

# 2006

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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Editor's Note: This is a reminder that January 3, 2007 is the final day to submit your agency's Regulatory Agenda for the January – June 2007 filing period.

Editors Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 16, 2006 to January 2, 2007 by noon as January 1, 2007 is a holiday and the office is closed.

## ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2006

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2005	January 6, 2006
2	January 3, 2006	January 13, 2006
3	January 9, 2006	January 20, 2006
4	January 17, 2006	January 27, 2006
5	January 23, 2006	February 3, 2006
6	January 30, 2006	February 10, 2006
7	February 6, 2006	February 17, 2006
8	February 14, 2006	February 24, 2006
9	February 21, 2006	March 3, 2006
10	February 27, 2006	March 10, 2006
11	March 6, 2006	March 17, 2006
12	March 13, 2006	March 24, 2006
13	March 20, 2006	March 31, 2006
14	March 27, 2006	April 7, 2006
15	April 3, 2006	April 14, 2006
16	April 10, 2006	April 21, 2006
17	April 17, 2006	April 28, 2006
18	April 24, 2006	May 5, 2006
19	May 1, 2006	May 12, 2006
20	May 8, 2006	May 19, 2006
21	May 15, 2006	May 26, 2006
22	May 22, 2006	June 2, 2006
23	May 30, 2006	June 9, 2006
24	June 5, 2006	June 16, 2006
25	June 12, 2006	June 23, 2006
26	June 19, 2006	June 30, 2006
27	June 26, 2006	July 7, 2006
28	July 3, 2006	July 14, 2006
29	July 10, 2006	July 21, 2006
30	July 17, 2006	July 28, 2006
31	July 24, 2006	August 4, 2006
32	July 31, 2006	August 11, 2006
33	August 7, 2006	August 18, 2006
34	August 14, 2006	August 25, 2006
35	August 21, 2006	September 1, 2006
36	August 28, 2006	September 8, 2006
37	September 5, 2006	September 15, 2006
38	September 11, 2006	September 22, 2006
39	September 18, 2006	September 29, 2006
40	September 25, 2006	October 6, 2006
41	October 2, 2006	October 13, 2006
42	October 10, 2006	October 20, 2006
43	October 16, 2006	October 27, 2006

<b><u>Issue #</u></b>	<b><u>Rules Due Date</u></b>	<b><u>Date of Issue</u></b>
44	October 23, 2006	November 3, 2006
45	October 30, 2006	November 13, 2006
46	November 6, 2006	November 17, 2006
47	November 13, 2006	November 27, 2006
48	November 20, 2006	December 1, 2006
49	November 27, 2006	December 8, 2006
50	December 4, 2006	December 15, 2006
51	December 11, 2006	December 22, 2006
52	December 18, 2006	December 29, 2006

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Managed Care Dental Plans
- 2) Code Citation: 50 Ill. Adm. Code 5425
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
5425.30	Amendment
5425.40	Amendment
5425.50	Amendment
5425.60	Amendment
5425.70	Amendment
5425.80	Amendment
- 4) Statutory Authority: Implementing and authorized by the Dental Care Patient Protection Act [215 ILCS 109] and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) A Complete Description of the Subjects and Issues Involved: The Dental Care Protection Act requires the Division to establish an advisory committee whose advice is to be sought when needed to address managed care issues for which their dental professional training is relevant. The Division is amending this Part to more accurately reflect this standard. The requirement of an advisory member to serve a three year term will be changed to a period of time necessary for which the committee is convened resulting in a more efficient and cost effective process.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: No
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

## 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:

Helen Kim, Staff Attorney  
Department of Financial and  
Professional Regulation  
Division of Insurance  
100 W. Randolph  
Suite 9-301  
Chicago IL 60601

or

Barb Smith, Rules Coordinator  
Department of Financial and  
Professional Regulation  
Division of Insurance  
320 West Washington  
3<sup>rd</sup> Floor  
Springfield IL 62767-0001

312/814-5422

217/785-0813

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment does not affect small businesses, small municipalities and/or not for profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: Reporting
  - C) Types of professional skills necessary for compliance: Insurance
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent agendas because: the Division did not anticipate the need to amend the requirements of this Part.

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL  
REGULATION](#) ~~INSURANCE~~

## SUBCHAPTER kkk: HEALTH CARE SERVICE PLANS

## PART 5425

## MANAGED CARE DENTAL PLANS

## Section

5425.10	Purpose
5425.20	Applicability
5425.30	Definitions
5425.40	Dental Managed Care Advisory Committee
5425.50	Filing and Approval of Summary Description
5425.60	Filing and Approval of Grievance Procedure
5425.70	Filing and Approval of Point of Service Plan Requirements
5425.80	Material Modification to Summary Description, Grievance Procedure or Point of Service Plan
5425.90	Enforcement and Penalties

AUTHORITY: Implementing and authorized by the Dental Care Patient Protection Act [215 ILCS 109] and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 25 Ill. Reg. 11869, effective August 31, 2001; amended at 28 Ill. Reg. 6473, effective April 8, 2004; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 5425.30 Definitions**

Act means the Dental Care Patient Protection Act [215 ILCS 109].

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

Dental Director means the dental director of the Illinois Department of Public Health.

Dentist means a person licensed to practice dentistry in this State pursuant to the Illinois Dental Practice Act [225 ILCS 25].

Department means the Illinois Department of [Financial and Professional](#)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

Regulation~~Insurance~~.

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

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

Enrollee means an individual and his or her dependents who are enrolled in a managed care dental plan.

Grievance means a written notice relating to the managed care dental plan determinations, procedures, and administration primarily expressing a complaint to the managed care dental plan by, or on behalf of, the enrollee, or by the dental care provider.

Managed Care Dental Plan or Plan means a plan that establishes, operates, or maintains a network of dentists that have entered into agreements with the plan to provide dental care services to enrollees to whom the plan has the obligation to arrange for the provision of or payment for services through organizational arrangements for ongoing quality assurance, utilization review programs, or dispute resolution. Managed care dental plans do not include employee or employer self-insured dental benefit plans under the federal ERISA Act of 1974.

Reasonable Travel Distance means a normal commute of no more than 30 miles or 30 minutes from the residence or place of employment of the enrollee.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5425.40 Dental Managed Care Advisory Committee**

Pursuant to Section 15 of the Act [215 ILCS 109/15] the Director is authorized to convene an advisory committee for the purpose of providing counsel and gathering clinical advice concerning dental managed care issues.

- a) Such advisory committee shall be comprised as follows:
  - 1) There will be a total of 5 members all of whom shall be dentists licensed to practice dentistry in this State pursuant to Section 15 of the Act [215 ILCS 109/15]; and

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 2) Two of the 5 members shall be dental directors from a managed care dental plan, or be a dentist designee on behalf of a plan, that is subject to the requirements of this Part and the Act; and
  - 3) Two of the remaining 3 members shall be general dentists; and
  - 4) The 1 remaining member shall be the dental director as defined in Section 5425.30 of this Part.
- b) Each member of the advisory committee, except the dental director, shall be appointed by the Director as necessary to address arising issues~~for a term of 3 years. One additional term may be served if the member is re-appointed by the Director.~~ When making appointments ~~and/or filling vacancies to the advisory committee,~~ the Director shall give due consideration to written recommendations submitted by professional dental organizations. Appointments shall last only for the period of time necessary to address the issue for which the committee was convened.
- e) ~~The advisory committee shall meet every 6 months. More frequent meetings are permissible, but will be scheduled at the discretion of the Director.~~

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5425.50 Filing and Approval of Summary Description**

Pursuant to Section 143 of the Code a managed care dental plan shall file a summary description of coverage for approval by the ~~Division~~Department, prior to its use, for each plan it establishes, operates, or maintains. The summary description shall contain all terms of coverage required by Section 25 of the Dental Care Patient Protection Act [215 ILCS 109/25]. The initial summary description shall be filed with the annual financial statement by March 1 in each year, 2002, pursuant to Section 2-7 of the Health Maintenance Act [215 ILCS 125/2-7], Section 2007 of the Limited Health Service Organization Act [215 ILCS 130/2007], Section 21 of the Voluntary Health Services Act [215 ILCS 165/21], Section 36 of the Dental Service Plan Act [215 ILCS 110/36] and Section 136 of the Code [215 ILCS 5/136]. In addition, each managed care dental plan is required to file a list of all participating dentists for informational purposes in accordance with the filing requirements of 50 Ill. Adm. Code 916. Subsequent filings of the summary description will only be required pursuant to Section 5425.80 of this Part, if material modifications occur and are to be submitted to the Life, Accident and Health Compliance Unit of the Division~~Department~~ in accordance with the filing requirements of 50 Ill. Adm. Code 916.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5425.60 Filing and Approval of Grievance Procedure**

Every managed care dental plan shall submit for the Director's approval, and thereafter maintain, a system for the resolution of grievances pursuant to Section 35(n) of the Act [215 ILCS 109/35(n)]. The initial grievance procedure shall be filed with the annual financial statement by March 1 of the year after the managed care dental plan is formed, 2002. Subsequent filings of the grievance procedure will only be required, pursuant to Section 5425.80 of this Part, if material modifications occur and are to be submitted to the Life, Accident and Health Compliance Unit of the DivisionDepartment in accordance with the filing requirements of 50 Ill. Adm. Code 916.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5425.70 Filing and Approval of Point of Service Plan Requirements**

Every managed care dental plan that is required to offer a point of service plan pursuant to the Act, except those plans that are licensed pursuant to Section 1001 of the Limited Health Service Organization Act [215 ILCS 130/1001], shall be required to file a description of its point of service plan for approval to the Life, Accident and Health Compliance Unit of the DivisionDepartment in accordance with the filing requirements of 50 Ill. Adm. Code 916.

- a) The filing shall be comprised of:
  - 1) A managed care dental plan filing and an indemnity filing. Such filing shall be coordinated by the managed care dental plan. The filing must contain reasonable financial incentives for the point of service member to utilize dental services provided or arranged by the designated managed care dental plan primary care provider and shall include:
    - A) Copies of all policy forms necessary to implement the point of service plan, including the member handbook used to integrate the services provided by the managed care dental plan and the benefits provided by the indemnity carrier; and
    - B) Enrollment application and member identification card disclosing the name of both the managed care dental plan and the indemnity carrier; and

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- C) Solicitation material; and
- D) Copies of all administrative service contracts between the managed care dental plan and indemnity carrier detailing their respective responsibilities and obligations in offering a point of service plan; and
- E) The managed care dental plan shall include in its rate filing the rate level justification and a demonstration of how the out-of-network indemnity benefits to be provided by the indemnity carrier will impact on the managed care dental plan's rates and underlying utilization assumptions. Such documentation shall be deemed confidential by the [Division](#)~~Department~~ unless specific authorization for disclosure is given by the managed care dental plan; and
- F) Written descriptions and illustrative flow charts of how the premium is received and distributed in a timely fashion and how claims will be handled for payment; and
- G) A comparison of benefits offered by the managed care dental plan and the indemnity carrier.
- 2) Out-of-network claims shall be filed with the managed care dental plan. The managed care dental plan is responsible for coordinating payment of all claims.
- 3) Covered services rendered by a participating provider without proper authorization shall be covered at the out-of-network benefit level.
- 4) For purposes of coordination of benefits, the two policies comprising the point of service plan shall be considered one policy.
- 5) For purposes of conversion and State continuation, when by statute the managed care dental plan must provide these provisions, they shall provide each enrollee who has a point of service plan the right to convert to either a managed care dental plan option or indemnity option. The managed care dental plan may, but is not required to, offer the enrollee the right to continue under a point of service plan option. Once the enrollee has chosen an option, the other plan's options will no longer be available.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

Should the enrollee choose to continue or convert coverage under a point of service plan, the plan shall meet applicable standards for Illinois conversion or continuation requirements. In the event of any inconsistency between these standards, then the most favorable to the enrollee shall apply.

- b) Subsequent filings of the point of service plan procedure will only be required, pursuant to Section 5425.80 of this Part, if material modifications occur and are to be submitted to the Life, Accident and Health Compliance Unit of the [DivisionDepartment](#) in accordance with the filing requirements of 50 Ill. Adm. Code 916.
- c) A managed care dental plan licensed pursuant to Section 1001 of the Limited Health Service Organization Act [215 ILCS 130/1001] shall be subject to the point of service requirements contained in Section 3009 of the Limited Health Service Organization Act [215 ILCS 130/3009].

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5425.80 Material Modifications to Summary Description, Grievance Procedure or Point of Service Plan**

A managed care dental plan shall file for approval with the Director, prior to use, any change in the summary description, grievance procedure, or point of service plan. In addition, each managed care dental plan shall keep current the list of participating dentists required to be filed pursuant to Section 5425.50 of this Part. Any changes or additions to the list shall be filed with the [DivisonDepartment](#) for informational purposes within 30 days after such change.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Nonscheduled Bus Inspections
- 2) Code Citation: 92 Ill. Adm. Code 456
- 3)
 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
456.10	Amend
456.40	Amend
456.50	Amend
456.60	Amend
456.70	ReNUMBER
456.75	New
456.80	Amend
456.90	ReNUMBER
456.95	New
- 4) Statutory Authority: Implementing and authorized by Section 13-109 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109] and Section 12-812 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-812]
- 5) A complete description of the subjects and issues involved: The Department has reevaluated its nonscheduled bus inspection program (the program) and determined, within its authority, that some adjustments to the violation penalty criteria (criteria) are necessary. Some criteria are being moved to more stringent penalty categories while others are being moved to less stringent penalty categories. These adjustments reflect, more realistically, how the program has evolved since its inception. These adjustments have been made throughout Section 456.60, Violation Criteria for School Buses; newly renumbered Section 456.75, Violation Criteria for Special Education School Buses; and newly renumbered Section 456.95, Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles. The following summaries highlight the changes the Department is proposing to update this Part:

**Section 456.10 Purpose and Scope** – The Department is adding language to clarify the purpose and scope of the Part and to clarify when and where nonscheduled bus inspections occur.

**Section 456.40 Definitions** – The Department is adding, deleting and updating definitions necessary to enforce this Part.

**Section 456.50 Enforcement Procedures** – The Department is clarifying and updating enforcement procedures as well as correcting statutory language.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

**Section 456.60 Violation Criteria for School Buses** – The following components are either being amended or are being added to this Section. Minor editorial corrections are being made to other components not listed below.

Axles  
Barrier  
Battery  
Battery Cables  
Battery Carrier/Compartment  
Brakes  
Bumpers, Front and Rear  
Certificate of Safety  
Certification Label, Federal  
Cleanliness  
Crossing Control Arm  
Defrosters  
Doors  
Emergency Exits  
Engine Compartment  
Entrance Door  
Exhaust System  
Fenders  
Fire Extinguisher  
First Aid Kit  
Floor Coverings  
Frame and Body  
Fuel Storage/Delivery System  
Grab Handles  
Heaters  
Hood  
Horn  
Instruments and Panel  
Lettering  
Lights  
Locked Compartment  
Mirrors  
Noise Suppression Switch (see Wiring)  
Paint  
Pedals

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Pretrip Inspection Book  
Projections  
Radio Speakers  
Reflectors  
Rub Rails  
Seat Belts  
Seats, Passenger's  
Steering System  
Steps  
Stop Arm Panel  
Sun Visor  
Suspension  
Trash Container  
Warning Devices  
Wheels  
Window Glazing  
Windshield Washer  
Windshield Wipers  
Wiring/Insulation

**Section 456.70 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles** – The Department is renumbering this Section to Section 456.95.

**Section 456.75 Violation Criteria for Special Education School Buses** – The Department is alphabetizing the list of components in this newly renumbered Section. Additionally, the following components are either being amended or are being added to this Section.

Fastening Devices  
Grab Handles  
Lifts/Ramps  
Restraining or Safety Devices  
Seating (Monitor/Aide)  
Special Light  
Special Service Door

**Section 456.80 Violation Criteria for Alternate Fuel School Buses** – The Department is revising the criteria for Pipe Hose and Fittings in this Section.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

**Section 456.90 Violation Criteria for Special Education School Buses** – The Department is renumbering this Section to Section 456.75.

**Section 456.95 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles** – The following components are either being amended or are being added to this newly renumbered Section.

Axles and Tag Axles  
Brakes  
Bumpers, Front and Rear  
Certificate of Safety  
Doors  
Emergency Exits  
Exhaust System  
Fenders  
Fire Extinguisher  
Flooring  
Frame and Body  
Fuel Storage/Delivery System  
Hood  
Horn  
Lettering  
Lights  
Mirrors  
Paint  
Reflectors  
Seats  
School Bus Identification  
Steering System  
Steps  
Stop Arm Panel  
Suspension  
Warning Devices  
Wheels  
Window Glazing  
Windshield Washer  
Windshield Wipers  
Wiring and Insulation

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that own or operate school buses or buses registered as charitable vehicles.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212

(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager  
Office of Chief Counsel

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 311  
Springfield, Illinois 62764

(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that own or operate school buses or buses registered as charitable vehicles.
- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are required for compliance with this rulemaking.
- C) Types of professional skills necessary for compliance: No new or additional skills are required for compliance with this rulemaking.

14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)PART 456  
NONSCHEDULED BUS INSPECTIONS

## Section

456.10	Purpose and Scope
456.20	Application
456.30	Standards of Construction
456.40	Definitions
456.50	Enforcement Procedures
456.60	Violation Criteria for School Buses
456.70	Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles <u>(Renumbered)</u>
<u>456.75</u>	<u>Violation Criteria for Special Education School Buses</u>
456.80	Violation Criteria for Alternate Fuel School Buses
456.90	Violation Criteria for Special Education School Buses <u>(Renumbered)</u>
<u>456.95</u>	<u>Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles</u>

AUTHORITY: Implementing and authorized by Section 13-109 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109] and Section 12-812 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-812].

SOURCE: Adopted at 15 Ill. Reg. 5894, effective April 8, 1991; amended at 16 Ill. Reg. 16649, effective October 16, 1992; amended at 17 Ill. Reg. 22070, effective December 10, 1993; amended at 18 Ill. Reg. 11650, effective July 7, 1994; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 456.10 Purpose and Scope**

This Part prescribes the requirements and procedures used to implement Section 13-109(b) of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109(b)] that provides for periodic nonscheduled inspections of school buses, buses registered as charitable vehicles, and religious organization buses at locations where the buses are stored or parked.~~the nonscheduled inspection program for school buses, buses registered as charitable vehicles and religious organization buses.~~ The Division's nonscheduled bus inspection program is used to monitor the maintenance and condition of the buses for safety purposes.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 456.40 Definitions**

"Bus" – Every motor vehicle, other than a commuter van, designed for carrying more than ~~10~~<sup>ten</sup> persons, including the driver. (See Section 1-107 of the Illinois Vehicle Code ~~(the Code)~~ ~~(Ill. Rev. Stat. 1991, ch. 95½, par. 1-107)~~ [625 ILCS 5/1-107].)

"Certificate of Safety" – The ~~authorized~~ visible symbol, authorized by Section 13-110 of the Code and provided ~~furnished~~ by the ~~Division's~~ Department's Commercial Vehicle Safety Section (CVSS) for use by ~~to~~ an Official Testing Station, that which is ~~to be~~ directly affixed to a vehicle by a Certified Safety Tester only after the completion of a proper safety test demonstrating that the ~~to a~~ vehicle ~~which~~ meets the minimum ~~prescribed safety~~ standards established by the Division (i.e., 92 Ill. Adm. Code 448, 441, 443, and 445). ~~Department's Commercial Vehicle Safety Section.~~

~~"Charitable Bus" – Any bus which is owned and operated by a charitable not for profit organization and is used primarily in conducting the official activities of such organization. (Section 1-171.01 of the Code)~~

"Charitable Vehicle" – 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 such organization. This definition does not include:

a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on special trips or in connection with special events and not over a regular or customary religious organization bus route;

a school bus as defined in Section 1-182 of the Code; or

a First Division vehicle, other than one designed for transporting not less than 7 nor more than 10 passengers, as defined in Section 1-217 of the

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Code; except that, for purposes of determining the number of persons a vehicle is designed to carry, in any vehicle equipped with one or more wheelchair tiedowns, each wheelchair tiedown shall be counted as 4 persons. (Section 1-111.1a of the Code)

"Code" – The Illinois Vehicle Code ~~[625 ILCS 5]~~~~(Ill. Rev. Stat. 1991, ch. 95½, pars. 1-100 et seq.)~~ [625 ILCS 5/1-101 et seq.].

"Commercial Vehicle Safety Section" or "(CVSS)" – A section of the Bureau of Safety Programs of the Division of Traffic Safety ~~of the~~ Illinois Department of Transportation.

"Department" – *The Department of Transportation of the State of Illinois, acting directly or through its duly authorized officers and agents*~~agents or officers.~~  
(Section 1-115.05 of the Code~~13-100 of the Illinois Vehicle Inspection Law~~)

"Division" – The Illinois Department of Transportation, Division of Traffic Safety.

"Illinois Vehicle Inspection Law" or "(the Law)" – ~~Ill. Rev. Stat. 1991, ch. 95½, pars. 13-100 et seq.~~ [625 ILCS 5/Ch. 13-101 et seq.]

"Nonscheduled Inspection" – The ~~Division's~~Department's program used to monitor the maintenance and condition of school buses, religious organization buses and buses registered as charitable vehicles ~~as authorized by P.A. 86-1223, effective January 1, 1991.~~ Nonscheduled inspections are performed on a periodic basis at locations where the buses are stored or parked.

"Non-scheduled Inspection Report" or "(NIR)" – The form used by the Division to document nonscheduled inspection findings and to indicate actions taken when necessary.~~Department to issue nonscheduled inspection penalties.~~

"Official Testing Station" – All contiguous real and personal property ~~that~~which houses the testing lane or lanes~~lane(s)~~ (if required) and any and all equipment (if applicable) and supplies relating to the safety testing of vehicles. Official testing stations are classified as either public or private. Public stations are open to the public and are authorized to safety test vehicles as required by Section 13-101 of the Law and Section 6-410 of the Code. Private stations are established by companies for the purpose of safety testing vehicles that are owned or operated by the company; therefore, private stations are not open to the public.

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"Officer" or "Inspector" – An employee of the Illinois Department of Transportation, Commercial Vehicle Safety Section.

"Operator" – The owner or the individual responsible for the maintenance and condition of a school bus, religious organization bus or a bus registered as a charitable vehicle.

"Out-of-Service Penalty" – *The most serious penalty ~~that which~~ can be assessed. This penalty requires a bus to be inspected at an Official Testing Station before being placed back in service. (See Section 13-109(b) of the Law.)*

"Religious Organization Bus" – See the definition of "charitable vehicle" in this Section. Any bus which is owned and operated by a religious organization and is used primarily in conducting the official activities of such organization. (Section 1-171.01 of the Code)

"School Bus Brake Inspection Report" or "SBBIR"~~"SB-6"~~ – The form used by school bus operators to verify that brake inspections have been performed as required by 92 Ill. Adm. Code 447. The required brake inspection report is subject to inspection by the Division's officers, the Department.

"School Bus" –

~~Type I School Bus—A School Bus with a gross vehicle weight rating of more than 10,000 pounds.~~

~~Type II School Bus—A School Bus with a gross vehicle weight rating of 10,000 pounds or less. (Section 12-800 of the Illinois Vehicle Equipment Law) (Ill. Rev. Stat. 1991, ch. 95½, par. 12-800) [625 ILCS 5/12-800]~~

*Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:*

*Any public or private primary or secondary school;*

*Any primary or secondary school operated by a religious institution; or*

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*Any public, private or religious nursery school.*

*This definition shall not include the following:*

*A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:*

*On a regularly scheduled route for the transportation of other fare paying passengers;*

*Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or*

*Being used for shuttle service between attendance centers or other educational facilities.*

*A motor vehicle of the First Division ~~first division~~. (Section 1-182 of the Code)*

*A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic school sponsored activities. (Section 1-182 of the Code)*

*Type I School Bus – A school bus with a gross vehicle weight rating of more than 10,000 pounds. (Section 1-213.4 of the Code)*

*Type II School Bus – A school bus with a gross vehicle weight rating of 10,000 pounds or less. (Section 1-213.5 of the Code)*

*Type I-A School Bus – A term commonly used by school bus manufacturers to classify a certain type of school bus that is a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door, designed for carrying more than 10 persons. The*

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Type I-A school bus has a Gross Vehicle Weight Rating (GVWR) of more than 10,000 pounds.

"Three-Day Notice Penalty" – This penalty requires a violation to be corrected within 3three working days before DivisionDepartment officers return for a reinspection. (See Section 13-109(c) of the Law.)

"Warning Penalty" – This penalty requires a violation to be corrected within 30 days and the appropriate copy of the NIR to be mailed to the CVSS as soon as repairs are made. (See Section 13-109(d) of the Law.)

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 456.50 Enforcement Procedures**

- a) The DivisionDepartment will conduct periodic nonscheduled inspections of school buses, of buses registered as charitable vehicles and of religious organization buses. (See Section 13-109(b) of the Law.)
- b) The nonscheduled inspections will be conducted by the Division's officers of the Department at locations where the vehicles listed in subsection (a) of this Sectionabove are stored or parked. The SBBIR must be kept for a period of at least 12 months at the location where the bus is stored or parked and the SBBIR must be available for inspection by the Division's officers during normal business hours.
- c) Nonscheduled inspections will consist of inspecting those items listed in SectionSections 456.60, 456.75456.70, 456.80 or 456.95456.90 of this Part, (depending on the type of vehicle being inspected). The Division'sDepartment's officers will note any violation of this Part on the Nonscheduled Inspection Report (NIR) and fill in the penalty portion of the NIR according to the most serious penalty assessed. Penalties are separated into three categories: Out-of-Service, Three-Day Notice, and Warning. All violations listed on the NIRform shall be corrected within the time period noted on the NIRrequired period of time. (See subsections (f), (g), and (h) of this Section.)
- d) The NIR consists of the original form and three copies. The original and onesecond copy will be issued to the bus operator. OneThe third copy will be mailed to the CVSS by the Division'sDepartment's officer and the remainingfourth copy will be retained by the Division'sDepartment's officer.

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- e) The bus operator's second copy of the NIR ~~shall be designed to~~ be returned to the CVSS after either all warning violations have been corrected, or the Division's~~Department's~~ third day follow-up inspection has been completed, or inspection at an Official Testing Station for an out-of-service penalty has been conducted. See subsection~~Refer to subsections~~ (f), (g) or (h) of this Section~~below~~ for penalty procedures.
- f) If a nonscheduled inspection reveals that any component~~item~~ listed in Section~~Sections~~ 456.60, 456.75~~456.70~~, 456.80 or 456.95~~456.90~~ of this Part meets the "out-of-service" criteria listed in those Sections, the Division's~~Department~~ officer will remove the Certificate of Safety from the vehicle and will place the vehicle out-of-service. (See Section 13-109**(b)(e)** of the Law.)
- 1) *A bright orange, triangular decal will be placed on an out-of-service vehicle where the Certificate of Safety has been removed~~was located~~.* (Section 13-109**(b)(e)** of the Law)
  - 2) The vehicle must pass a complete safety test at an official testing station before it is again placed in service. (See Section 13-109(b) of the Law.) A complete inspection includes all of the pertinent components listed in this Part plus a valid SBBIR (see 92 Ill. Adm. Code 447). The vehicle must pass an inspection, including presenting a valid wheel pull (SB-6) form, at an Official Testing Station before it is again placed in service. (Section 13-109(e) of the Law)
  - 3) An out-of-service~~Out-of-Service~~ penalty requires the bus operator's second copy of the NIR to be returned to the CVSS by the bus operator after the bus passes a complete~~a~~ inspection at an Official Testing Station.
  - 4) *Causing or allowing the operation of an out-of-service vehicle with passengers or unauthorized removal of an out-of-service decal is a Class 3 felony.* (Section 13-109 (e) of the Law)
- g) If a nonscheduled inspection reveals that any component listed in Section~~Sections~~ 456.60, 456.75~~456.70~~, 456.80 or 456.95~~456.90~~ of this Part meets the "three-day notice" criteria listed in those Sections, the Division's~~Department~~ officer will issue a three-day notice penalty. (See Section 13-109(c) of the Law.)
- 1) A bright yellow triangular decal will be placed next to the Certificate of

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Safety. (See Section 13-109(c) of the Law.)

- 2) The Division will reinspect the vehicle after 3 working days to determine that the violation has been corrected and remove the yellow, triangular decal. Department personnel will return to the location of the vehicle after three working days to determine that the violation has been corrected and will remove the yellow decal if no violations exist. (See Section 13-109(c) of the Law.)
  - 3) A three-day notice~~Three-Day Notice~~ penalty requires the bus operator's~~second~~ copy of the NIR to be completed and returned to the CVSS by the Division's~~Department's~~ officer when the officer~~he~~ returns for the follow-up inspection after the third day.
  - 4) If the violation is not corrected within 3~~three~~ working days, the Division~~Department~~ will place the vehicle out-of-service in accordance with subsection (f) of this Section~~above~~. (See Section 13-109(c)~~(e)~~) of the Law.)
  - 5) *Causing or allowing the operation of a vehicle with a 3~~three~~ day decal for longer than 3~~three~~ days with the decal attached or the unauthorized removal of a 3~~three~~ day decal is a Class C misdemeanor.* (Section 13-109(e) of the Law)
- h) If a nonscheduled inspection reveals that any component~~item~~ listed in Section~~Sections~~ 456.60, 456.75~~456.70~~, 456.80 or 456.95~~456.90~~ of this Part meets any of the "warning" criteria listed in those Sections, the Division~~Department~~ will issue a warning notice to the bus operator requiring correction of the violation or violations. The NIR will be provided to the bus operator and will list all warning notice violations.~~the NIR to the bus operator with all violations listed.~~ (See Section 13-109(de) of the Law.)
- 1) The bus operator shall correct the violation or violations as soon as practicable and submit a report to the Division~~have all violations corrected~~ within 30 days after~~from~~ the date of the nonscheduled inspection affirming that the corrections have been made. (See Section 13-109(de) of the Law.)
  - 2) A warning~~Warning~~ penalty requires the bus operator's~~second~~ copy of the NIR to be returned to the CVSS by the bus operator after all violations have been corrected.

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- 3) If the ~~Division~~Department has not been advised that the corrections have been made by receipt of the ~~bus operator's~~second copy of the NIR, and the ~~violations~~violation still ~~exist~~exists, the ~~Division~~Department will place the vehicle out-of-service in accordance with subsection (f) ~~of this Section~~. (See Section 13-109~~(de)~~ of the Law.)
- i) If a nonscheduled inspection reveals that any ~~component~~item listed in ~~Section~~Sections 456.60, ~~456.75~~456.70, 456.80 or ~~456.95~~456.90 of this Part warrants the issuance of a penalty, the bus operator ~~or owner~~ may repair or replace defective items while the ~~Division's~~Department's officers are on location. If the ~~bus owner or~~ operator chooses to repair or replace the defective item, it must be done while the ~~Division's~~ officers are still on location and ~~shall~~may not alter the ~~Division's officers'~~officer's schedule ~~in order to wait for any repair or correction~~. ~~All components~~Any defects repaired or corrected on location will be documented on the NIR ~~by the Division's officers~~.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 456.60 Violation Criteria for School Buses**

The following ~~components~~items will be inspected during a nonscheduled inspection. A violation of one ~~component~~item may only necessitate a warning while other ~~components~~items may require a ~~3-three~~day notice or cause the vehicle to be declared out-of-service. Certain ~~components~~items have criteria listed in more than one penalty category, depending on the degree of the specific violation. If any criteria listed below exists, the corresponding penalty will be issued:

- a) Air Cleaner:
- WARNING – missing; not properly attached.
- b) Aisle:
- 1) OUT-OF-SERVICE – obstructed.
- 2) WARNING – does not meet minimum dimension requirements (refer to 92 Ill. Adm. Code ~~441~~451.APPENDIX A(b)).
- c) Alternator:

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~~3THREE~~-DAY – belts are torn, broken or slipping; does not meet capacity rating or electrical requirements; not functioning.

## d) Axles:

1) OUT-OF-SERVICE – not firmly attached; cracked; broken; ~~wheel seals leaking grease or fluids~~~~leaking fluids~~; insufficient capacity (as determined by 49 CFR 568.4 (~~October 1, 2004~~~~1992~~)).

2) ~~WARNING – pinion seal leaking.~~

## e) Barrier:

1) OUT-OF-SERVICE – missing (~~if required~~); not solidly attached.

2) WARNING – padding or covering shows wear and tear~~;~~; does not meet minimum height requirements (refer to 92 Ill. Adm. Code ~~441451~~.APPENDIX A(e)).

## f) Battery:

~~WARNINGTHREE DAY~~ – excessive corrosion; not secured.

## g) Battery Cables:

~~WARNINGTHREE DAY~~ – ~~broken~~; corroded; not securely attached.

## h) Battery Carrier/Compartment:

~~WARNINGTHREE DAY~~ – when battery is mounted outside of engine compartment, it is not properly attached in weather-tight vented compartment; compartment door does not latch.

## i) Brakes:

1) OUT-OF-SERVICE – any problem found with service brake system. ~~SBBIR forms not being completed, maintained or available for inspection. Any defect in emergency brake system (other than indicator light).~~

2) ~~THREE DAY~~—any problem found with emergency brake system.

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~~2)3)~~ WARNING – SBBIR not completed properly. Emergency brake indicator light not functioning. (See 92 Ill. Adm. Code 441. Appendix B(d)). any SB 6 violation (refer to 92 Ill. Adm. Code 451. APPENDIX A(i)(7)(A)).

## j) Bumper, Front:

- 1) OUT-OF-SERVICE – missing; bumper damage thatwhich interferes with tire condition or movement; loose; broken; protruding parts.
- 2) WARNINGTHREE DAY – loose; broken; protruding components; does not meet thickness requirements (refer to 92 Ill. Adm. Code 441451. APPENDIX B(c)). A(j)).

## k) Bumper, Rear:

- 1) OUT-OF-SERVICE – missing; loose; broken; protruding parts.
- 2) WARNINGTHREE DAY – loose; broken; protruding components; hitchable; does not meet thickness requirements (refer to 92 Ill. Adm. Code 441451. APPENDIX C(a)). A(k)).

## l) Certificate of Safety:

OUT-OF-SERVICE – missing; expired; voided; over on mileage; incorrect type of Certificate of Safety.

## m) Certification Label, Federal:

WARNING – missing; label is absent; defaced; destroyed; illegible; or not permanently affixed; required information is missing (refer to 92 Ill. Adm. Code 441451. APPENDIX C(c)). x A(m)(1)).

## n) Cleanliness:

WARNING – excessive rubbishrubbage or trash; excessive dirt; spilled fluids; decorations; clutter on dash.

o) Crossing Control Arm:

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1) OUT-OF-SERVICE – missing; does not work or function properly; illegal on/off switch.

2) 3-DAY – illegal light or reflector color; not minimum length.

p)Ⓟ Defrosters:

1) OUT-OF-SERVICE – does not function properly between October 2 and April 14; blades are not protected.

2) WARNINGTHREE-DAY – does not function properly between April 15 and October 1; auxiliary fans are not securely mounted.

q)Ⓟ Drive Shaft Guard:

WARNING – not solid; not firmly attached; missing.

r)Ⓟ Emergency Exits:

1) OUT-OF-SERVICE – illegal locks (refer to 92 Ill. Adm. Code 441451. APPENDIX D(b)(4)\*A(q)(4)); no engine cutoff; obstructedblocked; latch broken; exit does not operatework; both audible and visible alarms on emergency exit doorsdoor(s) do not operate; no audible alarm on emergency window exits.

2) WARNINGTHREE-DAY – binding; no guard; exterior handle is hitchable; door does not seal properly; either audible or visible alarms on emergency exit doorsdoor(s) do not operate.

s)Ⓟ Engine Compartment:

1) 3THREE-DAY – excessive oil in engine compartment; engine does not start or run properly.

2) WARNING – minor oil in engine compartment; does not start or run properly (except when the bus is in the process of being repaired).

t)Ⓟ Entrance (Service) Door/Driver's Door/Additional DoorsEntrance Door:

1) OUT-OF-SERVICE – fails to close; view is obstructed; illegal locks; does

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not ~~operate~~~~open~~ properly; manual override is missing on power operated doors; special service door not made inoperable if seats are installed next to the special service door.

2) ~~THREE DAY—binding, jamming, over the center control not operating properly.~~

~~2)3)~~ WARNING – rubber seals are missing or torn; holes are present; not sealing properly; minor binding.

~~u)†)~~ Exhaust System:

1) OUT-OF-SERVICE – any leaks in the exhaust system; leaks into or under passenger compartment; broken; disconnected; does not discharge in proper location or under the bus body; improper size reduction; not securely attached or supported.

2) ~~WARNINGTHREE DAY~~ – shield is not present if required (refer to 92 Ill. Adm. Code ~~441451~~.APPENDIX ~~D(d)(2);A(s)(1)~~); extends too far outside body; not securely attached or supported.

~~v)†)~~ Fenders:

~~OUT-OF-SERVICETHREE DAY~~ – protruding components; not properly attached; excessive collision damage that is detrimental to the safe operation of the vehicle.

~~w)†)~~ Fire Extinguisher:

1) OUT-OF-SERVICE – not fully charged; ~~or~~ missing.

2) ~~WARNINGTHREE DAY~~ – seal is broken; improper rating; overcharged; not mounted in readily accessible location; not labeled if in compartment.

~~x)†)~~ First Aid Kit:

1) ~~OUT-OF-SERVICETHREE DAY~~ – missing; empty.

2) WARNING – kit not complete (at least 4 packages are not present) (refer to 92 Ill. Adm. Code ~~441451~~.APPENDIX ~~E(c);A(w)~~); medicine or

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tourniquet is present; ~~packages are not sealed~~; not mounted in readily accessible location; defective container.

~~y)\*)~~ Floor and Wheel Floor Coverings; Firewall; Passenger Compartment; Floor and Floor coverings:

- 1) OUT-OF-SERVICE – holes are present (other than screw holes); sagging; broken; not firmly attached.
- 2) WARNINGTHREE DAY – screw holes are present; sagging; broken; ~~not firmly attached~~; torn or missing covering; missing or damaged floor stripping; defective boots; engine cover is not secure; does not sealcovering or missing.

~~z)\*)~~ Frame and Body:

1) Frame:

OUT-OF-SERVICE – broken; cracked; improper welds; rusted through; structurally unsafe; sagging.

2) Body (Exterior and Interior):

- A) OUT-OF-SERVICETHREE DAY – collision damage ~~that~~which is detrimental to the safe operation of the vehicle; not properly attached to frame. Body tie downs are loose or missing. Holes penetrating the interior of the vehicle.
- B) WARNING – rusted through; holes are present but are not penetrating the interior of the vehicleholes are present.

~~aa)z)~~ Fuel Storage and Delivery System:

- 1) OUT-OF-SERVICE – fuel tank is leaking or loose; no fuel tank guard if required (refer to 92 Ill. Adm. Code ~~441451~~.APPENDIX F(a)(5))A(z)(5)); fuel lines are loose, sagging, rubbing, chaffing, leaking, cracked or broken; fuel cap is missing.
- 2) ~~3~~THREE\_DAY – ~~shield is not present if required (refer to 92 Ill. Adm. Code 451~~.APPENDIX A(s)(1)); alternate fuel system not removedremains

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after conversion to gasoline or diesel (alternate fuel is no longer used).

- 3) WARNING – no shield (if required) (refer to 92 Ill. Adm. Code 441.Appendix D(d)(2)).

bb)aa) Grab Handles (Exterior and Interior):

- 1) OUT-OF-SERVICE – missing; hitchable; snagable.

AGENCY NOTE: "Hitchable" is defined as being designed to allow riding or grasping on to an exterior portion of the bus so as to "hitch" a ride.

- 2) WARNING – handles are ~~missing or~~ loose.

cc)bb) Heaters:

- 1) OUT-OF-SERVICE – not working between October 2 and April 14.

- 4) THREE DAY—missing or not firmly attached.

- 2) WARNING – poor working condition; defective, damaged, or unsecured hoses, supports or baffles; rear heater not covered or padded; defective or missing switches; not working between April 15 and October 1.

dd)ee) Hood:

OUT-OF-SERVICE~~THREE DAY~~ – does not open; broken, missing or defective latches or hinges.

ee)dd) Horn (Interior and Exterior):

- 1) OUT-OF-SERVICE – missing horn or horn component; ~~defective~~; not audible for 200 feet; cannot be controlled from driver's seat.

- 2) WARNING – not readily accessible to driver; unsecured wiring.

ff)ee) Instruments and Instrument Panel:

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- 1) OUT-OF-SERVICE – brake failure ~~indicator~~~~indication~~ gauges or devices do not operate properly or are missing; headlight switch defective; odometer not working; turn signal lever not functioning properly.
- 2) ~~3~~THREE-DAY – ~~odometer, directional signal, 8~~eight-light flasher ~~indicator~~, or high beam indicator lights do not operate properly or are missing; switches (other than headlight) are defective or missing.
- 3) WARNING – instruments or instrument panel obstructed by unauthorized material (e.g., books, radios, trash, food, etc.); emergency brake indicator light does not function.

~~gg)ff)~~ Lettering (Interior and Exterior):

~~WARNING – lettering is missing; incorrect location; incorrect color; illegible; not authorized or allowed by statute or 92 Ill. Adm. Code 441 or 443; obstructed; no window lines. not black, distinct, or allowed.~~

~~hh)gg)~~ Lights~~Light(s)/Lamps (Exterior and Interior)~~ (refer to 92 Ill. Adm. Code ~~441~~451.APPENDIX G(d)A~~(hh)~~ for proper colors):

- 1) Backup:
  - A) ~~3~~THREE-DAY – both lights do not function; ~~improper color; broken lens or other component.~~
  - B) WARNING – one light does not function; improper color; broken lens or other component.
- 2) Clearance:
 

WARNING – do not function; improper color; broken lens or other component.
- 3) Cluster:
 

WARNING – do not function; improper color; broken lens or other component.
- 4) Flashing 8-light System~~system~~:

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- A) OUT-OF-SERVICE – do not function; incorrect sequence; do not cancel; illegal by-pass activation switch (red lights only); improper color; broken lens or other component.
- B) WARNING – 8-light activation indicator panel not functioning properly; crossing control arm override switch not wired properly.
- 5) Headlights:
- A) OUT-OF-SERVICE – do not function; improper color; dimmer switch defective; not securely attached.
- B) WARNING – cracked~~broken~~ lens.
- 6) Interior:
- WARNING – do not function; improper color; broken lens or other component; missing or broken switches.
- 7) License Plate:
- WARNING – does not function; missing; improper color; broken lens or other component.
- 8) Marker:
- WARNING – missing; do not function; improper color; broken lens or other component.
- 9) Parking:
- WARNING – do not function; improper color; broken lens or other component.
- 10) Stepwell:
- WARNING – does not function; improper color; broken lens or other component.

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## 11) Stop/Brake:

- A) ~~OUT-OF-SERVICE – does not function;~~ does not release;  
improper color; broken lens.
- B) ~~WARNINGTHREE DAY – crackedimproper color; broken lens or~~  
~~other component.~~

12) Strobe ~~(optional):~~

AGENCY NOTE: Mandatory on all school buses manufactured after December 31, 1999.

- A) OUT-OF-SERVICE – missing (if required).
- B) 3-DAY – not operating properly.
- C) WARNING – location is incorrect (see AGENCY NOTE below); refer to 92 Ill. Adm. Code 451. APPENDIX A(hh)(15));  
shielding is present.

AGENCY NOTE: Ideally, the correct strobe location is determined by the strobe's filament height. The filament height is multiplied by 30 and the lamp is located that distance from the rear of the bus. If this formula cannot be met (e.g., length of the bus, air conditioner, or roof hatch prohibits), the strobe can be located as near as practicable above the rear axle, horizontally centered between the rear tires, and always to the rear of roof exits and/or air conditioners.

## 13) Tail:

- A) ~~OUT-OF-SERVICE – do not function;~~ improper color; broken lens.
- B) ~~3THREE DAY – crackedimproper color; broken lens or other~~  
~~component.~~

14) Turn Signal (Left and Right Armored included):

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- A) OUT-OF-SERVICE – front or rear do not function; broken lens.
- B) WARNINGTHREE DAY – improper color; crackedbroken lens-or other component. Side armored turn signals do not function or are missing.

ii)hh) Locked Compartment:

- 1) 3-THREEDAY – not readily accessible to driver; lettering-or Identification is missing; alarm does not function when compartment is locked and engine is running (only when fire extinguisher, warning devices, or first aid kit are stored in locked compartment).
- 2) WARNING – lettering or identification is missing.

jj)ii) Mirrors (Exterior and Interior):

- 1) OUT-OF-SERVICE – missing; not functioning as required; broken mount; mirror is broken or cracked; mirror is pitted or clouded to obstruct driver's view; size or type not approved.
- 2) WARNING – broken-or cracked; clouded; pitted but not obstructing driver's view; stickers or unauthorized materials are present; loose mounting; not approved.

kk)jj) Paint Requirement:

- 1) OUT-OF-SERVICE – paint does not meet color requirements (refer to 92 Ill. Adm. Code 441.Appendix H(b)).
- 2) WARNING – reflective tape outlining emergency exits is missing, defective, improperly located, improper color, poor condition; does not meet color requirements (refer to 92 Ill. Adm. Code 451. APPENDIX A (kk)); paint is in poor condition.

ll)kk) Pedals (Accelerator, Brake, and Clutch, Emergency/Parking):

- 1) OUT-OF-SERVICE – missing.
- 2) 3THREE DAY – missing; damaged; rubber cover or non-skid material

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~~missing; altered in a manner not approved by the Division.~~~~altered.~~

~~mm)H)~~ Pre-trip Book – (See 92 Ill. Adm. Code 458 (School Bus Driver's Pretrip Inspection Requirements).):

WARNING – ~~not being prepared;~~ missing; improper completion ~~or distribution;~~ operator not complying with recordkeeping requirements of 92 Ill. Adm. Code 458.

~~nn)mm)~~ Projections:

1) Exterior:

A) OUT-OF-SERVICE – dangerous to pedestrians or other vehicles.

B) WARNINGTHREE DAY – hitchable; ~~dangerous to pedestrians.~~

2) Interior:

WARNINGTHREE DAY – not padded (if required); ~~interferes~~interfere with entering or exiting the bus or with head impact zone (e.g., cameras, air conditioners, brooms, etc).

~~oo)~~ Radio Speakers:

WARNING – located within restricted area and not disconnected.

~~pp)nn)~~ Reflectors/Reflective Tape (also see Paint Requirements):

~~1)~~ THREE DAY—missing.

~~2)~~ WARNING – missing; damaged; not properly located; wrong color.

~~qq)oo)~~ Rub Rails:

WARNING – missing; damaged; not securely attached.

~~rr)pp)~~ Seat Belts (Driver and Passenger):

1) OUT-OF-SERVICE – missing (if required) (refer to 92 Ill. Adm. Code

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~~441. Appendix I(a) and 92 Ill. Adm. Code 443. Appendix I(a); or~~ broken; improper mounting; if required (refer to ~~92 Ill. Adm. Code 451. APPENDIX A(oo) and APPENDIX B(oo)~~); buckle does not operate properly; required number of belts not present (refer to 92 Ill. Adm. Code ~~443. Appendix I(a) 451. APPENDIX B(oo)~~).

- 2) WARNING – driver's retractor does not operate properly; not off floor; ~~dirty optional seat belts do not meet requirements~~.

~~ss)qq)~~ Seat, Driver's:

- 1) OUT-OF-SERVICE – broken; loose; missing.
- 2) WARNING – damaged covering; not adjustable.

~~tt)rr)~~ Seat, Passenger's:

- 1) OUT-OF-SERVICE – ~~missing barrier (if required) (refer to 92 Ill. Adm. Code 451. APPENDIX A(e))~~; loose; broken frame or components; seats installed in a manner other than prescribed in 49 CFR 571.222 (except special education buses with prior Division approval).
- 2) WARNING – incorrect height or center-to-center seat spacing (refer to 92 Ill. Adm. Code ~~441. Appendix I(c) and 92 Ill. Adm. Code 443. Appendix I(c) 451. APPENDIX A(qq)~~); damaged covering; loose seat cushion.

~~uu)ss)~~ Steering System:

- 1) Exterior:
- A) Linkage Components:
- OUT-OF-SERVICE – broken; bent; welded repairs; loose; insecurely mounted; ~~or~~ missing.
- B) Steering Components:
- OUT-OF-SERVICE – broken; loose; leaking; binding; belts and hoses frayed or cracked; ~~inoperative~~ power or power-assist unit inoperative or missing; reservoir low or empty; incorrect fluid.

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## 2) Interior:

A) OUT-OF-SERVICE – column support bracket is broken, loose or missing; excessive up and down movement in steering shaft; excessive damage to steering wheel; spokes are missing; lash exceeds acceptable limits.

B) ~~THREE DAY~~ — ~~lash exceeds acceptable limits (refer to 92 Ill. Adm. Code 451. APPENDIX A(rr)(2)(B))~~.

vv)tt) Steps, Entrance:

1) OUT-OF-SERVICE – broken; rusted through.

2) WARNING – sagging; damaged ribbing; defective or missing white nosing.

ww)ttt) Stop Arm Panel:

1) OUT-OF-SERVICE – missing; lights not functioning; panel does not operate properly~~function~~.

2) ~~THREE DAY~~ – ~~not operating properly~~; incorrect panel; lights not flashing alternately; optional second stop arm panel does not meet requirements.

3) WARNING – incorrect paint (refer to 92 Ill. Adm. Code 441451.APPENDIX J(a)A(tt)); poor condition; crossing control arm override switch is wired improperly allowing stop arm panel to activate when the 8-way flashing signal system is deactivated.

xx)vv) Sun Visor:

WARNING – broken; damaged; missing; does not comply with requirements.

yy)www) Suspension:

1) Shocks:

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- A) OUT-OF-SERVICE – broken; missing; broken mounts.
- B) ~~WARNINGTHREE DAY~~ – leakage; loose; loose mounting.

2) Springs and Spring Assembly Components:

OUT-OF-SERVICE – broken; cracked; damaged; loose; missing spring or spring assembly component.

3) Air

OUT-OF-SERVICE – leaking; damaged; leaning excessively; rubbing on frame or body.

~~zz)xx)~~ Tow Hooks (optional):

WARNING – extend beyond bumper; not securely attached.

aaa) Trash Container:

WARNING – not secure; obstructing aisle; overflowing with trash.

~~bbb)yy)~~ Warning Devices:

1) OUT-OF-SERVICE – missing.

2) WARNING – incomplete set~~missing~~; reflectors are cracked or broken; flags are ripped or torn; emergency triangles are not operational; not securely mounted or readily accessible.

~~ccc)zz)~~ Wheels:

1) Wheel Housing:

A) OUT-OF-SERVICE – tire rubs against any portion of chassis, body or bumper; does not meet clearance requirements; not firmly secured; holes are present.

B) ~~THREE DAY~~—do not meet clearance requirements; not firmly secured; holes are present.

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## 2) Rim:

OUT-OF-SERVICE – cracked; broken; elongated holes; missing lug nuts; lock ring damaged; bent; improper welds.

3) Tires (refer to 92 Ill. Adm. Code 441451.APPENDIX K(d)(3))A  
(bbb)(3)):

## A) Steering axle:

i) OUT-OF-SERVICE – regrooved, recapped, retreaded; restricting markings are present; insufficient tread depth at any measured point of a major tread groove (4/32); broken or cut cord; any sign of carcass failure; tires are not same construction; regular and mud/snow tread are mixed; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged.

ii) WARNING – flat tire.

## B) Drive axle:

i) OUT-OF-SERVICE – missing; insufficient tread depth at any measured point of a major tread groove (2/32); broken or cut cord.

ii) 3THREE-DAY – radial and bias ply tires are used incorrectly; regular and mud/snow tread are improperly mixed on same axle; tire exceeds diameter of its mate; regrooved or recut on tire not labeled "regroovable"; bias tube installed on radial; damaged valve stem; flat tire on dual wheel axle.

iii) WARNING – flat tire on single wheel axle.

ddd) Window Glazing:1) Emergency Exit Windows:

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- A) OUT-OF-SERVICE – missing; shattered; any sharp edge that could inflict cuts to the skin.
  - B) WARNING – improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed.
- 2) Service Door Windows:
- A) OUT-OF-SERVICE – missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed.
  - B) WARNING – improper "AS" rating; incorrect glazing material; any crack to glazing.
- 3) Side Windows:
- A) OUT-OF-SERVICE – missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed in driver's side window.
  - B) WARNING – improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed other than to driver's side window.
- 4) Windshield:
- A) OUT-OF-SERVICE – missing; shattered; not firmly sealed or attached; any crack more than 6 inches in length in the area swept by the windshield wiper blade; any "starchip" measuring more than 1 inch in diameter in the area swept by the windshield wiper blade; driver's visibility obstructed; any sharp edge that could inflict cuts to the skin.
  - B) WARNING – any crack more than 6 inches in length outside the area swept by the windshield wiper blade; any "starchip" more than 1 inch in diameter outside the area swept by the windshield wiper blade; discoloration more than 3 inches up from the bottom or more than 1 inch down from the top or in more than 1 inch from the left or right side (except tinting that is allowed by 625 ILCS 5/12-503).

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~~aaa)~~ Windows:

- 1) ~~OUT-OF-SERVICE—windshield is missing or shattered.~~
- 2) ~~THREE DAY—not properly marked with "AS" rating (refer to 92 Ill. Adm. Code 451. APPENDIX A (ccc)); operating mechanisms do not function; alarms do not function, if required; glass is cracked or broken; visibility is obstructed; emergency opening requirements are not met (refer to 92 Ill. Adm. Code 451. APPENDIX A (ccc)(1) and (3)); not firmly sealed or attached; 1 1/2 inches or more "star chip"; missing; incorrect size.~~
- 3) ~~WARNING—stop lines are missing.~~

~~eee)~~bbb) Windshield Washer:

- 1) 3-DAY – broken or missing components.
- 2) WARNING – does not operate properly; no fluid.

~~fff)~~eee) Windshield ~~Wipers~~Wiper:

- 1) OUT-OF-SERVICE – wipers do not operate; broken blades or arms; wipers operate on only one speed; activation knob missing.
- 2) WARNING – does not cover entire cleaning area; rubber blades are damaged; does not park properly; scratches windshield.

~~ggg)~~ddd) Wiring (Interior, Exterior, Engine Compartment) and Insulation(Interior and Exterior):

- 1) OUT-OF-SERVICE – for school buses manufactured on or after January 1, 2006, noise suppression switch is missing or does not function properly (refer to 92 Ill. Adm. Code 440.420(vv)(8) or 442.620(e)).
- 2) WARNING – insulation is broken, frayed, or missing; fuses or breakers are not present (refer to 92 Ill. Adm. Code 441. Appendix D(a)(4)451. APPENDIX A(p)); not securely attached; not on proper circuit.

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(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 456.70 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles (Renumbered)**

(Source: Renumbered to Section 456.95 at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 456.75 Violation Criteria for Special Education School Buses**

Special education school buses are subject to the inspection requirements of Section 456.60 and the following:

a) Fastening Devices:

OUT-OF-SERVICE – do not secure wheelchair; not forward facing (if required); broken; damaged.

b) Grab Handles:

1) OUT-OF-SERVICE – missing; hitchable or snagable.

2) WARNING – not securely attached; do not meet requirements (refer to 92 Ill. Adm. Code 445.Appendix A and Appendix B(a)).

c) Lifts and Ramps:

1) OUT-OF-SERVICE – does not operate properly; does not meet requirements (refer to 92 Ill. Adm. Code 445.Appendix A and Appendix B(b)); lift operates when door is closed.

2) WARNING – non-skid material for ramp or lifts missing or defective.

d) Restraining or Safety Devices:

1) OUT-OF-SERVICE – missing (when required) or broken.

2) WARNING – damaged; not securely fastened.

e) Seating (Monitor or Aide Use Only):

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3-DAY – damaged, not securely mounted, illegal folding chair, no barrier (when required) or seatbelts missing (when required) for forward facing seat or non-forward facing seat.

AGENCY NOTE: All exceptions must be approved by the Division.

f) Special Light:

WARNING – missing; does not operate properly at door area; illegal color; broken lens.

g) Special Service Door:

1) 3-DAY – defective door handle or latch; binding; will not close properly.

2) WARNING – does not operate or seal properly; does not meet requirements (refer to 92 Ill. Adm. Code 445.Appendix A and Appendix B(f)); audible or visible alarm does not work or is missing.

a) Restraining or Safety Devices:

WARNING – not securely fastened; missing when required.

b) Special Service Door:

WARNING – does not operate properly; does not meet requirements (refer to 92 Ill. Adm. Code 451.APPENDIX C and D(e)); audible or visible alarm does not work or is missing.

e) Lifts and Ramps:

OUT-OF-SERVICE – does not operate properly; does not meet requirements (refer to 92 Ill. Adm. Code 451.APPENDIX C and D (e)).

d) Fastening Devices:

OUT-OF-SERVICE – do not secure wheelchair.

e) Special Light:

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~~WARNING—missing; does not operate properly.~~

f) **Grab Handles:**

~~WARNING—not securely attached; do not meet requirements (refer to 92 Ill. Adm. Code 451.APPENDIX C and D (h)).~~

(Source: Renumbered from Section 456.90 to Section 456.75 and amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 456.80 Violation Criteria for Alternate Fuel School Buses**

Alternate fuel school buses are subject to the inspection requirements of Section 456.60 and the following:

a) **Pipe Hose and Fittings:**

- 1) **OUT-OF-SERVICE** – incorrect pipe size; fuel supply line ~~thatwhich~~ passes through driver or passenger compartment; reduced piping system; incorrect piping material; piping system blocks or hampers window or door; piping system is not located at least 36 inches from air inlet or outlet; missing drain cock; missing rain cap; piping system is not one piece originating below the bus floor and exiting outside the bus roof; holes where pipe exits or enters are not sealed; piping system does not terminate above the eave line or does extend above the roof of the bus.
- 2) **3THREE-DAY** – any parts remain from alternate fuel system ~~remains~~ after conversion to gasoline or diesel; no longer used but not made inoperable.
- 3) **WARNING** – Shielding is not present on piping outside the body below the window line.

b) **Container and Container Appurtenances:**

**OUT-OF-SERVICE** – Incorrect location; valves, appurtenances and connections are not mounted in enclosed compartment.

c) **Identification Decal:**

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WARNING – missing.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 456.90 Violation Criteria for Special Education School Buses (Renumbered)**

(Source: Renumbered to Section 456.75 at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 456.95 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles**

a) Axles and Tag Axles:

- 1) OUT-OF-SERVICE – not firmly attached; cracked; broken; wheel seals leaking grease; tag axle not operating properly; air leak.
- 2) WARNING – pinion seal leaking.

b)a) Brakes:

- 1) OUT-OF-SERVICE – any problem found with the service brake system; any problem found with emergency brake system (other than indicator light).
- 2) ~~WARNINGTHREE DAY~~ – any problem found with emergency brake system. emergency brake indicator light does not function.

c)b) Bumpers (Front and Rear):

- 1) OUT-OF-SERVICE – missing; loose; broken; protruding components.
- 2) ~~THREE DAY~~—loose; broken; protruding components.

d)e) Certificate of Safety:

OUT-OF-SERVICE – missing; expired; ~~or~~ voided; incorrect type of Certificate of Safety.

e) Doors (Interior and Exterior):

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1) OUT-OF-SERVICE – fails to open or close properly; fails to latch; hinges broken; door handles missing; over-the-center control not installed or operating properly.

2) WARNING – seals damaged or missing; damage that prevents proper sealing.

f)Ⓣ Emergency Exits:

1) OUT-OF-SERVICE – obstructed; does not comply with required number or size of exits (refer to 92 Ill. Adm. Code 448.APPENDIX C); latch or hinges broken; does not open or close properlyfully; missing components.

2) WARNINGTHREE DAY – binding; does not seal properly; damage that prevents proper sealing.

g)Ⓣ Exhaust System:

OUT-OF-SERVICE – any leaks in system into or under passenger compartment; broken; disconnected; not securely attached.

h)Ⓣ Fenders:

OUT-OF-SERVICETHREE DAY – protruding components; not securely attached; missing.

i)Ⓣ Fire Extinguisher:

1) OUT-OF-SERVICE – not fully charged; missing.

2) WARNINGTHREE DAY – seal is broken; not mounted in readily accessible location; not labeled if in compartment; improper rating; overcharged.

AGENCY NOTE: 10 BC is proper rating for fire extinguisher.

j)Ⓣ Floor, Floor Covering, Firewall and Occupant Compartment, and Engine Cover:

1) OUT-OF-SERVICE – holes in floorboard; sagging; broken; not firmly attached.

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2) ~~WARNINGTHREE DAY~~ – ~~holes are present; sagging;~~ torn covering; ~~defective boots; engine cover does not latch or seal properly.~~

~~k)j~~) Frame and Body:

1) Frame:

OUT-OF-SERVICE – broken; ~~cracked;~~ rusted through; structurally unsafe; sagging; ~~improper welds.~~

2) Body (~~Interior and Exterior~~):

~~A) OUT-OF-SERVICE – damage that is detrimental to the safe operation of the vehicle; body tie downs loose or missing; holes penetrating interior of the vehicle.~~

~~B) WARNING – holes not penetrating interior of the vehicle~~ ~~rusted through; protruding object;~~ any ~~other~~ component loose, missing or broken.

~~l)j~~) Fuel Storage and Delivery System:

OUT-OF-SERVICE – fuel tank is leaking or loose; fuel lines are loose, leaking, sagging, rubbing, chaffing, cracked or broken; fuel cap is missing.

~~m)k~~) Hood:

~~OUT-OF-SERVICETHREE DAY~~ – ~~missing; broken;~~ does not open; defective latches or hinges.

~~n)j~~) Horn (~~Interior and Exterior~~):

OUT-OF-SERVICE – missing; defective; not audible.

~~o)m~~) Lettering (~~Interior and Exterior~~):

WARNING – signs or words "SCHOOL BUS" ~~are present;~~ emergency exits are not ~~labeledlabelled~~ (if required); operating instructions are not present on

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emergency exits (if required); "NO STANDEES" not present (if required) (refer to 92 Ill. Adm. Code 448.APPENDIX C).

p)n) Lights/Light(s)/Lamps (Interior and Exterior):

1) Flashing 8-light System:

WARNING – if present, not made inoperable.

2)4) Headlamps:

A) OUT-OF-SERVICE – missing; do not function; not securely mounted.

B) WARNING – cracked~~broken~~ lens on replaceable light source; improper color; defective dimmer switch.

3)2) License Plate:

WARNING – missing; does not function; improper color; broken lens or other component.

4)3) Parking/Marker:

WARNING – missing; do not function; improper color; broken lens or other component.

5)4) Stop/Brake:

A) OUT-OF-SERVICE – missing; do not function properly; broken lens; improper color.

B) WARNINGTHREE DAY – improper color; cracked~~broken~~ lens~~or other component~~.

6) Strobe

WARNING – strobe lamp is present (only allowed on school buses).

7)5) Tail:

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- A) OUT-OF-SERVICE – missing; do not function properly; broken lens; improper color.
- B) ~~WARNINGTHREE DAY~~ – cracked~~improper color~~; broken lens~~or other component~~.

~~8)6)~~ Turn Signal (Interior and Exterior):

- A) OUT-OF-SERVICE – missing; do not function properly; driver activation lever defective or missing; broken lens; improper color.
- B) ~~WARNINGTHREE DAY~~ – cracked~~improper color~~; broken lens~~or other component~~.

~~9)7)~~ Unison Flashing Amber "4-light" Warning System (~~allowed~~Optional on Religious Organization Buses only):

WARNING – lens is improper color; system flashes alternately; indicator light does not function in driver's compartment; not made inoperative if vehicle is not a Religious Organization Bus; school bus "8-light" system is present~~haritable bus~~.

~~q)8)~~ Mirrors (Interior and Exterior):

- 1) OUT-OF-SERVICE – missing (if required); shattered.
- 2) WARNING – ~~broken or~~ cracked; pitted; clouded; loose or broken mounting; incorrect size; incorrect location; obstructed.

~~r)9)~~ Paint:

WARNING – school bus yellow is still primary color.

~~s)4)~~ Reflectors and Reflective Tape:

- 1) ~~THREE DAY~~ — missing.
- 2) WARNING – missing; damaged; wrong color; not properly located (refer to 92 Ill. Adm. Code 448.Appendix~~APPENDIX~~ A).

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~~t)~~ Seats (Driver and Passenger):

- 1) OUT-OF-SERVICE – driver's seat adjusting mechanism slips out of place; any seat or frame is loose or broken; seat belt is missing (if required); seat belt is inoperative (if present).
- 2) WARNING – seat coverings are torn or missing.

u) School Bus Identification:

WARNING – any of the following are present: "SCHOOL BUS" lettering; "school bus yellow" paint; flashing 8-light system; stop arm panel; strobe light.

~~v)~~s) Steering System:

1) Exterior:

OUT-OF-SERVICE – linkage components are bent; binding; jamming; welded repairs; loose; insecurely mounted; ~~or~~ missing. Steering components are loose; or leaking; belts are frayed or; cracked; loose, missing or inoperative power or power assist unit; reservoir is low or empty or missing.

2) Interior:

A) OUT-OF-SERVICE – column support bracket is loose or missing; excessive up and down movement in steering shaft; excessive damage to steering wheel; spokes are missing; lash exceeds acceptable limits.

B) THREE DAY—lash exceeds acceptable limits (refer to 92 Ill. Adm. Code 448.APPENDIX A).

w) Steps, Entrance:

- 1) OUT-OF-SERVICE – broken; rusted through.
- 2) WARNING – sagging; obstructed.

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x)t Stop Arm Panel:

WARNING – present (allowed on school buses only).

y)u Suspension:

## 1) Shocks:

A) OUT-OF-SERVICE – broken; missing; broken or loose mounts.

B) WARNINGTHREE DAY – leakage; ~~loose mounting~~.

2) Springs and Spring Components:

OUT-OF-SERVICE – any missing; broken; cracked, damaged, or loose spring or spring component.

3) Air

OUT-OF-SERVICE – damaged; leaking air; not properly attached; not sitting level; rubbing on any part of the frame or body.

z)v Warning Devices:

WARNING – missing; incomplete; reflectors are cracked or broken; flags are ripped or torn; emergency triangles are not operational.

aa)w Wheels:1) Wheel Housing:

OUT-OF-SERVICE – tire rubs against any portion of body, chassis, bumper; does not meet clearance requirements; not firmly attached; holes are present.

2) Rim:

OUT-OF-SERVICE – cracked; broken; elongated holes; defective welds; missing or broken lugs or lug nuts; lock ring damaged; bent.

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3)2) Tires (refer to 92 Ill. Adm. Code 448.APPENDIX A):

## A) Steering axle:

- i) OUT-OF-SERVICE – regrooved, recapped, retreaded; restricting markings are present; insufficient tread depth at any measured point of a major tread groove (4/32); broken or cut cord; any sign of carcass failure; tires are not same construction; regular and mud/snow tread are mixed; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged.
- ii) WARNING – flat tire.

## B) Drive axle:

- i) OUT-OF-SERVICE – missing; insufficient tread depth at any measured point of a major tread groove (2/32); broken or cut cord.
- ii) THREE DAY – radial and bias ply tires are used incorrectly; regular and mud/snow tread are improperly mixed on same axle; tire exceeds diameter of its mate; regrooved or recut on tire not labeled "regroovable"; bias tube installed on radial; damaged valve stem; flat tire on dual wheel axle.
- iii) WARNING – flat tire on single wheel axle.

bb)\*) Window Glazing Windows:1) Emergency Exits:

- A) OUT-OF-SERVICE – missing; shattered; any sharp edge that could inflict cuts to the skin.
- B) WARNING – improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed.

2) Service Door Windows:

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A) OUT-OF-SERVICE – missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed.

B) WARNING – improper "AS" rating; incorrect glazing material; any crack to glazing.

3) Side Windows:

A) OUT-OF-SERVICE – missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed in driver's side windows.

B) WARNING – improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed other than to driver's side window.

4) Windshield:

A) OUT-OF-SERVICE – missing; shattered; not firmly sealed or attached; any crack more than 6 inches in length in the area swept by the windshield wiper blade; any "starchip" measuring more than 1 inch in diameter in the area swept by the windshield wiper blade; driver's visibility obstructed; any sharp edge that could inflict cuts to the skin.

B) WARNING – any crack more than 6 inches in length outside the area swept by the windshield wiper blade; any "starchip" more than 1 inch in diameter outside the area swept by the windshield wiper blade; discoloration more than 3 inches up from the bottom or more than 1 inch down from the top or in more than 1 inch from the left or right side (except tinting that is allowed by 625 ILCS 5/12-503).

~~THREEDAY – not properly marked with "AS" rating (refer to 92 Ill. Adm. Code 448.APPENDIX x A); operating mechanisms do not function; glass is cracked or broken; visibility is obstructed; emergency opening requirements are not met (refer to 92 Ill. Adm. Code 448.APPENDIX C); not firmly sealed or attached.~~

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~~cc)y)~~ Windshield Washer:

- 1) 3-DAY – broken; missing components.
- 2) WARNING – does not operate properly; no fluid.

~~dd)z)~~ Windshield ~~Wipers~~Wiper:

- 1) OUT-OF-SERVICE – wipers do not operate properly; broken blades or arms; driver activation knob is missing.
- 2) WARNINGTHREE DAY – does not cover entire cleaning area; rubber blades are damaged; does not park properly.

~~ee)aa)~~ Wiring (Interior, ~~and~~ Exterior, ~~and~~ Engine Compartment) ~~and~~Insulation:  
Insulation:

WARNING – broken; short circuiting; frayed; not securely attached; ~~or~~ missing.

(Source: Renumbered from Section 456.70 to Section 456.95 and amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Approval of Noninstructional Capital Projects
- 2) Code Citation: 23 Ill. Adm. Code 1040
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1040.10	Amend
1040.20	Amend
1040.22	New
1040.25	New
1040.27	New
1040.30	Repeal
- 4) Statutory Authority: Implementing Sections 8 and 9.11 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/8, 9.05 and 9.11]
- 5) Effective Date of Amendments: December 5, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. Section 1040.22(a) incorporates the "Postsecondary Education Facilities Inventory and Classification Manual (FICM): 2006 Edition" published by the U.S. Department of Education (NCES 2006-160).
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 1, 2006; 30 Ill. Reg. 14184
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Several nonsubstantive wording 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 this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: This rulemaking reflects statutory changes to the Public Community College Act that eliminated the requirement for Board of Higher Education approval of locally-funded community college projects. In addition, the amendments incorporate comprehensive guidelines for public universities seeking noninstructional capital project approval (e.g., required documentation, criteria for approval, and submission information).
- 16) Information and questions regarding these adopted amendments shall be directed to:

Sandi Gillilan, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield, Illinois 62701

217/557-7352

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

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER II: BOARD OF HIGHER EDUCATION

## PART 1040

APPROVAL OF NONINSTRUCTIONAL CAPITAL PROJECTS IMPROVEMENTS AND COMMUNITY COLLEGE LOCALLY FUNDED CAPITAL PROJECTS

## Section

1040.10	Purpose
1040.20	Definition of Terms
<u>1040.22</u>	<u>Required Documentation</u>
<u>1040.25</u>	<u>Criteria for Approval</u>
<u>1040.27</u>	<u>Submission Process</u>
1040.30	Noninstructional Capital Improvements and Community College Locally-Funded Capital Projects ( <u>Repealed</u> )

AUTHORITY: Implementing Sections 8 and 9.11 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/8, 9.05 and 9.11].

SOURCE: Amended and effective April 15, 1976; rules repealed and new rules adopted and codified at 8 Ill. Reg. 16899, effective September 4, 1984; amended at 30 Ill. Reg. 19510, effective December 5, 2006.

**Section 1040.10 Purpose**

The agency's process, requirements and criteria for the submission and approval of noninstructional capital projects at State supported institutions improvements and locally-funded community college construction projects are set forth in this Part.

(Source: Amended at 30 Ill. Reg. 19510, effective December 5, 2006)

**Section 1040.20 Definition of Terms**

"Board" means the Board of Higher Education.

"Buildings, additions and/or structures" means~~are~~ those facilities with roofs and/or walls that have foundations.

"Capital budget categories" means~~are~~ the main categories of proposed capital

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projects for which approval is requested. The categories include: buildings, additions and/or structures; land; equipment; utilities; remodeling and rehabilitation; site improvements; and planning.

~~A "community college" is an Illinois public community college.~~

"Equipment" ~~means~~includes expenditures for the acquisition, replacement, or increase of visible tangible personal property of a nonconsumable nature, with a unit value of \$51-~~00~~ or more, ~~that~~which is not included in the category of categories buildings, additions, and/or structures or remodeling and rehabilitation.

~~A "Governing Board" means~~is the Board of Trustees of a State supported institution of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Governors of State Colleges and Universities or the Board of Regents of Regency Universities.

"Land" ~~means~~includes expenditures for real property and expenditures for the acquisition of real property, including easements of record and expenses directly and necessarily related to ~~the~~such purchase or acquisition. "Land" shall include existing buildings and/or structures.

~~A "locally funded capital project" is a capital project which has been totally funded from local community college district funds or from any other source and for which State funds have not been appropriated.~~

~~A "Noninstructional noninstructional capital project improvement" means the construction, remodeling, renovation, purchase, or modification of facilities or properties used in whole or part for purposes other than classroom education.~~is a project which is constructed primarily for other than classroom educational purposes. Repair and maintenance projects, defined by the Illinois State Comptroller as ordinary and necessary projects needed to keep an asset serviceable through its expected life, are excluded.

"Planning" ~~means~~includes the architectural and engineering design required for the planning of buildings, additions and/or structures or specific major remodeling projects.

~~A "Program program statement" means~~is a statement setting forth the broad parameters within which architects and planners must work and describing in

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detail the space requirements, activities, functions, relationships and space needs to be incorporated into a new or remodeled facility.

~~"State supported institutionsPublic universities"~~ means ~~are~~ the public universities of the State of Illinois: University of Illinois; Southern Illinois University; Chicago State University; Eastern Illinois University; Governors State University; Illinois State University; Northeastern Illinois University; Northern Illinois University; and Western Illinois University. ~~the universities under the governance of the Board of Governors of State Colleges and Universities; and the several Regency Universities under the jurisdiction of the Board of Regents.~~

~~"Reimbursements" are funds appropriated by the State for the purpose of paying the State's share of previously built locally financed community college capital projects approved by the Illinois Community College Board and the Illinois Board of Higher Education.~~

"Remodeling and rehabilitation" means ~~includes~~ capital improvements ~~that~~ which have the primary objective of restoring or upgrading a structure or facility to its original operating condition or improving the existing functional capability or capacity of the structure or facility.

"Scope" means ~~is~~ the parameters of the project, including square footage, quantification of work and programmatic use.

~~The "Scopescope statement" means~~ of a project is a narrative statement containing background and justification for ~~at~~ the project; quantification of work items and cost breakdowns; identification of dependent relationships between the proposed project and any other; and desired completion date of the project.

"Site improvements" means ~~include~~ modification to real estate for earth movement and clearance, drainage, streets and walkways, parking, finish grading, seeding and landscaping, and all other improvements to real estate not included in other categories.

"Total projects costs" means ~~includes~~ all costs related to the capital budget categories ~~listed above~~ and the designation of source of funds for ~~those such~~ costs.

"Utilities" means ~~include~~ systems for distributing or disbursing utility services outside the five-foot boundary line of existing or proposed buildings, additions and/or structures.

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(Source: Amended at 30 Ill. Reg. 19510, effective December 5, 2006)

**Section 1040.22 Required Documentation**

All requests for approval of new or revised noninstructional capital projects shall contain the following:

- a) Project Scope
  - 1) Provide a narrative description of the requested project using the following descriptors: buildings, additions, structures, land, equipment, utilities, remodeling, renovation, site improvements, and planning. Include the name and location of all facilities and properties.
  - 2) Provide quantified information. For acquisitions, include the size of parcels of property and the size of facilities (gross square feet). For remodeling, include the assignable square feet to be remodeled by room use classifications. Comply with guidelines for measuring gross and assignable areas identified in the "Postsecondary Education Facilities Inventory and Classification Manual (FICM): 2006 Edition" published by the U.S. Department of Education (NCES 2006-160), no further editions or amendments are included. Other information could include seating capacity, parking capacity, age of facilities, number of rooms, length of utility tunnels (linear feet), and roof size (square feet).
  - 3) For remodeling and renovation projects, distinguish between upgrades to and replacement of existing components and systems.
  - 4) Describe activities, functions, or entities the completed project will house or accommodate.
  - 5) Describe the allocation of completed space, by type, using classifications identified in the FICM.
  - 6) Provide the appraised value of any property or existing structures proposed for acquisition. Include the date and source of the appraisal.

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- 7) Explain how existing space will be reused after it is vacated. Briefly describe any projects, including a cost estimate and project timeline, that must be completed before the space can be reused for a new purpose.
- 8) Identify any dependent relationship between the requested project and other on-going or anticipated capital projects.
- 9) Provide a project schedule, including dates for design start, beginning construction, project bids and final completion.

b) Project Rationale

- 1) State how the project will meet the noninstructional objectives of the institution. What is its relationship to the institution's mission and master plan? How does the project advance statewide goals?
- 2) If a project upgrades or otherwise alters the use of existing space, describe the current condition of the existing space.
- 3) Describe the capacity and utilization of space currently available to the institution to meet the noninstructional objectives of the proposed project. Describe by space type (room use code) and function.
- 4) If a project adds assignable space to the institution (via new construction or adaptation of existing space for a new purpose), describe the factors or conditions (e.g., enrollment growth, change in enrollment mix, insufficient or inadequate space of a certain type, etc.) that justify the request. Explain why the proposed project must be undertaken.

c) Project Financing

- 1) Provide the total project cost allocated by major component, including land acquisition, building, remodeling, renovation, planning and design, utilities, equipment purchases, and financing. What is the estimated cost per square foot? If the cost per square foot is greater than the current industry average, what factors are contributing to the increased cost? How much will each factor contribute? Indicate the source and date of cost estimates.

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- 2) Describe how the institution plans to finance the project (by dollar amount for each fund source). A description should be provided for how the institution plans to finance capital costs, as well as any related operating and maintenance costs.
  - 3) If a project is supported by an increase in student fees, provide the total annual increase required and the date the new or increased fees will become effective. Indicate if the institution's Board of Trustees has approved fee increases supporting the project. If not, when is approval anticipated? Does the institution foresee sunseting the relevant fee increase when it has served its original purpose?
  - 4) If the proposed project will generate the need for additional operations and maintenance funding, provide an estimate of the annual costs. Describe how these costs will be financed.
  - 5) Provide a summary of projected annual revenues and expenses for the programs that will be housed in the space completed by the project. Annual revenues should include reallocations, lease payments, fee revenue, and any other revenue received by the institution that is relevant to the application. Expenses should include annual debt service requirements, operations and maintenance, reserve funds, and any other relevant obligations of the institution. Identify interest rate assumptions for proposed revenue bond sales.
  - 6) If a project is funded in whole or part by private donations, indicate if funding has been secured or pledged. What revenues are currently available? Outline the proposed time schedule for the capital campaign.
  - 7) If a project is funded in whole or part by incurring debt, provide a projection of the amount of borrowing and a schedule of interest and principal payments to retire the debt. Indicate the source of funds for paying debt service.
- d) Constituency Input in the Decisionmaking Process
- 1) Provide a brief description of the institution's decisionmaking process. If advisory or review committees were created, briefly describe their membership, objectives and activities.

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- 2) Provide a copy of the governing board's resolutions and minutes reflecting approval of the project scope, project financing, including total project cost, and source of funds. Documentation should reflect approval dates.
- 3) If the requested project requires new fees or significant restructuring of an existing fee program, describe the process used to inform and consult students. Has the student fee increase plan for the project been submitted to a student referendum? If so, provide a copy of the resolution presented to the students. Indicate the total number of students eligible to vote, the number voting, the numbers supporting and opposing the plan, and the date the referendum was held. If a student referendum was not held, what plans exist to consult students regarding this proposal?
- 4) Identify any other governmental approvals still required for the proposed project and the status of those approvals. Include environmental, historical preservation, and special permits of any kind. Do not include routine building permits.

(Source: Added at 30 Ill. Reg. 19510, effective December 5, 2006)

**Section 1040.25 Criteria for Approval**

To be approved, noninstructional capital projects must be consistent with the master plan for higher education and with instructional buildings that are provided for therein [110 ILCS 205/8]. In making the determination, the Board shall consider the following criteria:

- a) Projects must be consistent with the mission and scope of the institution.
- b) Projects must provide for needed additional or replacement space, provide for more efficient utilization of existing space, or maintain or improve existing space. In determining whether these criteria are met, the following information shall be reviewed:
  - 1) Current and projected programmatic needs.
  - 2) Current and projected space utilization rates.
- c) Projects must be economically feasible. A project will be determined to be economically feasible if all legal requirements are met and if it is demonstrated that funds are available to finance the construction and operation of the project.

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In determining whether a project is economically feasible, the following information shall be reviewed:

- 1) Proposed source of funds for construction of the project (e.g., existing revenues in site and construction funds, gifts, revenue bonds, private loans, student fees, parking fees, etc.) and the availability of funds from that source. If it is necessary to repay the original source of funds, the source and projections of funds to repay that original source will be reviewed.
  - 2) Proposed source and availability of funds to cover increased operations and maintenance costs associated with construction of the project.
- d) All required documentation in accordance with Section 1040.22 must be submitted.

(Source: Added at 30 Ill. Reg. 19510, effective December 5, 2006)

**Section 1040.27 Submission Process**

- a) All requests for approval of noninstructional capital projects shall be submitted in writing to the Executive Director of the Board no later than 45 days prior to the desired Board approval date to provide sufficient time for staff review and agenda item preparation. A schedule of Board meeting dates is available at [www.ibhe.org](http://www.ibhe.org).
- b) An electronic submission of the request should be directed to appropriate fiscal staff.
- c) Additional data shall be requested if all submission requirements have not been met.
- d) Background data substantiating the changes in annual operations and maintenance cost may be needed if the estimates do not appear reasonable in light of current campus expenditures.

(Source: Added at 30 Ill. Reg. 19510, effective December 5, 2006)

**Section 1040.30 Noninstructional Capital Improvements and Community College Locally-Funded Capital Projects (Repealed)**

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- a) ~~Submission Requirements~~
- 1) ~~All requests for approval of new or revised noninstructional capital improvements and locally funded community college construction projects shall contain the following:~~
- A) ~~A description of the project including the scope and justification for its need.~~
  - B) ~~A classification of the project into the appropriate budget category.~~
  - C) ~~A statement showing the total project cost, source of the cost estimate and the anticipated source of funds.~~
  - D) ~~An estimate of the changes in the annual operations and maintenance costs (including utility costs).~~
  - E) ~~For noninstructional capital improvement projects either governing board or local community college district board of trustees and Illinois Community College Board resolutions approving the expenditure of funds and the source of funds are required.~~
  - F) ~~For locally funded community college construction projects, the following are required:~~
    - i) ~~Local community college board of trustees resolution approving the expenditure of funds and the source of funds.~~
    - ii) ~~Certification from the Executive Director of the Illinois Community College Board indicating that the project has been approved by the Illinois Community College Board or its authorized representative.~~
    - iii) ~~A program statement for all projects for which state reimbursement may be requested in the future.~~
- 2) ~~All requests for approval of noninstructional capital improvements and locally funded community college projects shall be submitted 45 days prior to the desired approval date to allow sufficient time for review of the~~

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~~project by staff. Additional data shall be requested if all submission requirements have not been met. Background data substantiating the changes in annual operations and maintenance cost may be needed if the estimates do not appear reasonable in light of current campus expenditures.~~

- b) ~~Criteria for Approval. The following criteria will form the basis for approval of projects:~~
- ~~1) Projects must be consistent with the mission and scope of the institution.~~
  - ~~2) Projects must provide for needed additional or replacement space, more efficient utilization of existing space, or maintain or improve existing space. In determining whether or not these criteria are met, the following information shall be reviewed:~~
    - ~~A) current and projected programmatic needs~~
    - ~~B) current and projected space utilization rates~~
  - ~~3) Projects must be economically feasible. A project will be determined to be economically feasible if all legal requirements are met and if it is demonstrated that funds are available to finance the construction and operation of the project. In determining whether or not a project is economically feasible, the following information shall be reviewed:~~
    - ~~A) Proposed source of funds for construction of the project (e.g., existing revenues in site and construction funds, gifts, revenue bonds, private loans, student fees, parking fees, etc.) and the availability of funds from that source. If it is necessary to repay the original source of funds, the source and projections of funds to repay that original source will be reviewed.~~
    - ~~B) Proposed source and availability of funds to cover increased operations and maintenance costs associated with construction of the project.~~
  - ~~4) All required documentation as outlined in "Submission Requirements" must be submitted.~~

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(Source: Repealed at 30 Ill. Reg. 19510, effective December 5, 2006)

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- 1) Heading of the Part: Nurse Educator Fellowship Program
- 2) Code Citation: 23 Ill. Adm. Code 1105
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1105.100	New
1105.200	New
1105.300	New
1105.400	New
1105.500	New
1105.600	New
1105.700	New
- 4) Statutory Authority: Implementing and authorized by Section 9.32 of the Board of Higher Education Act [110 ILCS 205/9.32].
- 5) Effective Date of Rulemaking: December 5, 2006
- 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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register? September 1, 2006; 30 Ill. Reg. 14197
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: Several nonsubstantive technical changes recommended by JCAR were made. In addition, substantive changes recommended by JCAR add Section 1105.500(d) to stipulate how the fellowship money will be routed to the recipient and clarify the repayment language in 1105.600(i)(1).
- 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 rulemakings currently in effect? Yes. A companion emergency rulemaking became effective August 16, 2006 at 30 Ill. Reg. 14363.

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This rulemaking implements the provisions of Public Act 94-1020 that amends the Board of Higher Education Act [110 ILCS 205/9.32] to establish a nurse educator fellowship program. The intent of the program is to ensure the retention of well-qualified nursing faculty by providing a salary supplement to nursing faculty via a competitive award process. Illinois institutions of higher learning that offer accredited nursing programs and are approved by the Illinois Department of Financial and Professional Regulation are eligible to nominate nursing faculty for the Program.
- 16) Information and questions regarding these adopted rules shall be directed to:

Sandi Gillilan, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield, Illinois 62701

217/557-7352

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

## BOARD OF HIGHER EDUCATION

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER II: BOARD OF HIGHER EDUCATION

## PART 1105

## NURSE EDUCATOR FELLOWSHIP PROGRAM

## Section

1105.100	Purpose of the Nurse Educator Fellowship Program
1105.200	Definitions
1105.300	Fellow Eligibility
1105.400	Nomination Process
1105.500	Approval Process
1105.600	Awards
1105.700	Fellow Responsibilities

AUTHORITY: Implementing and authorized by Section 9.32 of the Board of Higher Education Act [110 ILCS 205/9.32].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 14363, effective August 16, 2006, for a maximum of 150 days; adopted at 30 Ill. Reg. 19523, effective December 5, 2006.

**Section 1105.100 Purpose of the Nurse Educator Fellowship Program**

The purpose of the Nurse Educator Fellowship Program is *to ensure the retention of well-qualified nursing faculty by supplementing nursing faculty salaries at institutions of higher learning that award degrees in nursing.* [110 ILCS 205/9.32] The Program is designed to reward outstanding nursing faculty and provide an incentive to retain qualified faculty at Illinois institutions of higher learning.

**Section 1105.200 Definitions**

"Board" means the Board of Higher Education.

"Institution of Higher Learning" means a public or nonpublic institution of higher education located within Illinois that offers associate, baccalaureate or post-baccalaureate degrees and that is authorized to operate in the State.

"Eligible Institution" means an institution of higher learning in Illinois with a nursing program approved by the Illinois Department of Financial and

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Professional Regulation and accredited by the Commission on Collegiate Nursing Education (CCNE) or the National League for Nursing Accrediting Commission (NLNAC).

"Fellow" means an individual who receives Fellowship assistance under this Program.

"Fellowship" means the *competitive award that supplements nursing faculty salaries to ensure the retention of well-qualified nursing faculty.* [110 ILCS 205/9.32]

"Illinois Resident" means an individual who resides in the State of Illinois and is considered to be a resident by the Illinois Department of Revenue or Illinois Secretary of State.

"Nominating Institution" means an eligible institution that has submitted Fellowship nomination materials on behalf of a nursing faculty member at its institution.

"Qualified Applicant" means a nursing faculty member, nominated by an eligible institution, who meets the requirements of Section 1105.300.

**Section 1105.300 Fellow Eligibility**

A qualified applicant must:

- a) be an Illinois resident;
- b) have a minimum of a master's degree in nursing;
- c) be employed in a full-time nursing faculty position at an eligible institution;
- d) have been employed by the nominating institution in a teaching position preparing registered nurses for a minimum of 12 months prior to submission of nomination materials;
- e) have made significant contributions to the nursing program; and
- f) have not received a Fellowship under this Program within the past 5 years.

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**Section 1105.400 Nomination Process**

- a) Eligible institutions will be notified by the Board when funding opportunities and nomination materials for the Nurse Educator Fellowship Program are available.
- b) Nomination materials may be obtained from the Illinois Board of Higher Education, 431 East Adams Street, Second Floor, Springfield, Illinois 62701-1404 or the Board's website at [www.ibhe.org](http://www.ibhe.org).
- c) Nominations from eligible institutions are limited to no more than 3 full-time nursing faculty members per campus annually.
- d) The chief nursing administrator at an eligible institution shall identify and nominate qualified applicants for the Fellowship by completing the nomination form included in the nomination materials.
- e) The nominee must complete the personal statement section of the nomination materials, indicating his or her intent to remain employed as a nursing faculty member in the State and his or her anticipated use of Fellowship funds.
- f) The nomination materials must be signed by the chief executive officer of the nominating institution.
- g) Completed nomination materials in accordance with subsections (d), (e) and (f) of this Section must be submitted to the Board by the announced deadline, which shall not be less than 45 days from the announcement and release of nomination materials.

**Section 1105.500 Approval Process**

- a) The Board shall accept nominations for Fellowships in accordance with Section 1105.400.
- b) Board staff shall review nominations to ensure the eligibility requirements are met in accordance with Section 1105.300.
- c) Board staff shall make recommendations to the Board for approval of Fellowships based upon factors that shall include, but are not limited to, the following:
  - 1) Personal statement regarding proposed use of funds and employment

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plans;

- 2) Major accomplishments, such as research, program improvements, and other nursing program contributions;
  - 3) Statewide geographic distribution of Fellowship recipients; and
  - 4) Tenure status (preference will be given to tenured/tenure-track faculty).
- d) Upon Board approval, Fellowships can be made to the nominating institution, on behalf of the Fellow.

**Section 1105.600 Awards**

- a) The amount of the Fellowship shall be \$10,000.
- b) The number of Fellowships awarded in a given fiscal year is contingent upon available funding.
- c) If for any reason the appropriation to the Board is insufficient to fund Fellowships for all selected Fellows in accordance with subsection (a) of this Section, all Fellowships shall be reduced pro rata as necessary.
- d) The purpose of the Fellowship is to enhance retention of well-qualified faculty by providing a salary supplement. At the discretion of the Fellow, funds may be used for, but are not limited to, professional development, conference expenses, continued education, professional dues, and other activities as defined in Section 1105.700.
- e) The Fellow and the nominating institution shall be notified of the award in writing upon approval by the Board.
- f) Upon Board approval, funds shall be disbursed to the nominating institution on behalf of the Fellow.
- g) The institution must use the Fellowship funds to supplement the salary of the Fellow and shall not supplant other revenue sources that support faculty salaries.
- h) Fellowship funds are payable to the Fellow in either a lump sum or installment plan in accordance with institutional payroll policies and procedures.

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- i) If the Fellow terminates employment within 6 months after award notification from the Board:
  - 1) The Fellow shall repay the funds awarded to date. These funds shall be remitted to the State for deposit in the General Revenue Fund.
  - 2) Fellows are not entitled to funds not yet paid by the institution. The institution must remit any unused portion of the Fellowship to the State for deposit in the General Revenue Fund.
- j) Any interest earned on Fellowship funds by the institution may be retained by the institution when the cost of accounting for the interest or allocating interest to principal is deemed significant in terms of the amount of interest to be received.

**Section 1105.700 Fellow Responsibilities**

- a) As a condition for acceptance of the Fellowship, the Fellow shall agree to be actively involved in statewide nursing advocacy, including participation as needed in the following activities:
  - 1) Collaboration with the Board and Illinois Center for Nursing regarding statewide nursing issues;
  - 2) Review of Fellowship nomination materials in subsequent years to assist the Board in Fellowship determination; and
  - 3) Participation in Fellowship meetings or associated conferences sponsored by the Board or Illinois Center for Nursing.
- b) Provide a final report to the nominating institution describing Fellowship experiences, including the use of funds. The nominating institution shall submit the report to the Board on behalf of the Fellow.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 1) Heading of the Part: Medical Liability Insurance Rules and Rate Filings
- 2) Code Citation: 50 Ill. Adm. Code 929
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
929.10	Amendment
929.15	New Section
929.20	Amendment
929.30	Amendment
929.40	Repealed
929.200	New Section
929.210	New Section
929.220	New Section
929.230	New Section
929.240	New Section
929.250	New Section
929.260	New Section
929.270	New Section
929.280	New Section
929.290	New Section
929.300	New Section
929.310	New Section
- 4) Statutory Authority: Implementing Section 155.18 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.18 and 401]
- 5) Effective Date of Rulemaking: December 11, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 1702; February 10, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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11) Differences between proposal and final version:

In Section 929.20, on the third line, changed "code" to "Code".

In Section 929.30(c)(2)(B), on the second line, struck "either". On the third and fourth line, struck "or referenced by the company under Section 929.30(c)(2)(B)".

In Section 929.30(e), all proposed text was changed to the following:

"e) Quarterly Installment Premium Payments

1) Filing of Plan

All companies writing medical liability insurance shall file with the Secretary or Director a plan to offer medical liability insureds the option to make premium payments in at least quarterly installments.

2) Mandatory Quarterly Payment Option

For medical liability insureds whose annual premiums total \$500 or more, the plan must allow the option of quarterly payments.

3) Non-mandatory Quarterly Payment Option

A) For medical liability insureds whose annual premiums are less than \$500, insurers may, but are not required to, offer quarterly installment premium payment plans.

B) For insureds who pay a premium for any extension of a reporting period, insurers may, but are not required to, offer quarterly installment, premium payment plans.

C) If an insurer offers any quarterly payments under this subsection (e)(3), they must be offered to all medical liability insureds.

4) Quarterly installment premium payment plans subject to this Section shall be included in the initial offer of the policy, or in the first policy renewal occurring after January 1, 2006. Thereafter, the insurer may, but need not, re-offer the payment plan, but if an insured requests the payment plan at a later date, the insurer must

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make it available. All quarterly installment premium payment plan provisions shall be contained in the filed rate and/or rule manual in a section entitled "Quarterly Installment Option" or a substantially similar title. If the company uses a substantially similar title, the Rule Submission Letter must indicate the name of the section that complies with this requirement. All quarterly installment premium payment plans shall include the minimum standards listed below. Insurers may provide for quarterly installment premium payment plans that differ from these minimum standards, as long as the plans have terms that are at least as favorable or more favorable than those listed below.

- A) An initial payment of no more than 40% of the estimated total premium due at policy inception;
- B) The remaining premium spread equally among the second, third, and fourth installments, with the maximum for such installments set at 30% of the estimated total premium, and due 3, 6, and 9 months from policy inception, respectively;
- C) No interest charges;
- D) Installment charges or fees of no more than the lesser of 1% of the total premium or \$25, whichever is less; and
- E) a provision stating that additional premium resulting from changes to the policy shall be spread equally over the remaining installments, if any. If there are no remaining installments, additional premium resulting from changes to a policy may be billed immediately as a separate transaction."

In Section 929.30(h), on the second line, added "Casualty Compliance" following "and". Also, struck "Liability Evaluation" on the same line. On the last line, changed "Liability Evaluation" to "Casualty Compliance".

In Section 929.30(l), at the end of the third sentence, following "policies", added "within any 12 month period".

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In Section 929.260(b)(2), on the fourth line, deleted "generally recognized principles of administrative law" and added "Article 10 of the Illinois Administrative Procedure Act, [5 ILCS 100/Art. 10], case law" in lieu thereof.

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The amendments to this Part will implement provisions of Public Act 94-677 as they relate to Section 155.18 of the Illinois Insurance Code. The Division added subparts to this rule that now divide the general regulatory provisions from the new hearing provisions. In Subpart A, DFPR added definitions and clarified various other provisions consistent with PA 94-677. One significant change has altered the Division's current statutory "use and file" rate filing practice to a "file and use" standard as authorized by Section 155.18(c)(1), except as otherwise provided by Section 155.18(c)(2) of the Code. Subpart B establishes the administrative hearing procedures for a public rate hearing that has been newly authorized by statute as well.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Gayle Neuman, Insurance Analyst  
Department of Financial and Professional Regulation  
Division of Insurance  
320 West Washington Street  
Springfield, Illinois 62767-0001

217/524-6497

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 50: INSURANCE

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

## SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

## PART 929

## MEDICAL LIABILITY INSURANCE RULES AND RATE FILINGS

SUBPART A: GENERAL PROVISIONS AND REPORTING REQUIREMENTS

## Section

929.10	Authority
<u>929.15</u>	<u>Definitions</u>
929.20	Purpose and Scope
929.30	Filing Requirements
929.40	Severability Provision ( <u>Repealed</u> )

SUBPART B: ADMINISTRATIVE HEARING PROVISIONS

<u>929.200</u>	<u>Applicability</u>
<u>929.210</u>	<u>Form of Documents</u>
<u>929.220</u>	<u>Filing</u>
<u>929.230</u>	<u>Computation of Time</u>
<u>929.240</u>	<u>Appearances</u>
<u>929.250</u>	<u>Notice of Hearing</u>
<u>929.260</u>	<u>Publication of the Notice of Hearing</u>
<u>929.270</u>	<u>Bias or Disqualification of Hearing Officer</u>
<u>929.280</u>	<u>Pre-hearing Conferences</u>
<u>929.290</u>	<u>Conduct of the Hearing</u>
<u>929.300</u>	<u>Hearing Officer's Findings, Conclusions and Recommendations</u>
<u>929.310</u>	<u>Order of the Secretary or Director</u>

AUTHORITY: Implementing Section 155.18 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.18 and 401].

SOURCE: Adopted at 3 Ill. Reg. 20, p. 47, effective May 13, 1979; codified at 7 Ill. Reg. 2363; amended at 30 Ill. Reg. 19530, effective December 11, 2006.

SUBPART A: GENERAL PROVISIONS AND REPORTING REQUIREMENTS

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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**Section 929.10 Authority**

This PartRule is promulgated by the Director of the Department of Financial and Professional Regulation-Division of Insurance under Section 401 of the Illinois Insurance Code [215 ILCS 5/401](Ill. Rev. Stat. 1981, ch. 73, par. 1013) which that empowers the Director "*...to make reasonable rules and regulations as may be necessary for making effective...*" the insurance laws of this State. This PartRule implements Section 155.18 of the Illinois Insurance Code [215 ILCS 5/155.18](Ill. Rev. Stat. 1981, ch. 73, Section 767.18).

(Source: Amended at 30 Ill. Reg. 19530, effective December 11, 2006)

**Section 929.15 Definitions**

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

Department means the Illinois Department of Financial and Professional Regulation.

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

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

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

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

**Section 929.20 Purpose and Scope**

The purpose of this PartRule is to implement Section 155.18 of the Illinois Insurance Code. This PartRule shall apply to all "*insurance on risks based upon negligence by a physician, hospital or other health care provider, referred to in the Code and this Part ~~herein~~ as medical liability insurance,*" the scope of the implemented legislation.

(Source: Amended at 30 Ill. Reg. 19530, effective December 11, 2006)

**Section 929.30 Filing Requirements**

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- a) All companies writing medical liability insurance are subject to this Section~~these filing requirements~~. Each company must file with the Secretary or Director, in a manner prescribed in this Section~~herein~~, under its own name. Combined group filings for companies subject to common management or ownership are not acceptable.
- b) Rates – A company must file on its own behalf all rates for medical liability insurance, and:
- 1) File duplicate copies of a Rate Submission Letter ~~that~~which must include:
    - A) The name of the company making the filing;
    - B) FEIN of the company making the filing;
    - ~~C~~B) Identification of the classes of medical liability insurance to which the filing applies;
    - ~~D~~E) Notification of whether the filing is new or supersedes a present filing. Identification of all changes in superseding filings, as well as identification of all superseded filings is required;
    - ~~E~~D) The effective date of use; and
    - ~~F~~E) Certification by an officer of the company and a qualified actuary that the company's rates are based on sound actuarial principles and are not inconsistent with the company's experience.
  - 2) File duplicate copies of FORM (RF-3)<sub>2</sub> which provides information on changes in rate level based on the company's premium volume, rating system, and distribution of business with respect to the classes of medical liability insurance to which the rate revision applies. Insurers shall report the rate level change information and premium volume on the "Other" line and indicate "Medical Liability" on the "Other" descriptive line.
  - 3) Maintain documentary data on rate development and changes in order that it be available for review by the Secretary or Director.
- c) Rules – A company must file with the Secretary or Director, in a manner as prescribed in this subsection~~herein~~ all underwriting rule manuals ~~that~~which

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contain rules for applying rates or rating plans, plans for the gathering of statistics or the reporting of statistics to statistical agencies, classifications, or other such schedules used in writing medical liability insurance. A company may file directly or in conjunction with an advisory organization.

- 1) A company filing directly must file, in addition to all rate rules themselves, duplicate copies of a Rule Submission Letter ~~that~~<sup>which</sup> must include:
  - A) The name of the company making the filing;
  - B) The FEIN of the company making the filing;
  - ~~CB)~~ Identification of the classes of medical liability insurance to which the filing rule applies;
  - ~~DC)~~ Notification as to whether the filing is new or supersedes a present filing. Identification of all changes in all superseding filings, as well as identification of all superseded filings is required;
  - ~~ED)~~ The effective date of use; and
  - ~~FE)~~ Certification by an officer of the company and a qualified actuary that the company's rate rules are based on sound actuarial principles and are not inconsistent with the company's experience.
- 2) A company filing in conjunction with an advisory organization, must file in accord with this subsection (c)(2)~~herewith~~.
  - A) A company, ~~that~~<sup>which</sup> has authorized an advisory organization to file required materials on the company's behalf, must have on file a Rule Authorization Letter, which must include:
    - i) The name of the company's authorized advisory organization.
    - ii) The kinds of insurance for which the filing is being made.
    - iii) Authorization clause or language.

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iv) Effective date of authorization.

~~B)~~ ~~As an alternative to Section 929.30(c)(2)(A), a company may make rule filings in conjunction with an advisory organization by limited reference to materials developed and filed by the advisory organization by filing duplicate copies of FORM (RF-1) with respect to the referenced materials.~~

BE) A company deviating from the advisory organization's rules as they have been ~~either~~ filed on behalf of the company by the advisory organization under Section 929.30(c)(2)(A) ~~or referenced by the company under Section 929.30(c)(2)(B)~~ must file with the Secretary or Director:

i) Manual size exception pages to the rule manual in duplicate.

ii) The manual rule number, which must be the same as the rule number being replaced.

iii) The effective date of use.

iv) Certification of an officer of the company and a qualified actuary that the company's rates are based on sound actuarial principles and are not inconsistent with the company's experience.

CE) A company making a filing under this subsection (c)(2) ~~that thereunder which~~ wants an effective date different from that of the advisory organization's advisory effective date must file either:

i) Manual size exception pages in duplicate establishing an automatic uniform delayed effective date applicable to all future advisory organization rule revisions, or

ii) Copies of the Advisory Organization Checking Slip, in duplicate, establishing a special effective date for a particular advisory organization rule revision.

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- d) All medical liability rate and rule manuals shall contain separate, clearly marked sections for rates and rules according to class or classes of insurance, such as physicians and surgeons, allied health, nursing homes, hospitals, nurses, dentists, chiropractors. Such rate and rule manuals shall also contain a comprehensive table of contents or index at the front of each manual.
- e) Quarterly Installment Premium Payments
- 1) Filing of Plan  
All companies writing medical liability insurance shall file with the Secretary or Director a plan to offer medical liability insureds the option to make premium payments in at least quarterly installments.
  - 2) Mandatory Quarterly Payment Option  
For medical liability insureds whose annual premiums total \$500 or more, the plan must allow the option of quarterly payments.
  - 3) Non-mandatory Quarterly Payment Option
    - A) For medical liability insureds whose annual premiums are less than \$500, insurers may, but are not required to, offer quarterly installment premium payment plans.
    - B) For insureds who pay a premium for any extension of a reporting period, insurers may, but are not required to, offer quarterly installment, premium payment plans.
    - C) If an insurer offers any quarterly payments under this subsection (e)(3), they must be offered to all medical liability insureds.
  - 4) Quarterly installment premium payment plans subject to this Section shall be included in the initial offer of the policy, or in the first policy renewal occurring after January 1, 2006. Thereafter, the insurer may, but need not, re-offer the payment plan, but if an insured requests the payment plan at a later date, the insurer must make it available. All quarterly installment premium payment plan provisions shall be contained in the filed rate and/or rule manual in a section entitled "Quarterly Installment Option" or a substantially similar title. If the company uses a substantially similar title, the Rule Submission Letter must indicate the name of the section that complies with this requirement. All quarterly installment premium

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payment plans shall include the minimum standards listed below. Insurers may provide for quarterly installment premium payment plans that differ from these minimum standards, as long as the plans have terms that are at least as favorable or more favorable than those listed below.

- A) An initial payment of no more than 40% of the estimated total premium due at policy inception;
  - B) The remaining premium spread equally among the second, third, and fourth installments, with the maximum for such installments set at 30% of the estimated total premium, and due 3, 6, and 9 months from policy inception, respectively;
  - C) No interest charges;
  - D) Installment charges or fees of no more than the lesser of 1% of the total premium or \$25, whichever is less; and
  - E) a provision stating that additional premium resulting from changes to the policy shall be spread equally over the remaining installments, if any. If there are no remaining installments, additional premium resulting from changes to a policy may be billed immediately as a separate transaction.
- f) Any company writing medical liability insurance shall file with the Secretary or Director any plan to offer deductibles to its insureds. These provisions shall be contained in the filed rate and/or rule manual in a section entitled "Deductibles Offered" or a substantially similar title. If the company uses a substantially similar title, the Rule Submission Letter must indicate the name of the section that complies with this requirement.
- g) All companies writing medical liability insurance shall file with the Secretary or Director any plan to offer insureds premium discounts for participation in risk management activities. These provisions shall be contained in the filed rate and/or rule manual in a section entitled "Risk Management Activities Discounts" or a substantially similar title. If the company uses a substantially similar title, the Rule Submission Letter must indicate the name of the section that complies with this requirement.
- hd) All filings must be received by the Division ~~Illinois Department of Insurance,~~

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Property and ~~Casualty Compliance~~~~Liability Evaluation~~ Section, Springfield, Illinois no later than ~~30 days after their effective date~~, and no filing is deemed to be received until it is received in the Property and ~~Casualty Compliance~~ Section.

- i) In addition to the filings ~~as required in this Section herein~~, the Secretary or Director ~~of Insurance~~ may require the filing of statistical data and any other pertinent information necessary to determine the manner ~~the company used to set the filed rates and the reasonableness of those rates, as well as the manner of promulgation and the acceptability or unacceptability of a filing for rules, minimum premiums, rates, forms or any combination of those items thereof~~. An insurer shall provide the data or information within 14 calendar days after the Secretary's or Director's request.
- j) In order to determine when 1% of Illinois insureds within a specialty have requested a hearing, the Secretary or Director may contact an insurer for the total number of Illinois insureds within the insurer's specialties, and the insurer shall provide that information within 14 calendar days.
- k) Groups, associations, organizations or companies authorized to engage in joint underwriting and joint reinsurance activities are prohibited from establishing underwriting rules with respect to rates ~~that which~~ in any way inhibit a company from individually underwriting any risks.
- l) No company authorized to write medical liability insurance in Illinois may discontinue writing medical liability insurance without notifying the Secretary or Director of the action, as well as reasons for the action, 180 days before the termination of any policy is effective. The notice must include the reasons for the action, all data relied upon by the company as the basis for the action, and whether the company offers and will continue to offer medical liability insurance in any other state. For purposes of this requirement, discontinuance of the writing of medical liability insurance shall mean cancellation or nonrenewal of greater than 50% of the company's medical liability insurance policies within any 12 month period. ~~If after a review of the filings, the Director determines that the underwriting rules rating plans or rates as filed may be excessive, inadequate or unfairly discriminatory, he may call a hearing.~~

(Source: Amended at 30 Ill. Reg. 19530, effective December 11, 2006)

**Section 929.40 Severability Provision (Repealed)**

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~~If any Section or portion of a Section of this Rule, or the applicability thereof to any person or circumstance is held invalid by a court, the remainder of the Rule or the applicability of such provision or circumstance shall not be affected thereby.~~

(Source: Repealed at 30 Ill. Reg. 19530, effective December 11, 2006)

SUBPART B: ADMINISTRATIVE HEARING PROVISIONSSection 929.200 Applicability

This Part shall apply to all hearings conducted pursuant to the Secretary's or Director's authority in Section 155.18 of the Code.

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

Section 929.210 Form of Documents

- a) Documents shall clearly show the file Hearing Number and the title of the proceedings in connection with which they are filed.
- b) Except as otherwise provided, 2 copies of all documents, including notices, motions, and petitions, shall be filed with the Division.
- c) Documents shall be typewritten or reproduced from typewritten copy on letter or legal size white paper.
- d) One copy of each document filed shall be signed by the party or by an authorized representative or attorney.

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

Section 929.220 Filing

Documents and requests permitted or required to be filed with the Division in connection with a hearing shall be addressed to and mailed to or filed with the Division, Springfield, Illinois 62767, in duplicate. The offices of the Division are open for filing, inspection and copying of public documents from 8:30 A.M. to 5:00 P.M., Monday through Friday, except on National and State legal holidays.

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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**Section 929.230 Computation of Time**

- a) Computation of any period of time prescribed by this Part shall begin with the first business day following the day on which the act, event or development initiating the period of time occurs, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal holiday. Where the period of time is five days or less, Saturdays, Sundays and legal holidays shall be excluded in the computation of time.
- b) Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

**Section 929.240 Appearances**

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

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

**Section 929.250 Notice of Hearing**

All administrative hearings under this Part shall be initiated by the issuance of a Notice of Hearing from the Division. The Notice of Hearing shall clearly state the time, date, place, and purpose of the hearing.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

**Section 929.260 Publication of the Notice of Hearing**

- a) The Notice of Hearing shall be made public by the Division by all the following:
- 1) Publication on the Illinois Department of Financial and Professional Regulation website; and
  - 2) Publication of the Notice in at least three newspapers designed to provide wide geographical distribution of the Notice of Hearing in the State of Illinois; and
  - 3) Service of the Notice of Hearing via registered or certified mail to the party making the filing that is the subject of the Notice of Hearing.
- b) The Hearing Officer has the authority to conduct a hearing, take all necessary action to avoid delay, maintain order, and insure the development of a clear and complete record. The Hearing Officer shall have all powers necessary to conduct a hearing, including the power to:
- 1) Administer oaths and affirmations;
  - 2) Regulate the course of hearings, set the time and place for continued hearings, fix time for filing of documents, provide for the taking of testimony by deposition if necessary, and generally conduct the proceeding according to [Article 10 of the Illinois Administrative Procedure Act \[5 ILCS 100/Art. 10\]](#), case law and this Subpart;
  - 3) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
  - 4) Rule upon offers of proof and receive relevant evidence;
  - 5) Sign and issue subpoenas that require attendance, giving testimony and producing books, papers and other documentary evidence;
  - 6) Dispose of procedural requests or similar matters;

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- 7) Render Findings of Fact, Opinions and Recommendations for an Order of the Director; and
- 8) Enter any Order that further carries out the purpose of this Subpart.

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

**Section 929.270 Bias or Disqualification of Hearing Officer**

- a) Any interested participant may file a timely and sufficient affidavit setting forth allegations of personal bias, prejudice, or disqualification of a presiding Hearing Officer. The Secretary or Director shall determine this issue as part of the record of the case. When a Hearing Officer is disqualified, or it becomes impractical for him to continue, another presiding officer may be assigned unless it is further shown that substantial bias or prejudice will result from the assignment.
- b) The Hearing Officer may at any time voluntarily disqualify himself.

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

**Section 929.280 Pre-hearing Conferences**

- a) Upon written notice by the Hearing Officer in any proceeding, the Hearing Officer may direct a participant or his or her attorney to appear at a specified time and place for a conference, prior to or during the course of the hearing, for the purpose of formulating issues and considering:
  - 1) The simplification of issues;
  - 2) The necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;
  - 3) The possibility of making admissions of certain averments of facts or stipulations;
  - 4) The limitation of the number of witnesses;
  - 5) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

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- b) Opportunity shall be afforded all participants to be represented by legal counsel.

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

**Section 929.290 Conduct of the Hearing**

- a) All hearings shall be public unless required by statute to be otherwise and all hearings conducted under this Subpart shall be recorded.
- b) All participating parties may present evidence by oral testimonies or by written submission or both; the burden of proof for justifying the rate or proposed rate is on the company making the filing.
- c) The Hearing Officer will determine the order in which parties wishing to make oral presentations shall testify.
- d) The Hearing shall be completed within 90 days after the request, decision, or increase that gave issue to the hearing.

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

**Section 929.300 Hearing Officer's Findings, Conclusions and Recommendations**

- a) The Hearing Officer's Findings of Fact, Conclusions of Law and Recommendations shall be in writing and shall include Findings of Fact and Conclusions of Law, or Recommendations separately stated.
- b) The Hearing Officer shall then submit his Findings, Conclusions and Recommendations to the Secretary or Director.

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

**Section 929.310 Order of the Secretary or Director**

If, after a public hearing, the Secretary or Director finds that any rate, rating plan or rating system violates Section 155.18 of the Code, the Secretary or Director shall issue an Order to the company that has been the subject of the hearing specifying in what respect the violation exists and may adjust the rate.

(Source: Added at 30 Ill. Reg. 19530, effective December 11, 2006)

## BOARD OF HIGHER EDUCATION

## JANUARY 2007 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Program Review (Private Colleges and Universities) (23 Ill. Adm. Code 1030)
- 1) Rulemaking:
- A) Description: The Board has established a working group to review policies for approval and review of new institutions and new program proposals. Findings of this review may necessitate proposed amendments to the rules.
- B) Statutory Authority: Implementing and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05].
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled at this time.
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: Undetermined.
- F) Agency contact person for information:
- Sandi Gillilan, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield IL 62701-1404  
217/557-7352
- G) Related rulemakings and other pertinent information: None.
- b) Part(s) (Heading and Code Citation): Program Approval (Public Colleges and Universities) (23 Ill. Adm. Code 1050)
- 1) Rulemaking:
- A) Description: The Board has established a working group to review policies for approval and review of new institutions and new program proposals. Findings of this review may necessitate proposed amendments to the rules.

## BOARD OF HIGHER EDUCATION

## JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: Implementing Section 7 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/7 and 9.05].
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled at this time.
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: Undetermined.
- F) Agency contact person for information:

Sandi Gillilan, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield, IL 62701-1404  
217/557-7352

- G) Related rulemakings and other pertinent information: None.

c) Part(s) (Heading and Code Citation): A Master Plan for Postsecondary Education in Illinois (23 Ill. Adm. Code 1070)

1) Rulemaking:

- A) Description: The Board is reviewing this Part to ensure the current rules are accurate and up-to-date.
- B) Statutory Authority: Implementing Section 6 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/6 and 9.05].
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled at this time.
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: Undetermined.

## BOARD OF HIGHER EDUCATION

## JANUARY 2007 REGULATORY AGENDA

F) Agency contact person for information:

Sandi Gillilan, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield IL 62701-1404  
217/557-7352

G) Related rulemakings and other pertinent information: None.d) Part(s) (Heading and Code Citation): Appropriation Transfers (23 Ill. Adm. Code 1060)1) Rulemaking:

A) Description: The Board is reviewing this Part to ensure the current rules are accurate and up-to-date.

B) Statutory Authority: Implementing Section 13.2 of the State Finance Act [30 ILCS 105] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205].

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled at this time.

D) Date agency anticipates First Notice: Undetermined.

E) Effect on small businesses, small municipalities or not for profit corporations: Undetermined.

F) Agency contact person for information:

Sandi Gillilan, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield IL 62701-1404  
217/557-7352

G) Related rulemakings and other pertinent information: None.

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

- a) Part 150: Business Corporation Act 14 Ill. Adm. Code 150
- 1) Rulemaking:
- A) Description of Rules: Amended Section 150.300. Revises scrivener's errors.
- Amended Section 150.630 Clarifies determination of paid-in capital for corporations with shares having a par value.
- New Section 150.631 Establishes guidelines for amending a previously filed annual report.
- New Section 150.635 Clarifies the imposition of franchise taxes on amounts transferred to a corporation's paid-in capital.
- Amended Section 150.705 Clarifies definition of paid-in capital
- New Section 150.740 Establishes guidelines for administering Section 1.45 of the Business Corporation Act.
- B) Statutory Authority: Implemented and authorized by Section 15(a) of the Secretary of State Act [15 ILCS 305/15(a)].
- C) Scheduled Meeting/Hearing Dates: Unknown
- D) Date the Agency Anticipates First Notice: Unknown
- E) Impact on Small Business, Small Municipalities or Not for Profit Corporations: Improved service
- F) Agency Contact Person for Information:

Robert Durchholz  
Department of Business Services  
Room 330 Howlett Bldg.  
Springfield, IL 62756  
Telephone: 217-782-4009  
Fax: 217-782-1644  
Email: rdurchholz@ilsos.net

SECRETARY OF STATE

JANUARY 2007 REGULATORY AGENDA

- G) Related Rulemaking and Other Pertinent Information: Concerning Section 150.631: New Section 160.20 of the Not For Profit Corporation Act.

Rule 150.635: New rule based upon the decision in *E&E Hauling, Inc. v. Ryan*

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

- a) Part 160: General Not For Profit Corporations 14 Ill. Adm. Code 160
- 1) Rulemaking:
- A) Description of Rules: New Rule 160.19. Establishes guidelines for determining matters deemed "errors" or "defects" for which a statement of correction may be filed.
- New Rule 160.20 Establishes guidelines for amending a previously filed annual report.
- B) Statutory Authority: Implemented and authorized by Section **15(a)** of the Secretary of State Act (15 ILCS 305/15(a)).
- C) Scheduled Meeting/Hearing Dates: Unknown
- D) Date the Agency Anticipates First Notice: Unknown
- E) Impact on Small Business, Small Municipalities or Not for Profit Corporations: Improved service
- F) Agency Contact Person for Information:
- Robert Durchholz  
Department of Business Services  
Room 330 Howlett Bldg.  
Springfield IL 62756  
Telephone: 217-782-4009  
Fax: 217-782-1644  
Email: rdurchholz@ilsos.net
- G) Related Rulemaking and Other Pertinent Information: Amended Section 150.300 and New Section 150.631 for the Business Corporation Act.

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

a) New Part 166: Uniform Partnership Act (1997) New 14 Ill. Adm. Code 1661) Rulemaking:A) Description of Rules:

- Adds 166.10 Prohibited Terms in Title
- Adds 166.15 Improper Names
- Adds 166.20 Definitions
- Adds 166.25 Applicability
- Adds 166.30 Filing Location
- Adds 166.35 Business Hours
- Adds 166.40 Filing Requirements
- Adds 166.45 Additional Requirements for Forms
- Adds 166.50 Renewal Reports
- Adds 166.55 Fees
- Adds 166.60 Sale of Information
- Adds 166.65 Refunds
- Adds 166.70 Service of Process
- Adds 166.75 Interrogatories
- Adds 166.80 Right to Counsel

Establishes rules in new Part 166 for the Uniform Partnership Act (1997) (805 ILCS 206/100 *et seq.*) which became effective January 1, 2003. The proposed rules are very similar if not identical to those currently appearing at 14 Ill. Adm. Code 165, which apply to the outgoing Uniform Partnership Act (805 ILCS 205/1 *et seq.*). This Act is repealed effective January 1, 2008, and has not applied to new limited liability partnerships formed since January 1, 2003.

B) Statutory Authority: Implemented and authorized by Section **15** of the Secretary of State Act (15 ILCS 305/15).C) Scheduled Meeting/Hearing Dates: UnknownD) Date the Agency Anticipates First Notice: Unknown

Impact on Small Business, Small Municipalities or Not for Profit Corporations: Limited liability partnerships formed under the provisions of the Uniform Partnership Act (1997) have been operating without the benefit of rules since January 1, 2003, when the Act became effective.

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

This proposal is to establish rules for this new Act which are consistent with those already established and applying to limited liability partnerships formed or registered under the soon to be repealed Uniform Partnership Act.

F) Agency Contact Person for Information:

Chuck Moles  
Department of Business Services  
Room 351 Howlett Bldg.  
Springfield, IL 62756  
Telephone: 217-782-4875  
Fax: 217-524-3390  
Email: cmoles@ilsos.net

G) Related Rulemaking and Other Pertinent Information: The Department of Business Services is also proposing similar if not identical rules for the Uniform Limited Partnership Act (2001) (805 ILCS 215/0.01 *et seq.*). This new Act became effective on January 1, 2005, and now needs pertinent rules established. As with the Uniform Partnership Act (1997), the Uniform Limited Partnership Act (2001) replaces the outgoing Revised Uniform Limited Partnership Act (805 ILCS 210/100 *et seq.*) which is also set for repeal on January 1, 2008. The sectional formats of the proposed two new sets of rules are the same in order to establish consistency among the rules applying to the two types of partnerships.

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

a) Part 171: Uniform Limited Partnership Act (2001) 14 Ill. Adm. Code 1711) Rulemaking:A) Description of Rules:

Adds 171.20 Assumed Names

Adds 171.25 Definitions

Adds 171.30 Applicability

Adds 171.35 Filing Location

Adds 171.40 Business Hours

Adds 171.45 Filing Requirements

Adds 171.50 Additional Requirements for Forms

Adds 171.55 Fees

Adds 171.60 Sale of Information

Adds 171.65 Refunds

Adds 171.70 Service of Process

Adds 171.75 Interrogatories

Adds 171.80 Right to Counsel

Completes the establishment of rules for the Uniform Limited Partnership Act (2001) (805 ILCS 215/0.01 et seq.) which became effective January 1, 2005. The proposed rules are very similar if not identical to those currently appearing at 14 Ill. Adm. Code 170, which apply to the outgoing Revised Uniform Limited Partnership Act (805 ILCS 210/100 et seq.). This Act is repealed effective January 1, 2008, and has not applied to new limited liability partnerships formed since January 1, 2005.

B) Statutory Authority: Implemented and authorized by Section 15 of the Secretary of State Act (15 ILCS 305/15) and Section 1303 of the Uniform Limited Partnership Act (2001) (805 ILCS 215/1303).

C) Scheduled Meeting/Hearing Dates: Unknown

D) Date the Agency Anticipates First Notice: Unknown

Impact on Small Business, Small Municipalities or Not for Profit Corporations: Limited partnerships formed under the provisions of the Uniform Limited Partnership Act (2001) have been operating without the benefit of comprehensive rules since January 1, 2005, when the Act became effective. This proposal is to establish rules for this new Act

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

which are consistent with those already established and applying to limited partnerships formed or registered under the soon to be repealed Revised Uniform Partnership Act.

F) Agency Contact Person for Information:

Chuck Moles  
Department of Business Services  
Room 351 Howlett Bldg.  
Springfield, IL 62756  
Telephone: 217-782-4875  
Fax: 217-524-3390  
Email: cmoles@ilsos.net

G) Related Rulemaking and Other Pertinent Information: The Department of Business Services is also proposing similar if not identical rules for the Uniform Partnership Act (1997) (805 ILCS 206/100 et seq.). This new Act became effective on January 1, 2003, and now needs pertinent rules established. As with the Uniform Limited Partnership Act (2001), the Uniform Partnership Act (1997) replaces the outgoing Uniform Partnership Act (805 ILCS 210/100 et seq.) which is also set for repeal on January 1, 2008. The sectional formats of the proposed two new sets of rules are the same in order to establish consistency among the rules applying to the two types of partnerships.

## SECRETARY OF STATE

## JANUARY 2007 REGULATORY AGENDA

a) Part 180: Uniform Commercial Code: 14 Ill. Adm. Code 1801) Rulemaking:

- A) Amendment of Rules: Amendment to Rule 180.11 (b). Changes the name of the International Association of Corporation Administrators.

Amendment to Rule 180.12. Changes the name of the International Association of Corporation Administrators.

Amendment to Rule 180.18 (b) 4). Changes the name of the International Association of Corporation Administrators.

Amendment to Rule 180.15 (b) 1). Provides clarification for the last day for filing a continuation.

Amendment to Rule 180.17 (d). Adds a time limit for correction of documents.

New Rule 180.19. Provides rules establishing standards for the acceptance of XML online filing documents.

- B) Statutory Authority: Implementing and authorized by 9-512, 9-515, 9-517 and 9-519 of the Illinois Uniform Commercial Code Act [810 ILCS 5/9-512, 9-515, 9-517 and 9-519].

- C) Scheduled Meeting/Hearing Dates: Unknown

- D) Date the Agency Anticipates First Notice: Unknown

- E) Impact on UCC filers: Provide rules for XML online document filing, clarifies the last filing date for continuations and adds a time limit for correction of documents.

- F) Agency Contact person for Information:

Dennis L. Hankins, Administrator  
Department of Business Services  
Uniform Commercial Code Division  
501 South Second St.

SECRETARY OF STATE

JANUARY 2007 REGULATORY AGENDA

Howlett Building, Room 350 West  
Springfield Il 62756  
Telephone: (217)524-3356  
Fax: (217)557-4430  
Email: [dhankins@ilsos.net](mailto:dhankins@ilsos.net)

- G) Related Rulemaking and Other Pertinent Information: None

## DEPARTMENT OF TRANSPORTATION

## JANUARY 2007 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Prequalification of Contractors Authorization to Bid, and Subcontractor Registration; 44 Ill. Adm. Code 650
- 1) Rulemaking:
- A) Description: The Department will be updating and clarifying provisions in this Part.
- B) Statutory Authority: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses any differently than any other entity seeking to be prequalified under the program.
- F) Agency contact person for information:
- Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 311  
2300 South Dirksen Parkway  
Springfield IL 62764
- (217) 782-3215
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Rates to be Charged by Official Testing Stations; 92 Ill. Adm. Code 439
- 1) Rulemaking:

## DEPARTMENT OF TRANSPORTATION

## JANUARY 2007 REGULATORY AGENDA

- A) Description: The Department intends to promulgate this new Part to replace Parts 446 and 454 so that rate increase procedures are consolidated into one Part covering all vehicles. Additionally, the new Part will provide that Station owners need only appear at administrative hearings when the owner's requested rate schedule is denied by the Department.
- B) Statutory Authority: 625 ILCS 5/13-106
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: Small businesses will be positively impacted by the changes to the rate rules. Upon adoption of the new Part, Station owners will no longer have to attend a hearing to obtain approval for a rate increase. The Department does not anticipate any impact on either small municipalities or not for profits.
- F) Agency contact person for information:  
  
Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 311  
2300 South Dirksen Parkway  
Springfield IL 62764  
  
(217) 782-3215
- G) Related rulemakings and other pertinent information: Rates to be Charged by Official Testing Stations for Vehicles Other Than School Buses, 92 Ill. Adm. Code 454; and Rates to be Charged by Official Testing Stations for School Buses, 92 Ill. Adm. Code 446.
- c) Part(s) (Heading and Code Citation): Rates to be Charged by Official Testing Stations for School Buses; 92 Ill. Adm. Code 446
- 1) Rulemaking:

## DEPARTMENT OF TRANSPORTATION

## JANUARY 2007 REGULATORY AGENDA

- A) Description: The Department intends to repeal this Part and replace it with a new Part that will cover rates for all vehicles not just school buses.
- B) Statutory Authority: 625 ILCS 5/13-106
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not impact small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 311  
2300 South Dirksen Parkway  
Springfield IL 62764

(217) 782-3215

- G) Related rulemakings and other pertinent information: Rates to be Charged by Official Testing Stations for Vehicles Other Than School Buses, 92 Ill. Adm. Code 454; and a new Part the Department intends to promulgate titled, Rates to be Charged by Official Testing Stations, 92 Ill. Adm. Code 439.

d) Part(s) (Heading and Code Citation): Rates to be Charged by Official Testing Stations for Vehicles Other Than School Buses; 92 Ill. Adm. Code 454

1) Rulemaking:

- A) Description: The Department intends to repeal this Part and replace it with a new Part that will cover rates for all vehicles including school buses.
- B) Statutory Authority: 625 ILCS 5/13-106

## DEPARTMENT OF TRANSPORTATION

## JANUARY 2007 REGULATORY AGENDA

- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not impact small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:  
  
Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 311  
2300 South Dirksen Parkway  
Springfield IL 62764  
  
(217) 782-3215
- G) Related rulemakings and other pertinent information: Rates to be Charged by Official Testing Stations for School Buses, 92 Ill. Adm. Code 446; and a new Part titled, Rates to be Charged by Official Testing Stations, 92 Ill. Adm. Code 439.
- e) Part(s) (Heading and Code Citation): Illinois Cycle Rider Safety Training Rules; 92 Ill. Adm. Code 455
- 1) Rulemaking:
- A) Description: The Department will repeal this Part and simultaneously propose a new Part with the same Part name and number to better reflect the cycle rider safety training program since its inception. Among other things, the Department will be updating the provisions concerning the regional boundary criteria, instructor qualifications and course curriculum.
- B) Statutory Authority: 625 ILCS 35
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months

## DEPARTMENT OF TRANSPORTATION

## JANUARY 2007 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not affect small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:  
  
Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 311  
2300 South Dirksen Parkway  
Springfield, IL 62764  
  
(217) 782-3215
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Illinois Hazardous Materials Transportation Regulations (IHMTR); 92 Ill. Adm. Code 107-180
- 1) Rulemaking:
- A) Description: These amendments will update the IHMTR for consistency with federal regulations by incorporating by reference all applicable federal final rules published in the Federal Register since December 2004.
- B) Statutory Authority: 430 ILCS 30/4(a) and 9(a)
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small businesses that own or operate commercial motor vehicles that transport placarded hazardous materials in Illinois.
- F) Agency contact person for information:  
  
Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation

## DEPARTMENT OF TRANSPORTATION

## JANUARY 2007 REGULATORY AGENDA

Office of Chief Counsel, Room 311  
2300 South Dirksen Parkway  
Springfield IL 62764

(217) 782-3215

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation):

1) Rulemaking: Oversize and Overweight Permit Movements on State Highways;  
92 Ill. Adm. Code 554

A) Description: These revisions will update and clarify procedures for trucking firms involved in the movement of oversize and overweight loads on State Highways.

B) Statutory Authority: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not impact small businesses differently than any other business seeking a permit to move oversize and overweight loads.

F) Agency contact person for information:

Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 311  
2300 South Dirksen Parkway  
Springfield IL 62764

(217) 782-3215

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF TRANSPORTATION

## JANUARY 2007 REGULATORY AGENDA

- h) Part(s) (Heading and Code Citation): Nonscheduled Bus Inspections; 92 Ill. Adm. Code 456
- 1) Rulemaking:
- A) Description: The Department will amend this Part by adding new components for inspection purposes and by updating the existing inspection criteria.
- B) Statutory Authority: Implementing and authorized by Section 13-109 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109] and Section 12-812 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-812]
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This amendment will impact small businesses in Illinois that own or operate school buses, religious organization buses, or buses registered as charitable vehicles.
- F) Agency contact person for information:  
  
Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 311  
2300 South Dirksen Parkway  
Springfield IL 62764  
  
(217) 782-3215
- G) Related rulemakings and other pertinent information: None

## BOARD OF HIGHER EDUCATION

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES  
RECOMMENDATION TO PROPOSED RULEMAKING

- 1) Heading of the Part: Noninstructional Capital Improvements and Community College Locally-Funded Capital Projects
- 2) Code Citation: 23 Ill. Adm. Code 1040
- 3) Section Numbers:  
1040.10  
1040.20  
1040.22  
1040.25  
1040.27  
1040.30
- 4) Date Notice of Proposed Amendment Published in the Register: September 1, 2006;  
30 Ill. Reg. 14184
- 5) Date JCAR Statement of Recommendation Published in the Register: December 1, 2006;  
30 Ill. Reg. 18788
- 6) Summary of Action Taken by the Agency: The Joint Committee on Administrative Rules, in its consideration of proposed amendments regarding 23 Ill. Adm. Code 1040 at its November 14, 2006 meeting, recommended that the Board of Higher Education be more timely in updating its rules to reflect statutory changes. In response to this Recommendation, the Board of Higher Education concurs and has initiated a process to ensure that future rulemakings to implement statutory changes will be promulgated in a timely manner.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PUBLICATION ERROR

## STATE RECORDS COMMISSION

- 1) Heading of the Part: State Records Commission
- 2) Code Citation: 44 Ill. Adm. Code 4400
- 3) Register citation of proposed rulemaking and other pertinent action: 30 Ill. Reg. 17732; November 13, 2006
- 4) Explanation: #9, #11, #13 and #14 on the Notice Page were incorrectly published in the *Illinois Register*. The notice page should have read:
  - 9) Does this rulemaking contain incorporations by reference? Yes
  - 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - 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 these amendments were summarized: 30 Ill. Reg. 17669; November 3, 2006

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 5, 2006 through December 11, 2006 and have been scheduled for review by the Committee at its January 9, 2007 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/19/07	<u>Department of Healthcare and Family Services,</u> Medical Assistance Programs (89 Ill. Adm. Code 120)	9/15/06 30 Ill. Reg. 14746	1/9/07
1/20/07	<u>Illinois Commerce Commission,</u> Household Goods Carriers (92 Ill. Adm. Code 1457)	9/1/06 30 Ill. Reg. 14199	1/9/07
1/20/07	<u>Department of Children and Family Services,</u> Licensing Standards for Child Care Institutions and Maternity Centers (89 Ill. Adm. Code 404)	5/19/06 30 Ill. Reg. 9246	1/9/07

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$5,000 against American Dream Financial, No. MB6759373 of Glendale Heights, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 16, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$2,500 against Global Mortgage Company, Inc., No. MB.0003209 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 30, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$10,000 against Maximum Mortgage Services, Inc., No. MB.0004485 of Hillside, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 30, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$4,000 against A-Pan American Mortgage Group, LLC, No. MB.0004915 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 30, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$3,500 against Fidelity Mortgage Group, Inc., No. MB.0006039 of Manchester, MO, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 30, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$4,000 against Express Funding Inc., No. MB6759512 of Schaumburg, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 30, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## PROCLAMATIONS

**2006-407****GUBERNATORIAL PROCLAMATION**

A severe winter storm involving sleet, freezing rain, heavy snow, high winds and single digit temperatures beginning on November 30, 2006, has resulted in record or near-record snowfall in several counties, and extraordinary ice formation on roads, electric power distribution systems, trees and other structures in many other counties in the State of Illinois. The pre-winter storm has impacted the State from the St. Louis Metro East area through Central Illinois and into Northern Illinois. The impact of the storm has been power outages to hundreds of thousands of households and businesses, requiring the need for emergency measures to protect public health and safety throughout the stricken area. State and local emergency workers along with private organizations continue to work around the clock to restore power, provide shelter and maintain emergency services.

In the interest of aiding the people in the State of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster emergency exists in the State of Illinois, pursuant to the provisions of the Illinois Emergency Agency Act, 20 ILCS 3305/7. I specifically declare the following counties as disaster areas due to record or near-record snowfall and/or extraordinary ice formation: Adams, Bond, Boone, Brown, Bureau, Calhoun, Cass, Champaign, Christian, DeKalb, DeWitt, Fulton, Greene, Hancock, Henry, Jersey, Kendall, Knox, LaSalle, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marshall, Mason, McLean, McDonough, McHenry, Menard, Morgan, Monroe, Montgomery, Ogle, Peoria, Piatt, Pike, Putnam, Sangamon, Schuyler, Scott, Shelby, St. Clair, Stark, Stephenson, Tazewell, Winnebago and Woodford.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources, including the Illinois National Guard, to support the local governments in their disaster response and recovery efforts. This proclamation will also make possible a request for federal assistance for those counties experiencing a record snowfall and those counties most severely affected by the extraordinary ice causing an overwhelming impact on their ability to protect public safety.

Rod R. Blagojevich  
GOVERNOR

Date: December 5, 2006

**2006-408****NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH****December 2006**

## PROCLAMATIONS

- WHEREAS, driving under the influence of mind-altering drugs is a grave problem that destroys individual lives, rips families apart, and strains local communities; and
- WHEREAS, last year, 1,361 men, women, and children in Illinois were killed in automobile accidents; and
- WHEREAS, alcohol-related automobile accidents accounted for 43 percent of all traffic-related deaths in Illinois during 2005; and
- WHEREAS, driving under the influence of alcohol and drugs also causes staggering economic costs. Billions of dollars are spent for property damage and healthcare every year as a direct result of alcohol- and drug-related automobile accidents; and
- WHEREAS, today, the terrible consequences of driving under the influence of mind-altering drugs is widely acknowledged, and the government and private sector are actively engaged in campaigns to address the problem; and
- WHEREAS, the December holiday season is traditionally one of the most deadly times of the year for alcohol-impaired driving. Consequently, communities and organizations all across our state and throughout the country are joined with the "You Drink & Drive. You Lose." and other campaigns promoting responsible driving throughout the month:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 2006 as **NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH** in Illinois, and urge all citizens to drive responsibly so that no one else becomes a victim of drunk or drugged driving.

Issued by the Governor on December 5, 2006.

Filed by the Secretary of State.

**2006-409**  
**CHILDHOOD CANCER AWARENESS WEEK**  
**December 11-18, 2006**

- WHEREAS, more than 13,000 children and adolescents are diagnosed with cancer every year in the United States and Illinois. That is the equivalent of two average size classrooms diagnosed each school day; and

## PROCLAMATIONS

WHEREAS, leukemias, tumors of the brain and nervous system, the lymphatic system, and kidneys, bones and muscles, are the most common childhood cancers; and

WHEREAS, collectively, the cancers of children, adolescents, and young adults to age 20 are the sixth most common cancers in the United States; and

WHEREAS, sadly, cancer claims the lives of more children than any other disease, including asthma, diabetes, cystic fibrosis, and AIDS combined; but

WHEREAS, less than 10 percent of children diagnosed with cancer were cured in the 1950s; fortunately, nearly 80 percent of childhood cancer patients become long-term survivors today if they are referred to established childhood cancer treatment and research centers; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment. Through their Magical Caps for Kids program, these organizations distributes thousands of beautifully hand-made caps and decorated baseball caps to children who want to protect their heads following the trauma of chemotherapy, surgery, bone marrow transplants, or radiation treatment; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide Courageous Kid Recognition Award Ceremonies and hospital celebrations in honor of children's determination and bravery to fight the battle against childhood cancer:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 11-18, 2006 as **CHILDHOOD CANCER AWARENESS WEEK** in Illinois to raise awareness about childhood cancer, and to encourage citizens of the State to support the worthy efforts of the American Cancer Fund for Children and Kids Cancer Connection.

Issued by the Governor on December 5, 2006.

Filed by the Secretary of State.

Filed by the Secretary of State.

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 30, Issue 51 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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14 - 160	.....	19552
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