealed |
| 448.APPENDIX D | Repealed |
| 448.APPENDIX E | Repealed |
| 448.APPENDIX F | Repealed |
| 448.APPENDIX G | Repealed |
| 448.APPENDIX H | Repealed |
| 448.APPENDIX I | Repealed |
| 448.APPENDIX J | Repealed |

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

| | |
|--------------------|----------|
| 448.ILLUSTRATION A | Repealed |
| 448.ILLUSTRATION B | Repealed |
| 448.EXHIBIT A | Repealed |
| 448.EXHIBIT B | Repealed |

- 4) Statutory Authority: Implemented and authorized by Sections 12-711 and 12-503 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-711 and 12-503], the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 6-410 of the Illinois Driver Licensing Law [625 ILCS 5/6-410]
- 5) Effective Date of Repealer: September 1, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this adopted repealer, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 2554; February 5, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: Part 438 replaces Appendix A, Appendix C, and Appendix D, as well as Exhibits A and B of 92 Ill. Adm. Code 448, Official Testing Stations. The administrative requirements for operating an Official Testing Station in Sections 448.5 through 448.130 are now located in 92 Illinois Adm. Code 451, Administrative Requirements for Official Testing Stations, and have been repealed from Part 448. Therefore, the entire Part 448 has simultaneously been repealed elsewhere in this Register.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

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

Carrie B. Boyd, Esq.
Rules Manager
Office of Chief Counsel
Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield IL 62764

217/524-3838

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Regulations Under Securities Law of 1953
 - 2) Code Citation: 14 Ill. Adm. Code 130
 - 3)

| | |
|-------------------------|-------------------------|
| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
| 130.830 | New Section |
| 130.874 | New Section |
 - 4) Statutory Authority: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5]
 - 5) Effective Date of Rules: September 1, 2016
 - 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 Proposed published in the *Illinois Register*: 40 Ill. Reg. 175; January 4, 2016 and 40 Ill. Reg. 329; January 8, 2016
 - 10) Has JCAR issued a Statement of Objection to this rulemaking? No
 - 11) Differences between Proposal and Final Version: No substantive changes made between proposal and adoption. All technical changes recommended by JCAR were 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 these rulemakings 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>Illinois Register Citation:</u> |
| 130.493 | New Section | 40 Ill. Reg. 441; January 15, 2016 |
| 130.494 | New Section | 40 Ill. Reg. 4835; March 18, 2016 |

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NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: The addition of 14 ILAC 130.830 provides exemption from registration for Merger and Acquisition Brokers. The Illinois rule is based on the model Merger and Acquisition Brokers rule adopted by the North American Securities Administrators Association (NASAA), of which Illinois is a member. The addition of 14 ILAC 130.874 mandates the preparation of a Business and Continuity Succession Plan for protection of investors in case death of key personnel, loss of a place of business or records, or other disruption of the investment advisor's business activities.
- 16) Information and questions regarding these adopted rules shall be directed to:

Tanya Solov, Director
Illinois Secretary of State, Department of Securities
69 West Washington St., Suite 1220
Chicago IL 60602

tsolov@ilsos.net

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 130
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

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| 130.100 | Business Hours of the Securities Department |
| 130.101 | Computation of Time |
| 130.110 | Payment of Fees |
| 130.120 | Place of Filing |
| 130.130 | Date of Filing |
| 130.135 | Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD |
| 130.140 | Requirements as to Proper Form |
| 130.141 | Additional Information |
| 130.142 | Additional Exhibits (Repealed) |
| 130.143 | Information Unknown or Not Reasonably Available |
| 130.144 | Requirements as to Paper, Printing, and Language |
| 130.145 | Number of Copies – Signatures |
| 130.190 | Provisions for Granting of Variance from Rules |

SUBPART B: DEFINITIONS

| Section | |
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| 130.200 | Definitions of Terms Used in the Act and the Rules |
| 130.201 | Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act |
| 130.202 | Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties |
| 130.205 | Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties |
| 130.210 | Definition of Acts Act Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act |
| 130.211 | Definition of Acts Not Constituting Constitution an "Offer" of Securities under Section 5, 6, 7 or 8 of the Act |
| 130.212 | Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters) |

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- 130.215 Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
- 130.216 Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions
- 130.220 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
- 130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
- 130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
- 130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
- 130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed)
- 130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed)
- 130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
- 130.242 Definition of the Term "Financial Institution" under Section 4.C of the Act
- 130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)"; as Used in Section 4(F)(1) of the Act
- 130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
- 130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G of the Act and "General Advertising or General Solicitation" Under Sections 4.G, 4.H, 4.M and 4.R of the Act
- 130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
- 130.248 Definition of the Terms "Offers for Sale" and "~~Solicitations~~Solicitation of Offers to Buy", as Used in Section 4.L of the Act
- 130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act
- 130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the

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- Act
- 130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
- 130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act
- 130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser, as Used in Section 8 of the Act
- 130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
- 130.285 Definition, for Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
- 130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for ~~Purposes~~ purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

- Section
- 130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees
- 130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

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- 130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act
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- 130.440 Procedures for Filing Reports of Sale under Section 4.G of the Act
- 130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
- 130.442 Report of Sale of Securities pursuant to Section 4.G of the Act
- 130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act
- 130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act
- 130.492 Exemption from Registration for Certain Canadian Broker-Dealers and Agents and for Transactions Effected by Certain Canadian Broker-Dealers

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SUBPART E: REGISTRATION OF SECURITIES

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| 130.502 | Financial Statement Requirements |
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| 130.505 | Formal Requirements as to Consents |
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| 130.507 | Application to Dispense with Consent |
| 130.508 | Consent to Use of Material Incorporated by Reference |
| 130.510 | Procedures for Registration of Securities by Coordination under Section 5.A of the Act |
| 130.520 | Procedures for Registration of Securities by Qualification under Section 5.B of the Act |
| 130.525 | Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7 |
| 130.530 | Renewal of Registration of Securities Under Section 5.E of the Act |
| 130.531 | Computation of Fees |
| 130.532 | Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act |
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| 130.550 | Additional Fees Under Section 5 of the Act |
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| 130.571 | Presentation of Information in Prospectuses |
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| 130.576 | Statement Required in Prospectuses |
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| 130.581 | Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of |

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- 130.582 Contents of ~~Prospectus~~~~prospectuses~~ When Two or More Registrations Are in Effect Under Section 5.B of the Act
- 130.590 Identifying Statements
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- 130.592 Omission of Substantially Identical Documents
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- Section
- 130.600 Preamble
- 130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act
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- 130.715 Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act
- 130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act
- 130.750 Additional Fees Under Section 7 of the Act
- 130.771 Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

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- 130.805 Exemptions From Registration as an Investment Adviser Under Section 8.A of the

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- 130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act
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- 130.824 Financial Statements to be Filed by a Registered Dealer
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- 130.837 Transition to Electronic Filing
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- 130.843 Examination and Education Program Requirements for Registration as an

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- 130.844 Investment Adviser Representative Under Section 8.D-5 of the Act
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SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

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- 130.1102 Notice of Hearing
- 130.1103 Institution of a Contested Case by the Securities Department
- 130.1104 Requirement to File an Answer
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Section

130.1701 Inspection of Applications
130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records
130.1703 Non-Public Distribution of Information

130.APPENDIX A Uniform Consent to Service of Process
130.APPENDIX B Uniform Application to Register Securities
130.APPENDIX C Uniform Application for Broker-Dealer Registration
130.APPENDIX D Subordinated Loan Agreement for Equity Capital

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; emergency expired May 30, 1986; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7401, effective May 1, 2000; emergency amendment at 25 Ill. Reg. 973, effective January 1, 2001, for a maximum of 150 days; emergency expired May 30, 2001; amended at 25 Ill. Reg. 8817, effective July 6, 2001; amended at 26 Ill. Reg. 14843, effective September 30, 2002; amended at 27 Ill. Reg. 9490, effective June 9, 2003; emergency amendment at 29 Ill. Reg.

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15087, effective September 23, 2005, for a maximum of 150 days; emergency expired February 19, 2006; emergency amendment at 30 Ill. Reg. 13009, effective July 11, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18211, effective October 31, 2006; amended at 33 Ill. Reg. 12817, effective September 8, 2009; amended at 34 Ill. Reg. 17783, effective November 3, 2010; emergency amendment at 35 Ill. Reg. 4781, effective March 10, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 12810, effective July 14, 2011; amended at 36 Ill. Reg. 2852, effective February 8, 2012; amended at 40 Ill. Reg. 391, effective December 22, 2015; amended at 40 Ill. Reg. 13248, effective September 1, 2016.

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS, INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

Section 130.830 Registration Exemption for Merger and Acquisition Brokers Pursuant to Section 4(I) of the Act

- a) "Control", as used in this Section, means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. There is a presumption of control for any person who:
- 1) is a director, general partner, member or manager of a limited liability company, or officer exercising executive responsibility (or has similar status or functions);
 - 2) has the right to vote 20% or more of a class of voting securities or the power to sell or direct the sale of 20% or more of a class of voting securities; or
 - 3) in the case of a partnership or limited liability company, has the right to receive upon dissolution, or has contributed, 20% or more of the capital.
- b) "Eligible Privately Held Company", as used in this Section, means a company meeting both of the following conditions:
- 1) The company does not have any class of securities registered, or required to be registered, with the U.S. Securities and Exchange Commission (SEC) under section 12 of the Securities Exchange Act of 1934 (15 USC 78I) or with respect to which the company files, or is required to file,

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periodic information, documents and reports under section 15(d) of that Act (15 USC 78o(d)).

2) In the fiscal year ending immediately before the fiscal year in which the services of the merger and acquisition broker are initially engaged with respect to the securities transaction, the company meets either or both of the following conditions (determined in accordance with the historical financial accounting records of the company):

A) The earnings of the company before interest, taxes, depreciation and amortization are less than \$25,000,000.

B) The gross revenues of the company are less than \$250,000,000.

3) Inflation Adjustment

A) In regards to inflation, on the date that is five years after the date of the enactment of the rule, and every five years thereafter, each dollar amount in subsection (b)(2) shall be adjusted by:

i) dividing the annual value of the Employment Cost Index for wages and salaries, private industry workers (or any successor index), as published by the Bureau of Labor Statistics, for the calendar year preceding the calendar year in which the adjustment is being made by the annual value of the index (or successor) for the calendar year ending December 31, 2015; and

ii) multiplying such dollar amount by the quotient obtained under subsection (b)(3)(A)(i).

B) In regards to rounding, each dollar amount determined under this subsection (b)(3) shall be rounded to the nearest multiple of \$100,000.

c) "Merger and Acquisition Broker", as used in this Section, means any broker and any person associated with a broker engaged in the business of effecting securities transactions solely in connection with the transfer of ownership of an eligible privately held company, regardless of whether that broker acts on behalf of a

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seller or buyer, through the purchase, sale, exchange, issuance, repurchase or redemption of, or a business combination involving, securities or assets of the eligible privately held company if the broker reasonably believes:

- 1) that, upon consummation of the transaction, any person acquiring securities or assets of the eligible privately held company, acting alone or in concert, will control and, directly or indirectly, will be active in the management of the eligible privately held company or the business conducted with the assets of the eligible privately held company; and
- 2) if any person is offered securities in exchange for securities or assets of the eligible privately held company, that person will, prior to becoming legally bound to consummate the transaction, receive or have reasonable access to:
 - A) the most recent fiscal year-end financial statements of the issuer of the securities as customarily prepared by its management in the normal course of operations and, if the financial statements of the issuer are audited, reviewed or compiled, any related statement by the independent accountant;
 - B) a balance sheet dated not more than 120 days before the date of the exchange offer; and
 - C) information pertaining to the management, business, results of operations for the period covered by the foregoing financial statements, and any material loss contingencies of the issuer.
- d) "Public Shell Company", as used in this Section, is a company that, at the time of a transaction with an eligible privately held company:
 - 1) has any class of securities registered, or required to be registered, with the SEC under section 12 of the Securities Exchange Act of 1934 or with respect to which the company files, or is required to file, periodic information, documents and reports under section 15(b) of that Act;
 - 2) has no or nominal operations;
 - 3) has:

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- A) no or nominal assets;
 - B) assets consisting solely of cash and cash equivalents; or
 - C) assets consisting of any amount of cash and cash equivalents and nominal other assets.
- e) Except as provided in subsections (f) and (g) of this Section, a merger and acquisition broker shall be exempt from registration pursuant to Section 4(I) of the Act.
- f) A merger and acquisition broker is not exempt from registration under this Section if the broker does any of the following:
- 1) Directly or indirectly, in connection with the transfer of ownership of an eligible privately held company, receives, holds, transmits or has custody of the funds or securities to be exchanged by the parties to the transaction.
 - 2) Engages, on behalf of an issuer, in a public offering of any class of securities that is registered, or is required to be registered, with the SEC under section 12 of the Securities Exchange Act of 1934 or with respect to which the issuer files, or is required to file, periodic information, documents and reports under section 15(d) of that Act.
 - 3) Engages, on behalf of any party, in a transaction involving a public shell company.
- g) A merger and acquisition broker is not exempt from registration under this Section if that broker is subject to any of the following:
- 1) Suspension or revocation of registration under section 15(b)(4) of the Securities Exchange Act of 1934 (15 USC 78o(b)(4));
 - 2) A statutory disqualification described in section 3(a)(39) of the Securities Exchange Act of 1934 (15 USC 78c(a)(39));

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- 3) A disqualification under the rules adopted by the SEC under section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 USC 77d note); or
- 4) A final order described in section 15(b)(4)(H) of the Securities Exchange Act of 1934 (15 USC 78o(b)(4)(H)).
- h) Nothing in this Section shall be construed to limit any other authority of the Secretary of State to exempt any person, or any class of persons, from any provisions of the Act or this Section.
- i) Nothing in this Section shall be construed to limit any other authority of the Secretary of State to enforce other provisions of the Act or this Section.

(Source: Added at 40 Ill. Reg. 13248, effective September 1, 2016)

Section 130.874 Business Continuity and Succession Planning

Every investment adviser shall establish, implement and maintain written procedures relating to a Business Continuity and Succession Plan. The plan shall be based upon the facts and circumstances of the investment adviser's business model, including the size of the firm, types of services provided, and number of locations of the investment adviser. The plan shall provide for at least the following:

- a) The protection, backup and recovery of books and records.
- b) Alternate means of communication with customers, key personnel, employees, vendors, service providers (including third-party custodians) and regulators, including, but not limited to, providing notice of a significant business interruption or the death or unavailability of key personnel or other disruptions or cessation of business activities.
- c) Office relocation in the event of temporary or permanent loss of a principal place of business.
- d) Assignment of duties to qualified responsible persons in the event of the death or unavailability of key personnel.

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- e) Otherwise minimizing service disruptions and client harm that could result from a significant business interruption.

(Source: Added at 40 Ill. Reg. 13248, effective September 1, 2016)

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- 1) Heading of the Part: The Illinois Oil and Gas Act
- 2) Code Citation: 62 Ill. Adm. Code 240
- 3) Section Number: 240.340 Emergency Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725]
- 5) Effective Date of Emergency Rule: September 1, 2016
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will not expire before the end of the 150-day period.
- 7) Date filed with the Index Department: September 1, 2016
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Reason for Emergency: The current regulation, 62 IAC 240.340(e), addressing the use of a step rate test to determine the Maximum Injection Pressure (MIP) allows the MIP to be set at a pressure that will exceed the pressure necessary to propagate fractures. Operation of an injection well at this pressure will essentially allow for the propagation of fractures as well as allow injection fluid to migrate from the permitted injection formation into other formations including underground sources of drinking water (USDW). Additionally, the regulation as written does not address how to determine the MIP when the formation fracture pressure is not exceeded during the test or how to determine the MIP in the event the test reveals an existing fracture.

Migration of injection fluid into USDWs may result in contamination of a USDW. USDWs are aquifers or portions of aquifers that currently supply drinking water for human consumption or are capable of supplying such water in the future. Contamination of a USDW poses significant risks to the health of persons. Injection at or above pressures necessary to propagate fractures may allow the formation of new fractures and will allow the propagation of existing fractures, thereby, allowing the transmission of

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fluid out of the injection interval. This type of uncontrolled fracturing may cause permanent damage to the injection formation or confining formations by allowing fractures to become and remain transmissive increasing the risk of contamination of USDWs.

The Office of Oil and Gas Resource Management currently has several applications from multiple operators pending before it in which the applicant is requesting MIPs above the pressure necessary to propagate fractures based on step rate test results. To approve those permits, or future permits, allowing injection at such high pressures would put multiple oil producing formations at risk and likely endanger many different drinking water supplies.

- 10) A Complete Description of the Subjects and Issues Involved: The current rule is not in compliance with federal guidance. The amendment regarding the Step-Rate Test has been changed to be consistent with federal guidance and to protect drinkable water. The Step-Rate Test results will now be consistent with the other possible tests (frac-treatment and acid test) for formation integrity and will also no longer give a result that would damage the formation or endanger water supplies.
- 11) Are there any rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 13) Information and questions regarding this rule shall be directed to:

John Heidinger, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 240

THE ILLINOIS OIL AND GAS ACT

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| 240.30 | Jurisdiction (Repealed) |
| 240.40 | Enforcement of Act (Repealed) |
| 240.50 | Delegation of Authority (Repealed) |
| 240.60 | Right of Inspection (Repealed) |
| 240.70 | Right of Access (Repealed) |
| 240.80 | Sworn Statements (Repealed) |
| 240.90 | Additional Reports (Repealed) |
| 240.100 | When Rules Become Effective (Repealed) |
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| 240.134 | Lease Validation Petitions |
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240.270 Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
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SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

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240.300 Applicability
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240.311 Application for Freshwater Aquifer Exemption
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EMERGENCY
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- 240.650 Confidentiality of Well Data
- 240.655 Mechanical Integrity Testing for Class II Injection Wells (Repealed)
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- 240.740 Other Construction Requirements for Class II UIC Wells
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- 240.1950 Plugging and Restoration Requirements
- 240.1960 Converting to Water Well

AUTHORITY: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725].

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended

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at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16361, effective November 18, 1994; amended at 19 Ill. Reg. 10981, effective July 14, 1995; amended at 21 Ill. Reg. 7164, effective June 3, 1997; emergency amendment at 22 Ill. Reg. 988, effective December 22, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8422, effective April 28, 1998; amended at 22 Ill. Reg. 8845, effective April 28, 1998; amended at 22 Ill. Reg. 22314, effective December 14, 1998; amended at 25 Ill. Reg. 9045, effective July 9, 2001; amended at 35 Ill. Reg. 13281, effective July 26, 2011; amended at 38 Ill. Reg. 18717, effective August 29, 2014; amended at 38 Ill. Reg. 22052, effective November 14, 2014; amended at 40 Ill. Reg. 7051, effective April 22, 2016; expedited correction at 40 Ill. Reg. 11042, effective April 22, 2016; emergency amendment at 40 Ill. Reg. 13265, effective September 1, 2016, for a maximum of 150 days.

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section 240.340 Proposed Well Construction and Operating Parameters**EMERGENCY**

- a) **Well Construction Records for Conversion Wells**
If the application is for the conversion of a previously drilled well, the applicant shall:
 - 1) submit a complete copy of all available geophysical logs run on the well; and
 - 2) submit a copy of the initial Completion Report or casing and cementing records of the well; and
 - 3) establish external mechanical integrity in accordance with Section 240.770(c).

- b) **Schematic Diagram**
The applicant shall submit a schematic diagram of the proposed injection well showing:

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- 1) the total depth and plugged back depth of the well;
 - 2) the sizes and depths of the holes drilled for the surface casing, mine or intermediate casing, and production casing;
 - 3) the sizes and depths of all casing in the well and any additional casing to be used in the well;
 - 4) the amount of cement used for each string of casing in the well and any additional cement to be used in the well;
 - 5) the size of the tubing and setting depth of the packer;
 - 6) the top and bottom depths of all perforated intervals in the casing; and
 - 7) the geologic name and the depth of the top and bottom of the proposed injection interval.
- c) **Proposed Injection Rate**
The applicant shall submit the proposed injection rate expressed in average barrels per day.
- d) **Injection Fluid**
The applicant shall submit the depth and geologic name of the formations from which the injection fluid is to be obtained, a standard laboratory analysis of a representative sample of the fluid to be injected and the date the sample was obtained. The sample shall be analyzed for at least the following parameters: pH, Chloride, Total Dissolved Solids, and Specific Gravity. The sample shall be obtained and analyzed no earlier than one year prior to the date of filing of the application. If the injection fluid is other than water, the sample shall be analyzed for the chemical components and Specific Gravity of the fluid.
- e) **Proposed Maximum Injection Pressure**
- 1) The applicant shall submit the proposed maximum injection pressure in accordance with the following formula:

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$$\text{MIP} = (.80 - (.433 \times \text{Sp. Gr.})) \times \text{Depth} - 14.7$$

Where:

- M.I.P = maximum allowable injection pressure
(PSI)
- ~~SG~~Sp.Gr = specific gravity of the injection fluid
- ~~D~~Depth = depth of the top of the upper most
injection interval (ft.)

- 2) If the proposed maximum injection pressure exceeds the amount calculated in accordance with subsection (e)(1), the applicant shall submit the most recent information showing that the proposed maximum injection pressure will not initiate or propagate fractures in the injection interval or overlying strata that could enable the injection fluid or the fluid in the injection interval to leave the permitted injection intervals. The types of information that will be considered acceptable by the Department include, but are not limited to:
- A) A copy of the ticket and pressure chart from a "frac" or "acid" treatment in the injection interval in the proposed well, or from the same interval or a stratigraphically higher interval ~~in from~~ a well within 1 mile of the proposed well, that shows the Instantaneous Shut-In Pressure (ISIP). The maximum allowable injection pressure shall be 10% less than the ISIP measured at the surface unless the specific gravity of the treatment fluid is less than the specific gravity of the proposed injection fluid, in that case the ISIP shall be measured at the injection interval.
- B) The results of a step rate test, both ticket and chart, from the injection interval in the proposed well, or from the same interval or a stratigraphically higher interval in a well within 1 mile of the proposed well ~~that shows that the proposed maximum injection pressure will not propagate fractures allowing the injection fluid to migrate out of the permitted injection interval~~. The maximum allowable injection pressure shall be 10% less than the pressure, measured at the surface if the formation fracture pressure was exceeded during the test or an existing fracture was opened. In the

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event the formation fracture pressure was not exceeded and an existing fracture was not opened, the maximum allowable injection pressure shall be the highest step pressure recorded during the step rate test, at which the formation broke during the test. A step rate test shall include the following:

- i) A statement specifying the length of the shut in period. Prior to testing, shut in the well long enough so that the bottom-hole pressure approximates shut in formation pressure. A zero injection rate (pressure stabilizing) step, at least three rate steps of equal length below the fracture opening pressure and at least two rate steps above the fracture opening pressure. The rate of increase for each step following fracture opening shall be at least 120 percent of the preceding rate. Each step shall be at least 4 minutes in length.
- ii) Measurement of at least six rate steps recording the injection rate, pressure, and elapsed time of each.
- iii) An initial zero injection rate (pressure stabilizing) step.
- iv) Each rate step after the zero injection rate step shall be at least 120 percent of the preceding rate.
- v) Each rate step shall be of equal length and of at least 4 minutes in duration.
- vi) At least three rate steps below the formation fracture pressure are required; if the formation fracture pressure was not exceeded and an existing fracture was not opened, at least five rate steps are required.
- vii) If the formation fracture pressure was exceeded, at least two rate steps above the formation fracture pressure are required.

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- viii) If an existing fracture is opened during the test, no further rate steps are required.
- ix) If the formation fracture pressure was exceeded or an existing fracture was opened, the shut-down pressure, instantaneous shut-in pressure and 5-minutes shut-down pressure must be obtained, read, and recorded. The results of a step rate test shall be plotted on a graph with the pressure at the end of each step plotted against the injection rate at the end of the same step. Best fit lines shall be constructed using the points before and after fracture opening.
- xiii) If the Department has reason to believe induced fractures have occurred as a result of long term injection above the fracture pressure, the Department shall determine if the results of a step rate test are acceptable to permit the proposed maximum injection pressure.
- C) In the event the Department determines the information submitted under subsection (e)(2) is not acceptable, the Department will issue a deficiency letter. If a timely response is not received or the response is determined inadequate, the MIP will be calculated using the formula found in subsection (e)(1) above.

(Source: Amended by emergency rulemaking at 40 Ill. Reg. 13265, effective September 1, 2016, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENT

- 1) Heading of the Part: Program Description
- 2) Code Citation: 89 Ill. Adm. Code 676
- 3) Register Citation to Notice of Proposed Amendment: 40 Ill. Reg. 11079; August 19, 2016
- 4) Date, Time and Location of Public Hearings:

| | |
|------------------------------|-----------------------------|
| Monday, October 3, 2016 | Thursday, October 6, 2016 |
| 1:00 p.m. – 3:00 p.m. | 1:00 p.m. – 3:00 p.m. |
| Michael A. Bilandic Building | Michael J. Howlett Building |
| Room C-500, 5th Floor | Auditorium |
| 160 N. LaSalle | 2nd & Edwards Streets |
| Chicago IL | Springfield IL |
- 5) Other Pertinent Information: The hearings will be held for the sole purpose of gathering public comments on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Services will adhere to the following procedures in the conduct of the hearing:
 - a) All persons attending the hearing must sign in at the registration desk and those persons wishing to provide oral testimony must indicate this on the registration form in the space provided.
 - b) No oral testimony shall exceed an aggregate of ten (10) minutes. This time may be reduced based on the number of people testifying.
 - c) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 - d) All oral testimony will be recorded by stenographic or mechanical means.
 - e) No person will be recognized to speak for a second time until all persons wishing to testify have done so.

DEPARTMENT OF HUMAN SERVICES

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- f) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedures, including the order of call of witnesses, as she/he deems necessary.
- g) Persons requiring reasonable accommodation due to disability must contact the Bureau of Administrative Rules and Procedures by September 26, 2016.
- h) Name and address of Agency Contact Person: Questions regarding these proposed amendments or the public hearing 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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENT

- 1) Heading of the Part: Customer Rights and Responsibilities
- 2) Code Citation: 89 Ill. Adm. Code 677
- 3) Register Citation to Notice of Proposed Amendment: 40 Ill. Reg. 11087; August 19, 2016
- 4) Date, Time and Location of Public Hearings:

| | |
|------------------------------|-----------------------------|
| Monday, October 3, 2016 | Thursday, October 6, 2016 |
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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Service Planning and Provision
- 2) Code Citation: 89 Ill. Adm. Code 684
- 3) Register Citation to Notice of Proposed Amendments: 40 Ill. Reg. 11093; August 19, 2016
- 4) Date, Time and Location of Public Hearings:

| | |
|------------------------------|-----------------------------|
| Monday, October 3, 2016 | Thursday, October 6, 2016 |
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217/785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment
- 2) Code Citation: 89 Ill. Adm. Code 686
- 3) Register Citation to Notice of Proposed Amendments: 40 Ill. Reg. 11101; August 19, 2016
- 4) Date, Time and Location of Public Hearings:

| | |
|------------------------------|-----------------------------|
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ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 40, Issue 38 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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