

2007

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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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

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

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

2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
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50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Licensing Enforcement
- 2) Code Citation: 89 Ill. Admin. Code Part 383
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
383.1	Repeal
383.2	Repeal
383.3	Repeal
383.4	Repeal
383.5	Repeal
383.6	Repeal
383.7	Repeal
383.8	Repeal
383.9	Repeal
- 4) Statutory Authority: 225 ILCS 10; 5 ILCS 100/1-5
- 5) A complete description of the subjects and issues involved: These rules describe the process used to resolve complaints related to the operation of licensed and unlicensed child care facilities; the Department's licensing investigation policy; the Department's policy for denial, refusal to renew, and revocation of a license; and uniform standards of practice for administrative hearings involving licensed facilities.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed repealer replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed repealer contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes. The Department has filed a Notice of Proposed Rules to replace this Part. The Proposed Rules are published in this issue of the *Illinois Register*.
- 11) Statement of statewide policy objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED REPEALER

- 12) Time, place and manner in which interested parties may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
FAX: 217/557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

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

- 13) Initial regulatory flexibility analysis: The Department has determined that the proposed repealer will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This repealer was not included on either of the 2 most recent agendas because: the revisions were not anticipated at the time the regulatory agenda was completed.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER d: LICENSING ADMINISTRATION

PART 383

LICENSING ENFORCEMENT ([REPEALED](#))

Section

383.1	Purpose
383.2	Definitions
383.3	On-Site Inspection of Child Care Facilities
383.4	Complaints Concerning Unlicensed and Licensed Facilities
383.5	Investigation of Complaints Concerning Unlicensed Facilities
383.6	Disposition of Complaints Concerning Unlicensed Facilities
383.7	Investigation of Complaints Concerning Licensed Facilities
383.8	Disposition of Licensing Complaints Concerning Licensed Facilities
383.9	Licensing Hearings

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1979, ch. 23, pars. 2211 et seq.) and the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1979, ch. 127, pars. 1001-1 et seq.).

SOURCE: Adopted at 5 Ill. Reg. 14491, effective December 29, 1981; repealed at 31 Ill. Reg. _____, effective _____.

Section 383.1 Purpose

These rules describe the process used to resolve complaints related to licensed and unlicensed facilities; the Department's licensing investigation, denial, refusal to renew, and revocation policies; and uniform standards of practice for administrative hearings involving licensed facilities.

Section 383.2 Definitions

"Complaint" means any report to the Department alleging violation of the laws and rules related to the licensing of child care facilities. 'Complaint' may also mean a written statement of charges issued against a licensee for purposes of an administrative hearing.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED REPEALER

"Department" means the Illinois Department of Children and Family Services.

"Hearing" means any formal proceeding involving the refusal to issue a full license to the holder of a permit, the revocation of a permit or the revocation or refusal to reissue or renew a license to operate a child care facility authorized to be held in the Department.

"Investigation" means an information gathering and assessment process initiated and conducted by the Department in order to determine compliance with Department rules and Federal and state laws.

"License" means a document issued by the Department of Children and Family Services which authorizes a child care facility to operate in accordance with the applicable standards and the provisions of the Child Care Act and rules promulgated thereunder.

"Licensee" means any holder of a license or permit issued by the Department.

"Licensing representative" means those Department staff or other persons authorized under the Child Care Act to examine licensed facilities.

"Party" to any administrative hearing or other proceeding in the Department is the Department, or respondent as the case may be.

"Respondent" means a licensee against whom a written statement of charges has been issued.

Section 383.3 On-Site Inspection of Child Care Facilities

Prior to recommending issuance of a license or permit, the site of a proposed child care facility shall be examined by a licensing representative to determine compliance with applicable statutes, licensing rules and standards. In order to determine continuing compliance with applicable statutes and rules a licensed child care facility shall be visited periodically and authorized representatives of the Department may visit the facility without notice during its hours of operation.

Section 383.4 Complaints Concerning Unlicensed and Licensed Facilities

Complaints concerning child care facilities shall be received orally or in writing by the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Department's licensing representatives serving the geographic area of the facility. Additionally, complaints shall be initiated by Department employees when they observe possible licensing violations.

Section 383.5 Investigation of Complaints Concerning Unlicensed Facilities

The Department shall initiate investigations of complaints of unlicensed child care facilities within two (2) business days of its receipt of the complaint.

Section 383.6 Disposition of Complaints Concerning Unlicensed Facilities

- a) Within seven (7) calendar days from receipt of the complaint, the Department shall make a formal determination of whether an unlicensed child care facility is being or has been operated.
- b) Within five (5) calendar days of its determination, the Department shall send a certified letter to the operator(s) which shall include:
 - 1) Notification that, by law, a license is required for the type of child care provided.
 - 2) A request that they refrain from operating without a license.
- c) A copy of the above-cited letter shall be forwarded to the appropriate State's Attorney and the Attorney General.
- d) Under the following circumstances, a report of the investigation and a request for prosecution shall be forwarded to the State's Attorney:
 - 1) Continued operation of the facility after notification that a license is required;
 - 2) Second or further substantiated incidences of operating without a license;
 - 3) Reports of abuse or neglect as required by Department rulemaking Part 1.3 Child Protective Services;
 - 4) Conditions which otherwise jeopardize the health, safety or welfare of a child.

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Section 383.7 Investigation of Complaints Concerning Licensed Facilities

- a) When a complainant alleges abuse or neglect to the child(ren) in the facility, the Department's local child protective staff shall be notified immediately. They shall conduct a child abuse or neglect investigation in accordance with part 302, Services Delivered by the Department.
- b) For all other complaints alleging violation of licensing standards and/or rules, an investigation shall commence within two (2) business days of receipt of the complaint by the Department except that no licensing investigation will be conducted when:
 - 1) the alleged violation occurred more than 60 days before receipt of the complaint and is not of a continuing nature;
 - 2) The complaint is anonymous and fails to allege immediate physical danger to a child; or
 - 3) no violations of applicable laws, licensing standards or rules are apparent from the complaint.
- c) During the course of the investigation, the person making the complaint (if known), as well as others who may have knowledge relevant to the complaint, shall be interviewed.
- d) A personal unannounced visit by the licensing representative will be made to the location of the licensee.
- e) The respondent's refusal to allow the licensing representative to conduct the licensing investigation is basis for revocation of the facility license.

Section 383.8 Disposition of Licensing Complaints Concerning Licensed Facilities

- a) The investigation shall be completed within thirty (30) calendar days of receipt of the complaint. However, upon written notice to the licensee the investigation may be extended for an additional thirty (30) calendar days.
- b) Within fifteen (15) business days after completing the investigation, the

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Department shall make a formal determination of whether a licensing violation has occurred.

- c) Within five (5) calendar days of the determination, a certified letter shall be sent to the licensee summarizing the findings of the investigation.
- d) If there is a determination that licensing rules or standards have been violated, the letter shall:
 - 1) cite the licensing rules or standards violated;
 - 2) notify the respondent that within 10 days of the postmark date of the letter he may send a written request to the licensing coordinator of the region in which the facility is located requesting an informal review of the decision with the licensing representative and licensing coordinator; and
 - 3) Notify the licensee that failure to correct the violation(s) may result in the Department's seeking to revoke or refusing to renew a license or refusing to issue a full license to the holder of a permit".
- e) When the licensee requests an informal review of the Department's findings or determination and indicates a willingness to correct the violations, a time period for compliance shall be allowed. The Department shall confirm, in writing, the time period allowed. A licensing representative shall make unannounced on-site visits to determine whether the identified violations have been corrected within the time period allowed for compliance.
- f) If the findings of the informal review do not demonstrate reasonable compliance within the specified time period, the licensee shall be notified by registered mail of the Department's intent to revoke the license or refusal to issue or renew it. The licensee shall also be notified that (s)he has 10 days from the postmark date of the registered letter to request, in writing, a hearing.
- g) When a licensee does not request an informal review of the Department's intent to revoke a license or refusal to issue or renew a license, the Department shall proceed to revoke or refuse to issue or renew the license.

Section 383.9 Licensing Hearings

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED REPEALER

- a) **Applicability**
These rules shall apply to all hearings involving the refusal to issue a full license to a holder of a permit, the revocation of a permit, or the revocation or refusal to renew a license to operate a child care facility.
- b) **Right to Counsel**
A person may appear and be heard on his own behalf or through an attorney at law authorized to practice in the State of Illinois.
- c) **Appearance of Attorney**
An attorney appearing in a representative capacity shall file a written notice of appearance identifying himself by name, address, and telephone number and identifying the party represented.
- d) **Complaints (Statements of Charges)**
Complaints shall be by the Department, shall be in writing and shall contain:
 - 1) A plain and concise statement of the act or things done or admitted to be done in violation, or claimed to be in violation, of any statute administered by the Department or the rules and regulations pursuant to such statutes;
 - 2) Specific reference to or citation of such statute or rules and regulations; and
 - 3) Specific relief sought via this action.
- e) **Service**
 - 1) Complaints, amended or supplemental complaints and petitions or other pleading, amendments or supplements to any pleadings, motions, affidavits in support of motions, and notices shall be served by the party filing same upon all parties to the proceeding. Proof of such service upon all parties shall be filed with the Department.
 - 2) Service shall be made by delivering in person or by depositing in the United States mail, properly addressed with postage prepaid, one copy to each party entitled thereto. When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon the party or parties.

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- 3) Proof of service of any paper shall be by a certificate of attorney, affidavit or acknowledgement.
- f) **Conferences**
The hearing officer may direct parties or their attorneys to appear at a specified date, time and place for a conference, prior to the date set for hearing or during the course of such hearing, for the purpose of considering:
- 1) The simplification of issues;
 - 2) The necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation with respect to matters alleged in any pleading;
 - 3) The possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;
 - 4) The procedure at the hearing;
 - 5) The limitation of the number of witnesses;
 - 6) The propriety of prior mutual exchange between or among parties of prepared testimony or exhibits; and
 - 7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.
- g) **Public Hearing**
All hearings conducted in any proceeding shall be open to the public. The time and place of all such hearings shall be set by the hearing officer or the Director. Notice of such hearing, and the manner of service, shall be in accordance with the Child Care Act. Hearings may be held at such reasonable place in the State and at such reasonable time designated by the hearing officer as may be consistent with the nature of the proceeding. In the event of failure to appear at the hearing upon proper notice, the hearing may be held ex parte immediately.
- h) **Hearing Officers, Powers and Duties**

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 1) The Director will designate a hearing officer in writing. The hearing officer shall have full authority to:
 - A) Rule upon all motions made in the course of a hearing;
 - B) Rule upon all other matters arising in the course of the hearing;
 - C) Require upon reasonable notice, any party, to present further material or relative evidence upon any issue.
 - 2) If the respondent believes the hearing officer is prejudiced against such respondent, he shall petition the Director in writing, at least five (5) days prior to the date set for hearing, to appoint another hearing officer to hear the matter. Such petition shall be accompanied by an affidavit setting forth the facts upon which such claim of prejudice is based. The Director shall make a determination whether prejudice exists, and may remove any hearing officer he finds prejudiced.
- i) Rules of Evidence
- 1) The technical rules of evidence shall not apply at any hearing. Any evidence having probative value and force, relevant and material to facts in issue, shall be admitted in the proceedings, subject only to objections to the weight thereof as distinguished from admissibility, per se. When the admissibility of evidence is in dispute and depends upon fairly arguable interpretations of law, such evidence shall be admitted.
 - 2) The burden of proof in any proceeding shall be upon the Department, petitioner or applicant initiating the particular action or motion.
- j) Examination of Witnesses
- A party may conduct examinations or cross-examinations without rigid adherence to formal rules and evidence. The hearing officer before whom a matter is pending may, in his discretion, examine any of the witnesses at a hearing.
- k) Stipulations
- Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- l) Court Reporter
The Department will designate a court reporter to make a stenographic record of the hearings, the original of which is to be delivered to the hearing officer. The Department will arrange for the reporter to provide for such copies of the transcript as any other party may require provided that such other party shall: pay directly to such reporter the cost of the transcript.
- m) Corrections to Transcript
Suggested corrections to the transcript of record may be offered within ten (10) days after the transcript is filed in the proceeding, unless the hearing officer permits suggested corrections to be official thereafter.
- n) Subpoenas
 - 1) Subpoenas for the attendance of witnesses from any place in the State of Illinois, and/or for the production of relevant books and papers for a hearing in a pending proceeding may be issued by the Department or the hearing officer upon the motion of any party.
 - 2) Service of subpoenas and payment of witness fees shall be as provided by statute in the Civil Practice Act (Ill. Rev. Stat. 1979, ch. 110, par. 1 et seq.) and in an Act creating the Illinois Department of Children and Family Services approved June 4, 1963, as amended (Ill. Rev. Stat. 1979, ch. 23, par. 5001 et seq.).
- o) Discovery
After initiation of a complaint, any party, upon written request made to the other party, at least three (3) business days prior to the hearing and/or within five (5) business days after such service of an additional pleading, shall be entitled to:
 - 1) Obtain the names and addresses of witnesses whom the other party intends to call to testify at the hearing;
 - 2) Obtain all writings and documents which the party proposes to offer in evidence.
- p) Admission of Fact or Genuineness of Document
A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED REPEALER

admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.

- q) Findings, Conclusions and Recommendations
Within thirty (30) business days after the close of all proofs, in the hearing before it, the hearing officer shall cause to be prepared and filed with the Department originals of findings of fact, conclusions of law, and a recommendation to the Director, together with the entire record in the proceeding.
- r) Dispositions
 - 1) At any time prior to the entering of findings of facts, conclusions of law and recommendations by the hearing officer, the parties may seek to terminate the matter by presenting to the Director a Consent Order to which they all acknowledge their consent by affixing their respective signatures. Upon the Director's signing such a Consent Order, the entire proceeding shall cease; and each party shall be deemed to have waived Administrative Review.
 - 2) Within thirty (30) business days of receipt of the findings of fact, conclusions of law, recommendations to the Director, and the entire record of the proceeding, the Director shall issue a final administrative decision. A copy of the decision shall be served on each party personally or by certified mail and shall include the findings of fact and conclusions of law. Final administrative decisions of the Department may be judicially reviewed pursuant to the provisions of the Administrative Review Act (Ill. Rev. Stat. 1979, ch. 110, par. 264 et seq.).
- s) Computation of Time
The time within which any act under these rules is to be done is to be computed by excluding the first business day and including the last business day.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Licensing Enforcement
- 2) Code Citation: 89 Ill. Admin. Code 383
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
383.10	New
383.15	New
383.20	New
383.25	New
383.30	New
383.35	New
383.40	New
383.45	New
383.50	New
383.55	New
383.60	New
383.65	New
383.70	New
383.75	New
383.80	New
383.85	New
383.90	New
383.95	New
383.100	New
383.105	New
383.110	New
383.115	New
383.120	New
383.125	New
383.130	New
383.135	New
383.140	New
383.145	New
383.150	New
383.155	New
383.160	New
383.165	New
383.APPENDIX A	New

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- 4) Statutory Authority: 225 ILCS 10; 5 ILCS 100/1-5
- 5) A complete description of the subjects and issues involved: This Part describes Department and private child welfare agency licensing unit responsibilities: to examine and monitor child care facilities to determine compliance with the Child Care Act of 1969 and licensing standards; to receive and investigate licensing complaints; and to develop and implement protective or corrective plans that assure the safety of children while licensed facilities correct noted violations. These rules describe the process for reviewing licensing decisions and enforcement actions; surrendering a license or permit; and administrative hearings through which a licensee or permit holder may obtain review of certain enforcement actions.
- These rules apply to all child welfare agencies, child care facilities (including foster family homes) and programs subject to regulation under the Child Care Act. Non-Department licensing units are authorized to perform certain enforcement functions as identified in these rules.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? Yes. The Department has filed a Notice of Proposed Repealer of the current Part 393 that is also published in this issue of the *Illinois Register*.
- 11) Statement of statewide policy objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, place and manner in which interested parties may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498

217/524-1983
TDD: 217/524-3715
FAX: 217/557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

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

- 13) Initial regulatory flexibility analysis: The Department has determined that the proposed rule will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the revisions were not anticipated at the time the regulatory agenda was completed.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER D: LICENSING ADMINISTRATION

PART 383

LICENSING ENFORCEMENT

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

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383.120	What May Be Reviewed Through the Administrative Hearing Process
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SUBPART D: SEVERABILITY OF THIS PART

Section

383.165 Severability of This Part

383.APPENDIX A Statutory Grounds for Revocation or Refusal to Renew a License

AUTHORITY: Authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children and Family Services Act [20 ILCS 505].

SOURCE: Adopted at 5 Ill. Reg. 14491, effective December 29, 1981; old Part repealed at 31 Ill. Reg. _____ and new Part adopted at 31 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 383.10 Purpose

This Part describes:

- a) the Department and supervising agency's responsibility to monitor child care programs and facilities and to visit and examine child care programs and facilities to determine compliance with the Child Care Act of 1969 [225 ILCS 10] and licensing standards;
- b) requirements for the Department or supervising agency to receive complaints and conduct licensing complaint investigations;

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- c) requirements for the Department or supervising agency to develop and implement a protective plan or corrective plan that assures the safety of children while a licensed program or facility corrects noted violations;
- d) review of licensing decisions;
- e) enforcement actions;
- f) the procedures for surrender of a license or permit; and
- g) the administrative hearing process through which a licensee or permit holder may obtain review of certain enforcement actions.

Section 383.15 Definitions

"Administrative hearing" means a formal review of a decision by the Department to revoke or refuse to renew a license, or to refuse to issue a full license to the holder of a permit.

"Administrative order of closure" means a document issued by the Department that orders the immediate closure of a child care program or facility subject to licensure under the Child Care Act, whether the program or facility is licensed or unlicensed.

"Administrative Law Judge" means a licensed attorney who is appointed by the Director and is responsible for conducting administrative hearings and issuing recommended decisions.

"Appellant" means the person or entity who requests an administrative hearing or on whose behalf an administrative hearing is requested.

"Authorized representative" means a person, including an attorney, authorized in writing by a party to assist in the informal review or administrative hearing process. If the party is unable to reduce such authorization to writing, the Department, on request, shall assist the party in doing so.

"Chief Administrative Law Judge" means the supervisor of the Administrative Law Judges and coordinator for the administrative hearing process.

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"Child" means any person under 18 years of age. For purposes of admission to and residence in child care institutions, group homes and maternity centers, the term also means any person under 21 years of age who is referred by a parent or guardian, including an agency having legal responsibility for the person pursuant to the Juvenile Court Act of 1987. [225 ILCS 10/2.01]

"Child Care Act" means the Child Care Act of 1969 [225 ILCS 10].

"Child care facility" means any person, group of persons, agency, association, organization, corporation, institution, center, or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility defined in the Child Care Act, established and maintained for the care of children. "Child care facility" includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act. [225 ILCS 10/2.05]

"Complaint" means

any oral or written report made to or by staff of the Department or a supervising agency or by the public alleging a violation of licensing standards or the Child Care Act;

an unusual incident report, as defined in 89 Ill. Adm. Code 331 (Unusual Incidents), that alleges a violation of a licensing standard or the Child Care Act involving children in day care, children in the temporary custody or guardianship of the Department, or children for whom the Department maintains an open service case, when the alleged incident involves an owner, operator or employee of a child care facility; or

a referral from the Department's State Central Register (SCR) that alleges a violation of a licensing standard or the Child Care Act or a report of alleged child abuse or neglect received by the SCR when an owner, operator or employee of a child care facility, or a licensee, employee or another member of the household if the child care facility operates in a family home, is listed as an alleged perpetrator (see 89 Ill. Adm. Code 300.160).

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"Conditional license" means a non-renewable document issued by the Department that authorizes a licensee to continue operating a licensed child care facility for a period of six months in compliance with a corrective plan, the Child Care Act and licensing standards, and requires the licensee to comply fully with all terms of the conditional license agreement.

"Corrective plan" means a written document approved by a licensing supervisor that lists violations of licensing standards and/or the Child Care Act, the actions to be taken by the licensee or permit holder to correct the violations, and the time frames for correcting the violations.

"Day" means a calendar day, unless otherwise specified in this Part.

"Department" means the Illinois Department of Children and Family Services.
[225 ILCS 10/2.02]

"Department representative" means an attorney licensed to practice in the State of Illinois who is assigned to represent the Department at an administrative hearing.

"Director" means the Director of the Department of Children and Family Services.

"Final administrative decision" means the Department's final decision, order or determination, rendered by the Director in a particular case, on an issue reviewed through an administrative hearing that affects the legal rights, duties or privileges of participants and that may be further reviewed by the circuit court under the Administrative Review Law [735 ILCS 5/3-101].

"Full license" means a document issued by the Department that authorizes the applicant to operate a child care program or facility for either a 3 or 4 year time period in accordance with licensing standards and the Child Care Act. The term "full license" does not include a permit or a conditional license.

"Indicated report" means any report of child abuse or neglect made to the Department pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5] for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

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"Informal review" means a meeting conducted by the licensing administrator or designee to gather information regarding a permit holder's or licensee's noncompliance with the Child Care Act and licensing standards to determine whether further enforcement action shall be recommended.

"Initial application for license" means the first application for licensure submitted by the individual, corporation, or other legal entity, or an application for licensure submitted by the holder of a conditional licensee.

"License" means a document issued by the Department that authorizes the applicant to establish or operate a child care program or facility in accordance with applicable licensing standards and the Child Care Act.

"Licensee" means an individual, agency, or organization that holds a license issued by the Department.

"Licensing administrator" means management-level staff of the Department who are assigned the direct supervision of licensing supervisors.

"Licensing complaint investigation" means an information gathering and assessment process initiated following receipt of a complaint and conducted by a licensing representative in order to determine compliance with the Child Care Act and licensing standards.

"Licensing representative" means Department or licensed child welfare agency staff who have passed an examination demonstrating familiarity with the Child Care Act and with the appropriate standards and regulations of the Department in accordance with Section 5(c) of the Child Care Act and are authorized by the Department or agency to examine child care programs and facilities applying for or issued a license.

"Licensing standards" means the administrative rules promulgated by the Department governing the licensing and operation of child care facilities.

"Licensing study" means the written assessment of an application for a child care program or facility license that includes, but is not limited to, on-site visits, interviews, background checks, references, and the collection and review of supporting documents to determine compliance with the Child Care Act and licensing standards.

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"Licensing supervisor" means Department or licensed child welfare or day care agency staff assigned the responsibility for direct supervision of licensing representatives.

"Monitoring visit" means an on-site visit to the program or facility by the licensing representative to determine continuing compliance with the Child Care Act and licensing standards.

"Parties" means the Department and a person or persons who have requested an administrative hearing. No person may join in an administrative hearing as a party unless that person has standing to request an administrative hearing on the same issues before the Administrative Law Judge.

"Permit" means a one-time only document issued by the Department in accordance with applicable licensing standards.

"Permit holder" means an individual, agency, or organization that holds a permit issued by the Department.

"Permit period" means the time period designated in the licensing standards for a particular facility type during which an individual, agency, or organization may operate a child care program or facility pursuant to a permit issued by the Department.

"Perpetrator" means a person who, as a result of a child protection investigation, has been determined by the Department to have caused child abuse or neglect.

"Preponderance of the evidence" means the greater weight of the evidence or evidence that renders a fact more likely than not.

"Program", as used in this Part, means a Youth Transitional Housing Program operating in a licensed child care facility in accordance with applicable standards defined in 89 Ill. Adm. Code 409 (Licensing Standards for Youth Transitional Housing Programs) and the Children and Family Services Act [20 ILCS 505], or in an unlicensed facility where the transitional living facility meets the requirements of 89 Ill. Adm. Code 409.

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"Protective plan" means a written plan of action developed by a licensing representative or a child protective service worker, and approved by the licensing supervisor, that restricts contact between a licensee, employee, volunteer, household member, or another person in contact with children in a licensed facility and the children cared for in the facility.

"Refusal to issue full license" means the Department has refused to issue a full license at the end of a permit period.

"Refusal to renew a license" means that, after submission of a license renewal application and a licensing study based upon that application, the Department refuses to extend the license for an additional term.

"Request for an administrative hearing" means the written request by an appellant for an administrative hearing.

"Revocation of a license" means the Department has terminated the rights and privileges associated with a license or a permit.

"Stipulation" means an agreement by the parties that certain facts are true and can be introduced into evidence without further proof.

"Supervising agency" means the Department, licensed child welfare agency or licensed day care agency that recommended licensure of or supervises a licensed foster home or day care home.

"Supervisory review" means a meeting conducted by the licensing supervisor and licensing representative during which a licensee or permit holder may dispute the licensing representative's substantiated findings of violation of the Child Care Act and licensing standards.

"Surrender of a license or permit" means a voluntary act by a licensee or permit holder to relinquish a license or permit to operate a child care program or facility. Surrender of a license or permit terminates all rights and privileges associated with the license or permit.

"Surrender with cause" means a surrender of a license or permit that occurs after the Department has offered an informal review or issued an administrative order

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of closure, but before the Department has issued a notice of intent to revoke, refusal to renew, or refusal to issue full license.

"Unlicensed child care facility" means a child care program or facility subject to licensure under the Child Care Act that is operating without a valid license or permit.

"Violation" means that the licensing representative has determined, during a licensing complaint investigation, a licensing study or a monitoring visit, that the licensee or permit holder has violated a licensing standard or a Section of the Child Care Act.

Section 383.20 Applicability

This Part applies to all agencies, child care facilities and programs subject to regulation under the Child Care Act. The Department is ultimately responsible for enforcing the Child Care Act. Non-Department supervising agencies are authorized to perform certain enforcement functions as identified in this Part.

SUBPART B: ENFORCEMENT

Section 383.25 Monitoring Visits to Licensed Facilities

- a) Licensing representatives of the Department or supervising agency shall visit the program or facility for the purpose of determining its continued compliance with the Child Care Act and licensing standards or compliance with a protective plan or corrective plan. Monitoring visits may be announced or unannounced during the hours of operation, whether or not children are currently present or in care.
- b) Monitoring visits for all licensed foster homes shall be conducted at least twice each calendar year by a representative of the supervising agency, and more frequently when conditions in the home warrant.
- c) Monitoring visits for day care homes shall be conducted at least annually by a licensing representative from the supervising agency and more frequently when conditions in the home warrant.
- d) Monitoring visits for child care institutions, secure child care facilities, maternity centers, child welfare agencies, day care agencies, group homes, day care centers,

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group day care homes, youth emergency shelters and youth transitional housing programs shall be conducted at least annually by a Department licensing representative and more frequently when conditions in the facility warrant.

- e) Monitoring visits shall be more frequent for permit holders or conditional or provisional license holders.
- f) The licensing representative shall document observations made during the monitoring visit. The licensing representative shall notify the licensee or permit holder, in writing, of the violations noted, if any, and any required follow-up actions (e.g., corrective plan), and shall offer a supervisory review.

Section 383.30 Complaints Alleging Violation of the Child Care Act or Licensing Standards

- a) Complaints alleging violation of the Child Care Act or licensing standards related to the licensing or operation of child care programs or facilities may originate from any source (e.g., parents, other licensees, and the general public). Complaints alleging licensing violations or that a program or facility is operating without a license may be accepted from anonymous or identified sources.
- b) Staff of the Department and purchase of service agencies shall immediately make a licensing complaint when they observe or have knowledge of violations of the Child Care Act or licensing standards.
- c) A licensing complaint shall be immediately directed to the supervising agency or to the Department's licensing unit serving the geographical area of the facility. A licensing complaint involving a home licensed to operate as both a foster home and a day care home shall be directed to both supervising agencies, if different agencies supervise the foster home and day care home licenses.
- d) When the Department receives a complaint involving a foster home, day care home, or a home that is licensed to operate as both a foster home and a day care home, and the home is supervised by one or more supervising agencies, the Department shall immediately notify the agencies of the complaint.
- e) When a non-Department supervising agency receives a licensing complaint, that complaint shall be reported to the Department licensing representative who supervises the agency within 72 hours.

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- f) Investigations Not Necessarily Required
 - 1) A licensing complaint investigation is not required when:
 - A) the alleged violation occurred more than 60 days before receipt of the complaint and is not of a continuing nature;
 - B) the complaint is anonymous and fails to allege immediate physical danger to a child; or
 - C) no violations of the Child Care Act or licensing standards are apparent from the complaint.
 - 2) However, the licensing supervisor may direct the licensing representative to conduct a monitoring visit at any time.

Section 383.35 Investigations of Complaints Concerning Licensed Facilities

- a) When a complaint alleges one or more violations of the Child Care Act or licensing standards involving a licensed child care program or facility, the supervising agency shall assign a licensing representative to investigate the allegations.
- b) The licensing representative shall begin a licensing complaint investigation within 2 business days after receipt of the complaint by the supervising agency licensing unit and shall complete the investigation within 30 days after receipt of the complaint. However, upon written notice to the licensee, the investigation may be extended for an additional 30 days.
- c) The licensing representative shall:
 - 1) interview the person making the complaint, if known, and others who may have information relevant to the complaint;
 - 2) obtain and review any relevant documentation;
 - 3) make one or more unannounced visits to the program or facility, during the hours of operation, to gather information and evidence relevant to the

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complaint, and to determine whether the program or facility is operating in accordance with the Child Care Act and licensing standards; and

- 4) complete and document the licensing complaint investigation.
- d) At the conclusion of the licensing complaint investigation, the licensing representative shall make a determination and enter a finding of "substantiated" or "unsubstantiated" with regard to each allegation in the complaint and shall document these findings. The licensing representative shall also document any other substantiated violations observed during the investigation.
- e) When all allegations in the complaint are unsubstantiated and the licensing representative continues to have reasonable concerns about the safety of children in the licensed program or facility, the licensing representative, with approval of the licensing supervisor, may implement a protective plan that reasonably addresses those concerns. The duration of a protective plan in this instance may not exceed 6 months.
- f) Within 5 days after supervisory approval of the determination, the licensing representative shall notify the complainant, in writing, of whether the allegations in the complaint were substantiated or unsubstantiated.
- g) Within 5 days after supervisory approval of the determination, the licensing representative shall notify the licensee or permit holder, in writing, of each finding noted in the complaint investigation and any required follow-up action (e.g., corrective plan), and shall offer a supervisory review.
- h) When a licensing complaint involves a home licensed to operate as both a foster home and a day care home, the licensing supervisors for both the foster home and day care home licensing units shall assign the complaint investigation to licensing representatives in their respective units and shall require the licensing representatives to coordinate their respective investigations.

Section 383.40 Re-examination of a Foster Family Home After an Indicated Child Abuse or Neglect Report

- a) *When a foster family home is the subject of an indicated report under the Abused and Neglected Child Reporting Act [325 ILCS 5], the Department must immediately conduct a re-examination of the foster family home to evaluate*

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whether it continues to meet the minimum standards for licensure. The re-examination is separate and apart from the formal investigation of the report. The Department must establish a schedule for re-examination of the foster family home mentioned in the report at least once a year. [225 ILCS 10/4.3]

- b) The supervising agency shall conduct an immediate re-examination of a licensed foster family home when:
 - 1) a child in substitute care or who resides in the home is the subject of an indicated report of child abuse or neglect and the licensee or another household member was identified as a perpetrator; or
 - 2) the licensee or any household member is identified as a perpetrator of an indicated report of abuse or neglect of any child.
- c) When the re-examination is conducted by an agency other than the Department, the agency shall forward the results of the re-examination to the Department within 5 days.

Section 383.45 Protective Plan

- a) A written protective plan shall be developed by the licensing representative or child protective service worker, and approved by the licensing supervisor, that restricts contact between the licensee or permit holder, a household member, volunteer or employee of the program or facility and children cared for in the program or facility when:
 - 1) a pending formal child protection investigation names the individual as an alleged perpetrator;
 - 2) the licensing representative determines that contact between the children in care and the individual presents an ongoing risk to the children, but that the health, safety and best interests of the children do not require closure of the program or facility or removal of the children from the licensed foster family home; or
 - 3) after a monitoring visit, the licensing representative documents a violation that requires a protective plan to restrict contact between the children in care and the individual to assure the health, safety and best interests of the

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children while the licensee is provided an opportunity to correct the violation.

- b) Depending upon the severity of the allegations or violations, a protective plan shall either:
 - 1) prohibit the named individual from having any contact with the children in care; or
 - 2) require that all contact between the named individual and the children in care be supervised by an appropriate adult approved by the Department or supervising agency.
- c) A protective plan issued under subsection (a)(2) or (a)(3) of this Section shall be reviewed by the licensing supervisor every 6 months.

Section 383.50 Corrective Plan

- a) A corrective plan is a written document approved by the licensing supervisor that lists violations of licensing standards and/or the Child Care Act, the actions to be taken by the licensee or permit holder to correct the violations, and the time frames for correcting the violations.
- b) A corrective plan is required when the licensing representative documents one or more violations and the violations are not corrected while the licensing representative is still on site at the program or facility and the licensee or permit holder can correct the violations within 60 days (the licensing supervisor may approve more than 60 days).
- c) A corrective plan is not required when the supervising agency determines that the violations are not capable of being corrected.
- d) A corrective plan is not required when the Department is issuing an administrative order of closure.
- e) Failure by the licensee or permit holder to submit or comply with a corrective plan may result in further enforcement action.

Section 383.55 Supervisory Review

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- a) The licensing supervisor shall offer the licensee or permit holder a supervisory review, or a licensee or permit holder may request a supervisory review:
 - 1) when the licensee or permit holder questions whether one or more of the violations documented by the licensing representative occurred;
 - 2) when there is a disagreement regarding the application or interpretation of a specific Section of the Child Care Act or a licensing standard when substantiating a violation; or
 - 3) when the licensing supervisor believes that a supervisory review will be helpful to address ongoing issues with the licensee or permit holder.
- b) A supervisory review shall not be conducted to review a criminal conviction that constitutes a bar to licensure pursuant to Section 4.2(b) of the Child Care Act.
- c) A supervisory review shall not be offered when the Department is issuing an administrative order of closure.
- d) The supervisory review shall be scheduled within 14 days after the licensee's or permit holder's request and held at the earliest date.
- e) The licensing supervisor shall uphold the questioned violation when the licensing representative:
 - 1) documented sufficient evidence to substantiate the violation; and
 - 2) correctly interpreted and/or applied the Child Care Act or licensing standards in substantiating a violation.
- f) The licensing supervisor shall overturn the questioned violation when the licensing representative:
 - 1) did not obtain and/or document sufficient evidence to substantiate the violation; or
 - 2) misinterpreted and/or misapplied the Child Care Act or licensing standards.

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- g) The licensing supervisor shall prepare a written report summarizing the information presented at the supervisory review and make findings regarding each disputed violation. The report shall be provided to the licensee or permit holder by hand delivery or regular mail.

Section 383.60 Informal Review

- a) The purpose of an informal review is to:
 - 1) allow the Department to gather the facts regarding the failure of the licensee or permit holder to submit a corrective plan or comply with the terms of a corrective plan or protective plan; and
 - 2) provide the licensee or permit holder an opportunity to demonstrate why the Department should not immediately initiate further enforcement action.
- b) Informal reviews are conducted by the Department's licensing administrators. A non-Department supervising agency shall refer all requests for informal reviews to the Department.
- c) The licensee or permit holder shall not be offered an informal review when the Department will be issuing or has issued an administrative order of closure.
- d) An informal review is not required:
 - 1) to review a criminal conviction that constitutes a bar to licensure pursuant to Section 4.2(b) of the Child Care Act; or
 - 2) when the Department determines that a violation cannot be corrected (e.g., extended incarceration of licensee) or it is not feasible to correct the violation.
- e) Except as provided in subsections (c) and (d), the licensing administrator shall notify the licensee or permit holder, by certified mail, of the right to request an informal review when the Department intends to initiate further enforcement action.

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Section 383.65 Participants in an Informal Review

- a) The following persons shall participate in the informal review:
 - 1) The licensing administrator or designee shall attend and conduct the informal review; and
 - 2) the licensing representative, licensing supervisor and the licensee or permit holder shall attend any informal review.
- b) Other persons who may participate in an informal review include, but are not limited to:
 - 1) the licensee's or permit holder's attorney or authorized representative;
 - 2) a child welfare professional or other licensing representative with information relevant to the issue being reviewed; and
 - 3) a person designated by the Department to take notes at the informal review.

Section 383.70 Outcomes of the Informal Review

- a) After the informal review, the licensing administrator shall review all information and documentation presented and shall make one or more of the following findings:
 - 1) that the licensee or permit holder has or has not complied with the provisions of the corrective plan or protective plan;
 - 2) that the licensee or permit holder did not correct all of the violations according to the corrective plan, but there were mitigating reasons for the licensee's or permit holder's failure to do so and the Department is satisfied that the facility and responsible persons reasonably meet the licensing standards prescribed for the facility type;
 - 3) that the licensee or permit holder had not been offered a corrective plan prior to the informal review and it is appropriate to offer an initial corrective plan at this time; and/or

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- 4) a recommendation to initiate further enforcement action immediately.
- b) The licensing administrator shall prepare a written report summarizing the information presented at the informal review and making findings. The report shall be hand delivered to the licensee or permit holder or sent by certified mail.

Section 383.75 Grounds for Revocation, Refusal to Renew, and Refusal to Issue Full License

- a) The Department may initiate proceedings to revoke a license, to refuse to renew a license, or to refuse to issue full license to the holder of a permit in accordance with Sections 8 and 8.1 of the Child Care Act when grounds exist. (See Appendix A.)
- b) The Department shall initiate proceedings to revoke a license within 10 working days after issuing an administrative order of closure.

Section 383.80 Conditional License

- a) The Department may issue a conditional license to a currently licensed program or facility when the Department determines that continued operation of the program or facility does not constitute a threat to the health, safety, morals or welfare of the children served. A complete listing of deficiencies and a corrective plan approved by the Department shall be in existence at the time a conditional license is issued.
- b) Prior to issuing a conditional license, the Department shall revoke or refuse to renew the current license, or the licensee shall surrender the current license. Upon revocation, non-renewal or surrender of the license, the Department and licensee shall execute a conditional license agreement and the Department shall issue a conditional license to operate the facility.
- c) A conditional license shall be valid for six month and is not renewable or extendable.
- d) The licensee must comply with the terms of the conditional license agreement, correct all violations, be in full compliance with the Child Care Act and licensing

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standards by the end of the fifth month of the conditional license, and remain in full compliance until the date of expiration of the conditional license.

- e) The licensee must submit a new and complete initial application for licensure before the end of the third month of the conditional license in order for the application to be considered timely and sufficient.
- f) Failure by the licensee to comply with the conditional license agreement may result in the issuance of an administrative order of closure or denial of a new license.
- g) The Department shall not issue a conditional license to the holder of a permit.

Section 383.85 Notice of Intent to Revoke, Refuse to Renew, or Refuse to Issue Full License

- a) The Department shall provide written notice to a licensee or permit holder of intent to revoke a license, refuse to renew a license or refuse to issue a full license to a permit holder. The notice shall be hand delivered with a certificate of delivery or sent by certified mail, return receipt requested, to "the addressee only".
- b) The notice shall state:
 - 1) the Department's intended action and a short and plain statement of the matters that are the basis for the Department's action (the latter element may be satisfied by attaching a statement of charges);
 - 2) that the licensee or permit holder may request an administrative hearing if the licensee or permit holder disagrees with, and wishes the appointment of an Administrative Law Judge to review, the Department's intended action; and
 - 3) that a request for administrative hearing must be in writing and must be received by the Administrative Hearings Unit within 10 days from the postmark date of the notice. The request for administrative hearing must be hand-delivered, mailed or faxed to:

DCFS Administrative Hearings Unit
406 East Monroe, Station 15
Springfield, Illinois 62701

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Fax: 217/557-4652

- c) When the Department has issued a notice of intent to revoke, refusal to renew or refusal to issue a full license following an administrative order of closure, the licensee or permit holder may request that a hearing be scheduled within 21 days, as provided in Section 383.110 of this Part.
- d) If the licensee or permit holder does not request an administrative hearing within the time frame set forth in this Section, or if the Department determines, upon holding an administrative hearing pursuant to Subpart C of this Part, that the license should be revoked or the renewal or full license denied, then the license shall be revoked or the renewal or full license shall be denied.

Section 383.90 Surrender of a License or Permit

- a) A licensee or permit holder may voluntarily surrender a license or permit to the Department or supervising agency.
- b) A licensee may surrender his or her foster home, day care home, group day care home, or day care center license by so stating, orally or in writing, to the licensing representative or supervising agency. A surrender that is given orally shall be confirmed in writing by the licensee or the licensing representative.
- c) A surrender for a program or facility other than a foster home, day care home, group day care home, or day care center shall be executed on a form prescribed by the Department. The licensee shall verify, in writing, whether:
 - 1) the Department is investigating the licensee, the permit holder or the owners, operators or employees of the facility for any licensing complaint or report of suspected abuse or neglect involving the facility or actions while discharging duties at the facility;
 - 2) litigation is pending between the licensee or permit holder, the facility and the Department; or
 - 3) the licensee suspects that the facility or facilities supervised by it are under investigation by any agency of any state, their respective inspectors general, or any local, State or federal law enforcement agencies.

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- d) Surrender of a license or permit terminates all rights and privileges associated with the license or permit. A surrendered license or permit shall not be renewed, reissued, reinstated or restored.
- e) Failure by a foster home, day care home or group day care home licensee or permit holder to notify the Department or supervising agency prior to, or within 14 days after, a change of residence shall be deemed a surrender of the foster home, day care home, or group day care home license or permit.
- f) A licensed child welfare or day care agency shall attach to the surrender a complete listing of the names and addresses of all licensed child care programs and facilities supervised by the agency, any pending license applications that have not yet been determined by the supervising agency, and any license exempt day care homes, relative care homes, independent living facilities, youth transitional housing programs, or other programs for children and youth operated by the agency.
- g) When a surrender of a license or permit occurs after the Department has offered an informal review or issued an administrative order of closure, but before the Department has issued a notice of intent to revoke, refusal to renew, or refusal to issue full license, the Department shall notify the licensee or permit holder, in writing, that the surrender shall be construed as a "surrender with cause".
- h) Surrender of a license or permit after the Department has issued a notice of intent described in Section 383.85 of this Part shall be deemed an abandonment of the licensee's or permit holder's right to seek review of the decision under Subpart C of this Part, and the license or permit shall be revoked or the renewal or full license shall be denied.

Section 383.95 Acquiring a New License After Surrender With Cause

When the licensing record reflects that a license or permit was surrendered "with cause", the Department shall not accept an application for a new license from the licensee or permit holder until at least one year has elapsed from the date of the surrender.

Section 383.100 Investigations of Complaints Concerning Unlicensed Facilities

- a) *Whenever the Department is advised, or has reason to believe, that any person, group of persons or corporation is operating a child welfare agency or a child*

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care facility without a license or permit, it shall make an investigation to ascertain the fact. If the Department is denied access, it shall request intervention of local, county or State law enforcement agencies to seek an appropriate court order or warrant to examine the premises. [225 ILCS 10/11]

- b) The licensing representative shall begin a licensing complaint investigation within 2 business days after receipt of the complaint by the Department's licensing unit and shall complete the investigation within 30 days after receipt of the complaint. However, upon written notice to the licensee, the investigation may be extended for an additional 30 days.
- c) The licensing representative shall:
 - 1) interview the person making the complaint, if known, and others who may have information relevant to the complaint;
 - 2) obtain and review any relevant documentation;
 - 3) make one or more unannounced visits to the program or facility, during the hours of operation, to gather information and evidence relevant to the complaint, and to determine whether the program or facility is being or has operated without a valid permit or license, or is exempt from licensure under the Child Care Act; and
 - 4) complete and document the licensing complaint investigation.
- d) At the conclusion of the licensing complaint investigation, the licensing representative shall determine whether the program or facility is subject to licensure by the Department and is operating without a valid permit or license, or is exempt from licensure under the Child Care Act, and shall document this finding.
- e) Within 5 days after supervisory approval of the determination, the Department shall notify the operator of the program or facility, in writing, of the finding. The licensing representative shall provide notice to the operator, by certified mail, when, by law, a license is required for the type of child care provided. The notice shall explain how to make an application for a license.

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- f) Within 5 days after supervisory approval of the determination, the licensing representative shall notify the complainant, in writing, of whether the program or facility is operating without a valid permit or license, or is exempt from licensure under the Child Care Act.
- g) *If the Department finds that the child welfare agency or child care facility is being, or has been, operated without a license or permit, the Department shall report the results of its investigation to the Attorney General and to the appropriate State's Attorney for investigation and, if appropriate, prosecution. [225 ILCS 10/11]*
- h) If the operator continues to operate the program or facility and does not make efforts to obtain a license, the Department may issue an administrative order of closure when the Department makes a finding in accordance with Section 383.105 of this Part. The Department shall report the matter to the Attorney General, and to the State's Attorney for the county in which the program or facility is located, for prosecution.

Section 383.105 Administrative Order of Closure

- a) *Whenever the Department expressly finds that the continued operation of a child care facility, including such facilities defined in Section 2.10 of the Child Care Act and unlicensed facilities, jeopardizes the health, safety, morals, or welfare of children served by the facility, the Department shall issue an order of closure directing that the operation of the facility terminate immediately, and, if applicable, shall initiate revocation proceedings under Section 9 of the Child Care Act within 10 working days. A facility closed under this Section may not operate during the pendency of any proceeding for the judicial review of the decision of the Department to issue an order of closure or to revoke or refuse to renew the license, except under court order. [225 ILCS 10/11.2]*
- b) All administrative orders of closure shall be issued in writing by the Director.
- c) An administrative order of closure shall be hand-delivered to the licensee or permit holder.

Section 383.110 Appeal After Issuance of an Administrative Order of Closure

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- a) When the Department has issued a notice of intent to revoke, refusal to renew or refusal to issue a full license following an administrative order of closure, the licensee or permit holder may request that a hearing be scheduled within 21 days. The request shall be directed to the Department's Administrative Hearings Unit and shall specifically state that the Department has served an administrative order of closure on the program or facility and has served the requisite notice of intent on the licensee, and that a hearing date within 21 days is requested.
- b) Upon receipt of the request for a hearing, the Chief Administrative Law Judge shall verify with the Regional Licensing Administrator that an administrative order of closure and notice of intent were served. Upon verification, a hearing date shall be scheduled within 21 days after the date the appellant's written request for administrative hearing was received.
- c) The Administrative Law Judge shall present a written opinion and recommendation to the Director within 21 days after the record of the administrative hearing is completed. Upon agreement of the parties, the time frame for completion of the written opinion and recommendation may be extended.
- d) The Director shall issue a final administrative decision within 7 days after receipt of the Administrative Law Judge's recommended decision.
- e) All other requirements in Subpart C of this Part not in conflict with the provisions in this Section shall apply to hearings after issuance of an administrative order of closure.

SUBPART C: ADMINISTRATIVE HEARINGS

Section 383.115 Who May Request an Administrative Hearing

- a) A licensee or permit holder has the right to request an administrative hearing to review an enforcement action listed in Section 383.120 of this Part, personally or by:
 - 1) an authorized representative, including an attorney, authorized in writing by a party to assist in the administrative hearing process; or

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- 2) an individual legally authorized to act on behalf of the licensee or permit holder when the licensee or permit holder is incompetent, incapacitated, or otherwise unable to speak for him/herself. A certified copy of the court order authorizing the individual to act on behalf of the licensee or permit holder must be provided.
- b) If a licensee or permit holder has an authorized representative or an individual legally acting on his or her behalf, that representative or individual may exercise the rights of the licensee or permit holder in the administrative hearing process. These rights include the right to:
- 1) review and copy record material;
 - 2) receive Department notices;
 - 3) speak in the administrative hearing process; and
 - 4) take any other actions permitted an appellant during the administrative hearing process.

Section 383.120 What May Be Reviewed Through the Administrative Hearing Process

The following decisions may be reviewed through the administrative hearing process under this Part:

- a) revocation of a license;
- b) refusal to renew a license; and
- c) refusal to issue a full license to the holder of a permit.

Section 383.125 What May Not Be Reviewed Through the Administrative Hearing Process

The Chief Administrative Law Judge shall decide whether an issue is appropriate for the administrative hearing process pursuant to this Part. The following circumstances are not appropriate for the administrative hearing process under this Part:

- a) the Department has already made a final administrative decision on the issue as a result of a previous administrative hearing;

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- b) the issue does not involve a decision to revoke a license, refuse to renew a license, or refuse to issue a full license to the holder of a permit;
- c) a court has made a judicial decision on the issue sought to be reviewed through the administrative hearing process;
- d) denial of a license or a permit;
- e) a disagreement about the terms and conditions contained in a conditional license agreement;
- f) a disagreement about the terms and conditions contained in a corrective plan or protective plan;
- g) when the licensee or permit holder has surrendered the license or permit;
- h) denial of a new license upon expiration of a conditional license; or
- i) the matter is reviewable under another administrative rule.

Section 383.130 The Right to Request an Administrative Hearing

- a) The appellant must file a timely and sufficient appeal within 10 days after the postmark date of the notice of intent issued per Section 383.85 of this Part.
- b) The notice of intent shall include clear instructions on how to request and receive an administrative hearing.
- c) This explanation shall be provided in writing in the subject's primary language.
- d) When requested, Department staff shall assist the licensee or permit holder in preparing a written request for an administrative hearing.

Section 383.135 Notices of Department Decisions

- a) The following notices shall be hand delivered with a certificate of delivery or sent by certified mail, return receipt requested, to "the addressee only":

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- 1) the Department's notice of intent issued per Section 383.85 of this Part;
 - 2) notice of an administrative hearing; and
 - 3) the final administrative decision.
- b) All other notices referenced in this Subpart shall be sent by regular mail.

Section 383.140 The Role of the Chief Administrative Law Judge

- a) The Chief Administrative Law Judge may grant a request for an administrative hearing when:
- 1) the original written request for an administrative hearing was received by the Chief Administrative Law Judge within 10 days after the postmark of the notice of intent issued per Section 383.85 of this Part. The date of request for an administrative hearing is the postmark on the appellant's request for an administrative hearing; and
 - 2) the issue is within the jurisdiction of this Part as set forth in Section 383.120.
- b) The Chief Administrative Law Judge may dismiss a request for an administrative hearing for the following reasons:
- 1) the matter is not reviewable because the Department has not provided written notice to the licensee or permit holder of intent to revoke a license, refuse to renew a license or refuse to issue a full license to a permit holder, as provided in Section 383.85 of this Part;
 - 2) the request for administrative hearing was not submitted to the Chief Administrative Law Judge in writing within the time frame set out in Section 383.85 of this Part;
 - 3) the appellant has withdrawn the request for an administrative hearing in writing; or
 - 4) the appellant has abandoned his or her request for an administrative hearing. Grounds for abandonment include:

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- A) failure by the appellant or the appellant's authorized representative, without good cause, to appear at a hearing or pre-hearing conference;
 - B) surrender of the license or permit after requesting an administrative hearing; or
 - C) failure by the appellant to notify the Chief Administrative Law Judge of a change of address and a notice of the administrative hearing, sent to the appellant's last known address, was returned as "undeliverable", "unclaimed", "refused", "moved", or "no forwarding address".
- c) A party seeking to vacate an order of abandonment shall file a motion within 14 days after notice of the entry of an order of abandonment or default, showing good cause why the party failed to appear or participate.
- d) The Chief Administrative Law Judge shall provide written notice of the decision to grant or deny the request for an administrative hearing within 30 days after receipt of the request for an administrative hearing. If the Chief Administrative Law Judge finds that the issue is not reviewable under this Subpart but can be appropriately heard through another appeal process, in accordance with 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings), the Department shall forward the request to the proper hearing authority and notify the appellant of this action.
- e) If a request for an administrative hearing is granted, the notice issued by the Chief Administrative Law Judge to the appellant shall provide:
- 1) a hearing date within 30 days after the date the appellant's written request for administrative hearing was received;
 - 2) a location for the hearing at a time and place reasonably convenient for all parties;
 - 3) If the appellant is a foster family home licensee, a statement that a telephonic hearing in lieu of an in-person hearing may be scheduled when the decision to revoke or refuse to renew a foster family home license is

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based solely upon an allegation that the licensee did not file a timely and/or complete application for renewal of the foster family home license. However, the notice of hearing shall state that the appellants (foster parents) have the right to request an "in person" hearing. The appellants may exercise their right by sending a written request for an "in person" hearing within 15 days after the date of the notice of hearing;

- 4) a statement of the parties' rights during the administrative hearing process;
- 5) the name and address of the licensee or permit holder, if not represented by counsel, or the name of the licensee and the name and address of the counsel, if represented by counsel;
- 6) the name and business address of the Department representative for the administrative hearing;
- 7) a citation to Section 9 of the Child Care Act that grants the Department the legal authority and jurisdiction to hold the hearing;
- 8) a reference to the particular Sections of the statutes and administrative rules involved. This element may be satisfied by attaching a statement of charges;
- 9) a short and plain statement of the matters that are the basis of the complaint. This element may be satisfied by attaching a statement of charges;
- 10) the reasons that may be deemed an abandonment under Section 383.140 of this Part and the cause for the entry of a final administrative decision before hearing;
- 11) the docket number assigned to the case;
- 12) the name and mailing address of the Administrative Law Judge and any other parties, unless the names or addresses are confidential under the Abused and Neglected Child Reporting Act or Department of Children and Family Services Act, or other applicable statute; and
- 13) a statement of the action sought.

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- f) All administrative hearings conducted pursuant to this Part are open to the public, except that portions of the hearing may be closed when combined with matters respecting the Abused and Neglected Child Reporting Act or 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).

Section 383.145 Rights and Responsibilities in Administrative Hearings

- a) An appellant may bring a representative, including legal counsel, to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.
- b) An appellant may request the licensing representative or other persons who may have information relevant to the issues in dispute to attend the hearing by asking the Chief Administrative Law Judge to issue appropriate subpoenas. Witness fees and travel expenses for persons other than Department or supervising agency employees are the responsibility of the party requesting the subpoena.
- c) Any motions from the appellant or the Department shall be filed with the Administrative Law Judge at least 10 calendar days before the hearing. Copies shall be sent to the Department's representative and the appellant.
- d) At the appellant's request, the Department shall provide an interpreter at no cost to the appellant if English is not the appellant's primary language or a sign interpreter if the appellant is hearing impaired.
- e) Both the appellant and the Department have the right to examine and copy documents and other information to be used by either party and to receive a list of witnesses to be called by either party at the hearing by requesting them at least 10 calendar days before the hearing. The Administrative Law Judge may prohibit the introduction of the requested evidence if not provided within the time frame.
- f) At any time prior to the commencement of the administrative hearing, the Department may amend the statement of charges to include subsequent acts or omissions in violation of the Child Care Act or licensing standards of which the Department has provided the appellant notice.

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- g) At any time prior to the entry of a final administrative order, the appellant may withdraw the request for an administrative hearing and accept the Department's decision to revoke, refuse to renew or refuse to issue a full license, or may abandon the right to an administrative hearing by surrendering the license.
- h) During the administrative hearing, the appellant and the Department have the right to:
 - 1) present and question witnesses;
 - 2) present any information relevant to the issues;
 - 3) question or disprove any information, including an opportunity to question opposing witnesses; and
 - 4) dispose of any disputed issue by stipulation, agreed settlement, consent order, or default any time prior to the conclusion of the administrative hearing.
- i) The Department:
 - 1) carries the burden of proof of justifying the decision to revoke a license, refuse to renew a license, or refuse to issue a full license to a permit holder; and
 - 2) must prove that a preponderance of the evidence supports the decision.

Section 383.150 The Administrative Law Judge

- a) Appointment of the Administrative Law Judge
The Chief Administrative Law Judge shall select and the Director shall appoint a trained, impartial Administrative Law Judge from the available pool to conduct the administrative hearing. The Administrative Law Judge shall:
 - 1) be an attorney licensed to practice law in the State of Illinois;
 - 2) possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare law, including familiarity with Department rules, procedures and functions;

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- 3) not have been involved in the decision to take the action being reviewed or have rendered legal advice to the decision maker on the issue; and
 - 4) not have a personal or professional interest that interferes with exercising objectivity or have any bias against the parties or issues reviewed. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.
- b) **Functions of the Administrative Law Judge**
The Administrative Law Judge shall have all authority allowed under the Illinois Administrative Procedure Act [5 ILCS 100]. This authority shall include, but is not limited to, the following:
- 1) conduct a fair, impartial and formal hearing in which the strict rules of evidence do not apply;
 - 2) provide for the recording of the hearing;
 - 3) inform participants of their individual rights and their responsibilities;
 - 4) conduct preliminary and prehearing telephone conferences, if necessary, between the parties and/or their representatives to provide information about the procedural aspects of the hearing, narrow the issues and discuss possible stipulations and contested points of law, in order to expedite the actual hearing;
 - 5) take necessary steps to develop a full and fair record that contains all relevant facts. The Administrative Law Judge shall admit any evidence having probative value that is relevant and material to the facts in issue, subject to objections only as to the weight to be given such evidence;
 - 6) administer an oath or an affirmation to all witnesses;
 - 7) quash or modify subpoenas for good cause, including, but not limited to, relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;
 - 8) preserve all documents and evidence for the record;

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- 9) ask questions of any witnesses called to testify;
- 10) for good cause shown, permit a witness to testify at the hearing by telephone;
- 11) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;
- 12) order the removal of any person from the hearing room who is creating a disturbance, whether by physical actions, profanity or other conduct that disrupts the hearing;
- 13) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute, including, but not limited to, the submission of briefs, memoranda of law, affidavits or post hearing briefs; and
- 14) present a written opinion and recommendation to the Director within 30 calendar days after the record of the administrative hearing is completed or transcript is received, unless an extension is granted by the Chief Administrative Law Judge. The report shall include a recommended decision on whether there is a preponderance of evidence, based on information considered at the hearing contained in the administrative record, to support the Department's decision to revoke a license, refuse to renew a license, or refuse to issue a full license to a permit holder. The opinion shall contain findings of fact, conclusions of law and a recommendation.

Section 383.155 Final Administrative Decision

- a) **Making the Final Administrative Decision**

The Director shall receive the recommended decision from the Administrative Law Judge and shall agree, disagree, or modify the recommended decision based upon a preponderance of evidence standard. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for assuring compliance with the decision.

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- b) **Notice of the Availability of Judicial Review**
The Department shall include a notice to the appellant as part of the final administrative decision. This notice shall include the name of the person responsible for compliance, if applicable, and shall advise the appellant that, under the provisions of the Administrative Review Law [735 ILCS 5/Art. III], the appellant may seek judicial review of the Department's decisions if it is unfavorable to him or her, within the statutory time frame.
- c) **Who Receives Copies of the Final Administrative Decision**
The appellant or authorized representative, the Department or supervising agency licensing representative and licensing supervisor, the Central Office of Licensing, the Department's representative, the Administrative Law Judge, and the Chief Administrative Law Judge shall receive a copy of the final administrative decision.

Section 383.160 Records of Administrative Hearings

The Chief Administrative Law Judge shall maintain the permanent record of the administrative hearing and the final administrative decision. All hearing decisions shall be available for public inspection during regular business hours. However, confidential information shall be deleted in conformance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department), and State and federal laws and rules and regulations on confidentiality.

SUBPART D: SEVERABILITY OF THIS PART

Section 383.165 Severability of This Part

If any court of competent jurisdiction finds that any Section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

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Section 383.APPENDIX A Statutory Grounds for Revocation or Refusal to Renew a License

- a) *Revocation or Refusal to Renew Licenses; Grounds.*
The Department may revoke or refuse to renew the license of any child care facility or child welfare agency or refuse to issue a full license to the holder of a permit should the licensee or holder of a permit:
- 1) *fail to maintain standards prescribed and published by the Department;*
 - 2) *violate any of the provisions of the license issued;*
 - 3) *furnish or make a misleading or any false statement or report to the Department;*
 - 4) *refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes;*
 - 5) *fail or refuse to submit to an investigation by the Department;*
 - 6) *fail or refuse to admit authorized representatives of the Department at any reasonable time for the purposes of investigation;*
 - 7) *fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to the location of the facility;*
 - 8) *refuse to display its license or permit;*
 - 9) *be the subject of an indicated report under Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5] or fail to discharge or sever affiliation with the child care facility of an employee or volunteer at the facility with direct contact with children who is the subject of an indicated report under Section 3 of that Act;*
 - 10) *fail to comply with the provisions of Section 7.1 of the Child Care Act;*

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- 11) *fail to exercise reasonable care in the hiring, training and supervision of facility personnel;*
 - 12) *fail to report suspected abuse or neglect of children within the facility, as required by the Abused and Neglected Child Reporting Act;*
 - 13) *fail to comply with Section 7.4(c-5) of the Child Care Act;*
 - 14) *fail to comply with Section 5.1 or 5.2 of the Child Care Act; or*
 - 15) *be identified in an investigation by the Department as an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], or be a person whom the Department knows has abused alcohol or drugs, and has not successfully participated in treatment, self-help groups or other suitable activities, and the Department determines that because of such abuse the licensee, holder of the permit, or any other person directly responsible for the care and welfare of the children served, does not comply with standards relating to character, suitability or other qualifications established under Section 7 of the Child Care Act. [225 ILCS 10/8]*
- b) *Further Grounds for Revocation or Refusal to Renew Licenses.*
The Department shall revoke or refuse to renew the license of any child care facility or refuse to issue a full license to the holder of a permit should the licensee or holder of a permit:
- 1) *fail to correct any condition that jeopardizes the health, safety, morals, or welfare of children served by the facility;*
 - 2) *fail to correct any condition or occurrence relating to the operation or maintenance of the facility comprising a violation under Section 8 of the Child Care Act; or*
 - 3) *fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises, and provisions for personal care, medical services, clothing, education and other essentials in the proper care, rearing and training of children. [225 ILCS 10/8.1]*

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- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
160.10	Amendment
160.15	Amendment
160.60	Amendment
160.61	Amendment
160.64	New Section
160.70	Amendment
160.75	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendments give the Department authority to provide notice to parties of a judicial action that child support is being provided by HFS. Adds "private process servers" to the "Service" definition. Makes changes to the "Child Needs" definition to more reflect the average salary of the customers we serve. Deletes the requirement that SSNs of the obligee and child or children be on the Income Withholding Notice.

Retroactive support is defined as support for a period of time prior to the date the court or administrative body (the Department) enters or files a support order. Also stipulates when retroactive support may be credited as support payments or when to waive the necessity to collect retroactive support.

In addition, clarifies that the Illinois Department of Revenue is the appropriate agency to intercept State tax refunds and that the Office of the Comptroller is the appropriate entity to intercept other State payments to pay off delinquent child support debt.

Due to changes in the Deficit Reduction Act of 2005(P.L. 109-171), a federal collection fee of \$25 for all IV-D non-TANF cases where at least \$500 has been collected by the IV-D agency is implemented. Lowers the threshold dollar amount for passport denial from \$5,000 to \$2,500.

Under PA 94-923 and PA-1061, gives the court the authority to decline ordering an obligor to reimburse the obligee 50 percent of the health insurance premium, when deemed inappropriate to do so. Sets forth guidelines to ensure that \$10 minimum orders

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associated with parentage cases are not in violation of the requirement that child support guidelines can be rebutted. Ensures all IV-D cases are being handled according to federal regulations.

Under PA 94-0971, gives the Department authority to compromise child support debt owed by low-income non-custodial parents to the State, in exchange for payment of child support to the family. Sets forth criteria to establish procedures.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

217/557-7157

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: January 2007

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

- 160.1 Incorporation by Reference
- 160.5 Definitions
- 160.10 Child Support Enforcement Program
- 160.12 Administrative Accountability Process
- 160.15 ~~Fees~~Application Fee for IV-D Non-TANF Cases
- 160.20 Assignment of Rights to Support
- 160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

- 160.30 Cooperation With Support Enforcement Program
- 160.35 Good Cause for Failure to Cooperate with Support Enforcement
- 160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
- 160.45 Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

- 160.60 Establishment of Support Obligations
- 160.61 Uncontested and Contested Administrative Paternity and Support Establishment
- 160.62 Cooperation with Paternity Establishment and Continued Eligibility
Demonstration Program (Repealed)
- 160.64 Compromise of Assigned Obligations
- 160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

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Section

- 160.70 Enforcement of Support Orders
- 160.71 Credit for Payments Made Directly to the Title IV-D Client
- 160.75 Withholding of Income to Secure Payment of Support
- 160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
- 160.80 Amnesty – 20% Charge (Repealed)
- 160.85 Diligent Efforts to Serve Process
- 160.88 State Case Registry
- 160.89 Interest

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section

- 160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section

- 160.95 State Disbursement Unit
- 160.100 Distribution of Child Support for TANF Recipients
- 160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
- 160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
- 160.130 Distribution of Intercepted Federal Income Tax Refunds
- 160.132 Distribution of Child Support for Non-TANF Clients
- 160.134 Distribution of Child Support For Interstate Cases
- 160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
- 160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section

- 160.140 Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

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- 160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380,

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effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 160.10 Child Support Enforcement Program

- a) Under Title IV-D of the Social Security Act (42 USC 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:
- 1) children receiving Temporary Assistance for Needy Families (TANF);
 - 2) children receiving AFDC MANG;
 - 3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 USC 670 et seq.);
 - 4) children of applicants for TANF, where the caretaker or specified relative is the putative father or relative of the putative father;
 - 5) children of applicants for TANF, where the mother and putative father of the children born out of wedlock are living together;
 - 6) children of applicants for TANF, where the caretaker relative is reapplying for cash or medical assistance and was in sanctioned status for noncooperation at the time the case was previously canceled;

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- 7) a spouse or former spouse when the former spouse/spouse lives with the child;
 - 8) former AFDC and TANF recipients following AFDC and TANF cancellation pursuant to subsection (g) of this Section;
 - 9) persons not receiving TANF, AFDC MANG, or Foster Care Services under Title IV-E upon application to the Department for such services;
 - 10) persons receiving AFDC MANG that previously received AFDC or TANF cash assistance;
 - 11) persons similarly situated to subsections (a)(1) through (10)-~~above~~ and receiving Title IV-D support services in other states; and
 - 12) persons similarly situated to those described in subsections (a)(1) through (10)-~~above~~ and receiving support services in other countries or subdivisions thereof ~~that~~which have been declared to be foreign reciprocating countries by the Secretary of State under Section 459A of the Social Security Act (42 USC 659A).
- b) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.
- c) The Division of Child Support Enforcement has sole responsibility for:
- 1) identifying and locating the absent parent;
 - 2) establishing the parentage of a child born out of wedlock;
 - 3) establishing support obligations;
 - 4) enforcing and collecting support;
 - 5) receiving and distributing support payments;
 - 6) maintaining accurate records of location and support activities; and

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- 7) advising the local office of circumstances which may affect the family's eligibility for TANF or AFDC MANG (for example, the father is living in the home, or a child no longer lives in the home, etc.).
- d) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.
- e) The Department shall explain to each TANF applicant or recipient his or her responsibility to cooperate with the Department in obtaining support from absent parents and enforcing support obligations and the consequence of non-cooperation ~~noncooperation~~.
- f) Whenever a family ceases to receive TANF cash assistance, IV-E foster care or medical assistance, the Department shall notify the family that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (for example, filing fees) and distribution policies (see 45 CFR 302.33(a) and (d) and 303.7(d)(4) and (5) (2003)).
- g) Whenever a family ceases to receive AFDC MANG assistance:
- 1) if the family previously received TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in subsection (f) of this Section; or
 - 2) if the family did not previously receive TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in subsection (f) of this Section.
- h) Whenever in the course of an administrative proceeding, as provided for under the Public Aid Code [305 ILCS 5/10] and in accordance with this Part, it appears that the non-custodial parent is in the military service and the Servicemembers Civil Relief Act (SCRA) (50 App. USC 501-596) requires the appointment of counsel, the Department shall have the authority to appoint counsel for the service member non-custodial parent. The appointed attorney will perform the duties required

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under the SCRA that include locating members, advising them of proceedings and requesting stays if the members' military duties materially affect their ability to participate in cases.

- i) The Department may provide notice at any time to the parties to a judicial action that child support enforcement services are being provided by HFS under Article X of the Public Aid Code. The notice shall be sent by regular mail to the party's last known address on file with the Clerk of the Court or the State Case Registry. After notice has been provided, HFS shall be entitled to notice of any further proceedings brought in the case. HFS will provide the clerk of the court with copies of the notices sent to the parties to file with the court file.

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

Section 160.15 ~~Fees~~ Application Fee for IV-D Non-TANF Cases

- a) In IV-D non-TANF cases where an application for child support services is required, the Department shall charge an application fee of one cent for each applicant and pay the fee out of State funds.
- b) In accordance with the federal Deficit Reduction Act of 2005 (P.L. 109-171) and the Illinois Public Aid Code, an annual \$25 collection fee shall be imposed for all IV-D non-TANF cases where at least \$500 has been collected by the IV-D agency.

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

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS**Section 160.60 Establishment of Support Obligations**

- a) Definitions
- 1) "FSS" means any Family Support Specialist performing assigned duties, his supervisory staff and any other person assigned responsibility by the Director of the Department.
 - 2) "Service" or "Served" means notice given by personal service, certified

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mail, restricted delivery, or return receipt requested; by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 447]; by a registered employee of a private detective agency certified under that Act; or in counties with a population of less than 2,000,000;~~or~~ by any method provided by law for service of summons. (See Sections 2-203 and 2-206 of the Code of Civil Procedure [735 ILCS 5/2-203 and 2-206].)

- 3) "Support Statutes" means the following:
 - A) Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X];
 - B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
 - C) The Non-Support Punishment Act [750 ILCS 16];
 - D) The Uniform Interstate Family Support Act [750 ILCS 22];
 - E) The Illinois Parentage Act of 1984 [750 ILCS 45]; and
 - F) Any other statute in another state that which provides for child support.
- 4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered.
- 5) "Child's needs" means ~~the cost of raising a child as detailed by either:~~
 - A) the custodial parent's statement of the associated costs, including, but not limited to, providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care; or
 - B) the State's current minimum hourly wage multiplied by 40 hours per work week, multiplied by 4.3 weeks per month, multiplied by the applicable child support guideline percentage contained in subsection (c)(1) of this Section. ~~the Department's standard for the costs of raising a child as calculated by averaging the estimated~~

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~~annual expenditures on a child by husband-wife families for all income levels as reported in Table 1 "Estimated annual expenditures on a child by husband-wife families, overall United States" of the USDA Expenditures on Children and Families Annual Report (United States Center for Nutrition Policy and Promotion, 3101 Park Center Drive, Room 1034, Alexandria, Virginia 22302) (May 2003). This standard takes into account average actual costs of providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care in a manner consistent with health and well being as set forth in this Part.~~

- ~~C) The formula used to calculate the Department's monthly Standard of Need is: Total Average Expenditures, divided by the number of people in the household, divided by the number of years from birth until the age of majority (18 years of age in Illinois), divided by two (obligation for one parent) equals the monthly support obligation.~~

b) Responsible Relative Contact

1) Timing and Purpose of Contact

- A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.
- B) The purpose of contact and interview shall be to obtain relevant facts, including income information (for example, paycheck stubs, income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.

2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:

- A) the Title IV-D case name and identification number;

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- B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;
 - C) that the responsible relative has a legal obligation to support the named persons;
 - D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and
 - E) that the responsible relative should bring specified information regarding his income and resources to the interview.
- 3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.

c) Determination of Financial Ability

- 1) In cases handled under subsection (d) of this Section, the Family Support Specialist shall determine the amount of child support and enter an administrative support order on the following basis:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
 - i) Federal income tax (properly calculated withholding or estimated payments);

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- ii) State income tax (properly calculated withholding or estimated payments);
- iii) Social Security (FICA payments);
- iv) Mandatory retirement contributions required by law or as a condition of employment;
- v) Union dues;
- vi) Dependent and individual health/hospitalization insurance premiums;
- vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
- viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
- ix) Medical expenditures necessary to preserve life or health; and
- x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.

B) The deductions in subsections (c)(1)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders ~~that~~ which contain provisions for an automatic increase in the support obligation upon termination of such payment period.

2) In de novo hearings provided for in subsection (d)(5)(H) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall determine the minimum amount of child support as follows:

Number of Children	Percent of Responsible Relative's Net Income
1	20%

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2	28%
3	32%
4	40%
5	45%
6 or more	50%

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - ix) Medical expenditures necessary to preserve life or health; and
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(2)(A)(viii), (ix) and (x) of this

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Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support obligation upon termination of such payment period.

- C) The above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
- i) the financial resources and needs of the child;
 - ii) the financial resources and needs of the custodial parent;
 - iii) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
 - iv) the physical and emotional condition of the child, and his educational needs; and
 - v) the financial resources and needs of the non-custodial parent.
- D) Each order requiring support that deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.
- 3) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the amount of child support due in accord with Section 505 and medical support in accordance with Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].
- 4) All orders for support shall include a provision for the health care coverage of the child. In all cases where health insurance coverage is not being furnished by the responsible relative to a child to be covered by a

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support order, the Department shall enter administrative, or request the court to enter, support, orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost or indicating what alternative arrangement for health insurance coverage is being provided. Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.

- ~~5)~~ ~~When proceeding under subsection (d) of this Section, the Department shall, in any event, notwithstanding other provisions of this subsection (e) and regardless of the amount of the responsible relative's net income, order the responsible relative to pay child support of at least \$10.00 per month.~~
- 56) In cases where the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's needs as defined by subsection (a)(5)(A) or (B) of this Section.
- 67) The final order in all cases shall state the support level in dollar amounts.
- 78) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d) of this Section, shall order, or, when proceeding under subsection (e) of this Section, shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives. In TANF cases, the Department shall order, when proceeding under subsection (d) of this Section, or, when proceeding under subsection (e) of this Section, shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- 89) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the

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responsible relative to notify the Department, within seven days:

- A) of any new address of the responsible relative;
 - B) of the name and address of any new employer or source of income of the responsible relative;
 - C) of any change in the responsible relative's Social Security Number;
 - D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and
 - E) if so, the policy name and number and the names of persons covered under the policy.
- 940) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.
- 1041) The Department shall enter administrative support orders, or request the court to enter support orders, that include a statement that if there is an unpaid arrearage or delinquency equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency.
- 1142) The Department shall enter administrative support orders, or request the court to enter support orders, that include provisions for retroactive support when appropriate.

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- A) In cases handled under subsection (d) of this Section, the Department shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties' separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock) unless, in cases where the IV-D client has never received public assistance during the retroactive time period, the IV-D client waives, by notarized statement, all support during the retroactive support period.
- B) In de novo hearings provided for in subsection (d)(5)(H) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), unless, in cases where the child was born out of wedlock, the hearing officer, after having examined the factors set forth in Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505] decides that another date is more appropriate.
- C) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the date retroactive support is to commence in accord with Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X], Sections 510 and 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510 and 505], and Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14].
- d) Administrative Process
- 1) Use of Administrative Process
- A) Unless otherwise directed by the Department, the FSS shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in

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matters involving:

- i) presumed paternity as set forth in Section 5 of the Illinois Parentage Act of 1984 [750 ILCS 45/5] and support is sought from one or both parents;
 - ii) alleged paternity and support is sought from the mother;
 - iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both;
 - iv) an establishment of parentage in accordance with Section 6 of the Illinois Parentage Act of 1984 [750 ILCS 45/6]; and
 - v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.
- B) In addition to those items specified in subsection (b)(2) of this Section, the notice of support obligation shall inform the responsible relative of the following:
- i) that the responsible relative may be required to pay retroactive support as well as current support; and
 - ii) that in its initial determination of child support under subsection (c) of this Section, the Department will only consider factors listed in subsections (c)(1)(A)(i) through (x) of this Section; and
 - iii) that the Department will enter an administrative support order based only on those factors listed in subsections (c)(1)(A)(i) through (x) of this Section; and
 - iv) that in order for the Department to consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of

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Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and

- v) that both the client and the responsible relative have a right to request a de novo hearing within 30 days after the mailing or delivery of an administrative support order, at which time a Department hearing officer may consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]; and
 - vi) that unless the client and/or the responsible relative requests a de novo hearing within 30 days after the order's mailing or delivery, the administrative support order will become a final enforceable order of the Department; and
 - vii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.
- 2) The FSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section when such relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered which shall incorporate the resulting support amount therein. The FSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section. The FSS shall reduce the total amount of retroactive support determined by the amount of cash contributions made by the responsible relative to the IV-D

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client for the benefit of the child during the retroactive period as specified in the IV-D client's affidavit of direct contribution. In no event shall credit be given in excess of the total amount of the retroactive support determined.

- 3) Failure to Appear
- A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the FSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) of this Section. The terms of the order shall be based upon the needs of the child for whom support is sought, as defined by subsection (a)(5) of this Section. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.
- B) The FSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the FSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:
- i) financial ability, as determined from the guidelines contained in subsection (c) of this Section, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section; or
- ii) income exceeds that reported by the relative.
- C) The FSS will not issue a subpoena under subsection (d)(3)(B) of this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.
- D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to

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subsection (d)(3)(B) of this Section, the FSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section, and may then, after investigation and determination of the responsible relative's financial ability to support, utilizing existing State and federal sources (for example, Illinois Department of Employment Security), client statements, employer statements, or the use of the Department's subpoena powers, enter a support order in accord with subsection (c)(1) of this Section.

- 4) The Department shall register, enforce or modify an order entered by a court or administrative body of another state, and make determinations of controlling order where appropriate, in accordance with the provisions of the Uniform Interstate Family Support Act [750 ILCS 22].
- 5) An administrative support order shall include the following:
 - A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is ordered;
 - C) the beginning date, amount and frequency of support;
 - D) any provision for health insurance coverage ordered under subsection (c)(4) of this Section;
 - E) the total retroactive support obligation and the beginning date, amount (which shall not be less than 20 percent of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full or the statement that the IV-D client has signed a statement waiving all rights to retroactive support;
 - F) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (which shall not be less than 20 percent of the support order) and frequency of payments to be made until the arrearage is paid in full;

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- G) a provision requiring that support payments be made to the State Disbursement Unit;
 - H) a statement informing the client and the responsible relative that they have 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102 and subsection (c)(2) of this Section, except that for orders entered as a result of a decision after a de novo hearing, the statement shall inform the client and the responsible relative that the order is a final administrative decision of the Department and that review is available only in accord with provisions of the Administrative Review Law [735 ILCS 5/Art III];
 - I) except where the order was entered as a result of a decision after a de novo hearing, a statement that the order was based upon the factors listed in subsection (c)(1)(A) of this Section and that in order to have the Department consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
 - J) in each administrative support order entered or modified on or after January 1, 2002, a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of nine percent per annum.
- 6) Every administrative support order entered on or after July 1, 1997, shall include income withholding provisions based upon and containing the same information as prescribed in Section 160.75. The Department shall also prepare and serve income withholding notices after entry of an administrative support order and effect income withholding in the same manner as prescribed in Section 160.75.

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- 7) The Department shall provide to each client and each responsible relative a copy of each administrative support order entered, no later than 14 days after entry of such order, by:
 - A) delivery at the conclusion of an interview where financial ability to support was determined. An acknowledgment of receipt signed by the client or relative or a written statement identifying the place, date and method of delivery signed by the Department's representative shall be sufficient for purposes of notice to that person.
 - B) regular mail to the party not receiving personal delivery where the relative fails or refuses to accept delivery, where either party does not attend the interview, or the orders are entered by default.
 - 8) In any case where the administrative support process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the administrative support case shall remain in the original county unless a transfer to the other county in which the custodial parent and the non-marital child reside is requested by either party or the Department and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative support process.
 - 9) In any case in which an administrative support order is entered to establish and enforce an arrearage only, and the responsible relative's current support obligation has been terminated, the administrative support order shall require the responsible relative to pay a periodic amount equal to the terminated current support amount until the arrearage is paid in full.
- e) Judicial Process
- 1) The Department shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see subsection (a)(3) of this Section) in matters requiring the determination of parentage (except when paternity is to be determined administratively under Section 160.61), when the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(D)

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of this Section, and as otherwise determined by the Department.

- 2) The Department shall prepare and transmit pleadings and obtain or affix appropriate signature thereto, which pleadings shall include, but not be limited to, petitions to:
 - A) intervene;
 - B) modify;
 - C) change payment path;
 - D) establish an order for support;
 - E) establish retroactive support;
 - F) establish past-due support;
 - G) establish parentage;
 - H) obtain a rule to show cause;
 - I) enforce judicial and administrative support orders; and
 - J) combinations of the above.
 - 3) Department legal representatives shall request that judicial orders for support require payments to be made to the State Disbursement Unit in accordance with Section 10-10.4 of the Illinois Public Aid Code [305 ILCS 5/10-10.4], Section 507.1 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/507.1], Section 320 of the Uniform Interstate Family Support Act [750 ILCS 22/320], Section 21.1 of the Illinois Parentage Act of 1984 [750 ILCS 45/21.1] and Section 25 of the Non-Support Punishment Act [750 ILCS 16/25].
- f) Petitions for Release from Administrative Support Orders – Extraordinary Remedies

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- 1) Notwithstanding the statements required by subsections (d)(5)(H) and (d)(5)(I) of this Section, more than 30 days after the entry of an administrative support order under subsection (d) of this Section, a party aggrieved by entry of an administrative support order may petition the Department for release from the order on the same grounds as are provided for relief from judgments under Section 2-1401 of the Code of Civil Procedure.
- 2) Petitions under this subsection (f) must:
 - A) cite a meritorious defense to entry of the order;
 - B) cite the exercise of due diligence in presenting that defense to the Department;
 - C) be filed no later than two years following the entry of the administrative support order, except that times listed below shall be excluded in computing the two years:
 - i) time during which the person seeking relief is under legal disability;
 - ii) time during which the person seeking relief is under duress;
 - iii) time during which the ground for relief is concealed from the person seeking relief;
 - D) be supported by affidavit or other appropriate showing as to matters not supported by the record.
- 3) Notice of the filing of the petition must be given and a copy of the petition must be served on the other parent, caretaker or responsible relative by certified mail, return receipt requested, or by any manner provided by law for service of process. The filing of a petition under this subsection (f) does not affect the validity of the administrative support order.

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

Section 160.61 Uncontested and Contested Administrative Paternity and Support

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Establishment

- a) Definitions
- 1) "Combined paternity index" means a statistic, stated as an odds ratio in a report of genetic testing results, giving the likelihood that the man having undergone the testing is the father of the child relative to the chance that the father is another (unrelated random) man from the same racial background.
 - 2) "Genetic testing" means deoxyribonucleic acid (DNA) tests.
 - 3) "Service" or "Served" means notice given by personal service, certified mail, restricted delivery, or return receipt requested; by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004; by a registered employee of a private detective agency certified under that Act; or in counties with a population of less than 2,000,000; or by any method provided by law for service of a summons. (See Sections 2-203 and 2-206 of the Code of Civil Procedure [735 ILCS 5/2-203 and 2-206].)
 - 4) "Non-marital child", as used in this Section and Section 160.62, means a child born out of wedlock for whom paternity has not been established.
 - 5) "Alleged father", as used in this Section and Section 160.62, means a man alleged to be the father of a non-marital child.
 - 6) "Presumed father" shall have the meaning ascribed to that term in the Illinois Parentage Act of 1984 [750 ILCS 45].
- b) Uncontested Administrative Paternity Process
- 1) Except as otherwise determined, the Department shall establish a man's paternity of a child through the administrative process set forth in this Section, in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:
 - A) a non-marital child and support is sought from the alleged father;

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- B) a non-marital child who is in the physical custody of the alleged father or a caretaker relative other than the child's mother, and support is sought from the alleged father or from the mother, or both; or
 - C) presumed paternity as set forth in Section 5(a)(1) and (2) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1) and (2)] in which a man other than the presumed father has been alleged to be the child's father, and notice has been provided to the alleged and presumed fathers as set forth in this Section.
- 2) Contact with Responsible Relatives
- A) Following the IV-D client interview, the Department shall contact and interview:
 - i) alleged fathers to establish paternity and support obligations; and
 - ii) mothers to establish an alleged father's paternity of a child (where the alleged father or a caretaker relative other than the mother has physical custody of the child) and to establish the support obligation of the alleged father, the mother, or both.
 - B) The purpose of contact and interview shall be to obtain relevant facts, including information concerning the child's paternity and responsible relative income information (for example, paycheck stubs, income tax returns) necessary to establish the child's paternity and to determine the responsible relative's financial ability for use in establishing child support obligations.
- 3) At least ten working days in advance of the interview, the Department shall serve upon or provide to the alleged father from whom child support is sought, by ordinary mail, a notice of alleged paternity and support obligation, which notice shall contain the following:
- A) the Title IV-D case name and identification number;

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- B) the name and birthdate of the non-marital child;
 - C) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the alleged father may be represented by counsel;
 - E) that the alleged father should bring specified information regarding his income and resources to the interview;
 - F) that upon failure of the alleged father to appear for the interview, administrative paternity and support orders may be entered against him by default; and
 - G) that the alleged father may be ordered to pay current support and retroactive support, and to provide health insurance coverage for the child.
- 4) At least ten working days in advance of the interview, the Department shall serve upon or provide to the child's mother, by ordinary mail, a notice of alleged paternity and support obligation, when a man has been alleged to be the father of the child, the alleged father has physical custody of the child, and support is sought from the mother. The notice shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the mother has a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;
 - E) that the mother should bring specified information regarding her income and resources to the interview;

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- F) that the mother may be ordered to pay current support and retroactive support, and to provide health insurance coverage for the child;
 - G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
 - H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
 - i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and
 - ii) the Department may enter an order finding the alleged father to be the father of the child.
- 5) At least ten working days in advance of the interview, the Department shall serve upon or provide to the child's mother, by ordinary mail, a notice of alleged paternity and support obligation, when a man has been alleged to be the father of a child, an adult other than a parent of the child has physical custody of the child, and support is sought from the mother and the alleged father. The notice shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the mother has a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;
 - E) that the mother should bring specified information regarding her income and resources to the interview;

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- F) that the mother may be ordered to pay current support and retroactive support, and to provide health insurance coverage for the child;
 - G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
 - H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
 - i) an administrative support order may be entered against the mother by default or the Department may seek an administrative or court determination of financial ability based upon the guidelines; and
 - ii) the Department may enter an order finding the alleged father to be the father of the child on the basis of genetic testing.
- 6) Where the man alleged to be the father of a child is different from a man presumed to be the father under Section 5(a)(1) and (2) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1) and (2)], the Department shall send a notice to the presumed father which shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the child's name and birthdate;
 - C) the name of the child's mother;
 - D) that the man to whom the notice is directed has been identified as the child's presumed father;
 - E) that another man has been alleged to be the child's father, and the name of that alleged father;

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- F) that the Department has scheduled an interview with the alleged father for the purpose of determining the child's paternity, and the date, time and place of the interview (the date of the interview shall not be less than ten working days after the date of the notice to the presumed father);
 - G) that if the presumed father fails to appear at the interview to assert his rights as the presumed father, the Department may enter an administrative order finding the alleged father to be the child's father on the basis of genetic testing, or if the alleged father and the child's mother voluntarily sign an acknowledgment that the alleged father is the father of the child; and
 - H) that counsel may accompany the presumed father to the interview.
- 7) The Department shall notify each Title IV-D client of the date, time and place of the alleged father interview and that the client may attend if the client chooses.
- 8) In cases involving a non-marital child:
- A) The Department shall provide the alleged father and the child's mother an opportunity to establish paternity by voluntarily signing an acknowledgment of paternity (and, in a case in which there is also a presumed father, an opportunity for the mother and the presumed father to sign a denial of paternity), after being provided with information concerning the implications of signing the acknowledgment (and denial), including parental rights and responsibilities of child support, retroactive support, health insurance coverage, custody, visitation, the right to obtain and agree to be bound by the results of genetic testing, and the right to deny paternity and obtain a contested hearing.
 - B) The Department shall enter and, within 14 days after entry, serve or mail the parties a copy of an administrative paternity order finding the alleged father to be the father of the child in the following circumstances. An acknowledgment of receipt signed by the client or relative or a written statement identifying the place, date, and method of delivery signed by the Department's

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representative shall be sufficient for purposes of notice to that person. The Department shall enter the order where:

- i) the alleged father and the child's mother (and any presumed father) have voluntarily signed an agreement to be bound by the results of genetic testing, and the results of such testing show that the alleged father is not excluded and that the combined paternity index is at least 500 to 1;
- ii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him in a case in which support is sought from the alleged father, or fails to appear for scheduled genetic testing after signing an agreement to be bound by the results of genetic testing;
- iii) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where the alleged father has physical custody of the child;
- iv) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where an adult other than a parent of the child has physical custody of the child, the alleged father has voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1;
- v) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him (or fails to appear for genetic testing after agreeing to be bound by the results of genetic testing) in a case where an adult other than a parent of the child has physical custody of the child;
- vi) the presumed father fails to appear in response to the Department's notice to presumed father served upon him,

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- the child's mother, and the alleged father have voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1; or
- vii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him, and the presumed father fails to appear in response to the Department's notice to presumed father served upon the presumed father.
- C) The Department shall make a determination that the alleged father is not the father of the child where the results of genetic testing exclude the alleged father.
- 9) An agreement to be bound by the results of genetic testing under subsection (b)(8)(B) of this Section shall not be valid where the mother or alleged father is a minor, unless the parent or guardian of the minor mother or minor alleged father also signs the agreement to be bound by the results of genetic testing, except where the mother or alleged father is either emancipated or head of his or her own household with the child for whom paternity is being determined.
- 10) A party aggrieved by entry of an administrative paternity order, pursuant to subsection (b)(8) of this Section, may have the order vacated if, within 30 days after the authorized mailing or service of the order, the party appears in person at the office to which he or she was given notice to appear for an interview pursuant to subsection (b)(3) of this Section and files a written request for relief from the order. The Department shall then proceed with the establishment of paternity under this Section. A party may obtain relief under this subsection (b) only once in any proceeding to establish paternity.
- 11) The child's mother or the alleged father may void the presumption of paternity created by voluntarily signing an acknowledgment of paternity under Section 12 of the Vital Records Act [410 ILCS 535/12] by signing a rescission of paternity and filing it with the Department by the earlier of:

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- A) 60 days after the date the acknowledgment of paternity was signed;
or
 - B) the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the mother or the alleged father is a party.
- 12) If the mother or alleged father signs a rescission of paternity, the Department shall process the case under this subsection (b).
- c) Contested Paternity Hearing Officers
- 1) Except as otherwise directed by the Department or provided for in this Part, cases in which paternity is contested shall be referred to Department hearing officers to administratively determine paternity. The Department shall provide the alleged father (and any presumed father) with notice and opportunity to contest paternity at a hearing to determine the existence of the father and child relationship. The notice and any administrative hearing shall be governed by 89 Ill. Adm. Code 104.200 through 104.295. Any administrative support order shall be established in accordance with Section 160.60.
 - 2) Notice shall be given to all parties in the manner provided for service of a notice of alleged paternity and support obligation under subsections (a) and (b) of this Section or, where necessary, by publication in cases in which the whereabouts of a party or parties are unknown after diligent location efforts by the Department. Where service is by publication, the notice shall be published at least once in each week for three consecutive weeks in a newspaper published in the county in which the administrative proceeding is pending. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining Illinois county having a circulation in the county in which the administrative proceeding is pending. In addition, where service is by publication, the date of the interview stated in the notice shall not be less than 30 days after first publication of the notice.
 - 3) The Department shall enter default paternity determinations in contested administrative cases as provided for under subsection (b) of this Section. However, where notice of the administrative proceedings was served on a

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party by publication under subsection (c)(2) of this Section, a notice of default paternity determination shall be published in the same manner. The notice of default paternity determination shall contain the information required in an administrative paternity order under subsections (d)(1) through (9) of this Section, except that the notice of default paternity determination shall not include the mother's and father's Social Security numbers. The Department shall not proceed to establish paternity administratively under subsection (c) of this Section in those cases wherein the court has acquired jurisdiction previously or the custodial parent claims good cause for failing to cooperate in the establishment of paternity and is found to be exempt from cooperating as set forth in Section 160.35.

- 4) In any case where the administrative paternity process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the paternity determination case shall remain in the original county of venue unless a transfer to another county of proper venue is requested by either party and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative paternity process.
- d) An administrative paternity order, whether entered under subsection (b) or (c) of this Section, shall include the following:
- 1) the Title IV-D case name and identification number;
 - 2) the name and birthdate of the child for whom paternity is determined;
 - 3) the alleged father's name and his Social Security number, if known;
 - 4) the mother's name and her Social Security number, if known;
 - 5) a finding that the alleged father is the father of the child, and a statement indicating how paternity was determined (for example, agreement to be bound by the results of genetic testing, default, contested hearing);
 - 6) except in cases in which paternity is administratively determined under subsection (b)(8)(B)(ii), (v) or (viii) of this Section, or in a contested

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hearing under subsection (c) of this Section, a statement informing the client and responsible relative that each has 30 days after the date of mailing (or delivery at the interview) of the administrative paternity order to petition the Department for release from the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.105;

- 7) in cases in which paternity is administratively determined by default under subsection (b)(8)(B)(ii), (v) or (viii) of this Section, a statement informing the client and responsible relative of the relief available pursuant to subsection (b)(10) of this Section;
- 8) a statement that more than 30 days after entry of an administrative paternity order, a party aggrieved by entry of the administrative paternity order may petition the Department for release from the order under the provisions of subsection (e) of this Section; and
- 9) in cases in which paternity is administratively determined in a contested hearing under subsection (c) of this Section, a statement informing the client and responsible relative that the order is a final and binding administrative decision, and whether the order is reviewable only under the provisions of the Administrative Review Law [735 ILCS 5/Art. III].

e) Petitions For Release – Extraordinary Remedies

- 1) Notwithstanding the statements required by subsection (d) of this Section, more than 30 days after entry of an administrative paternity order under subsection (b) or (c) of this Section, a party aggrieved by entry of an administrative paternity order may petition the Department for release from the order.
- 2) Petitions under this subsection (e) must:
 - A) Cite a meritorious defense to entry of the order.
 - B) Cite the exercise of due diligence in presenting that defense to the Department.
 - C) Be filed no later than two years following the entry of the administrative paternity order, except that times listed below shall

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be excluded in computing the two years:

- i) time during which the person seeking relief is under legal disability;
 - ii) time during which the person seeking relief is under duress; and
 - iii) time during which the ground for relief is concealed from the person seeking relief.
- D) Be supported by affidavit or other appropriate showing as to matters not supported by the record.
- 3) Notice of the filing of the petition must be given and a copy of the petition must be served on the other parent by certified mail, return receipt requested or by any manner provided by law for service of process. The filing of a petition under this subsection (e) does not affect the validity of the administrative paternity order.
- f) When the paternity of a child has been administratively established under subsection (b) or (c) of this Section, the Department shall enter an administrative support order under the process set forth in Section 160.60.
- g) In cases in which a final administrative determination of paternity is pending, but there is clear and convincing evidence of paternity based upon the results of genetic testing and upon motion of a party, the Department shall enter a temporary order for support in the manner provided for in Section 160.60.
- h) The Department shall notify the Department of Public Health of final administrative paternity determinations, voluntary acknowledgments of paternity, denials of paternity and rescissions of paternity.
- i) In cases in which a child's certificate of birth is on file in a state other than Illinois and any of the circumstances stated below occur, the Department shall forward to the other state a copy of the final administrative determination of paternity or the voluntary acknowledgment of paternity (and the presumed father's denial of paternity, if applicable) or the rescission of paternity:

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- 1) the Department enters a final administrative determination of paternity; or
 - 2) the paternity of a child is established by voluntary acknowledgment under Section 12 of the Vital Records Act [410 ILCS 535/12]; or
 - 3) the alleged father or the child's mother rescinds a voluntary acknowledgment of paternity under Section 12 of the Vital Records Act [410 ILCS 535/12].
- j) Judicial Process. The Department shall refer Title IV-D cases for judicial action to establish a child's paternity and a responsible relative's support obligation pursuant to the Illinois Parentage Act of 1984 [750 ILCS 45], the Revised Uniform Reciprocal Enforcement of Support Act [750 ILCS 20] or the Uniform Interstate Family Support Act [750 ILCS 22], as appropriate, in matters:
- 1) involving contested paternity, except where the case is appropriate for referral to a Department hearing officer;
 - 2) where the non-marital child was not conceived in Illinois and the alleged father resides in a state other than Illinois;
 - 3) where the court has acquired jurisdiction previously; or
 - 4) where the results of genetic testing show that the alleged father is not excluded and the combined paternity index is less than 500 to 1, except where the case is appropriate for referral to a Department hearing officer under subsection (c) of this Section.

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

Section 160.64 Compromise of Assigned Obligations

- a) For purposes of this Section, the following definitions shall apply:
- 1) "Assigned obligation" means past due child support or interest accrued on past due child support, or both, assigned to the State under Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1].

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- 2) "Poverty line" means the level of income equal to the official poverty line determined by the federal Office of Management and Budget and revised annually in accordance with 42 USC 9902(2).
 - 3) "Gross monthly income" means the total of all monthly income from all sources, excluding child support and maintenance.
- b) The Department shall agree to compromise assigned obligations under the program when the responsible relative:
- 1) has gross monthly income of no more than 250 percent of the poverty line;
 - 2) owes an assigned obligation totaling at least \$500;
 - 3) has an unassigned current support obligation or owes unassigned past due child support, or both; and
 - 4) documents his or her inability to comply with the order for support during the period in which assigned obligations accrued by providing the Department with pay stubs, federal income tax returns, records of financial institutions, or other documents pertaining to that period.
- c) A compromise agreement shall provide:
- 1) that the balance of the responsible relative's child support account will be reduced by the amount of the assigned obligation upon execution of the agreement;
 - 2) that the responsible relative:
 - A) agrees to:
 - i) pay any current child support obligation required under the order for support and specified periodic payments toward satisfaction of unassigned past due child support for a period of six months following account reduction; or

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child support obligation and unassigned past due support obligation shall commence anew.

- g) The Department shall reduce the amount of the unreimbursed assistance balance in a case by the amount of the assigned obligation compromised under this Section.

(Source: Added at 31 Ill. Reg. _____, effective _____)

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

- a) Definitions
- 1) The definitions contained in Section 160.60(a) are incorporated herein by reference.
 - 2) "Qualified child" means a child who is a minor or who, while a minor, was determined to be disabled under Title II or XVI of the Social Security Act, and for whom a support order is in effect.
- b) Income Withholding
- Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].
- c) Federal and State Income Tax Refunds and Other Payments
- 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a], Section 2505-650 of the Department of Revenue Law [20 ILCS 2505/2505-650] and the Debt

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Collection Improvement Act of 1996 (31 USC 3701 et seq.)) due such relatives.

- 2) The Department shall submit past-due support amounts to:
 - A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:
 - i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150. The Department may combine assigned support amounts from the same obligor in multiple cases to reach the minimum amount of \$150 for TANF, AFDC and Foster Care cases; however, amounts under this subsection (c)(2)(A)(i) may not be combined with amounts under subsection (c)(2)(A)(ii) to reach the minimum amounts required for submittal; and
 - ii) in IV-D non-TANF cases, past-due support owed to or on behalf of a qualified child, or a qualified child and the parent with whom the child is living if the same support order includes support for the child and the parent, and the amount of past-due support is not less than \$500. The Department may combine non-assistance support amounts from the same obligor in multiple cases to reach the minimum amount of \$500; however, amounts under this subsection (c)(2)(A)(ii) may not be combined with amounts under subsection (c)(2)(A)(i) to reach the minimum amounts required for submittal.
 - B) the Illinois Department of Revenue ~~Comptroller~~ to intercept State income tax refunds and the Comptroller to intercept other State payments as follows:
 - i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less;

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- ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and
 - iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.
- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount ~~that~~^{which} will be submitted for intercept;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,
 - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and
 - D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.

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- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.
- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:
 - A) a hearing by the Department within 30 days from the date of mailing of the notice; or
 - B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within ten days after the responsible relative's request. The Department shall be bound by the decision of the state with the order.
- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 8) The Department shall notify:
 - A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
 - B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or other federal payment offset, in accordance with federal instructions;
 - C) the Illinois Department of Revenue ~~Comptroller~~ of any deletion of an amount submitted for State income tax refund and the

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~~Comptroller for~~ other payment intercept or any significant decrease in the amount; and

- D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
- B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his or hers; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection (c) only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) of this Section and shall promptly apply:
- A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support; and
- B) other federal and State payments in accord with distribution provisions in Subpart F of this Part.
- 11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:

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- A) amounts intercepted under this subsection (c) will be applied in accordance with Section 160.130;
 - B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- d) Unemployment Insurance Benefits
- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a ~~one-month~~ ~~one-month~~ support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - C) establish the amount to be deducted by data entry to the DES computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent of the Unemployment Insurance Benefit.
 - D) receive amounts deducted direct from DES.
 - E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.

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- F) post each collection to the Department's payment record.
 - G) apply each collection to the current support obligation, then to past-due obligations.
 - H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
- 3) The Department of Employment Security shall take the following action:
- A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
- e) Contempt of Court and Other Legal Proceedings
- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a ~~one-month~~ one-month support obligation, except as set forth in subsection (e)(2) of this Section.
 - 2) Contempt proceedings shall not be used in the following instances:
 - A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
 - i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;

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- v) deceased; or
 - vi) otherwise situated making such action unproductive.
- B) other legal or administrative remedies are more appropriate under the circumstances.
- 3) Contempt and other legal proceedings shall be used to:
- A) establish the amount of past-due support;
 - B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
 - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
 - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
 - E) obtain full or partial payment of past due support through incarceration;
 - F) ascertain the responsible relative's source and amount of income or location and value of assets;
 - G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;
 - H) secure other enforcement relief; and

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- I) obtain any combination of the above.
- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].
 - 5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- f) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support
 - 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
 - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
 - A) the past-due amount is at least \$3,500; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.

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- 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).
 - 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than \$3,500 in excess of any statutory exemption.
- g) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support
- 1) Liens against real estate
 - A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:
 - i) the amount of past-due support is at least \$3,500; and
 - ii) the responsible relative has an interest in real estate against which a lien may be claimed.
 - B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative and recorded or filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:
 - i) the name and address of the responsible relative;
 - ii) a legal description of the real estate to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;

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- iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative; and
 - v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a hearing by the Department.
- C) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).
- D) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- E) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- F) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than \$3,500 in excess of any statutory exemption.
- 2) Liens against personal property
- A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:
- i) the amount of past-due support is at least \$1,000;

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- ii) the responsible relative has an interest in personal property against which a lien may be claimed; and
 - iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least \$300.
- B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative, any joint owner of whom the Department has knowledge and location information, the financial institution in which an account of the responsible relative is located, the sheriff of the county in which goods or chattels of the responsible relative are located, or any person or entity indebted to or holding personal property of the responsible relative or which may be liable for payment of money in connection with a claim or cause of action of the responsible relative. The notice shall contain the following:
- i) the name and address of the responsible relative;
 - ii) a description of the account or personal property to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative;
 - v) the right of the responsible relative to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by contesting the determination that past-due support is owed or the amount of past-due support by requesting a hearing within 15 days after the date of mailing of the Notice of Lien or Levy; and
 - vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a refund of his or her share of the account or other personal

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property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the account or other personal property.

- C) In addition to the information to be included in the Notice of Lien or Levy under subsection (g)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:
- i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];
 - ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit such assets within five days after being served with a Notice to Surrender Assets by the Department;
 - iii) state that the financial institution may charge the responsible relative's account a fee of up to \$50, and that the amount of any such fee be deducted from the account before remitting any assets from the account to the Department; and
 - iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien or Levy.
- D) The form for the response to Notice of Lien or Levy provided for under subsection (g)(2)(C)(iv) of this Section shall include

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provisions for the financial institution to complete stating:

- i) the amount of assets in the responsible relative's account;
 - ii) the amount of the fee to be deducted from the account;
 - iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;
 - iv) the name and address of any joint owners of the account;
and
 - v) the amount of assets surrendered and remitted to the Department.
- E) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant to this subsection (g).
- F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the responsible relative's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- G) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.
- H) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's share. If the Department's determination of the joint owner's share occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.
- I) The Department shall notify the Clerk of the Court of the county in

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which the child support order was entered of any amount collected for posting to the court payment record.

- J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions such data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (g).

h) Security, Bond or Other Guarantee of Payment

- 1) Except as provided in subsections (h)(2) and (3) of this Section, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].
- 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
- 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.

i) Past-Due Support Information to Consumer Reporting Agencies

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- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (c)(2)(A) of this Section:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support ~~that~~which has accumulated under the order for support.
- 2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount ~~that~~which will be reported;
 - C) the date past-due support will be reported; and
 - D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days from the date of mailing of the notice.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:

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- A) a request for:
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
- B) payment in full of the amount of the past-due support stated in the:
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
- 6) The Department shall advise consumer reporting agencies of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- j) High-Volume Automated Administrative Enforcement in Interstate Cases
 - 1) The Department shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request of another state to enforce support orders, and shall promptly report the results of such enforcement activity to the requesting state.
 - 2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states, and seize such assets through levy or other appropriate processes.
 - 3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of a support order. The request shall:
 - A) Include such information that will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of that state.

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- B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all procedural due process requirements applicable to each case.
- 4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of such other state.
- 5) The Department shall maintain records of:
 - A) The number of such requests for assistance received by the Department.
 - B) The number of cases for which the Department collected support in response to such a request and the actual amount of such support collected.
- k) Past-Due Support Certified to the Illinois Department of Revenue or to the IV-D Agency of Another State for Administrative Enforcement in the Other State
 - 1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Public Aid Code [305 ILCS 5/10-17.9]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.
 - 2) The Department may submit past-due support amounts to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:
 - A) past-due support is owed for a child or for a child and the parent with whom the child is living;
 - B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3) of this Section;

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- C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
 - D) the responsible relative is not deceased.
- 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount ~~that~~which will be submitted for collection;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
 - D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.
- 4) Factors for a satisfactory repayment plan will include, but are not limited to:
- A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due amount;
 - C) the amount of current child support obligations; and
 - D) the individual's ability to pay.
- 5) The Department shall provide the Illinois Department of Revenue, or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:
- A) name;

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- B) Social Security Number;
 - C) IV-D identification number; and
 - D) the past-due support amount.
- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state.
- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.
- 8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) of this Section.
- 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.
- 10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- 11) The Department shall:
- A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or

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- B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.
- 1) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports
- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds ~~\$2,500~~ ~~;\$5,000~~:
- A) the name, last known address and Social Security Number of the responsible relative; and
- B) the terms and amount of past-due support ~~that~~~~which~~ has accumulated under the order for support.
- 2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:
- A) the IV-D case name and identification number;
- B) the past-due support amount ~~that~~~~which~~ will be certified;
- C) the date past-due support will be certified; and
- D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the

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results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.

- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:
 - A) a request for:
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the:
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
- 6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- m) List of Responsible Relatives
 - 1) Any list of responsible relatives owing past-due support to be disclosed pursuant to Section 12-12.1 of the Illinois Public Aid Code [305 ILCS 5/12-12.1] shall be developed as required by this subsection (m).
 - 2) The list shall include no more than 200 responsible relatives at any given time, shall include only responsible relatives owing \$5,000 or more in past-due support accumulated under Illinois court or administrative support orders, and shall include, but is not limited to, the following information about each responsible relative:
 - A) the name of the responsible relative;

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- B) the responsible relative's last known address; and
 - C) the amount of past-due support as of a given date, expressed within a range (for example, \$50,000-\$100,000), that has accumulated under the support order.
- 3) The Department shall make the list available for public inspection at its offices or by other means of publication, including the Internet.
- 4) The Department shall send an advance notice by certified mail to the responsible relative at his or her last known address at least 90 days prior to publishing past-due support information. The advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount as of a given date;
 - C) the earliest date by which past due support information will be published;
 - D) the right to contest the determination that past-due support is owed or the amount of past-due support by submitting a written request to the Department for a hearing no later than 10 days before the date of publication stated in the advance notice; and
 - E) that within 60 days from the date of delivery or refusal of the advance notice, the responsible relative may avoid publication of the past-due support information by paying the past-due support in full, or by establishing and complying with a satisfactory payment plan as determined by the Department.
- 5) Factors for a satisfactory payment plan will include, but are not limited to:
- A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due support;

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- C) the amount of the current support obligation(s); and
 - D) the responsible relative's ability to pay.
- 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.101 and 104.103 upon receipt of a request for a hearing.
- 7) The Department shall be stayed from publishing past-due support information regarding the responsible relative by any of the following:
- A) a timely written request for hearing from the responsible relative regarding the existence or amount of past-due support stated in the advance notice; or
 - B) as of the date of publishing, a pending judicial review of a final administrative decision of the Department issued pursuant to this subsection.
- n) Debit Authorization for Obligor's Who Are Not Subject to Income Withholding
- 1) The Department shall adopt a child support enforcement debit authorization form that, upon being signed by an obligor, authorizes the State Disbursement Unit to debit the obligor's financial institution account periodically in an amount equal to the amount of the child support obligation.
 - 2) The Department shall, upon adoption, inform each financial institution conducting business in this State that the child support enforcement debit authorization form has been adopted and is ready for use.
 - 3) The child support enforcement debit authorization form shall include instructions concerning the debiting of accounts held on behalf of obligors and the transfer of the debited amount to the State Disbursement Unit.
 - 4) When an obligor does not have a payor, as defined in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], he or she must sign a child support enforcement debit authorization form. The obligor must sign a separate child support enforcement debit authorization form for each financial institution holding an account on his or her behalf in

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which a child support payment is to be debited and transferred to the State Disbursement Unit.

- 5) The signing and issuance of a child support enforcement debit authorization form does not relieve the obligor from responsibility for compliance with any requirement under the order for support.
 - 6) It is the responsibility of the obligor to notify the State Disbursement Unit in accordance with the instructions provided on the child support enforcement debit authorization form.
- o) Other Remedies
The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

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

Section 160.75 Withholding of Income to Secure Payment of Support

- a) Definitions
The definitions contained in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], are incorporated herein by reference.
- b) Entry of Order for Support Containing Income Withholding Provisions; Income Withholding Notice
 - 1) The Department, through its legal representative, shall request that when entering an order for support the court include in the order the following income withholding provisions, as required by law:
 - A) that an income withholding notice be prepared by the Department and served immediately upon any payor of the obligor, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement, approved and entered into the record by the court, which ensures payment of support. In that case, the Department, through its legal representative, shall request that the order for support provide that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support; and

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- B) a dollar amount to be paid until payment in full of any delinquency that accrues after entry of the order for support; the dollar amount not to be less than 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the order for support; and
 - C) the obligor's Social Security Number disclosed to the court as required by law; and
 - D) if the obligor is not a United States citizen, the obligor's alien registration number, passport number, and home country's social security or national health number disclosed to the court as required by law.
- 2) The income withholding notice prepared by the Department shall:
- A) be in the standard format prescribed by the federal Department of Health and Human Services; and
 - B) state the date of entry of the order for support upon which the income withholding notice is based; and
 - C) direct any payor to withhold the dollar amount required for current support under the order for support; and
 - D) direct any payor to withhold the dollar amount required to be paid periodically under the order for support for payment of the amount of any arrearage stated in the order for support; and
 - E) state the amount of the payor income withholding fee as provided by law; and
 - F) state that the amount actually withheld from the obligor's income for support and other purposes, including the payor's withholding fee, may not be in excess of the maximum amount permitted under the federal Consumer Credit Protection Act; and
 - G) state the duties of the payor and the fines and penalties provided by

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law for failure to withhold and pay over income and for discharging, disciplining, refusing to hire, or otherwise penalizing the obligor because of the duty to withhold and pay over income; and

- H) state the rights, remedies, and duties of the obligor, as provided by law; and
 - I) include the Social Security ~~Number~~Numbers of the obligor, ~~the obligee, and the child or children included in the order for support;~~ and
 - J) include the date withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support; and
 - K) contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office, except that the failure to contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office shall not affect the validity of the income withholding notice; and
 - L) direct any payor to pay over amounts withheld for payment of support to the State Disbursement Unit.
- 3) Notwithstanding the exception to immediate income withholding referred to in subsection (b)(1)(A) of this Section, if the court finds at the time of any hearing that an arrearage has accrued, the Department, through its legal representative, shall request that the court order immediate service of an income withholding notice upon the payor, as required by law.
- c) Service of Income Withholding Notice
- 1) If the order for support requires immediate service of an income withholding notice, the Department shall serve the notice on the payor within two business days after the date the order is received if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If the

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Department receives the payor's address from the Illinois Directory of New Hires, as established under Section 1801.1 of the Unemployment Insurance Act [820 ILCS 405/1801.1], the Department shall serve an income withholding notice and, where applicable, a National Medical Support Notice, on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

- 2) The Department may serve the income withholding notice on the payor or its superintendent, manager, or other agent by ordinary mail or certified mail, return receipt requested, by facsimile transmission or other electronic means, by personal delivery, or by any method provided by law for service of a summons. At the time of service on the payor and as notice that withholding has commenced, the Department shall serve a copy of the income withholding notice on the obligor by ordinary mail addressed to his or her last known address. A copy of the income withholding notice together with proofs of service on the payor and the obligor shall be filed by the Department with the Clerk of the Circuit Court.
 - 3) Notwithstanding the fact that the order for support, under the exception to immediate withholding referred to in subsection (b)(1)(A) of this Section, provides that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support, the Department shall serve an income withholding notice on the payor prior to accrual of a delinquency if the obligor executes a written waiver of that condition and requests immediate service on the payor.
 - 4) At any time after the initial service of an income withholding notice, the Department may serve any other payor of the obligor with the same income withholding notice without further notice to the obligor. A copy of the income withholding notice together with a proof of service on the other payor shall be filed with the Clerk of the Circuit Court.
- d) Income Withholding After Accrual of Delinquency
- 1) The Department shall prepare and serve an income withholding notice within two business days after the date the obligor accrues a delinquency if the payor's address is known on that date, or, if the address is unknown

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on that date, within two business days after locating the payor's address. If the payor's address is unknown on the date the obligor accrues a delinquency, and the Department receives the payor's address from the Illinois Directory of New Hires, the Department shall serve an income withholding notice on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

- 2) An income withholding notice prepared by the Department under subsection (d)(1) of this Section shall:
 - A) contain the information required under subsection (b)(2) of this Section; and
 - B) contain the total amount of the delinquency as of the date of the notice; and
 - C) direct the payor to withhold the dollar amount required to be withheld periodically under the order for support for payment of the delinquency; and
 - D) be served on the payor and the obligor in the manner provided in subsection (c)(2) of this Section.
- 3) The obligor may contest withholding commenced under this subsection (d) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to:
 - A) a dispute concerning the existence or amount of the delinquency; or
 - B) the identity of the obligor.
- 4) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding referred to in subsection (b)(1)(A) of this Section, shall apply only to the initial service of an income withholding notice on a payor of the obligor.

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- e) Initiated Withholding
- 1) Notwithstanding any other provision of this Section, if the court has not required that income withholding take effect immediately, the Department, pursuant to this subsection (e), may initiate withholding regardless of whether a delinquency has accrued, by preparing and serving an income withholding notice on the payor that contains the information required under subsection (b)(2) of this Section and states that the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) of this Section no longer ensures payment of support, and the reason or reasons why it does not.
 - 2) The income withholding notice and the obligor's copy of the income withholding notice shall be served as provided in subsection (c)(2) of this Section.
 - 3) The obligor may contest withholding commenced under this subsection (e) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to a dispute concerning the conditions in subsections (e)(3)(A) and (B) of this Section (it shall not be grounds for filing a petition that the obligor has made all payments due by the date of the petition):
 - A) whether the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) of this Section continues to ensure payment of support; or
 - B) the identity of the obligor.
- f) Petitions to Modify, Suspend or Terminate an Order for Withholding
- 1) At any time the Department, through its legal representative, may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension, or termination of the

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underlying order for support;

- B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery.
- 2) The Department shall serve on the payor, in the manner provided for service of income withholding notices in subsection (c)(2) of this Section, a copy of any order entered pursuant to this subsection (f) that affects the duties of the payor.
 - 3) The Department may serve a notice on the payor to:
 - A) cease withholding of income for payment of current support for a child when the support obligation for that child has automatically ceased under the order for support through emancipation or otherwise; or
 - B) cease withholding of income for payment of delinquency or arrearage when the delinquency or arrearage has been paid in full.
 - 4) The notice provided for under subsection (f)(3) of this Section shall be served on the payor in the manner provided for service of income withholding notices in subsection (c)(2) of this Section, and a copy shall be provided to the obligor and the obligee.
- g) **Additional Duties**
The Department shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to:
- 1) an offset under federal or State law; or
 - 2) partial payment of the delinquency or arrearage or both.
- h) **Alternative Procedures for Service of an Income Withholding Notice**

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- 1) The procedures of this subsection (h) shall be used by the Department in any matter to serve an income withholding notice on a payor if:
 - A) For any reason the most recent order for support entered does not contain the income withholding provisions stated in subsection (b) of this Section, irrespective of whether a separate order for withholding was entered prior to July 1, 1997; and
 - B) The obligor has accrued a delinquency after entry of the most recent order for support.
 - 2) The Department shall prepare and serve the income withholding notice in accordance with the provisions of subsection (d) of this Section, except that the notice shall contain a periodic amount for payment of the delinquency equal to 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the most recent order for support.
 - 3) If the obligor requests in writing that income withholding become effective prior to the obligor accruing a delinquency under the most recent order for support, the Department shall prepare and serve an income withholding notice on the payor as provided in subsections (b) and (c) of this Section. In addition to filing proofs of service of the income withholding notice on the payor and the obligor, the Department shall file a copy of the obligor's written request for income withholding with the Clerk of the Circuit Court.
- i) Notice to Payor
Whenever the Department serves an income withholding notice on a payor, notice of the following shall be included in or with the income withholding notice:
- 1) that the payor must begin deducting no later than the next payment of income which is payable or creditable to the obligor that occurs 14 days following the date the income withholding notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the payor;
 - 2) that the payor must pay the amount withheld to the State Disbursement

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Unit within seven business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;

- 3) that if the payor knowingly fails to withhold the amount designated in the income withholding notice or to pay any amounts withheld to the State Disbursement Unit within seven business days after the date the amount would have been paid or credited to the obligor, the payor is subject to a penalty of \$100 for each day that the amount designated in the income withholding notice (whether or not withheld by the payor) is not paid to the State Disbursement Unit after the period of seven business days has expired;
- 4) that the payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected;
- 5) that for each deduction the payor must provide the State Disbursement Unit at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
- 6) that for withholding of income, the payor is entitled to a fee not to exceed \$5 per month to be taken from the income to be paid to the obligor;
- 7) that the amount actually withheld for support, the child's health insurance premium and payor withholding fee shall not exceed the maximum amount permitted under the federal Consumer Credit Protection Act. Income available for withholding shall be applied first to the current support obligation, then to any premium required for employer, labor union, or trade union-related health insurance coverage ordered under the order for support, and then to payment required on past due support obligations. If there is insufficient available income remaining to pay the full amount of the required health insurance premium after withholding of income for the current support obligation, then the remaining available income shall be applied to payments required on past due support obligations;
- 8) require that whenever the obligor is no longer receiving income from the payor, the payor must return a copy of the income withholding notice to the Department and provide the obligor's last known address and the name

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and address of the obligor's new payor, if known;

- 9) that withholding of income under the income withholding notice must be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors;
 - 10) that the income withholding notice is binding upon the payor until service of an order of the court or a notice from the Department or Clerk of the Circuit Court;
 - 11) that the payor is subject to a fine of up to \$200 for discharging, disciplining or otherwise penalizing an obligor because of the duty to withhold income;
 - 12) that if the payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice that the payor is liable for the total amount that the payor willfully failed to withhold or pay over;
 - 13) that if the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor shall allocate income available on a proportionate share basis, giving priority to current support payments; and
 - 14) that a payor who complies with an income withholding notice that is regular on its face is not subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.
- j) Notice to Obligor
When the Department serves a copy of the income withholding notice on the obligor as required under this Section, notice of the following shall be included in or with the obligor's copy of the income withholding notice:
- 1) that income withholding has commenced;
 - 2) the information provided to the payor under subsection (i) of this Section;
 - 3) the procedures and the permissible grounds for contesting withholding commenced under subsection (d), (e) or (h) of this Section, as applicable;

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- 4) that at any time the obligor may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension or termination of the underlying order for support; or
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery; or
 - D) correct a term contained in an income withholding notice to conform to that stated in the underlying order for support for:
 - i) the amount of current support;
 - ii) the amount of the arrearage;
 - iii) the periodic amount for payment of the arrearage; or
 - iv) the periodic amount for payment of the delinquency;
 - 5) that the obligor is required by law to notify the obligee, the Department, and the Clerk of the Circuit Court of any new address or payor within seven days after the change; and
 - 6) that where a payor willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor because of the duty to withhold income, the obligor may file a complaint with the court against the payor, and that the court may order employment or reinstatement of or restitution to the obligor, or may impose a fine upon the payor not to exceed \$200.
- k) Penalties
In cases where a payor willfully fails to withhold or pay over income, pursuant to a properly served income withholding notice, or otherwise fails to comply with

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any income withholding duties imposed by law, the Department, through its legal representatives, may request that the court:

- 1) enter judgment and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over;
 - 2) impose a penalty or fine upon the payor or invoke any other remedy allowed by law.
- l) **Interstate Income Withholding**
Within the timeframes specified in subsections (c)(1) and (d)(1) of this Section, and pursuant to the provisions of the Uniform Interstate Family Support Act [750 ILCS 22], the Department shall engage income withholding in cases in which the obligor is receiving income from a payor located in another state.
- m) **Use of National Medical Support Notice to Enforce Health Insurance Coverage**
- 1) When an order for support is being enforced by the Department under this Section, any requirement for health insurance coverage to be provided through an employer, including withholding of premiums from the income of the obligor, shall be enforced through use of a National Medical Support Notice.
 - 2) A National Medical Support Notice shall be served on the employer in the manner and under the circumstances provided for serving an income withholding notice under this Section, except that an order for support that conditions service of an income withholding notice on the obligor becoming delinquent in paying the order for support shall not prevent immediate service of a National Medical Support Notice by the Department. The Department may serve a National Medical Support Notice on an employer in conjunction with service of an income withholding notice. Service of an income withholding notice is not a condition for service of a National Medical Support Notice, however.
 - 3) At the time of service of a National Medical Support Notice on the employer, the Department shall serve a copy of the Notice on the obligor by ordinary mail addressed to the obligor's last known address. The Department shall file a copy of the National Medical Support Notice, together with proofs of service on the employer and the obligor, with the

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clerk of the circuit court.

- 4) Within 20 business days after the date of a National Medical Support Notice, an employer served with the Notice shall transfer the severable notice to plan administrator to the appropriate group health plan providing any health insurance coverage for which the child is eligible. As required in the part of the National Medical Support Notice directed to the employer, the employer shall withhold any employee premium necessary for coverage of the child and shall send any amount withheld directly to the plan. The employer shall commence the withholding no later than the next payment of income that occurs 14 days after the date the National Medical Support Notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the employer. Notwithstanding the requirement to withhold premiums from the obligor's income, if the plan administrator informs the employer that the child is enrolled in an option under the plan for which the employer has determined that the obligor's premium exceeds the amount that may be withheld from the obligor's income due to the withholding limitation or prioritization contained in Section 35 of the Income Withholding for Support Act, the employer shall complete the appropriate item in the part of the National Medical Support Notice directed to the employer according to the instructions in the Notice and shall return that part to the Department.
- 5) If one of the following circumstances exists, an employer served with a National Medical Support Notice shall complete the part of the Notice directed to the employer in accordance with the instructions in the Notice and shall return that part to the Department within 20 business days after the date of the Notice:
 - A) The employer does not maintain or contribute to plans providing dependent or family health insurance coverage.
 - B) The obligor is among a class of employees that is not eligible for family health insurance coverage under any group health plan maintained by the employer or to which the employer contributes.
 - C) Health insurance coverage is not available because the obligor is no longer employed by the employer.

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- 6) The administrator of a health insurance plan to whom an employer has transferred the severable notice to plan administrator part of a National Medical Support Notice shall complete that part with the health insurance coverage information required under the instructions in the Notice and shall return that part to the Department within 40 business days after the date of the Notice.
- 7) The obligor may contest withholding under this Section based only on a mistake of fact and may contest withholding by filing a petition with the clerk of the circuit court within 20 days after service of a copy of the National Medical Support Notice on the obligor. The obligor must serve a copy of the petition on the Department at the address stated in the National Medical Support Notice. The National Medical Support Notice, including the requirement to withhold any required premium, shall continue to be binding on the employer until the employer is served with a court order resolving the contest or until notified by the Department.
- 8) Whenever the obligor is no longer receiving income from the employer, the employer shall return a copy of the National Medical Support Notice to the Department and shall provide information for the purpose of enforcing health insurance coverage under this Section.
- 9) The Department shall promptly notify the employer when there is no longer a current order for health insurance coverage in effect that the Department is responsible for enforcing.
- 10) Unless stated otherwise in this Section, all of the provisions of this Section relating to income withholding for support shall pertain to income withholding for health insurance coverage under a National Medical Support Notice, including but not limited to, the duties of the employer and obligor, and the penalties contained in Section 35 and Section 50 of the Income Withholding for Support Act. In addition, an employer who willfully fails to transfer the severable notice to plan administrator part of a National Medical Support Notice to the appropriate group health plan providing health insurance coverage for which a child is eligible, within 20 business days after the date of the Notice, is liable for the full amount of medical expenses incurred by or on behalf of the child which would have been paid or reimbursed by the health insurance coverage had the

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severable notice to plan administrator part of the Notice been timely transferred to the group health insurance plan. This penalty may be collected in a civil action that may be brought against the employer in favor of the obligee or the Department.

- 11) When the administrator of a health insurance plan returns the severable notice to plan administrator portion of a National Medical Support Notice to the Department indicating that there is more than one option available for coverage of the child under the plan, the Department, within 20 days after the date the portion is returned, shall consult with the obligee, select from the available options, and inform the plan administrator of the option selected.

- n) **Refund of Improperly Withheld Amounts**
The Department shall promptly refund to the obligor amounts found to have been improperly withheld from the obligor's income.

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

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- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting
- 2) Code Citation: 17 Ill. Adm. Code 530
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
530.80	Amendment
530.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: change site-specific hunting dates and hours, update the list of sites open to hunting, and add site-specific regulations.
- 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 Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

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217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

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TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE,
BOBWHITE QUAIL, AND RABBIT HUNTING

Section	
530.10	Statewide General Regulations
530.20	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.80	Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.85	Youth Pheasant Hunting Permit Requirements
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.95	Youth Pheasant Hunting Regulations
530.100	Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105	Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites (Repealed)
530.110	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective

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August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective August 21, 2001; amended at 26 Ill. Reg. 16210, effective October 18, 2002; amended at 27 Ill. Reg. 15381, effective September 18, 2003; amended at 28 Ill. Reg. 12835, effective September 1, 2004; amended at 29 Ill. Reg. 13813, effective August 26, 2005; amended at 30 Ill. Reg. 14478, effective August 24, 2006; amended at 31 Ill. Reg. _____, effective _____.

Section 530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites

- a) Hunting Seasons:
 - 1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and on December 25.

Chain O'Lakes State Park

Des Plaines Conservation Area

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Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park – Madison County

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Kankakee River State Park

Moraine View State Park

Ramsey Lake State Park

Sand Ridge State Forest

Silver Springs State Park

Wayne Fitzgerald State Park (Rend Lake)

- 2) The following controlled pheasant hunting areas are open to the Illinois Youth Pheasant Hunting Program only on the first Sunday of the site's controlled pheasant hunting season.

Chain O'Lakes State Park

Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

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Lee County Conservation Area (Green River State Wildlife Area)

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

- 3) The controlled hunting season on the Lee County Conservation Area (Green River) is November 4, 5, 11, 12, 19, 25, 26, 5, 6, 12, 13, 20, 26, 27 and December 3, 9, 10, 16, 17, 18, 4, 10, 11, 17, 18, 19.

- 4) Controlled pheasant hunting seasons are listed below; exceptions are in parentheses; with written authorization from the Director, captive-reared game bird hunting may be scheduled during the season authorized by statute (see 520 ILCS 5/2.6) on the following DNR operated areas:

Des Plaines Conservation Area (closed during the November 3-day firearm deer season) and Moraine View State Park – the Wednesday before the first Saturday of November through the ninth Sunday following

Eldon Hazlet State Park and Wayne Fitzgerald State Park – the Wednesday following the first Saturday of November through the ninth Sunday following

Horseshoe Lake State Park - Madison County (closed New Year's Day) – the second Wednesday of December or the first hunting day after the close of the central zone duck season, whichever occurs first, through the next following January 31

Iroquois County Conservation Area and Chain O'Lakes State Park (closed during the November 3-day firearm deer season) ~~and Chain O'Lakes State Park~~ – the Wednesday before the first Saturday in November through the seventh Sunday following ~~and sixth Sundays, respectively~~

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled

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Unit (closed during the November and December firearm deer seasons), Johnson-Sauk Trail State Park (closed New Year's Day), Kankakee River State Park (closed New Year's Day), Ramsey Lake State Park (closed New Year's Day), Sand Ridge State Forest – season dates are those specified in Section 530.20

Silver Springs State Park (closed New Year's Day) – the third Saturday of October through the next following January 8

- b) Hunting hours are listed below, exceptions in parentheses. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

Site Name	Check-In Times	Hunting Hours
Chain O'Lakes State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day - 9:00 a.m.-1:00 p.m.)
Des Plaines Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day - 9:00 a.m.-1:00 p.m.)
Eldon Hazlet State Park (Carlyle Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Horseshoe Lake State Park (Madison County)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Iroquois County Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Johnson-Sauk Trail State	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.

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Park		(Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Kankakee River State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Lee County Conservation Area (Green River State Wildlife Area)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Moraine View State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Ramsey Lake State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Sand Ridge State Forest	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Silver Springs State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Wayne Fitzgerald State Park (Rend Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day - 9:00 a.m.-1:00 p.m.)

- c) Except for Standing Vehicle Permittees hunting from the Department's disabled conveyance, during the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued by drawing held at the conclusion of check-in time and if daily quotas remain unfilled at the conclusion of the drawing, on a first come-first served basis until 12:00 noon at the following sites:

Des Plaines Conservation Area

Eldon Hazlet State Park

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

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Johnson-Sauk Trail State Park

Lee County Conservation Area (Green River)

Kankakee River State Park

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park

- d) Hunting licenses, daily usage stamps and fees:
- 1) During the controlled pheasant hunting season, hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
 - 2) At the Lee County Conservation Area (Green River) and the Iroquois County Conservation Area hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day hunters under 16 are not required to obtain a stamp.
 - 3) At the Des Plaines Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit, Johnson-Sauk Trail State Park, Kankakee River State Park, Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge State Forest, hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day and the Friday between Christmas Day and New Year's Day hunters under 16 are not required to obtain a stamp.
 - 4) Fees in the listed amounts must be paid to the public/private partnership area concessionaire at the following sites. In the event of a weather anomaly, such as drought, the listed fees may be increased.

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Chain O'Lakes State Park – not more than \$22 per hunting permit

Horseshoe Lake State Park (Madison County) and Ramsey Lake State Park – not more than \$20 for a 2 pheasant hunting permit, \$28 for a 3 pheasant hunting permit, and \$35 for a 4 pheasant hunting permit

Silver Springs State Park – not more than \$22 for a 2 pheasant hunting permit, \$28 for a 3 pheasant hunting permit, and \$36 for a 4 pheasant hunting permit

- e) During the controlled pheasant hunting season, hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in possession or in their vehicle must declare it with the person in charge of the area during check-in. All game found in a hunter's possession after hunting has started on the area shall be considered illegally taken if the hunter has not declared it prior to going afield.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or a non-toxic shot size ballistically equivalent to No. 5 lead or smaller may be used, except at Chain O' Lakes State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size ballistically equivalent to No. 5 lead or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.
- h) Non-hunters are not allowed in the field, except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances and Standing Vehicle Permittees and a single dog handler for the Permittee.
- i) Hunters under 16 years of age must be accompanied by an adult hunter.
- j) Daily limits - On the following areas, hunters may obtain one permit each day; a permit authorizes the harvest of 2 pheasants of either sex per hunter; exceptions are in parentheses; with written authorization from the Director, the limits provided for in 520 ILCS 5/3.28 shall apply for Illinois Conservation Foundation

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sponsored hunts:

Chain O'Lakes State Park (2 pheasant permits per hunter each day)

Des Plaines Conservation Area

Eldon Hazlet State Park

Lee County Conservation Area (2 cock pheasants per permit hunter)

Horseshoe Lake State Park-Madison County (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, first day only, 4 quail and 2 rabbits per hunter)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area (additionally, 8 bobwhite quail opening day through the Sunday following Thanksgiving and 4 rabbits per hunter)

Johnson-Sauk Trail State Park (additionally, 8 bobwhite quail, 2 Hungarian partridge and 4 rabbits per hunter)

Kankakee River State Park (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Moraine View State Park

Ramsey Lake State Park (2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, 8 bobwhite quail and 4 rabbits per hunter)

Sand Ridge State Forest (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Silver Springs State Park (2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Wayne Fitzgerald State Park

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- k) Tagging of birds.
During the controlled pheasant hunting season, all pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- l) During the controlled pheasant hunting season, hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

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

Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

- a) General Site Regulations
- 1) All regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping – apply in this Section, unless this Section is more restrictive.
 - 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
 - 3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.

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- 4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size #3 steel or #5 bismuth shot or smaller may be used or possessed with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
 - 5) Site specific rules or exceptions are noted in parentheses after each site.
- b) Site Specific Regulations
- 1) Statewide regulations apply at the following sites:
 - Anderson Lake Conservation Area (1)
 - Apple River Canyon State Park – Salem and Thompson Units (rabbits only; closed during firearm deer season) (1)
 - Argyle Lake State Park (closed during firearm deer season) (1)
 - Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)
 - Big Bend State Fish and Wildlife Area (hunting for bobwhite quail will terminate at the close of legal shooting hours on December 14) (1)
 - Big River State Forest (closed during firearm deer season) (1)
 - Cache River State Natural Area (1)
 - Campbell Pond Wildlife Management Area
 - [Cape Bend State Fish and Wildlife Area \(1\)](#)
 - Carlyle Lake Lands and Waters (Corps of Engineers Managed Lands)
 - Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl

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season)

~~Chain O'Lakes State Park (open Wednesday after controlled pheasant hunting season for 5 consecutive days, closed December 25; hunting hours 8 a.m. to 4 p.m.) (1)~~

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1)

Eagle Creek State Park (open only January 16-22)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Falling Down Prairie (1)

Ferne Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Fulton County Goose Management Area (opens the day after the close of the Central Illinois Quota Zone goose season) (1)

Giant City State Park (1)

Hamilton County Conservation Area (1)

Hanover Bluff State Natural Area (1)

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Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area) (1)

Horseshoe Lake Conservation Area (Controlled Hunting Area; closed prior to and during the Canada goose season) (1)

Jubilee College State Park (hunting for pheasant and quail will terminate at sunset on the Sunday after Thanksgiving; closed during all site firearm deer seasons~~opens second day of statewide season; pheasant and quail close the Sunday after Thanksgiving~~) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed during all site firearm deer seasons; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesdays, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

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Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesdays during the fee pheasant season) (1)

Randolph County Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (1)

Red Hills State Park (1)

Rend Lake Project Lands and Waters

Sahara Woods State Fish and Wildlife Area (1)

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms (2)

Sielbeck Forest Natural Area (1)

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Skinner Farm State Habitat Area (1)

Snakeden Hollow State Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota zone goose season) (1) (2)

Spoon River State Forest (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area (Firing Line Management Area only) (1) (2)

Washington County Conservation Area (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Scripps Unit) (1)

Weinberg-King State Park (Spunky Bottoms Unit) (1)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

Wolf Creek State Park (open only January 16-22)

- 2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession

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while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing; closed during firearm deer season)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit

Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit)

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (rabbit hunting only open Monday following the close of the controlled pheasant hunting season through the next following January 22)

Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and Tuesdays during the site controlled hunting season; hunting hours

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are 8 a.m. to 4 p.m. only)

Newton Lake Fish and Wildlife Area (closed during firearm deer season)

Pyramid State Park – Galum Unit

Sanganois State Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area (nontoxic shot only on posted waterfowl rest areas)

- 3) Hunting is permitted on the following areas only on the dates listed in parentheses; or on sites indicated by (3), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November, and on each Thursday and Sunday in December, through December 24. On sites indicated by (4), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November and on each Thursday and Sunday in December, through December 24, except closed during the firearm deer seasons and open December 27 and 29. Daily hunting permits filled by drawing through DNR Permit Office. Procedures for application and drawings will be publicly announced. Illinois residents will have preference. Only one permit per person will be issued. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or permit holders will forfeit hunting privileges at the sites covered in this Section for the following year:

[Birkbeck Pheasant Habitat Area \(each permit authorizes the holder to bring 3 hunting partners\) \(3\)](#)

Bradford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Clifton Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

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Coffeen Lake State Fish and Wildlife Area - Cranfill Unit (open every Wednesday during the upland season; daily limit of bobwhite quail is 4; each permit authorizes the holder to bring 2 hunting partners)

Dublin Highlands Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Eagle Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (3)

Edward R. Madigan State Park (open on Mondays from the opening of upland game season until Christmas Day; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

Freeman Mine (open every Wednesday in November and December starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Franklin Creek State Natural Area - Nachusa Prairie Sand Farm (each permit authorizes the holder to bring 3 hunting partners) (3)

Gifford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Green River State Wildlife Area (open only November 3, 7, 8, 10, 14, 21, 24, 8, 9, 11, 15, 22, 25 and December 5, 6, 8, 12, 13, 15, 19, 20, 22, 7, 9, 13, 14, 16, 20, 21, 23; each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Harry "Babe" Woodyard State Natural Area (each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m.)

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hunting hours) (4)

Herschel Workman Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hindsboro Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hurricane Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (4)

Jim Edgar Panther Creek State Fish and Wildlife Area (Upland Game Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of upland game season except during firearm deer season and December 24 and 25; rabbit hunting only after the close of pheasant and quail season; each permit authorizes holder to bring 3 hunting partners)

Loda Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Mackinaw State Fish and Wildlife Area (each permit authorizes the holder to bring 3 hunting partners) (4)

Manito Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Maytown Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Perdueville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Pyramid State Park – Captain Unit (open only November [3, 7, 10, 14, 21, 24, 8, 11, 15, 22, 25, 29](#); December [8, 12, 15, 19, 22, 26, 9, 13, 16, 20, 23, 27, 30](#); and January [5, 9, 12, 6, 8, 10, 13](#); each permit authorizes the holder to bring 2 hunting partners)

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Pyramid State Park – Denmark Unit (open only November 3, 7, 10, 14, 21, 25, 8, 11, 15, 22, 26, 29; December 8, 12, 15, 19, 22, 26, 9, 13, 16, 20, 23, 27, 30; and January 5, 9, 12, 3, 6, 8, 10, 13; each permit authorizes the holder to bring 2 hunting partners)

Pyramid State Park – East Conant Unit (open only November 3, 7, 10, 14, 21, 24, 8, 11, 15, 22, 25, 29; December 8, 12, 15, 19, 22, 26, 9, 13, 16, 20, 23, 27, 30; and January 5, 9, 12, 3, 6, 8, 10, 13; each permit authorizes the holder to bring 2 hunting partners)

Sand Prairie Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Sand Ridge State Forest (Sparks Pond Land and Water Reserve Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except the Saturday of the second firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 11:00 a.m. to sunset; check in required before hunting)

Saybrook Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Sibley Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Siloam Springs State Park – Buckhorn Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday thereafter until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)

Steward Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

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Victoria Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Willow Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Wolf Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (4)

- 4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m.-4:00 p.m.; hunting dates are noted in parentheses:

[Chain O'Lakes State Park \(open Wednesday through Friday following permit pheasant season\) \(1\)](#)

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesdays and Christmas) (1)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

Kankakee River State Park (no quail hunting)

Moraine View State Park (open Monday following the close of the controlled pheasant hunting season through the close of the northern zone season) (1)

[Silver Springs State Park \(dates are 5 days following the close of the site's permit pheasant season, excluding Mondays and Tuesdays\) \(1\)](#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- c) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting
- 2) Code Citation: 17 Ill. Adm. Code 740
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
740.10	Amendment
740.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987)
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: change season dates for crow hunting, update the list of sites open for hunting and update site-specific regulations.
- 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 Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

217/782-1809

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

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 740

CROW, WOODCOCK, SNIPE, RAIL AND TEAL HUNTING

Section

740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. 14782, effective August 3, 1998; amended at 23 Ill. Reg. 9033, effective July 28, 1999; amended at 24 Ill. Reg. 8901, effective June 19, 2000; amended at 25 Ill. Reg. 11364, effective August 14, 2001; amended at 26 Ill. Reg. 13605, effective September 3, 2002; amended at 28 Ill. Reg. 12882, effective September 1, 2004; amended at 29 Ill. Reg. 9814, effective June 27, 2005; amended at 30 Ill. Reg. 12267, effective June 28, 2006; amended at 31 Ill. Reg. _____, effective _____.

Section 740.10 Statewide Regulations

- a) Woodcock, snipe, crow and rail regulations are in accordance with Federal Regulations (50 CFR 20, effective August 26, 1990) (no incorporation in this Part

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

includes later amendments or editions) unless the regulations in this Part are more restrictive.

- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive.
- c) Woodcock
 - 1) Season dates, daily limits and possession limits are in accordance with federal regulations.
 - 2) Hunting hours: Sunrise to Sunset
- d) Snipe (Common)
 - 1) Season dates, bag limits and possession limits are in accordance with federal regulations.
 - 2) Hunting hours: Sunrise to Sunset
- e) Rail (Sora and Virginia)
 - 1) Season dates, bag limits and possession limits are in accordance with federal regulations
 - 2) Hunting hours: Sunrise to Sunset
- f) Teal
 - 1) Teal regulations are in accordance with federal regulations, (50 CFR 20.103, effective August 26, 1990; 50 CFR 20.104, effective August 26, 1990; 50 CFR 20.105, effective August 26, 1990; 50 CFR 20.106, effective August 26, 1990; and 50 CFR 20.109, effective August 26, 1990), unless the regulations in this Part are more restrictive.
 - 2) It shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 USC 703-711), the "Migratory Bird Hunting Stamp Act" (16 USC 718 et seq.), and

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annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective August 29, 1990) (collectively referred to in this Part as federal regulations), or contrary to the Wildlife Code.

- 3) Hunting hours are sunrise-sunset.
- g) Crow
- 1) Season dates: October ~~28-15~~ through the next following February 28; ~~closed during the firearm deer seasons.~~
 - 2) Hunting hours are ½ hour before sunrise through sunset.
- h) It shall be unlawful while attempting to take teal, rail or snipe to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1(b)).
- i) Hunting during the closed season, over daily bag limit, or over possession limit is a Class B misdemeanor (see 520 ILCS 5/2.18).
- j) Woodcock, Snipe, Rail and Teal – Hunting prior to sunrise or after sunset is a Class B misdemeanor (see 520 ILCS 5/2.18). Hunting before ½ hour prior to sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
- k) Crow – Hunting ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.18). Hunting before ½ hour prior to sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

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

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).

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- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

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Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Conservation Area (public hunting area except controlled goose hunting area)

Iroquois County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required; closed to snipe hunting)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

Kankakee River State Park (woodcock only; during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to waterfowl season; the defined Baldwin Lake Waterfowl Rest Area is closed)

Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (woodcock only; Monday-Thursday only through October; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots)

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, and 18

Mississippi River Pools 21, 22 and 24

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Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only; woodcock only)

Pyramid State Park

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. to 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

Ray Norbut State Fish and Wildlife Area

Red Hills State Park

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m.)

Sahara Woods State Fish and Wildlife Area

Saline County Fish and Wildlife Area

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Sand Ridge State Forest)

Sielbeck Forest Natural Area

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Skinner Farm State Habitat Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area
(closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then
8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out
required)

Wildcat Hollow State Forest

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Harry "Babe" Woodyard State Natural Area (woodcock only; closes
October 31)

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Hidden Springs State Forest (4:00 p.m. daily closing)

Horseshoe Lake State Park (Madison County) - Gabaret, Mosenthein, Chouteau Island Unit (permit required)

Jim Edgar Panther Creek State Fish and Wildlife Area (hunters are restricted to the Open Units portion of the site during the controlled pheasant season, except those hunters who possess a valid Quality Unit or Controlled Unit permit)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville – Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing; closes opening day of site's pheasant season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Pyramid State Park - Captain Unit (open to hunters with a quality upland permit, daily draw waterfowl permit and site permit)

Pyramid State Park - Denmark Unit (open to hunters with a quality upland permit, daily draw waterfowl permit and site permit)

Pyramid State Park - East Conant Unit (open to hunters with a quality upland permit, daily draw waterfowl permit and site permit)

Pyramid State Park - Galum Unit (permit required; must be returned by February 15)

Newton Lake Fish and Wildlife Area (woodcock only; closed during firearm deer season)

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Sanganois State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock hunting in waterfowl rest areas)

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (waters of Peppenhorst Branch and Allen Branch north of the buoys only)

Carlyle Lake Wildlife Management Area (teal hunting prohibited east of Kaskaskia River from the Cox's Bridge Access north to DNR property boundary)

Chain O'Lakes State Park (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Chauncey Marsh (permit required)

Clinton Lake State Recreation Area (hunting in waterfowl areas East of Parnell Bridge and North of Route 54 only)

Coffeen Lake State Fish and Wildlife Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day; hunting from staked sites only; no permanent blinds; hunting by boat access only; no cutting vegetation on site; hunting north of County Road N^{6th} only; four

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hunters per blind site; no fishing north of County Road N^{6th} during this season)

Cypress Pond State Natural Area

Deer Pond State Natural Area

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Devil's Island

Dog Island Wildlife Management Area

Eldon Hazlet State Park – North Allen Branch Waterfowl Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only)

Horseshoe Lake Conservation Area – Public Hunting Area (Alexander County)

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need not be completed)

Horseshoe Lake State Park (Madison County) - Gabaret, Mosenthein, Chouteau Island Unit (permit required)

Kaskaskia River State Fish and Wildlife Area (the defined Baldwin Lake Waterfowl Rest Area is closed)

Kidd Lake State Natural Area (hunters must check in and out and report harvest each day; hunter quota filled on a first come-first served basis; cutting of vegetation is prohibited)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management

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Areas (site permit described in subsection (c) applies)

Lake Shelbyville – Corps of Engineers Managed Lands and Waters

Lake Sinnissippi Fish and Wildlife Area (hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need not be completed)

Marshall State Fish and Wildlife Area – all management units

Meredosia Lake

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds ½ hour before shooting time or the blind is open for that day's hunt; no hunting allowed in the designated Batchtown waterfowl rest area, Crull Hollow waterfowl rest area and Godar waterfowl rest area)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Pyramid State Park - Captain Unit (permit required; must be returned by February 15; hunting not allowed in Captain Unit waterfowl rest area)

Pyramid State Park - Denmark Unit (permit required; must be returned by February 15; hunting not allowed in Denmark Unit waterfowl rest area)

Pyramid State Park - Galum Unit (permit required; must be returned by February 15)

Ray Norbut Fish and Wildlife Area

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake Project Lands and Waters

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Rice Lake Fish and Wildlife Area (check in and check out required;
sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (permit required)

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment
only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (public hunting area and firing line unit
only)

Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out
required)

Woodford Fish and Wildlife Area

e) Crow Hunting

- 1) Statewide regulations as provided for in this Part shall apply at the
following sites (season dates in parentheses):

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 through statewide
closing)

Hamilton County State Fish and Wildlife Area

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Jim Edgar Panther Creek State Fish and Wildlife Area (East and West Open Units)

Mississippi River Pools 16, 17, 18

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Pyramid State Park – Captain Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Pyramid State Park – Denmark Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Pyramid State Park – East Conant Unit (~~no hunting in waterfowl rest area;~~ permit required, must be returned by February 15)

Pyramid State Park – Galum Unit (~~no hunting in waterfowl rest area;~~ permit required, must be returned by February 15)

Ray Norbut Fish and Wildlife Area

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake

Sanganois State Fish and Wildlife Area (day after Canada goose season closes through statewide closing; nontoxic shot only; permit required)

Spoon River State Forest (all hunters must sign in/sign out)

Stephen A. Forbes State Park

Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out required)

- 2) Crow hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by March 15 will result in loss of

DEPARTMENT OF NATURAL RESOURCES

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hunting privileges at that site for the following year:

Horseshoe Lake State Park (Madison County) (begins the day after controlled pheasant hunting closes through the end of February)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for crow hunting in waterfowl rest areas)

- 3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Revocation Procedures for Conservation Offenses
- 2) Code Citation: 17 Ill. Adm. Code 2530
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2530.240	Amendment
2530.255	Amendment
2530.260	Amendment
2530.500	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Section 5-625 and 805-545 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625 and 805/805-545].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: add language explaining how points are assessed for federal offenses; to add Aquatic Life Dealer, Commercial Roe Dealer, Commercial Fisherman, Commercial Musselor, and Commercial Roe Harvester to the list of Type I Offenses; to add information to clarify "Examples" for Class B Misdemeanors; and to add a new Section on Compact Membership. The Department has applied to be a member of the Board of Wildlife Violator Compact Administrators; membership to be effective July 1, 2007. The Wildlife Violator Compact is an interstate agreement between member states to enhance the compliance with hunting and fishing laws of member states. Under this Compact, suspension or revocation of an individual's privileges in one state will be recognized by all Compact member states.
- 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

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NOTICE OF PROPOSED AMENDMENTS

- 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 Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:
- Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
- 217/782-1809
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: At the time the Regulatory Agendas were submitted, the Department did not anticipate that this rule would be amended.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2530

REVOCATION PROCEDURES
FOR CONSERVATION OFFENSES

SUBPART A: GENERAL RULES

Section

2530.10	Applicability
2530.20	Definitions
2530.30	Filing
2530.40	Documents
2530.50	Computation of Time
2530.60	Appearances

SUBPART B: SUMMARY REVOCATION/SUSPENSION

Section

2530.110	Applicability (Recodified)
2530.130	Rules Proposed by Member of Public (Recodified)
2530.140	Authorization of Hearing (Recodified)
2530.150	Notice of Hearing (Recodified)
2530.160	Hearing Officer (Recodified)
2530.180	Written Submission (Recodified)
2530.190	Record (Recodified)
2530.200	Revision of Proposed Rules (Recodified)
2530.210	Filing and Publication of Final Rules (Recodified)
2530.220	Applicability
2530.230	Point System
2530.240	Points
2530.245	Single Incident Rule
2530.250	Groups
2530.255	Types of Offenses
2530.260	Computation of Suspension Period
2530.270	Procedures
2530.280	Appeal and Hearing

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SUBPART C: HEARINGS OF CONTESTED CASES

Section	
2530.310	Applicability
2530.320	General Procedures
2530.330	Parties
2530.340	Notice and Complaint
2530.350	Service
2530.360	Notice of Hearing
2530.370	Prehearing Conferences
2530.380	Authority of Hearing Officer
2530.390	Order of Administrative Hearings
2530.400	Official Notice
2530.410	Default
2530.420	Evidence
2530.430	Motions and Answers
2530.470	Record
2530.480	Briefs and Oral Arguments
2530.482	Disposition
2530.484	Compelling Appearance at Hearing
2530.486	Recording of Hearing
2530.488	Hearing on Timber Buyers – Second and Subsequent Suspensions
2530.490	Decision and Order

SUBPART D: INTERSTATE WILDLIFE VIOLATOR COMPACT

<u>Section</u>	
<u>2530.500</u>	<u>Compact Membership</u>

AUTHORITY: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Sections 5-625 and 805-545 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625 and 805/805-545].

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NOTICE OF PROPOSED AMENDMENTS

SOURCE: Filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10664; amended at 6 Ill. Reg. 10687, effective August 25, 1982; Subpart B recodified to 2 Ill. Adm. Code 825: Subpart B at 8 Ill. Reg. 4133, effective March 19, 1984; amended at 10 Ill. Reg. 20201, effective November 25, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 25 Ill. Reg. 3659, effective February 26, 2001; amended at 25 Ill. Reg. 14126, effective October 22, 2001; amended at 28 Ill. Reg. 9990, effective July 6, 2004; amended at 31 Ill. Reg. _____, effective _____.

SUBPART B: SUMMARY REVOCATION/SUSPENSION

Section 2530.240 Points

- a) For a petty offense – 3 points
- b) For a Class C Misdemeanor – 6 points
- c) For a Class B Misdemeanor – 9 points
- d) For a Class A Misdemeanor – 12 points
- e) For a Class 4 Felony – 24 points
- f) For a Class 3 Felony or Higher – 60 points
- g) For any violation committed during a period of suspension – 60 points
- h) For any person previously suspended once under Group C (Timber Buyers Licensing Act), a minimum of 60 points and up to a maximum of 120 points shall be assessed for a second suspension. The actual number of points to be assessed shall be determined in accordance with Section 2530.488.
- i) For any person previously suspended twice under Group C (Timber Buyers Licensing Act), a minimum of 120 points and up to a maximum of 900 points shall be assessed for a third or subsequent suspension. The actual number of points to be assessed shall be determined in accordance with Section 2530.488.
- j) Federal offenses shall be assessed points based upon the classification of offense for the corresponding Illinois violation, rather than the federal classification of the

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offense.

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

Section 2530.255 Types of Offenses

- a) Type I Offenses = Those offenses related to commercial/business activities covered under Timber Buyer, Taxidermist, Aquaculture, Aquatic Life~~Fish~~ Dealer, Minnow Dealer, Mussel Dealer, Commercial Roe Dealer, Commercial Fisherman, Commercial Musselor, Commercial Roe Harvester, Game and Game Bird Breeder, Wild Game Food Dealer, Furbearing Animal Breeder, Fur Tanner or Migratory Waterfowl Hunting Area licenses and permits.
- b) Type II Offenses = All other offenses related to activities covered under licenses and permits. (Example: hunting, trapping, sport fishing, etc.)

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

Section 2530.260 Computation of Suspension Period

All offenses shall be classified by type and by group for computation of points.

- a) For Type I offenses, any person who, within an 18 month period, accumulates 13 or more points in a single group as set out in Section 2530.250 shall have all licenses, permits and stamps relevant to that type of activity revoked, and the person's privilege to engage in the activity shall be suspended for a period of time that equals one month for each point accumulated. All accumulated points shall remain in effect for 18 months from the date of the arrest that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension imposed upon an individual shall be served consecutively to any earlier suspension, if still in effect, commencing on the date the earliest suspension expires.
 - 1) Example: An individual operates as a commercial game bird breeder and a migratory waterfowl hunting area, and is found guilty of violations relating to his/her commercial game bird breeding operation, resulting in points sufficient to result in revocation/suspension. A revocation shall only be imposed upon the individual's game bird breeding license and a suspension shall be imposed only upon the activities requiring that license.

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All other businesses (in this instance, migratory waterfowl hunting area) may continue to operate.

- 2) Example: Found guilty of no taxidermy license and failure to keep proper records (both Class B Misdemeanors, normally 9 points each) as a result of a single incident. No revocation/suspension imposed, 12 points assessed.
 - 3) Example: Found guilty of same violations as above (2 Class B Misdemeanors), but on different dates. Revocation/suspension shall be imposed, as full 18 points apply.
 - 4) Example: Found guilty of buying timber without a license and failure to pay harvest fees (both Class A Misdemeanors, 12 points each). Revocation/suspension imposed, regardless of whether findings are the result of a single incident or separate occurrences, 24 points applied.
- b) For Type II offenses: Any person who, within a 36 month period, accumulates 13 or more points in a single group as set out in Section 2530.250 shall have all licenses, permits and stamps relevant to that type and group revoked, and the person's privilege to engage in the activity covered by the type and group shall be suspended for a period of time that equals one month for each point accumulated. Lifetime licenses issued pursuant to 515 ILCS 5-20-45(f) shall only be revoked for felony violations or for violations committed during a period of suspension. The privileges of lifetime license holders shall be suspended, however, in accordance with the provisions of this Section. All accumulated points shall remain in effect for 36 months from the date of the arrest that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension imposed upon an individual shall be served consecutively to any earlier suspension, if still in effect, commencing on the date the earliest suspension expires.
- 1) Example: Found guilty of unlawful possession of freshly killed white-tailed deer during closed season (Class A Misdemeanor) and taking an over limit of quail (petty offense) – hunting license, trapping license, migratory waterfowl stamp and habitat stamp revoked – Type II privileges authorized under Group A suspended for 15 months from date of notice.
 - 2) Example: Found guilty of a Class B Misdemeanor under the Wildlife

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Code and a Class B Misdemeanor under the Fish Code – no revocation or suspension as there is no 13 point accumulation in any one group.

- 3) Example: Person in subsection (a) ~~above~~ completes 15 month suspension; two months later (less than 36 months from first violation) the person again commits unlawful possession of freshly killed white-tailed deer during closed season, for which person is found guilty – appropriate licenses and stamps revoked and person suspended for 27 months (15 + 12).
- 4) Example: Found guilty of ~~two~~ a Class B ~~Misdemeanors~~ Misdemeanor (normally 9 points each) ~~and a petty offense (normally 3 points)~~ under the Wildlife Code for violations arising out of a single incident – due to Single Incident Rule, reduced points are assessed (9 + 3) and 10 points are accumulated (9 + 1); no suspension is imposed.
- 5) Example: Person in subsection (a) is found guilty of a violation under the Wildlife Code that occurred during the time that the person's privileges were suspended – 60 additional points assessed and a second suspension is imposed, to run consecutively after the first suspension (75 months total).

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

SUBPART D: INTERSTATE WILDLIFE VIOLATOR COMPACTSection 2530.500 Compact Membership

As authorized by Section 805-545 of the Civil Administrative Code of Illinois [20 ILCS 805/805-545], the Department shall be a member of the Interstate Wildlife Violator Compact.

- a) Illinois residents who are cited for aquatic life or wildlife violations in another state that is a member of the Compact, and who do not comply with the citing state's requirements for court appearance, shall receive notice of:
 - 1) revocation of all licenses and permits held under the Fish and Aquatic Life Code and the Wildlife Code issued by the Department; and
 - 2) suspension of all aquatic life and wildlife privileges.

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- b) Persons receiving such notice of revocation/suspension for non-compliance shall have the right to a hearing pursuant to Subpart C.
- c) Any suspension imposed for non-compliance shall be in effect until such time that the Department is notified by the other state that compliance has been reached. Upon receipt of such notice of compliance, the suspension shall be terminated and privileges reinstated by the Department.
- d) Pursuant to Section 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-105(e)] and Section 3.36 of the Wildlife Code [520 ILCS 5/3.36(f)], suspension of privileges by any member state shall automatically result in suspension for the same period in Illinois.

(Source: Added at 31 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Open Space Lands Acquisition and Development Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3025
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
3025.60	Amendment
3025.70	Amendment
3025.APPENDIX A	Amendment
- 4) Statutory Authority: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: update the publication date of the OSLAD Grant Manual, clarify regulations by removing unnecessary language, add language regarding retention of financial records to be consistent with the Department's other grant rules and State statutes; and to delete language in the Appendix pertaining to point criteria because the Department does not feel that it is necessary to list the point values as Section 3025.60 contains the percentage values the Department uses for project evaluations.
- 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 Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Jack Price, Legal Counsel

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Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This grant program provides for grants to be disbursed by the Department of Natural Resources to eligible local governments for the purpose of acquiring, developing and/or rehabilitating lands for public outdoor recreation purposes.
- B) Reporting, bookkeeping or other procedures required for compliance: Upon project completion, the project sponsor must submit a certified project billing request listing all funds expended on the project for which grant reimbursement is sought and must comply with operation and maintenance provisions (i.e., operate the facility continuously, allow the Department access for inspection), maintain financial records, and post an OSLAD grant acknowledgment sign at the project site.
- C) Types of professional skills necessary for compliance: None

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

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTSPART 3025
OPEN SPACE LANDS ACQUISITION
AND DEVELOPMENT GRANT PROGRAM

Section

3025.10	Program Objective
3025.20	Incorporation by Reference (Repealed)
3025.25	Eligibility Requirements
3025.30	Assistance Formula
3025.40	General Procedures for Grant Applications and Awards
3025.50	Eligible Project Costs
3025.60	Project Evaluation Priorities
3025.70	Program Compliance Requirements
3025.80	Program Information/Contact
3025.APPENDIX A	Project Evaluation Criteria

AUTHORITY: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35].

SOURCE: Emergency amendments adopted at 9 Ill. Reg. 13113, effective August 7, 1985, for a maximum of 150 days; adopted at 9 Ill. Reg. 18486, effective November 20, 1985; amended at 10 Ill. Reg. 13253, effective July 30, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14817, effective August 3, 1998; amended at 23 Ill. Reg. 8398, effective July 7, 1999; amended at 25 Ill. Reg. 3671, effective February 26, 2001; amended at 28 Ill. Reg. 10638, effective July 13, 2004; amended at 31 Ill. Reg. _____, effective _____.

Section 3025.60 Project Evaluation Priorities

The following factors are used by the Department in evaluating and recommending local project applications for funding assistance consideration (see Appendix A):

- a) Statewide Outdoor Recreation Priorities – 60%
 - 1) Department Statewide Priorities – 35%

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Projects are evaluated in terms of their ability to address major outdoor recreation and conservation issues identified by the Department in its "Statewide Outdoor Recreation Plan". These include, but are not limited to, natural area and wetland preservation, protection of endangered/threatened species and critical habitat resources, conservation education, creation of greenways and long distance trail corridors, water-based recreation, recreation for disadvantaged populations and adaptive re-use/redevelopment of urban lands, including brownfields. These priorities are listed in the Department's OSLAD Local Participation Grant Manual (2007/4/1/98 ed.; Illinois Department of Natural Resources Division of Grant Administration, One Natural Resources Way, Springfield IL 62702-1271).

- 2) Statewide Local Needs Assessment – 25%
Determination of local need is based on a comparison of:
 - A) existing local supply of recreation facilities per capita to the statewide median for those facilities as identified in the Department's "Statewide Outdoor Recreation Plan"; and
 - B) existing supply and distribution of open space and park land acreage, measured in acres/capita, to the statewide median and/or to locally adopted standards. Recreation needs based on project service area are also given consideration.
- b) Project concept and site characteristics – 25%
The project proposal is evaluated in terms of the site's physical and aesthetic qualities, including accessibility; soil, topographic and hydrologic characteristics; site vegetation; compatibility with adjacent land uses; environmental intrusion on the site; impacts to cultural and natural resources; and the overall recreational diversity provided by the project.
- c) Local Planning – 10%
The major consideration under this criteria is public support and input into the project plan and existence of a comprehensive local recreation and/or open space plan identifying the proposed project as a priority. Consideration is also given for unique recreation opportunities not specifically identified in a local plan but having documented widespread public support.

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- d) Other Considerations – 5%
Relevant factors considered in evaluating the overall merits of a project and need for funding include projects located in inner-urban areas; proposing initial site development; involving private donations; representing economic revitalization efforts; or from applicants not previously benefitting from OSLAD assistance.
- e) Penalty Factors – (deduct up to 15%)
Consideration is given to the applicant's past performance in completing OSLAD or other Department grant projects or unresolved project violations, ability to properly maintain the project site, and failure to cooperate with the Department in completing the "Illinois Recreation Facilities Inventory" (IRFI).
- f) Project Application Review and Grant Award:
Department grant staff, in consultation with executive and appropriate resource staff, reviews all applications in accordance with the established evaluation criteria. Preliminary recommendations are then submitted to the Department's "Natural Resource Advisory Board" for consideration at a public hearing conducted by the Board after which final recommendations are forwarded to the Director for OSLAD grant approval.

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

Section 3025.70 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the Illinois OSLAD grant program must be open to the public for outdoor recreation use as set forth in this Part without regard to race, color, creed, national origin, sex or disability nor on the basis of residence except to the extent that reasonable differences in user fees may be imposed amounting to no more than double the fees charged to residents. Land acquired with funding assistance from the OSLAD program shall be operated and maintained in perpetuity for public outdoor recreation use. Projects receiving development grant assistance only shall be bound by the terms of this Part for the period of time specified below for the total amount of OSLAD funds expended on the project:

Total Grant Expenditure	Time Period after Final Grant Payment
\$0-\$50,000	6 years

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for every \$25,000 increment over \$50,000 add 1 year

Property acquired or developed with OSLAD funds may not be converted to a use other than public outdoor recreation use as provided in this Part without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes replacement property of at least equal fair market value and comparable outdoor recreation usefulness, quality and location.

- b) For projects receiving acquisition assistance, an appraisal must be provided by the sponsoring agency and submitted to the Department for review and certification to establish the property's fair market value. The appraisal must be completed to Department specifications.
- c) For projects receiving development assistance, the sponsoring agency must possess either fee simple title or other means of legal control and tenure (easement, lease, etc.) over the property being improved for a period of time commensurate with the program amortization schedule shown in subsection (a), unless otherwise approved by the Department. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements. The sponsor must also adhere to applicable ~~State and~~ local bidding and procurement requirements and make available to the Department, upon request, all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented, upon request, to the Department for review prior to publication. ~~The Department will notify the project sponsor if the proposed project requires approval from a registered structural engineer.~~
- d) The local project sponsor is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.
- e) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing

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documentation, as follows:

- 1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed and title insurance policy (Judgement Order in case of condemnation) showing ownership transferred to the local project sponsor, and copies of canceled checks showing proof of payment to seller.
- 2) Development Projects: Copy of construction As-Built drawings (no larger than 11" x 17") and verification of actual project costs.
- f) All financial ~~Financial~~ records on approved projects must be maintained and retained, in accordance with State laws, by the project sponsor for possible State audit ~~for a period of five years~~ after final reimbursement payment is made by the Department.
- g) The sponsoring agency must permanently post an OSLAD grant acknowledgment sign at the project site. The necessary sign will be provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.
- h) Projects assisted with OSLAD grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.
- i) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the local sponsoring agency.
- j) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of OSLAD-assisted facilities.
- k) In connection with and prior to the construction, and the subsequent operation and maintenance, of OSLAD-assisted facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary construction permits,

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licenses or forms of consent, as required by law. Failure to obtain any required permits may jeopardize approved grant funding.

- l) The sponsoring agency must comply with and abide by the following operation and maintenance provisions:
 - 1) All lands and facilities assisted with OSLAD funds shall be continuously operated and maintained by the sponsoring agency in a safe and attractive manner at no cost to the Department and be operated and utilized in such a manner as to maximize the intended benefits to and for the public.
 - 2) The Department shall have access to OSLAD-assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with this Part.
 - 3) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency for enjoyable and convenient use of the OSLAD-assisted site. Any and all concession revenue in excess of the costs of operation and maintenance of the OSLAD lands and/or facilities shall be used for the improvement of said lands or facilities or similar nearby public facilities. All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the OSLAD facility for benefit of the public shall be submitted to the Department, upon request, for its approval prior to the sub-lease or license being entered into or granted by the sponsoring agency.

- m) Conflict of Interests
 - 1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved OSLAD grant project shall have any financial or other personal interest in any such contract or subcontract.
 - 2) No person performing services for the local political subdivision in connection with an approved OSLAD grant project shall have a financial

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or other personal interest other than his employment or retention by that local political subdivision in any contract or subcontract in connection with an approved OSLAD grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved OSLAD grant project unless such interest is openly disclosed upon the public records of the local political subdivision and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.

- n) The project sponsor certifies that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105/16].
- o) Pursuant to 775 ILCS 5/2-105(A)(4), the project sponsor certifies that it has a written sexual harassment policy that includes, at a minimum, the following information:
 - 1) the illegality of sexual harassment;
 - 2) the definition of sexual harassment under State law;
 - 3) a description of sexual harassment utilizing examples;
 - 4) the contractor's internal complaint process, including penalties;
 - 5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and
 - 6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policy shall be provided to the Department of Human Rights upon request.
- p) Program Violations and Project Termination
 - 1) The State will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement,

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agreements may be rescinded, modified or amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.

- 2) Failure by the local sponsoring agency to comply with any of the program terms listed in this Section shall be cause for the suspension of all grant assistance obligations, unless, in the judgement of the Department, such failure was due to no fault of the local sponsoring agency (e.g., statutory changes, acts of God).

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

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Section 3025.APPENDIX A Project Evaluation Criteria

STATEWIDE RECREATION PRIORITIES (35%)

Preservation/management of natural areas, wetlands, endangered and threatened species sites; preservation/improvement of wildlife habitat areas; conservation education; water-based recreation opportunities; preservation of greenways and long-distance trail corridors; intergovernmental cooperation benefitting recreation; and improvement of recreation opportunities for disadvantaged populations.

STATEWIDE LOCAL RECREATION NEEDS (25%)

Facility need based on comparison of existing local supply to statewide median.

Development Project ~~(0—10 points)~~
(none, some, majority or all facilities of high need)

Acquisition Project ~~(0—5 points)~~
(same factors as for development)

Existing supply of available local recreation acreage compared to statewide median for local agencies or locally identified standard per local plan. An evaluation of the types of park acreage available (park system balance) between community parks and neighborhood (walk to) parks is evaluated based on the guideline that approximately 80% of local acreage should be devoted to community park facilities and 20% to neighborhood (walk to) parks.

~~Development Projects (0—5 points)~~
~~Acquisition Projects (0—10 points)~~
Specific Project "Service Area" ~~(0—10 points)~~

Neighborhood Park
(highest priority: $1\frac{1}{2}$ mile service radius)
(2nd priority: $\frac{1}{2}\frac{1}{4}$ mile service radius)
~~(lowest priority: overlapping service areas)~~

Community Park
(highest priority: 1st such park within 2 mile radius)

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(2nd priority: 1st park within 1 mile radius)
(~~lowest priority: similar facility in service area~~)

County/Regional Park (multi-community service area)

(Note: physical barriers restricting travel are taken into consideration.)

Exceptions within this category:

(project prevents loss of existing facility)

(project represents unique opportunity with public support or
protects important natural areas)

PROJECT JUSTIFIED BY LOCAL PLAN (10%)

Identified as priority in local plan

~~Development project (0—5 points)~~

~~Acquisition project (0—8 points)~~

Evidence of "direct" public involvement in project/plan

~~Development project (0—5 points)~~

~~Acquisition project (0—2 points)~~

PROJECT CONCEPT AND ENVIRONMENTAL SUITABILITY (25%)

Site Suitability (~~0—13 points~~)

access to site (vehicular/pedestrian, parking, etc.)

environmental factors and impacts

adjacent land use compatibility

safety issues

Site Design/Concept (~~0—12 points~~)

recreational diversity including multi-season use

adequate support facilities

diversity of age groups benefitting

site aesthetics and design

site impacts on adjacent land uses

facility cost/benefit assessment

OTHER CONSIDERATIONS (5%)

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land or cash donation or volunteer involvement
initial site development
high-density urban population areas
project part of community economic redevelopment initiative
grant "fair share" distribution factor
project by newly created agency
high density urban area

PROJECT PENALTIES (~~up to 15 point deduction or possible ineligibility~~)

poor past grant performance or "unresolved" project violation
evidence of poor facility maintenance by agency
failure to cooperate with Department in supplying "Illinois Recreation Facilities
Inventory" data
necessary application "follow-up" response time unsatisfactory

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

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- 1) Heading of the Part: Boat Access Area Development Program
- 2) Code Citation: 17 Ill. Adm. Code 3035
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3035.30	Amendment
3035.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 805-325 of the Civil Administrative Code [20 ILCS 805/805-325] and Section 10-1 of the Boat Registration and Safety Act [625 ILCS 45/10-1]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: add the maximum grant awards for motorized and non-motorized boat launch facilities so that applicants know how much they can apply for (which will enable them to complete the financial section of the application), update language regarding appraisal requirements, modify requirement of documents to be submitted (bid work specifications, bid tabulations and contract documents), revise site inspection requirements, update requirements pertaining to retention of financial records and revise the project amortization schedule.
- 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 Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

DEPARTMENT OF NATURAL RESOURCES

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Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The purpose of the Boat Access Area Development Program is to provide financial assistance to local agencies to encourage the development, improvement and expansion of public boat access areas in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: The local agency must enter into a Standard Agreement with the Department in an amount agreed upon by both parties, must employ a competent engineering or architectural firm to develop necessary plans, must submit progress reports, display a Boat Access Area Development grant program sign, allow inspection by the Department and maintain financial records in accordance with State laws which may be audited by the Department.
- C) Types of professional skills necessary for compliance: The local agency is not required to have any professional skills. However, they must employ an engineering or architectural firm to develop necessary plans.

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

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER g: GRANTS

PART 3035

BOAT ACCESS AREA DEVELOPMENT PROGRAM

Section

3035.10	Program Objectives
3035.20	Eligibility Requirements
3035.30	Assistance Formula
3035.40	General Procedures for Grant Awards
3035.50	Applicable Facilities
3035.60	Selection Criteria
3035.70	Program Compliance Requirements
3035.80	Program Information Contact

AUTHORITY: Implementing and authorized by Section 805-325 of the Civil Administrative Code [20 ILCS 805/805-325] and Section 10-1 of the Boat Registration and Safety Act [625 ILCS 45/10-1].

SOURCE: Adopted and codified at 7 Ill. Reg. 5858, effective April 27, 1983; amended at 9 Ill. Reg. 2910, effective February 26, 1985; amended at 11 Ill. Reg. 15896, effective September 21, 1987; amended at 15 Ill. Reg. 4117, effective March 4, 1991; amended at 16 Ill. Reg. 1797, effective January 17, 1992; amended at 19 Ill. Reg. 15400, effective October 26, 1995; amended at 28 Ill. Reg. 10644, effective July 13, 2004; amended at 31 Ill. Reg. _____, effective _____.

Section 3035.30 Assistance Formula

Financial Assistance up to 100% of eligible project construction costs and 90% of eligible project land acquisition costs can be provided through this program. Maximum grant award to any one project in a given year is \$200,000 for motorized boat launch facilities and \$80,000 for non-motorized/canoe launch facilities.

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

Section 3035.70 Program Compliance Requirements

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- a) The land to be used in development of boat access areas must be owned in fee simple or leased by the Local Agency. The Local Agency must provide proof of ownership or lease before plans for the facility can proceed. The term of the lease is determined by the amount of the contract.
- b) For projects receiving assistance to acquire land for a boat access area, ~~an acquisition of the project property must be completed within nine (9) months following project approval, with the exception of those involving eminent domain. An~~ independent appraisal must be completed by the sponsoring agency and certified by the Department to establish a fair market value for the project property. ~~The appraisal must be completed to Department specifications. For land valued at over \$25,000, two appraisals may be required. The appraisal(s) must be a full analytical narrative reports prepared by certified appraisers.~~ Title to any property for which grant reimbursement is sought shall not be taken nor payment made for such property by the sponsoring agency before Department approval is received. Grant payment shall be limited to no more than 90% reimbursement of the certified fair market value and in no case shall exceed actual cash payment for the property.
- c) Land acquired with grant assistance must be subsequently developed as a public boat access area in general accordance with the approved project application proposal within ~~three (3)~~ years following the date title is secured for the property. Failure to improve the property for such use within the ~~three (3)~~ year time period shall result in the property being considered "converted" from its intended use necessitating remedial action, as specified in subsection (p) by the Local Agency.
- d) The Local Agency is required to enter into a Standard Agreement with the Department in an amount agreed upon by the Local Agency and the Department as that necessary to complete the Department's share of project costs. Any costs incurred in the development and construction of the facilities in excess of the specified amount shall be paid by the Local Agency.
- e) The Local Agency shall employ a competent engineering or architectural firm to develop necessary plans and specifications and to provide all other necessary design and construction supervision services for an approved project. ~~Any engineering or architectural agreement or contract must be approved by the Department prior to its acceptance by the Local Agency. The Department shall approve the agreement or contract based upon the design fee, the construction cost, and the project complexity.~~ The Department may waive this requirement if

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the ~~Local Agency~~local agency possesses duly licensed and qualified in-house engineering and/or architectural staff capable of performing such services.

- f) If the Local Agency, by its unilateral action, terminates the project at any point short of its completion, the Local Agency shall be liable for all costs incurred and all monies forwarded to the Local Agency related to the project. The Local Agency shall agree to indemnify the Department and hold it harmless from any and all liability.
- g) The Local Agency shall present to the Department, upon request, all plans, specifications, contracts or documents and cost estimates for all work to be done by a specified date. If this date cannot be met, it will be the responsibility of the Local Agency to show cause in writing to the Department. The plans and specifications shall contain the seal and signature of a registered Professional Engineer or Architect as the case may be. The Local Agency shall provide documentation to the Department, upon request, that advertised bids were published for all work to be completed through public letting for competitive bids and all bidding tabulations shall be submitted to the Department, upon request, for approval of the lowest qualified bid. ~~The Department shall approve the Local Agency's recommendation of the lowest qualified bid provided it does not exceed approved project funding and it is within the engineer's estimate. The Local Agency shall thereafter certify their approval of the lowest qualified bid at their next regular meeting following approval by the Department.~~ The Local Agency shall be responsible for the completion of the project within the time period specified in the contract.
- h) The Local Agency shall insert as an integral part of any contract with the approved bidder the following provisions:
- 1) That the Contractor shall abide by and comply with all applicable Local, State and Federal laws in connection with contracts involving public funds, the construction or development of public buildings, works or facilities.
 - 2) That the Contractor shall furnish to the Local Agency and the Department, upon request, performance ~~bonds~~bond(s) with surety or sureties, with penalty or loss clauses, relating to the construction of the proposed facilities and any losses or damages arising out of, or by virtue of said construction by the Contractor of the specified boat launching facilities,

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insuring, benefitting and protecting the Local Agency and the Department.

- 3) That the Contractor shall personally and individually, agree to furnish evidence of insurance, to indemnify, protect, defend at its own cost, and hold harmless the Local Agency and the Department from and against all losses, damages, injuries, costs, expenses or claims thereof to or by persons or property, arising out of, through, under or by virtue of the construction and development of the specified boat launching or access facilities.
- 4) ~~That the Contractor shall furnish progress or pay estimate reports to the Local Agency and the Department at thirty (30) day intervals indicating:~~
 - A) ~~Units of work completed, and~~
 - B) ~~Percentage of work completed for thirty (30) day period and to date.~~
- i) Upon the Department's receipt of each progress report or pay estimate submitted by the Local Agency which is within the scope of the contract, the Department shall issue payment.
- j) The Local Agency shall agree to display a Boat Access Area Development grant program sign provided by the Department at the project site for the period of time so indicated in Section 3035.70(q). The Local Agency may substitute a comparable sign of its own design if approved by the Department.
- k) ~~The Local Agency will notify the Department prior to the beginning of any construction.~~—A Department representative may will make inspections of the project as construction progresses and be available for assistance upon request. A final inspection of the completed project must be made by the Department prior to final grant payment to the Local Agency.
- l) The Local Agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of the proposed boat launching and access facilities.
- m) The Local Agency shall be responsible for and obtain all necessary Permits,

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Licenses or Forms of Consent, as the case may be, from, but not limited to the following agencies:

- 1) U.S. Army Corps of Engineers.
 - 2) Illinois Department of Natural Resources regarding cultural resources, endangered species, wetlands, and water resource impacts.
 - 3) Illinois Department of Transportation (Division of Highways).
 - 4) Environmental Protection Agency.
 - 5) Illinois Historic Preservation Agency.
 - 6) Local Building or Zoning Agencies, or Boards, where applicable.
- n) The Local Agency agrees to comply with the Recreational Area Licensing Act [210 ILCS 95] and the Environmental Barriers Act [410 ILCS 25].
- o) The Local Agency shall agree to abide by the following Operation and Maintenance provisions:
- 1) General.
 - A) Operation and maintenance of the grant project facility is the responsibility of the Local Agency. The boat launching and access facilities shall be continuously operated and maintained by the Local Agency at no cost to the Department and shall be operated and utilized in such a manner as to maximize the intended benefits to and for the general public.
 - B) All land and water areas which are open to the public shall be available for use and enjoyment by the public without regard to race, color, sex, national origin, age or disability. No lessee or licensee of an area under a concessionaire providing a service to the public, including facilities and accommodations, shall discriminate against any person or persons because of race, color, sex, national origin, age or disability in the conduct of its operation under the lease, license or concession agreement.

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- C) No improvements, alterations or ~~modifications~~ modification of these facilities shall be permitted except with the prior approval in writing by the Department. Approval will be given by the Department if the improvements, alterations or modifications comply with the criteria in Section 3035.50.
 - D) The Department shall have access to all facilities at all times to ensure management and use of such facilities are in compliance with specified program regulations.
 - E) Boats with gasoline or diesel motors shall not be prohibited from using any facility funded through State Boating Act Funds to launch and recover unless the facility is a designated canoe launch facility as approved by the Department.
- 2) User Fees.
- A) The Department discourages the charging of user fees; however, the Local Agency may, by formal resolution of the governing unit, charge minimal fees to offset operation and maintenance, security, and public health and safety costs.
 - B) In the case of locally owned water impoundments the incurred costs to be offset may also include navigational aids, rescue aids, water patrol and other related costs which are absolutely necessary.
 - C) No other costs will be allowed in calculating the minimal fee. Any discretionary fee for special services which is not a part of the project funded from Marine Motor Fuel Tax Revenue, such as boat slips, moorings or other services that cannot be used by all boaters, shall be levied separately.
 - D) The setting, administering and justifying of the fees to the general public is primarily the responsibility of the Local Agency. The Department reserves the right to ensure that any fee is within the scope of the contract.
 - E) The Local Agency shall maintain accounting records to explain

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receipt and deposition of all fees related to the launching facility and the Department may request or audit such records at anytime to ensure the revenue received from the fees is being used to operate and maintain the facility. All financial records on approved projects must be maintained and retained, in accordance with State laws, by the project sponsor for possible State audit after final reimbursement payment is made by the Department.

- F) If fees are determined necessary by the Local Agency, the charging of reasonable daily fees as well as seasonal use fees shall be provided to assure that the occasional user is afforded access to the waters served by the facility. In the event the boat access facility is within the boundaries of a public park or recreational area, no annual fee shall be required non-park district residents using only the boat launching facility constructed or improved with the aid of this grant. However, a daily fee may be required by the Local Agency provided it does not exceed the annual park district fee for residents, computed on a daily basis.
 - G) Prior to charging of user fees, the Local Agency is required to give public notice of said fees at least 30 days in advance of the effective date of such fees and provide a copy of the proposed fee schedule and the public notice to the Department prior to implementation.
 - H) The method of collecting fees shall be established by the Local Agency. However, the general public shall not be restricted from use of the facility upon arrival if an authorized representative of the Local Agency is not present to receive the required fee.
 - I) An information sign which lists rules and regulations regarding fees shall be posted in a conspicuous place which is near a boat ramp or launching site.
- p) Properties acquired or developed with grant assistance hereunder must not be converted to a use which would deny public boat access and use of Illinois' surface waters per terms of this Part without prior Department of Natural Resources approval. Approval for conversion of property acquired per terms of this Part shall only be granted upon the following:

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- 1) the Local Agency~~local agency~~ provided replacement property of at least equal fair market value and comparable recreational usefulness, quality and general location; or
 - 2) the repayment of funds to the State of Illinois equal to the actual amount of grant funds disbursed hereunder or 50% of the property's certified fair market value at the time of conversion, whichever is greater.
- q) For projects receiving development/construction grant assistance only, terms of the grant program agreement between the Local Agency and the Department shall no longer apply after the time period established below relating to the total amount of grant funds received to aid the facility.

<u>Total Grant Amount</u>	<u>Time Period After Receipt of Final Grant Payment</u>
<u>\$0-\$25,000</u>	7 years
<u>\$25,001-26,000-\$100,000</u>	12 years
<u>\$100,001-\$200,000</u>	<u>17 years</u>
<u>\$100,000-\$250,000</u>	<u>17 years</u>
<u>over \$250,000</u>	<u>25 years</u>

- r) Leasing or assignment of a Department funded facility is prohibited without prior approval of the Department.
- s) The Local Agency shall agree that in the event of its breach or non-compliance with any of the terms of the agreement between the Local Agency and the Department that ~~ten (10)~~ days following receipt of a written notice from the Department of the existence of said breach or non-compliance, if said condition is not corrected within this ~~ten (10)~~ day period, that the Department shall thereafter have full right and authority to take such action as it deems necessary whether by way of injunction or otherwise to enforce the provisions of the agreement to prevent the continued breach or violation thereof by the Local Agency. It is further agreed by the Local Agency, that in the event it is adjudicated by any court

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that its activities are deemed to be a breach or violation of the agreement, as a part of the relief awarded to the Department, that the Local Agency will reimburse the Department for the legal fees and all costs incurred by the Department in the pursuit of its rights under this paragraph. For purposes of this paragraph, "legal fees" shall be deemed to be the entire sum presented for payment by any attorney or law firm to the Department relating to the claim of the Department alleging the Local Agency's breach or violation, said sum being approved for payment by the Attorney General's office of the State of Illinois. For purposes of this paragraph, "costs" shall be deemed to be all those expenses, including court costs, reasonably incurred by the Department. In the event of breach of the agreement, the Department reserves the right to demand return of any state funds awarded under the agreement.

- t) The Local Agency shall agree that the Department reserves the right to audit records relative to the agreement.

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

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In order to avoid nepotism or the appearance of nepotism, the institution's or maternity center's conflict of interest policy shall include the requirement that there shall be no familial relationship between the executive director and the chief financial officer.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

217/524-1983
TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 404

LICENSING STANDARDS FOR CHILD CARE INSTITUTIONS
AND MATERNITY CENTERS

Section

404.1	Purpose
404.2	Definitions
404.3	Effective Date of Standards (Repealed)
404.4	Application for License
404.5	Renewal of License
404.6	Provisions Pertaining to License
404.7	Provisions Pertaining to Permits
404.8	Incorporation
404.9	Composition and Responsibilities of the Governing Body
404.10	Finances
404.11	The Administrator
404.12	Administrative Coverage
404.13	Child Care Staff
404.14	Support Personnel
404.15	Substitute Child Care Staff
404.16	Volunteers
404.17	Requirements of Professional Staff
404.18	Medical and Health Services
404.19	Social Work Staff
404.20	Teachers
404.21	Recreation Staff
404.22	Staff Training
404.23	Health Requirements for Staff and Volunteers
404.24	Background Checks
404.25	Criteria for the Admission and Discharge of Children
404.26	Admission Preparation Requirements
404.27	Agreements and Consents Between Responsible Parties
404.28	Child Care Groupings
404.29	Discipline of Children
404.30	Controls

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404.31	Clothing and Personal Belongings
404.32	Personal Care and Hygiene
404.33	Allowances
404.34	Education
404.35	Work and Training
404.36	Recreation and Leisure Time
404.37	Health and Safety
404.38	Food and Nutrition
404.39	Professional Services
404.40	Visitation
404.41	Community Life
404.42	Religion
404.43	Termination of Residential Care
404.44	Buildings
404.45	Grounds
404.46	Equipment
404.47	Records and Reports
404.48	Records Retention
404.49	Transportation
404.50	Severability of This Part

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children's Product Safety Act [430 ILCS 125].

SOURCE: Adopted and codified at 5 Ill. Reg. 13070, effective November 30, 1981; amended at 7 Ill. Reg. 3424, effective April 4, 1983; amended at 8 Ill. Reg. 22870, effective November 15, 1984; amended at 9 Ill. Reg. 19712, effective December 20, 1985; amended at 11 Ill. Reg. 17504, effective October 15, 1987; amended at 21 Ill. Reg. 4488, effective April 1, 1997; amended at 24 Ill. Reg. 17031, effective November 1, 2000; emergency amendment at 26 Ill. Reg. 6868, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill. Reg. 508, effective January 15, 2003; amended at 29 Ill. Reg. 9976, effective July 1, 2005; amended at 31 Ill. Reg. 4704, effective March 19, 2007.

Section 404.9 Composition and Responsibilities of the Governing Body

- a) The governing body of an institution incorporated not-for-profit shall be a Board of Directors composed of at least five persons, at least one of whom shall be an Illinois resident. All board members shall be of reputable and responsible character. The governing body shall be responsible to the Department for

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maintaining the standards set forth in this Part.

- b) If incorporated as a not-for-profit corporation, the governing body shall adopt a conflict of interest policy that requires, at a minimum:
- 1) that no member of the board of directors may derive any personal profit directly by reason of his or her membership on the board of directors or because of services provided to the board (the restriction of deriving profit from a transaction does not apply as long as the goods or services provided to the center or institution are priced at or below market value, and are documented and accessible for review by the Department or its auditors upon request);
 - 2) that each board member must disclose to the board any personal interest that he or she or any immediate family member may have in any current or potential matter before the board and refrain from participating in any decision on such matters; ~~and~~
 - 3) that no member of the administrator's or the chief financial officer's immediate families shall serve on the board of directors for the child care institution or maternity center and no member or any board member's immediate family may serve as administrator, the chief financial officer, or independent contractor of the institution; ~~and-~~
 - 4) that there shall be no familial relationship between the executive director and the chief financial officer.
- c) If incorporated as a for-profit corporation, the board shall adopt a code of conduct.
- d) The governing body shall:
- 1) establish written by-laws;
 - 2) assure that the institution operates at all times with an on-site administrator, who, by official notice, is made known to the Department;
 - 3) hold at least four meetings annually;
 - 4) keep records of minutes of all Board meetings reflecting official actions of

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the Board;

- 5) officially notify the Department in writing within two days after a change in the administrator of the institution or within 30 days after any major changes in the corporate structure, including, but not limited to:
 - A) changes in the articles of incorporation or bylaws;
 - B) changes in the not-for-profit status or tax exempt status as determined by the Internal Revenue Service (if applicable) or its charitable organization status as determined by the Illinois Attorney General;
 - C) addition of any principal shareholder owning at least five percent of the stock of the corporation;
 - D) changes in the governing body or its officers; and
 - E) other changes in services provided by the institution;
- 6) establish written policies of the institution which shall be made available to all board members and employees including services to be provided by the institution: admissions, personnel policies, fiscal operations, care of children and other policies as needed to direct the institution, such as family visitation, community contacts with children and the functions of the administrator;
- 7) provide and maintain physical facilities appropriate for the program and supporting services;
- 8) maintain and keep all records and documents required by this Part in the State of Illinois where they shall be readily available for licensing review;
- 9) assure fidelity bonding of fiscally responsible officers and employees, elected or appointed, whether or not compensated by salary, against breach of fiduciary duty or the loss of monies, securities or other property which the institution may sustain through any fraudulent or dishonest act or acts committed by any officer or employee acting alone or in collusion with others; and

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- 10) assure that all persons working with children are of reputable character.

(Source: Amended at 31 Ill. Reg. 4704, effective March 19, 2007)

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- 1) Heading of the Part: Marriage and Family Therapy Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1283
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1283.30	Amendment
1283.45	Amendment
1283.46	Amendment
1283.50	Amendment
1283.60	Amendment
1283.70	Amendment
1283.80	Amendment
1283.90	Amendment
1283.95	Amendment
1283.100	Amendment
1283.110	Amendment
1283.120	Amendment
- 4) Statutory Authority: Marriage and Family Therapy Licensing Act [225 ILCS 55]
- 5) Effective Date of Amendments: March 9, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 16119; October 13, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive differences.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking clarifies the educational requirements in Section 1283.30 and adds the Commission on Accreditation for Counseling Related Education Programs as an accrediting program. Section 1283.110 on continuing education is amended to include a maximum of 15 hours that may be completed by a correspondence course. Makes various non-substantive changes, including changing references throughout the entire Part from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation. Obsolete language is also removed and other technical changes have been made.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION |
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1283

MARRIAGE AND FAMILY THERAPY LICENSING ACT

Section

1283.10	Application for a Temporary License Under Section 50 of the Act (Repealed)
1283.15	Professional Work Experience
1283.20	Clinical Experience
1283.25	Clinical Supervision
1283.30	Education
1283.40	Examination
1283.45	Application for a License as an Associate Marriage and Family Therapist
1283.46	Application for Examination/Licensure for an Individual Licensed as an Associate Marriage and Family Therapist
1283.50	Application for Examination/Licensure
1283.60	Endorsement
1283.70	Renewal
1283.80	Inactive Status
1283.90	Restoration
1283.95	Fees
1283.100	Professional Conduct
1283.110	Continuing Education
1283.120	Granting Variances

AUTHORITY: Implementing the Marriage and Family Therapy Licensing Act [225 ILCS 55] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 18 Ill. Reg. 10752, effective June 28, 1994; amended at 20 Ill. Reg. 12006, effective August 27, 1996; amended at 22 Ill. Reg. 3883, effective February 5, 1998; amended at 22 Ill. Reg. 16482, effective September 3, 1998; amended at 24 Ill. Reg. 7309, effective May 1, 2000; amended at 28 Ill. Reg. 7072, effective April 28, 2004; amended at 31 Ill. Reg. 4711, effective March 9, 2007.

Section 1283.30 Education

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- a) An applicant for a license as a marriage and family therapist shall hold one of the following:
- 1) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
 - 2) A master's or doctoral degree from a regionally accredited educational institution (by the U.S. Office of Education) in marriage and family therapy or in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in subsection (b); or
 - 3) A master's or doctoral degree in marriage and family therapy from a program accredited by either the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy or the Commission on Accreditation for Counseling Related Educational Programs.
- b) An applicant must have completed a minimum of 48 semester hours or equivalent hours of graduate coursework. The applicant's graduate coursework, at a minimum, shall be substantially equivalent to the curriculum listed in this subsection (b) below. Courses are evaluated according to course content rather than course title. For the purpose of this Section, course shall be defined as an integrated, organized course of study. No student designed courses, independent study courses, workshops, on-line or correspondence courses may be used to satisfy the core courses. Course descriptions and syllabi are required for courses whose titles do not reflect the content described as follows below:
- 1) Individual Development and Family Relations. Topics in marriage and family studies must be addressed in a minimum of 1 course (3 semester or 4 quarter hours or equivalent). Topics that may be counted toward this area of study include family development and family interactional patterns across the life cycle of the individual as well as the family. Courses may include the study of: family life cycle; theories of family development; marriage and/or family dynamics; sociology of the family; families under stress; the contemporary family; social, cultural, and spiritual foundations of family life; the cross-cultural family; gender studies; youth/adult/aging and the family; family subsystems; interpersonal relationships (marriage, parenting, sibling); human development; lifestyle and career development;

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personality theory; and human sexuality.

2) Theoretical Foundations and Clinical Practice.

- A) Topics in marriage and family therapy must be addressed in a minimum of 6 courses (18 semester or 24 quarter hours or equivalent). The following topics must be covered:
- iA) the historical development, theoretical and empirical foundations, and contemporary conceptual directions of the field of marriage and family therapy;
 - iiB) overview of major clinical theories of marital and family therapy that offer conceptualizations and methods for working conjointly with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. These clinical theories shall include those in major textbooks in marriage and family therapy, such as: communications, contextual, experiential, object relations, strategic, behavioral, structural, systemic, transgenerational;
 - iiiC) assessment and evaluation of individuals (children, adolescents, and adults), couples and families;
 - ivD) treatment and intervention methods for working with individuals (children, adolescents and adults), couples, families and groups in therapy;
 - vE) assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology, including making clinical assessments, certifying diagnoses, prescribing treatment and signing off on treatment plans for persons with mental illnesses or other clinical disorders;
 - viF) contemporary issues, which include but are not limited to gender, violence, addictions, abuse, psychopharmacology, physical health and illness in the treatment of individuals, couples, and families from a relational/systemic

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perspective; sexual functioning, sexual orientation, and sex therapy as they relate to couple, marriage and family therapy theory and practice; significant material on diversity and discrimination as it relates to couple and family therapy theory and practice;

viiG) crisis intervention.

- B) The coursework in this subsection (b)(2) must balance methods for working individually (one client in a therapy session), and for working conjointly with at least two clients present in therapy sessions who are in significant relationships with each other outside the therapy context, and must include methods for working with groups.
- 3) Professional Studies and Ethics. Topics in professional studies and ethics must be addressed in a minimum of 1 course (3 semester hours or 4 quarter hours or equivalent) that includes unique professional and ethical situations involved with conjoint therapies. Topics that may be counted toward this area of study include: professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law; unique professional and ethical situations involved with conjoint therapies.
- 4) Research. Topics in research must be addressed in a minimum of 1 course (3 semester hours or 4 quarter hours or equivalent). Topics that may be counted toward this area of study include: research design and methods; statistics; research in a mental health field.
- 5) Clinical Practicum/Internship. (300 hours) – 15 hours per week, approximately 8-10 hours in face-to-face contact with individuals, couples, families and groups for the purpose of assessment, diagnosis and treatment.)
- c) In evaluating coursework from another jurisdiction, the Marriage and Family Therapy Disciplinary and Licensing Board (Board) may require documentation such as, but not limited to, an evaluation by a foreign equivalency documentation service indicating that the applicant's graduate program is equivalent to a graduate program in this country.

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- d) An individual who has taught a graduate level course in a regionally accredited educational institution in any of the areas listed in subsection (b) shall receive credit for the course. One course taught is equivalent to one course taken. Repetitive teaching of the same course may only be counted as one course. Syllabi and reading lists shall be submitted in order to obtain credit.
- e) Courses taken at a post-degree institution may count as equivalent for an education requirement of subsection (b) if the institution's training program is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or meets the following requirements:
- 1) The institution's program is established to achieve coherent mission and training objectives and the program has as its primary objective the training of marriage and family therapists.
 - 2) The specific course submitted as equivalent to those defined in subsection (b) is taught by faculty who hold graduate degrees and are trained and credentialed in the field in which they teach.
 - 3) Courses must be offered by an established, identifiable facility or agency.
 - 4) Courses must be ongoing and additive (offered at the same place over a specific period of time and available on an ongoing basis) or offered off site by an acceptable post degree institution with an established, identifiable home-base facility or agency.
 - 5) Courses must include outlines, clear description of content, appropriate bibliography, and other indications or meet generally acceptable criteria for academic offerings.
 - 6) Correspondence courses are not acceptable.
- f) Credit for courses taken pursuant to subsection (e) will be given on a semester-hour equivalency basis which is 15 classroom hours per semester credit. Evaluation of course work is on a case-by-case basis for each applicant. To receive credit, an applicant must submit a syllabus for each course, proof of acceptable completion of the course, and all documentation necessary to demonstrate that the post-degree institution and the specific course meet all the

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requirements of subsection (e).

- g) A thesis or dissertation completed as a requirement of the first qualifying degree will not be counted as equivalent for an education requirement of subsection (b).
- h) Applicants who hold non-clinical qualifying degrees, or whose practicum/internship was in areas other than marriage and family therapy, may document the practicum requirement with their first 300 post-graduate client contact hours supervised by an American Association for Marriage and Family Therapy Approved Supervisor, supervisor-in-training or a supervisor who meets the requirements set forth in Section 1283.21 of this Part.
- i) ~~Approved Comprehensive Programs of Study in Marriage and Family Therapy. The Department, upon recommendation of the Board, shall approve Comprehensive Programs of Study in Marriage and Family Therapy that meet the following requirements:~~
 - 1) ~~The program is offered by an educational department or unit that grants master's or doctoral degrees in marriage and family therapy or in a related field (i.e., behavioral science or mental health) and the educational institution is regionally accredited.~~
 - 2) ~~The program has a faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have degrees in their areas of teaching from professional colleges and institutions.~~
 - 3) ~~The education unit or department has an identifiable body of students who are matriculated in that program for a degree.~~
 - 4) ~~A marriage and family therapist is responsible for the program.~~
 - 5) ~~The program shall be at least 2 academic years in length at a minimum, and require a minimum of 48 semester hours or equivalent hours of graduate coursework.~~
 - 6) ~~The program shall contain the curriculum listed in subsection (b) of this Section.~~

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- j) ~~Reevaluation of an Approved Comprehensive Program of Study in Marriage and Family Therapy.~~
- 1) ~~The Department may reevaluate any program at any time if it has reason to believe that the Program has failed to continue to satisfy the minimum requirements of this Section or that its decision was based upon false, deceptive or incomplete information.~~
 - 2) ~~The program whose approval is being reevaluated by the Board shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.~~
 - 3) ~~Every year the faculty person responsible for the program will send the Department an annual report specifying the faculty persons responsible for monitoring student compliance with the program requirements and any changes from the original application in how the program is accomplishing the requirements in subsection (i) including changes in curriculum and/or faculty.~~
- k) The Department of Financial and Professional Regulation-Division of Professional Regulation (Division), upon the recommendation of the Board, has determined that marriage and family therapy programs accredited by either the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy ~~as of July 1, 1998,~~ or the Commission on Accreditation for Counseling Related Educational Programs meet the minimum criteria set forth in this Section and are, therefore, approved.

Source: Amended at 31 Ill. Reg. 4711, effective March 9, 2007)

Section 1283.45 Application for a License as an Associate Marriage and Family Therapist

- a) An applicant for a license as an associate marriage and family therapist shall file an application, on forms supplied by the ~~Division~~Department, that includes the following:
- 1) Verification, on forms provided by the ~~Division~~Department, that the applicant has completed the education requirements defined in Section 1283.30 and holds one of the following:

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- A) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
 - B) A master's or doctoral degree from a regionally accredited educational institution in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b) and (c); or
 - C) A master's or doctoral degree from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy.
- 2) ~~A complete work history since graduation from a master's program.~~ |
- 3) The required license fee set forth in Section 1283.95(a)(2). |
- 34) Certification, on forms provided by the ~~Division~~Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating: |
- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) A license as an associate marriage and family therapist shall be valid for 5 years. The license may not be renewed.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~Department or the Board because of lack of information, discrepancies or conflicts in information given or need for clarification, the applicant seeking |

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licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clean up any discrepancies or conflicts in information.

(Source: Amended at 31 Ill. Reg. 4711, effective March 9, 2007)

Section 1283.46 Application for Examination/Licensure for an Individual Licensed as an Associate Marriage and Family Therapist

- a) An individual holding a license as an associate marriage and family therapist who is applying for examination/licensure as a marriage and family therapist shall file an application, on forms supplied by the ~~Division~~Department, at least 90 days prior to an examination date. The application shall include:
 - 1) Verification, on forms provided by the ~~Division~~Department, signed by an employer or supervisor that following the receipt of the first qualifying degree, the applicant obtained at least 3000 hours of work experience as defined in Section 1283.15. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work;
 - 2) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25;
 - 3) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20;
 - 4) ~~A complete work history since issuance of the license as an associate marriage and family therapist;~~
 - 5) The fee set forth in Section 1283.95(a)(1);
 - 56) Certification, on forms provided by the ~~Division~~Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if

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applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) An applicant who has taken and passed the examination in another jurisdiction shall have the examination submitted to the ~~Division~~Department directly from the testing service.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~Department or the Board because of lack of information, discrepancies or conflicts in information given or need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 31 Ill. Reg. 4711, effective March 9, 2007)

Section 1283.50 Application for Examination/Licensure

- a) An applicant for examination shall file an application, on forms supplied by the ~~Division~~Department, at least 90 days prior to an examination date. The application shall include:
- 1) Verification, on forms provided by the ~~Division~~Department, that the applicant has completed the education requirements defined in Section 1283.30 and holds one of the following:

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- A) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
 - B) A master's or doctoral degree from a regionally accredited educational institution in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b) and (c); or
 - C) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy.
- 2) Verification, on forms provided by the ~~Division~~Department, signed by an employer or supervisor, that, following the receipt of the first qualifying degree, the applicant obtained at least 3000 hours of work experience as defined in Section 1283.15 of this Part. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work.
 - 3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25 of this Part.
 - 4) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20.
 - 5) ~~A complete work history since graduation from a master's program.~~
 - 6) The required fee set forth in Section 1283.95(a)(1).
 - 67) Certification, on forms provided by the ~~Division~~Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

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- B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) An applicant for licensure who has taken and passed the examination set forth in Section 1283.40 in another jurisdiction shall file an application in accordance with subsection (a) ~~above~~ and have his/her examination scores submitted to the ~~Division~~Department directly from the testing entity.
- c) In lieu of subsections (a)(1), (2), (3) and (4) ~~above~~, the ~~Division~~Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clean up any discrepancies or conflicts in information.

(Source: Amended at 31 Ill. Reg. 4711, effective March 9, 2007)

Section 1283.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a marriage and family therapist shall file an application with the ~~Division~~Department, on forms provided by the ~~Division~~Department, which includes:
- 1) Certification of meeting education requirements as set forth in Section 1283.30 of this Part;

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- 2) Verification, on forms provided by the ~~Division~~Department, signed by an employer or supervisor, that, following the receipt of the first qualifying degree, the applicant obtained at least 3000 hours of work experience as defined in Section 1283.15 of this Part. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work;
- 3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25 of this Part;
- 4) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20;
- 5) Certification of successful completion of the examination set forth in Section 1283.40;
- 6) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and is currently licensed/registered, stating:
 - A) The time during which the applicant was licensed/registered;
 - B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
 - C) ~~Examinations~~ Examination(s) taken and examination ~~scores~~score(s) received;
- 7) ~~A complete work history since graduation from a master's program; and~~
 - 8) The required fee as set forth in Section 1283.95(a)(1).
- b) In lieu of subsections (a)(1), (2), (3) and (4)~~-above~~, the ~~Division~~Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.
- c) The ~~Division~~Department shall either issue a license by endorsement or notify the applicant in writing of the reasons for denying the application.

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- d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: Amended at 31 Ill. Reg. 4711, effective March 9, 2007)

Section 1283.70 Renewal

- a) The first renewal period for licensure issued under the Act shall be February 28, 1997. Thereafter every registration issued under the Act shall expire in February of odd-numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.
- b) Beginning with the 1999 license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a marriage and family therapist shall complete 30 hours of continuing education pursuant to Section 1283.110 of this Part.
- c) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 31 Ill. Reg. 4711, effective March 9, 2007)

Section 1283.80 Inactive Status

- a) Licensed marriage and family therapists who notify the ~~Division~~Department, on forms provided by the ~~Division~~Department, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the ~~Division~~Department in writing of the intention to resume active practice.
- b) Any licensed marriage and family therapist seeking restoration from inactive status shall do so in accordance with Section 1283.90 of this Part.
- c) Any marriage and family therapist whose license is on inactive status shall not use the title "licensed marriage and family therapist" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a

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license and shall be subject to the disciplinary provisions of the Act.

(Source: Amended at 31 Ill. Reg. 4711, effective March 9, 2007)

Section 1283.90 Restoration

- a) Any marriage and family therapist whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1283.95 and providing proof of meeting continuing education requirements during the 2 years prior to restoration.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the ~~Division~~Department, for review by the Board, together with the fee required by Section 55 of the Act and proof of meeting continuing education requirements during the 2 years prior to restoration. The applicant shall also submit either:
 - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 45(c) of the Act; or
 - 3) Proof of passage of the AMFTRB examination during the period the registration was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts

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in information.

- d) Upon the recommendation of the Board and approval by the Director of the Division of Professional Regulation (Director) with the authority delegated by the Secretary of the Department of Financial and Professional Regulation (Secretary), an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Amended at 31 Ill. Reg. 4711, effective March 9, 2007)

Section 1283.95 Fees

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

- a) Application Fees.
- 1) The fee for original application for a license as a marriage and family therapist is \$100. In addition, applicants for an examination shall be required to pay, either to the Division Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for a license as an associate marriage and family therapist is \$100.
 - 3) The application fee for a license as a marriage and family therapist certified or licensed under the laws of another jurisdiction is \$200.
 - 4) The fee for application as a continuing education sponsor is \$500. State agencies, State colleges and State universities in Illinois are exempt from paying this fee.
- b) Renewal Fees.
- 1) The fee for the renewal of a marriage and family therapist license shall be calculated at the rate of \$60 per year.

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- 2) The fee for renewal as a continuing education sponsor is \$125 per year.
- c) General Fees.
- 1) The fee for the restoration of a license other than from inactive status that has been expired for 5 years or less is \$20 plus payment of all lapsed renewal fees.
 - 2) The fee for the restoration of a license that has been expired for more than 5 years is \$300.
 - 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on ~~Division Department~~ records when no duplicate license is issued.
 - 4) The fee for a certification of a licensee's record for any purpose is \$20.
 - 5) The fee to have the scoring of an examination administered by the ~~Division Department~~ reviewed and verified is \$20, plus any fee charged by the testing service.
 - 6) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 7) The fee for a roster of persons licensed as marriage and family therapists in this State shall be the actual cost of producing the roster.

(Source: Amended at 31 Ill. Reg. 4711, effective March 9, 2007)

Section 1283.100 Professional Conduct

The ~~Division Department~~ may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 85 of the Act which is interpreted to include, but is not limited to, the following acts or practices:

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- a) A therapist must not perform, nor pretend to be able to perform, professional services beyond his/her scope of practice. A therapist must not misrepresent credentials, degrees, professional associations, or competencies either through spoken word or written materials. A therapist must immediately retract or correct any misrepresentation. A therapist must correct misrepresentations by third parties as soon as the therapist is informed of the error.
- b) A therapist must not permit an intern or trainee under the therapist's supervision to perform, or to pretend to be competent to perform, professional services beyond the trainee's or intern's level of training. Disclosure of the intern's status and the name of the supervisor is required. A waiver of liability signed by the client is required when a marriage and family therapy intern or trainee is treating the client.
- c) Therapists must recognize the potentially influential position they may have with respect to clients, students, employees and supervisees. Therapists must conduct themselves with sensitivity to clients' potential vulnerability. Therapists should avoid exploiting clients' trust and dependency. Therapists must also make every effort to avoid dual relationships with clients during treatment and following termination of therapy. When a dual relationship cannot be avoided, therapists must take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Examples of dual relationships include but are not limited to close personal friendships, business or other relationships that are used to further a therapist's own interests, or the provision of therapy to students, employees, or supervisees. Sexual intimacy between therapist and client, students or supervisees is prohibited. Sexual intimacy with former clients is prohibited for at least two years after termination of treatment.
- d) A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, actual or potential witnesses or complainants in legal or ethical proceedings.
- e) A therapist who is convicted of any crime related to his/her qualifications or professional responsibilities may be subject to disciplinary action by the ~~Division~~Department. Likewise, a therapist who engages in conduct which could lead to conviction of a crime related to his/her qualifications or professional responsibilities may be subject to disciplinary action.

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- f) A therapist who becomes impaired and unable to function according to the standards of practice may be subject to disciplinary action if an active practice continues. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems.
- g) It is the responsibility of therapists to seek supervision and/or personal therapy for any problem that is interfering with their ability to perform their professional services.
- h) A therapist must not subject a client to discrimination based on race, gender, religion, national origin, political affiliation, social or economic status, choice of lifestyle, sexual or affectional orientation.
- i) A therapist must inform a client of any conflict of interest, values, attitudes, or biases between them that are sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship. However, it is the therapist's responsibility to terminate the professional relationship when it no longer serves the client's needs or interests. It is the responsibility of the therapist to facilitate termination and to assist in referring the client to another professional. Termination should be handled with care and sensitivity.
- j) A therapist has the responsibility to be informed of other professional, technical, and administrative resources available to clients. A therapist must utilize those resources and/or refer clients when it is in the best interests of the client.
- k) A therapist must make a referral upon client request regardless of administrative and/or funding mandates.
- l) A therapist must not allow an individual or agency paying for the professional services to a client to exert undue influence over the therapist's work performance and clinical judgment.
- m) A therapist must offer all facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to insure client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged.

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- n) A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. The therapist must make this known to the client and assist the client in obtaining a referral to another professional.
- o) A therapist must hold in confidence all information pertaining to a client's therapy. It is the responsibility of the therapist to safeguard client confidences as required by law. This includes a therapist's employees and professional associates.
- p) A therapist must inform a client of the limitations of confidentiality. These limitations include, but are not limited, to:
- 1) Limitations mandated by the law.
 - 2) The prevention of clear and immediate danger to one or more persons.
 - 3) When the therapist is a defendant in a civil, criminal or disciplinary action arising from the therapy, client confidences may be disclosed in the course of that action.
 - 4) When a written waiver of confidentiality has been obtained, all information revealed must be in accordance with the terms of the waiver. If there is more than one party involved in the therapy, the waiver must be signed by all members legally competent to execute such a waiver.
 - 5) When release of information pertaining to a minor is requested, it must be signed by a parent or guardian.
- q) Therapists are responsible to insure that all records and written data are stored using security measures that prevent access to records by unauthorized persons.
- r) Therapists are responsible for insuring that the content and disposition of all records are in compliance with all relevant State laws and rules.
- s) ~~The Department hereby incorporates by reference the Model Code of Ethics of the Association of Marital and Family Therapy Regulatory Boards, 1993, University Park Office, 1843 Austin Bluffs Parkway, Colorado Springs, Colorado 80918, with no later amendments or editions.~~
- s) The ~~Division~~Department hereby incorporates by reference the AAMFT Code of

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Ethics, the American Association for Marriage and Family Therapy, 112 South Alfred Street, Alexandria VA 22314-3061, July 2001~~133 15th Street N.W., Suite 300, Washington, D.C. 20005 2710, 1991~~, with no later amendments and editions.

(Source: Amended at 31 Ill. Reg. 4711, effective March 9, 2007)

Section 1283.110 Continuing Education

- a) Continuing Education Hours Requirements
 - 1) Beginning with the 1999 license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a marriage and family therapist shall complete within the prerenewal period 30 hours of continuing education (CE) relevant to the practice of marriage and family therapy.
 - 2) A prerenewal period is the 24 months preceding February 28 of each odd-numbered year.
 - 3) One CE hour shall equal one clock hour.
 - 4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 5) Marriage and family therapists licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- b) Approved Continuing Education
 - 1) Continuing education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) ~~below~~, except for those activities provided in subsection (b)(2), (3) and (4) ~~below~~.
 - 2) CE credit may be earned through postgraduate training programs (e.g.,

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extern, residency or fellowship programs) or completion of marriage and family therapy related courses that are a part of the curriculum of a college, university or graduate school of marriage and family therapy. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 hours for each quarter hour of school credit awarded.

- 3) CE credit may be earned for verified teaching of a course or program in a college or graduate school approved in accordance with Section 1283.30 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour of teaching or presenting the course or program material and only for the first presentation of the course or program (i.e., credit shall not be allowed for repetitious presentations).
- 4) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with marriage and family therapy may be claimed as 5 hours of credit. A presentation must be before a professional audience of marriage and family therapists. Five credit hours may be claimed for only the first time the information is published or presented.
- 5) A maximum of 15 CE hours per renewal period may be earned for completion of a correspondence course (e.g., by mail, computer, etc.) that is offered by an approved sponsor who meets the requirements set forth in subsection (c). Each correspondence course shall include an examination.

c) Approved CE Sponsors and Programs

- 1) Sponsor, as used in this Section, shall mean the American Association for Marriage and Family Therapy and any other person, firm, association, corporation or group that has been approved and authorized by the ~~Division~~Department upon recommendation of the Board to coordinate and present continuing education courses and programs.
- 2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the ~~Division~~Department, along with the fee set forth in

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Section 1283.95(a)(3) of this Part. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee). The application shall include:

A) Certification:

- i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) ~~below~~ and all other criteria in this Section;
- ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) ~~below~~;
- iii) That upon request by the ~~Division~~Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the ~~Division~~Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;

B) A copy of a sample program with faculty, course materials and syllabi.

3) All programs shall:

- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of marriage and family therapy;
- B) Foster the enhancement of general or specialized work in the practice of marriage and family therapy;
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
- D) Specify the course objectives, course content and teaching methods

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to be used; and

- E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of a license.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) All programs given by approved sponsors shall be open to all marriage and family therapists and not be limited to members of a single organization or group.
- 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- 8) To maintain approval as a sponsor, each sponsor shall submit to the ~~Division~~Department by February of each odd-numbered year a renewal application, the fee set forth in Section 1283.95(b)(2) of this Part and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 9) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or

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participation. The sponsor's certificate of attendance shall contain:

- A) The name, address and license number of the sponsor;
 - B) The name address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 10) The sponsor shall maintain attendance records for not less than 5 years.
 - 11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
 - 12) Upon the failure of a sponsor to comply with any one of the requirements of this Section, the ~~Division~~Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of the sponsor's CE programs until such time as the ~~Division~~Department receives assurances of compliance with requirements of this Section.
 - 13) Notwithstanding any other provision of this Section, the ~~Division~~Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with the requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) ~~above~~.
 - 2) The ~~Division~~Department may require additional evidence demonstrating

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

- 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions.
- 1) If a licensee has earned CE hours offered in another state or territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using criteria set forth in subsection (c)(3) of this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$10 per CE hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the ~~Division~~~~Department~~ shall restore the license upon payment of the required fee as provided in Section 55(e) and (f) of the Act.
- g) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the ~~Division~~~~Department~~ a renewal application along with the required fee set forth in Section 55(d) of the Act, a statement setting forth the facts

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concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the ~~Division~~~~Department~~, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the ~~Division~~~~Department~~ shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician;
 - C) A physical inability to travel to the site of approved programs documented by a currently licensed physician; and
 - D) Any other similar extenuating circumstance.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in a good standing until the final decision on the application is made by the ~~Division~~~~Department~~.

(Source: Amended at 31 Ill. Reg. 4711, effective March 9, 2007)

Section 1283.120 Granting Variances

- a) The Director ~~Department~~ may grant variances from ~~this Part~~~~these rules~~ in individual cases when ~~he or she~~~~he/she~~ finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and

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- 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the ~~Illinois Marriage and Family Therapy Licensing and Disciplinary~~ Board of the granting of ~~the~~ variance, and the reasons for granting the variance~~therefor~~, at the next meeting of the Board.

(Source: Amended at 31 Ill. Reg. 4711, effective March 9, 2007)

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- 1) Heading of the Part: Real Estate Appraiser Licensing
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1455.120	Repealed
1455.150	Amendment
1455.160	Amendment
1455.240	Amendment
1455.320	Amendment
1455.360	Amendment
1455.380	Amendment
1455.390	Amendment
1455.420	Amendment
- 4) Statutory Authority: Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]
- 5) Effective Date of Amendments: March 9, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 17147; November 3, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive differences.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No

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15) Summary and Purpose of Amendments: The criteria governing the education and experience requirements for Certified Appraisal licensure mandated by the Federal Financial Institutions Examination Council, Title XI of the *United States Code* and the Appraisal Qualifications Board contained in Illinois appraisal law and rules will become invalid on January 1, 2008. Ongoing problems have brought about an increase in both the educational and experience requirements mandated by the federal government. Without the education and experience criteria changes contained in these rules, appraisers certified by Illinois after January 1, 2008 will not be allowed to do appraisal work for federally related transactions (the overwhelming majority of loan transactions), including programs under Fannie Mae, Freddie Mac, banking mortgage and loans insured by the FDIC or HUD, and many other appraisal functions that require certified appraisers in good standing. All appraisers currently licensed in Illinois will be able to maintain their current level of certification, but new applicants and current licensees wishing to upgrade their level of licensure will be required to meet the more stringent standard.

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

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

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

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455

REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section
1455.10 Definitions

SUBPART B: LICENSING REQUIREMENTS

Section
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Appraiser License; Application by Non-Resident for Licensure by Reciprocity

1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Expiration Date

1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License (Repealed)

1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

Section
1455.150 Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education

1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real

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Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident
Continuing Education Approval

SUBPART D: EXPERIENCE REQUIREMENTS

Section

- 1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License
1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License
1455.190 Verification of Experience Credit
1455.200 Acceptable Appraisal Experience Credit

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section

- 1455.210 Notification of Name Change
1455.220 Assumed Name
1455.230 Address Change; Street Address
1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

SUBPART F: ENFORCEMENT PROVISIONS

Section

- 1455.250 Grounds for Discipline
1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
1455.270 Additional Education; Reporting Requirements
1455.280 Administrative Warning Letter
1455.290 Cooperation Required with the Division
1455.300 Felony Convictions; Discipline of Other Professional License; Notification
1455.310 Unprofessional Conduct

SUBPART G: ADMINISTRATIVE PROVISIONS

Section

- 1455.320 Fees
1455.330 Granting of Variances
1455.340 Duties of the Secretary

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SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section

- 1455.350 Education Provider Application; Requirements
- 1455.360 Pre-License Education Course Requirements of Education Providers
- 1455.370 Pre-License Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser
- 1455.380 Examples of Acceptable Pre-License Education Courses
- 1455.390 Continuing Education Course Requirements of Education Providers
- 1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student
- 1455.410 Distance Education
- 1455.420 Expiration Date and Renewal for Education Providers and Pre-License and Continuing Education Courses
- 1455.430 Continuing Education Reporting
- 1455.440 Transcript or Certificate of Completion

SUBPART I: TRANSITION PROVISIONS

Section

- 1455.450 Appraiser Applicants - Transition Provisions
- 1455.460 Education Providers, Pre-License and Continuing Education Courses - Transition Provisions

SUBPART J: HEARINGS

Section

- 1455.470 Applicability
- 1455.480 Administrative Law Judges
- 1455.490 Disqualification of an Administrative Law Judge

1455.APPENDIX A Caption for a Case Filed by the Division

1455.APPENDIX B Caption for a Case Filed by the Petitioner

AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

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SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 824, effective December 29, 2003; amended at 29 Ill. Reg. 16445, effective October 13, 2005; amended at 31 Ill. Reg. 4741, effective March 9, 2007.

SUBPART B: LICENSING REQUIREMENTS

Section 1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License (Repealed)

- a) ~~Any person who holds a valid State Real Estate Appraiser License, issued pursuant to a predecessor Act, may convert the license to an Associate Real Estate Appraiser License by submitting to the Division, prior to September 30, 2003:~~
- 1) ~~A conversion application, provided by the Division and signed by the applicant, on which all questions have been answered;~~
 - 2) ~~The fee as provided by Section 1455.320; and~~

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- ~~3) Proof of successful completion of the continuing education requirements as provided by Subpart C.~~
- b) ~~Any person who fails to submit a conversion application by September 30, 2003 may convert the license for a period of 2 years following the expiration date of his or her license by submitting to the Division:~~
- ~~1) A conversion application, provided by the Division and signed by the applicant, on which all questions have been answered;~~
- ~~2) The fee and late fee as provided by Section 1455.320; and~~
- ~~3) Proof of successful completion of the continuing education requirements as provided by Subpart C.~~
- e) ~~Pursuant to the Act, no initial State Licensed Real Estate Appraiser License shall be issued after June 30, 2002, and no State Licensed Real Estate Appraiser License issued pursuant to a predecessor Act shall be renewed after September 30, 2003.~~
- d) ~~Any person who fails to submit a conversion application pursuant to this Section within 2 years after the expiration date shall not be eligible to convert his or her license, and shall meet the requirements of a new applicant as required by the Act and this Part.~~

(Source: Repealed at 31 Ill. Reg. 4741, effective March 9, 2007)

SUBPART C: EDUCATION REQUIREMENTS

Section 1455.150 Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education

- a) [General - Experience Prior to July 1, 2005](#)
An applicant for licensure as a State Certified General Real Estate Appraiser who has gained appraisal experience prior to July 1, 2005 shall file an application with the Division. All applications must be postmarked by December 31, 2007 and meet the following criteria.

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- 1) ~~Successfully~~Any person who makes application for a State Certified General Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 180 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and may include the 120 classroom hours completed by a State Certified Residential Real Estate Appraiser licensed under the Act or the 75 classroom hours completed by an Associate Real Estate Appraiser licensed under the Act or by a State Licensed Real Estate Appraiser licensed under a previous Act, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by the Division.
 - 2) Proof of successful completion of the examination authorized by the Division and endorsed by the Appraiser Qualification Board (AQB).
- b) General - No Experience Prior to July 1, 2005
An applicant for licensure as a State Certified General Real Estate Appraiser who has not gained appraisal experience prior to July 1, 2005 shall file an application with the Division and meet the following criteria.
- 1) A bachelor's degree or equivalent as outlined by the AQB;
 - 2) 3000 hours of AQB appraisal experience;
 - 3) 300 hours of modular appraisal education as stated in the Guide Notes (GN-1) of the AQB 2008 Criteria (The Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington DC 20005; www.appraisalfoundation.org; (202) 347-7722); and
 - 4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the Appraiser Qualifications Board and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to

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demonstrate compliance as part of the application.

- c) Residential - Experience Prior to January 1, 2006
- 1) An applicant for licensure as a State Certified Residential Real Estate Appraiser who has gained appraisal experience prior to January 1, 2006 shall file an application with the Division and meet the following criteria. Applications must be postmarked by December 31, 2007.
 - 2) Successfully~~Any person who makes application for a State Certified Residential Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully~~ complete 120 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and may include the 75 classroom hours completed by an Associate Real Estate Appraiser licensed under the Act or by a State Licensed Real Estate Appraiser licensed under a previous Act, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by the Division.
- d) Residential - No Experience Prior to July 1, 2006 - Application After December 31, 2007
- An applicant for licensure as a State Certified Residential Real Estate Appraiser who has not gained appraisal experience prior to July 1, 2006 and files an application after December 31, 2007 shall meet the following criteria.
- 1) 2500 hours of AQB Appraisal Experience;
 - 2) 200 hours of modular appraisal education as stated in the Guide Notes (GN-1) of the AQB 2008 Criteria;
 - 3) Associates degree or equivalent as outlined by AQB; and
 - 4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the Appraiser Qualifications Board and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled

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together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.

- ee) Any person who makes application for an Associate Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 75 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by the Division.
- fd) The Division may accept evidence of successful completion of pre-license education credit from another jurisdiction, if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the minimum licensing requirements of the AQB Criteria and may be in modular format for licensure after January 1, 2008. A real estate appraiser who wishes to obtain credit for pre-license education courses not licensed by the Division shall submit to the Division:
- 1) An application provided by the Division requesting approval for pre-license education credit, signed by the applicant, on which all questions are answered;
 - 2) A certificate of successful completion provided by the education provider, a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested pre-license education credit, or any other evidence to be considered by the Division; and
 - 3) The fee as provided in Section 1455.320.

(Source: Amended at 31 Ill. Reg. 4741, effective March 9, 2007)

Section 1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident Continuing Education Approval

- a) CE Credit

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- 1) A State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Appraiser who makes application to renew his or her real estate appraiser license shall successfully complete the equivalent of 14 hours of approved continuing education per year preceding the renewal, e.g., a total of 28 hours of approved continuing education for a 2 year renewal. Continuing education may be obtained anytime during the pre-renewal period.
 - 2) If a real estate appraiser was issued an initial license for less than one year prior to the expiration of the license, then no continuing education is required for that renewal. If a real estate appraiser has held a license for more than one year prior to the expiration, but less than two years, then 14 hours of approved continuing education is required. A State Licensed Real Estate Appraiser who makes application to convert his or her license to an Associate Real Estate Appraiser License pursuant to the Act and this Part shall be required to successfully complete the equivalent of 14 hours of approved continuing education per year preceding the conversion, e.g., a total of 28 hours of approved continuing education for the 2 years prior to conversion.
 - 3) A real estate appraiser must complete a minimum of 7 hours of continuing education in coursework relative to USPAP that is approved by the AQB and taught by an AQB certified instructor during each pre-renewal period prior to renewing or converting his or her real estate appraiser license, unless the real estate appraiser was issued his or her initial license for a period of less than one year prior to the expiration date. Continuing education credit will only be accepted from education providers and courses approved by the Division.
- b) CE Credit from Another Jurisdiction
- 1) The Division may accept evidence of successful completion of continuing education credit from another jurisdiction if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the recommendations of the AQB, and if the credit was earned during the appropriate pre-renewal period. A real estate appraiser who wishes to obtain credit for continuing education courses not licensed by the Division shall submit to the Division:

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- A) An application provided by the Division requesting approval for continuing education credit, signed by the applicant, on which all questions are answered;
 - B) A certificate of successful completion provided by the education provider or a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested continuing education credit; and
 - C) The fee as provided in Section 1455.320.
- 2) No more than ~~2114~~ hours of distance learning may be used to meet the continuing education requirements during any pre-renewal period. The 7 hour USPAP course required during each pre-renewal period may not be obtained through a distance learning course or program.

(Source: Amended at 31 Ill. Reg. 4741, effective March 9, 2007)

Section 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

- a) Pursuant to Section 10-10 of the Act, the ~~2006~~2005 Uniform Standards of Appraisal Practice (USPAP), effective ~~July 1, 2006~~January 1, 2005, by the Appraisal Standards Board (ASB) of the Appraisal Foundation (The Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005), are hereby incorporated by reference with no later amendments or editions.
- b) All real estate appraisers licensed under the Act shall practice in accordance with USPAP except where the standards are contrary to Illinois law or public policy (USPAP, Jurisdictional Exception).
- c) All investigators, auditors and examiners employed or retained by the Division are exempt from the requirements of USPAP Standard 3 while performing an investigation, audit or examination. If the Division files a formal complaint, a USPAP Standard 3 review shall be utilized by the Division, except the Division may limit the scope of Standard 3 to exclude valuation.

(Source: Amended at 31 Ill. Reg. 4741, effective March 9, 2007)

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SUBPART G: ADMINISTRATIVE PROVISIONS

Section 1455.320 Fees

- a) Initial application fee for appraiser license.
 - 1) The application fee for an initial license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, and an Associate Real Estate Appraiser shall be \$225.
 - 2) In addition to the initial fee for an initial applicant as a State Certified General Real Estate Appraiser and a State Certified Residential Real Estate Appraiser prescribed in subsection (a)(1), each applicant shall pay \$75, which shall include the National Registry fee.
- b) Renewal application fee for appraiser license.
 - 1) The application fee to renew a license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or a State Licensed Real Estate Appraiser shall be calculated at \$250 per year, which shall include the National Registry fees.
 - 2) The application to renew an Associate Real Estate Appraiser License shall be calculated at \$150 per year.
 - 3) The application fee to renew a license that has expired, as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, an Associate Real Estate Appraiser, or a State Licensed Real Estate Appraiser, shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- c) Application fee to convert a license.
 - 1) The application fee to convert a license as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be \$250.
 - 2) The application fee to convert a license that has expired as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a

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license as an Associate Real Estate Appraiser shall be \$250, plus a \$50 late fee.

- d) Application fee for temporary practice permit.
The application fee for a temporary practice permit pursuant to the Act and this Part shall be \$150. There shall be no additional fee required for an extension granted pursuant to the Act and this Part for a temporary practice permit.
- e) Initial application fee for a license as an education provider, a pre-license course, and a continuing education course.
 - 1) The application fee for a license as an education provider shall be \$1050, plus course application fees.
 - 2) The application fee for a license for a pre-license course shall be \$150.
 - 3) The application fee for a license for a continuing education course shall be \$100.
- f) Application fee to renew a license as an education provider, a pre-license course, and a continuing education course.
 - 1) The application fee to renew a license as an education provider shall be calculated at \$550 per year.
 - 2) The application fee to renew a license that has expired as an education provider shall be the sum of all lapsed renewal fees plus a \$50 late fee.
 - 3) The application fee to renew a license as a pre-license course shall be calculated at \$100 per year.
 - 4) The application fee to renew a license that has expired as a pre-license course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
 - 5) The application fee to renew a license as a continuing education course shall be calculated at \$75 per year.
 - 6) The application fee to renew a license that has expired as a continuing education course shall be the sum of all lapsed renewal fees plus a \$50 late fee.

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fee.

- g) For the purposes of determining if a license has expired under this Section, Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall consider the license expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by the Division on a date later than the expiration date.
- h) General.
- 1) All fees paid pursuant to the Act and this Part are non-refundable.
 - 2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be \$25.
 - 3) The fee for a certification of a licensee's record for any purpose shall be \$25.
 - 4) The fee for a decorative wall license showing registration shall be the cost of producing the license.
 - 5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.
 - 6) Applicants for an examination as a State Certified Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Appraiser shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.
 - 7) The fee for requesting a waiver of any education requirement provided by

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the Act and this Part shall be \$50.

- 8) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.
- 9) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be \$1 per page.
- 10) The Division may charge an administrative fee not to exceed \$2,000, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section ~~1455.280~~1455.320 of this Part.

(Source: Amended at 31 Ill. Reg. 4741, effective March 9, 2007)

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section 1455.360 Pre-License Education Course Requirements of Education Providers

- a) For the purposes of this Section, a course shall be defined as a course of instruction that meets the curriculum requirements of this Subpart for each license category and that is at least 15 hours in length.
- b) Each course shall meet the appropriate course curriculum prescribed in Section ~~1455.370~~1455.400 of this Subpart.
- c) Each course shall include an examination of a minimum of 25 questions for each 15 hours of instruction, e.g., a 15 hour course would require a 25 question examination, a 30 hour course would require a 50 question examination. The questions shall be either multiple choice or true/false or a combination. Open book examinations shall not be accepted. No student shall be deemed to have successfully completed the course unless he or she has scored a minimum of 70% on the course examination.
- d) The Division shall only grant approval for courses that are a part of an overall pre-license education program for each license category; e.g., an education provider must have a 75 hour pre-license program approved for an Associate Real Estate Appraiser, a 120 hour pre-license program approved for a State Certified Residential Real Estate Appraiser, and an education provider must have a 180 hour pre-license education program approved for a State Certified General Real

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Estate Appraiser. The Division will not review or recommend any course to the Board that consists of integrated course content not equaling a full module.

- e) Each education provider who seeks approval of a course shall submit to the Division an application on forms provided by the Division, which shall include, but is not limited to, an outline and course description for each course, materials to be used in instruction, an examination with answer key, and the appropriate fee pursuant to Section 1455.320.

(Source: Amended at 31 Ill. Reg. 4741, effective March 9, 2007)

Section 1455.380 Examples of Acceptable Pre-License Education Courses

- a) Examples of an acceptable ~~Associate~~ Real Estate Appraiser pre-license program and courses include:
- 1) Basic real estate appraisal principles, 30 hours-
 - A) Real property concepts and characteristics
 - i) Basic real property concepts
 - ii) Real property characteristics
 - iii) Legal description
 - B) Legal consideration
 - i) Forms of ownership
 - ii) Public and private controls
 - iii) Real estate contract
 - iv) Lease
 - C) Influences on real estate values
 - i) Governmental

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- ii) Economic
- iii) Social
- iv) Environmental, geographic and physical
- D) Types of value
 - i) Market value
 - ii) Other value types
- E) Economic principles
 - i) Classic economic principles
 - ii) Application and illustration of economic principles
- F) Overview of real estate markets and analysis
 - i) Market fundamentals, characteristics and definitions
 - ii) Supply side analysis
 - iii) Demand analysis
 - iv) Use of market analysis
- G) Ethics and how they apply in appraisal theory and practice |
- 2) Basic appraisal procedures, 30 hours- |
- A) Overview of approaches to value |
- B) Valuation procedures |
 - i) Defining the problem

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- ii) Collecting and selecting data
 - iii) Analyzing ~~data~~
~~Sales comparison approach~~
~~Valuation and cost approach~~
~~Income approach~~
 - iv) Reconciling and final value opinion
 - v) ~~Communicating~~ ~~Writing and communicating~~ the appraisal report
- CB) Property description
- i) Geographic characteristics of the land/site
 - ii) Geologic characteristics of the land/site
 - iii) ~~Location and neighborhood~~ ~~Neighborhood~~ characteristics of the land/site
 - iv) ~~Land/site considerations for highest and best use~~ ~~Highest and best use considerations of the land/site~~
 - v) Improvements
- D) Residential applications
- 3) ~~The 15-hour National USPAP course or its equivalent~~ ~~Uniform Standards of Professional Appraisal Practice (USPAP) that is approved by the AQB and taught by an AQB-certified instructor, 15 hours.~~ ~~Introduction and general provisions~~
- A) Preamble and ethics rules
 - B) Standard 1
 - CB) Standard 2

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- ~~DC)~~ Standards 3 through 10
- ~~ED)~~ Statements and advisory opinions
- 4) Residential market analysis and highest and best use, 15 hours
 - A) Residential markets and analysis
 - i) Market fundamentals, characteristics and definitions
 - ii) Supply analysis
 - iii) Demand analysis
 - iv) Use of market analysis
 - B) Highest and best use
 - i) Test constraints
 - ii) Application of highest and best use
 - iii) Special considerations
 - iv) Market analysis
 - v) Case studies
- 5) Residential appraiser site valuation and cost approach, 15 hours
 - A) Site valuation
 - i) Methods
 - ii) Case studies
 - B) Cost approach
 - i) Concepts and definitions

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- ii) Replacement/reproduction cost new
 - iii) Accrued depreciation
 - iv) Methods of estimating accrued depreciation
 - v) Case studies
- 6) Residential sales comparison and income approaches, 30 hours
- A) Valuation principles & procedures – sales comparison approach
 - B) Valuation principles & procedures – income approach
 - C) Finance and cash equivalency
 - D) Financial calculator introduction
 - E) Identification, derivation and measurement of adjustments
 - F) Gross rent multipliers
 - G) Partial interests
 - H) Reconciliation
 - D) Case studies and applications
- 7) Residential report writing and case studies, 15 hours
- A) Writing and reasoning skills
 - B) Common writing problems
 - C) Form reports
 - D) Report options and USPAP compliance

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- E) Case studies
- 8) Statistics, modeling and finance, 15 hours
- A) Statistics
 - B) Valuation models (AVMs and mass appraisal)
 - C) Real estate finance
- 9) Advanced residential applications and case studies, 15 hours
- A) Complex property, ownership and market conditions
 - B) Deriving and supporting adjustments
 - C) Residential market analysis
 - D) Advanced case studies
- 10) General appraiser market analysis and highest and best use, 30 hours
- A) Real estate markets and analysis
 - i) Market fundamentals, characteristics and definitions
 - ii) Supply analysis
 - iii) Demand analysis
 - iv) Use of market analysis
 - B) Highest and best use
 - i) Test constraints
 - ii) Application of highest and best use
 - iii) Special considerations

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- iv) Market analysis
 - v) Case studies
- 11) General appraiser sales comparison approach, 30 hours
 - A) Value principles
 - B) Procedures
 - C) Reconciliation
 - D) Case studies
- 12) General appraiser site valuation and cost approach, 30 hours
 - A) Site valuation
 - i) Methods
 - ii) Case studies
 - B) Cost approach
 - i) Concepts and definitions
 - ii) Replacement/reproduction cost new
 - iii) Accrued depreciation
 - iv) Methods of estimating accrued depreciation
 - v) Case studies
- 13) General appraiser income approach, 60 hours
 - A) Overview

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- B) Compound interest
 - C) Lease analysis
 - D) Income analysis
 - E) Vacancy and collection loss
 - F) Reconstructed income and expense statement
 - G) Stabilized net operating income estimate
 - H) Direct capitalization
 - I) Discounted case flow
 - J) Yield capitalization
 - K) Partial interests
 - L) Case studies
- 14) General appraiser report writing and case studies, 30 hours
- A) Writing and reasoning skills
 - B) Common writing problems
 - C) Report options and USPAP compliance
 - D) Case studies
- b) ~~Examples of an acceptable State Certified Residential Real Estate Appraiser pre-license program and courses include:~~
- 1) ~~The instruction and courses described in subsection (a) of this Section, 75 hours.~~
 - 2) ~~Appraisal approaches, 30 hours.~~

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- A) ~~Comparison approach~~
 - i) ~~Value principles~~
 - ii) ~~Procedure~~
 - iii) ~~Identification and measurement of adjustments~~
 - iv) ~~Reconciliation~~
 - v) ~~Case studies~~

- B) ~~Valuation and cost approach~~
 - i) ~~Site valuation~~
~~Methods~~
~~Land value considerations~~
~~Case studies~~
 - ii) ~~Cost approach~~
~~Concepts and definitions~~
~~Replacement/reproduction cost~~
~~Accrued depreciation~~
~~Estimating accrued depreciation~~
~~Case studies~~

- C) ~~Income approach~~
 - i) ~~Overview~~
 - ii) ~~Estimating stabilized net operating income~~
 - iii) ~~Direct capitalization~~
 - iv) ~~Discounted cash flow~~
 - v) ~~Partial interests~~

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- vi) ~~Case studies~~
- 3) ~~Appraisal statistics, valuation cores, finance, USPAP update and report writing, 15 hours.~~
 - A) ~~Appraisal statistics~~
 - B) ~~Valuation cores~~
 - C) ~~Real estate finance~~
 - D) ~~USPAP updates~~
 - E) ~~Appraisal report writing~~
 - i) ~~Writing and reasoning skills~~
 - ii) ~~Writing problems~~
 - iii) ~~Report writing and USPAP compliance~~
 - iv) ~~Case studies~~
- e) ~~Examples of an acceptable State Certified General Real Estate Appraiser pre-license program and courses include:~~
 - 1) ~~The instruction and courses described in subsection (b) of this Section, 120 hours.~~
 - 2) ~~Market analysis and highest and best use, 15 hours.~~
 - A) ~~Real estate markets and analysis~~
 - i) ~~Market fundamentals, characteristics and definitions~~
 - ii) ~~Supply side analysis~~
 - iii) ~~Demand analysis~~

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- ~~iv) Use of market analysis~~
 - B) ~~Highest and best use~~
 - ~~i) Test constraints~~
 - ~~ii) Application of highest and best use~~
 - ~~iii) Special considerations~~
 - ~~iv) Market analysis~~
 - ~~v) Case studies~~
- 3) ~~Appraisal income approach, 15 hours.~~
 - A) ~~Overview~~
 - B) ~~Lease analysis~~
 - C) ~~Estimating potential gross income~~
 - D) ~~Vacancy and collection loss~~
 - E) ~~Estimating operating expenses and reserves~~
 - F) ~~Reconstructed income and expense statement~~
 - G) ~~Stabilized net operating income estimate~~
 - H) ~~Direct capitalization~~
 - I) ~~Discounted cash flow~~
 - J) ~~Yield capitalization~~
 - K) ~~Partial interests~~
 - L) ~~Case studies~~

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- 4) ~~Report writing, 15 hours.~~
 - A) ~~Writing and reasoning skills~~
 - B) ~~Common writing problems~~
 - C) ~~Report options and USPAP compliance~~
 - D) ~~Case studies~~
- 5) ~~Elective course, 15 hours.~~

(Source: Amended at 31 Ill. Reg. 4741, effective March 9, 2007)

Section 1455.390 Continuing Education Course Requirements of Education Providers

- a) A continuing education course shall be at least 2 hours in length and shall meet the course curriculum prescribed in Section ~~1455.400~~1455.440 of this Subpart.
- b) Each education provider who seeks approval of a continuing education course shall submit to the Division an application that shall include, but not limited to, an outline and description of the course and the number of hours sought and the appropriate fee pursuant to Section 1455.320.
- c) An education provider who also offers pre-license education courses may submit pre-license courses for continuing education courses by submitting an application pursuant to subsection (b) of this Section. Only those pre-license courses that have been approved and licensed by the Division as continuing education courses shall be approved for continuing education credit.

(Source: Amended at 31 Ill. Reg. 4741, effective March 9, 2007)

Section 1455.420 Expiration Date and Renewal for Education Providers and Pre-License and Continuing Education Courses

- a) All education provider and pre-license and continuing education course licenses shall expire on December 31 of even numbered years.

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- b) Every education provider who wishes to renew his, her or its license and pre-license and continuing education course licenses shall submit to the Division:
- 1) an application, provided by the Division, in which all questions have been answered;
 - 2) any course materials must be submitted to~~requested by~~ the Division for review during the renewal application process; and
 - 3) the fees as required by Section 1455.320.

(Source: Amended at 31 Ill. Reg. 4741, effective March 9, 2007)

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- 1) Heading of the Part: Universal Newborn Hearing Screening Program
- 2) Code Citation: 89 Ill. Adm. Code 504
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
504.10	Amended
504.20	Amended
504.30	Amended
504.40	Amended
504.50	Amended
504.60	Amended
- 4) Statutory Authority: Implementing and authorized by the Hearing Screening for Newborns Act [410 ILCS 213].
- 5) Effective date of Amendments: March 6, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of proposal published in the Illinois Register: 30 Ill. Reg. 12694; July 28, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 504.20, the definition of "Screening" was changed in the last sentence to read "Screening shall detect, at a minimum, hearing better than or equal to 35 dBHL."
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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15) Summary and purpose of Rulemaking: This rulemaking will provide clarification to the screening and reporting requirements due to technological updates.

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

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

217/785-9772

17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

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TITLE 89: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER e: EARLY CHILDHOOD SERVICESPART 504
UNIVERSAL NEWBORN HEARING SCREENING PROGRAM

Section

504.10	Newborn Hearing Screening Program Goals
504.20	Definitions
504.30	Hospital Screening
504.40	Reporting and Tracking
504.50	Access to Diagnostic Testing
504.60	Newborn Hearing Screening Advisory Committee

AUTHORITY: Implementing and authorized by the Hearing Screening for Newborns Act [410 ILCS 213].

SOURCE: Adopted at 25 Ill. Re g. 16079, effective November 28, 2001; amended at 31 Ill. Reg. 4770, effective March 6, 2007.

Section 504.10 Newborn Hearing Screening Program Goals

- a) All infants born in Illinois will have their hearing screened prior to discharge from the hospital that performed the delivery, or no later than one month of age, whichever comes first.
- b) All newborns referred from the Illinois Newborn Hearing Screening Program will have diagnostic testing completed by three months of age.
- c) All infants diagnosed with significant hearing loss will be referred to the University of Illinois at Chicago Division of Specialized Care for Children's Program for children with special health care needs authorized by the Specialized Care for Children Act [110 ILCS 345] and the Early Intervention Program (89 Ill. Adm. Code 500) authorized by the Early Intervention Services System Act [325 ILCS 20] receive appropriate treatment, including hearing instrumentation, and be enrolled in the Illinois Early Intervention System by six months of age.

(Source: Amended at 31 Ill. Reg. 4770, effective March 6, 2007)

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Section 504.20 Definitions

"Audiologist" means a person licensed by the ~~State of~~ Illinois Department of Financial and Professional Regulation to provide audiological services.

"Auditory Brainstem Response (ABR)" means electrophysiologic measurement of the brainstem's response to the acoustic stimulation of the ear.

"Automated Auditory Brainstem Response (AABR)" means objective electrophysiologic measurement of the brainstem's response to acoustic stimulation of the ear, obtained with equipment that automatically provides a pass/refer outcome.

"Bilateral Pass" means the likelihood of significant hearing loss in both or either ear is low on the day of the screening.

"DHS" means Illinois Department of Human Services.

"Diagnostic Audiological Evaluation" means, for the purposes of this Part, the physiologic and behavioral procedures required to evaluate and diagnose hearing status.

~~"DPA" means Illinois Department of Public Aid.~~

"IDPH" means Illinois Department of Public Health.

"DSCC" means the Division of Specialized Care for Children, at the University of Illinois at Chicago.

"Early Intervention" means a statewide, family-centered service system to find and help children under the age of 36 months who have ~~disabilities or~~ developmental delays or disabilities that may result in developmental delays. These infants and toddlers are eligible through the Illinois Early Intervention Services System for special Early Intervention Services (see 89 Ill. Adm. Code 500) defined in Part C of the Individuals With Disabilities Education Act (IDEA) (20 USC 1400 et seq.).

"Family Case Management" or "FCM" is a program dedicated to improving the

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health and development of children and families by providing the earliest identification of their needs and promoting linkages to address those needs as set forth in 410 ILCS 212.

"Hearing and Vision Connections" means a statewide Early Intervention training, resource, referral and technical assistance program for infants and toddlers who are deaf, hard of hearing, or visually impaired.

"Hospital" means, for the purposes of this Part, a facility licensed by the State of Illinois under the Hospital Licensing Act [210 ILCS 85] providing obstetrical and neonatal services.

"MCH" means Maternal and Child Health.

"Medical Diagnostic Evaluation" means, for the purposes of this Part, the examination and medical procedures provided by an otolaryngologist, otologist, or other qualified personnel to evaluate otologic status.

"Otoacoustic Emissions Testing" means a specific test method that elicits a physiologic response from the outer hair cells in the cochlea, and may include Transient Evoked Otoacoustic Emissions (TEOAE) and/or Distortion Product Otoacoustic Emissions (DPOAE).

"Otolaryngologist" means a physician trained in the medical and surgical management and treatment of patients with diseases and disorders of the ear, nose, throat (ENT), and related structures of the head and neck.

"Otologist" means a physician who specializes in treatment of the ear.

"Screening" means the completion of one or more objective, physiologic, electronic tests administered to determine the infant's hearing status in each ear and the need for further diagnostic testing by an audiologist and physician. The screening shall be performed by individuals who have been appropriately trained in the procedure and instrumentation used by the hospital. Screening shall detect, at a minimum, hearing better than or equal to 35 dBHL.

"Significant Hearing Loss" means a dysfunction of the auditory system of any type or degree that is sufficient to interfere with the acquisition of speech and language skills.

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(Source: Amended at 31 Ill. Reg. 4770, effective March 6, 2007)

Section 504.30 Hospital Screening

a) Population

- 1) All hospitals performing deliveries will provide bilateral hearing screening to infants born in their institution. In the event that a newborn does not pass, the hospital shall provide another screening (rescreening). These screenings shall be provided prior to discharge.
- 2) If a newborn is placed in the neonatal intensive care unit (NICU) or transferred to another hospital without written documentation of a completed hearing screening, the hearing screening will be completed by the receiving hospital, prior to discharge.
- 3) All hospitals performing deliveries will make provisions for outpatient screenings for~~to screen~~ infants born in the home or other location outside the hospital when requested by the parents or the child's physician.

b) Parental Information/Consent

- 1) The provisions of the Act shall not apply when the newborn's parent or guardian objects in writing on the grounds that the screening conflicts with his/her religious beliefs or practices and presents a written objection to a physician or other person whose objective it is to obtain the screening.
- 2) All hospitals shall provide information about newborn hearing screening, to the parents/~~guardians guardian considering refusal, about newborn hearing screening~~ that shall include: the purposes and benefits of newborn hearing screening, indications of hearing loss, what to do if the parent/guardian suspects a hearing loss, and procedures used for hearing screening.

c) Documentation

- 1) The hospital shall provide written information to all parents giving birth or transferred to its facility and to the infant's primary care provider, when

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identified, that includes procedures used for hearing screening, limitations of screening procedures, and results of the hearing screening.

- 2) In the event that an infant does not pass the screenings, the hospital shall provide written information to the parents recommending further diagnostic testing and explaining how diagnostic tests may be obtained.
- 3) The hospital shall maintain written documentation in the infant's clinical record. The documentation shall include: procedures used for hearing screening, time and location ~~offer~~ the screening, individual administering the screening test, outcome of the screening, and recommendation for further testing.

d) Personnel

- 1) Newborn hearing screening shall be performed by an individual, including but not limited to a licensed professional, who is appropriately trained and supervised, according to guidance provided by the [Illinois Newborn Hearing Screening Program](#)~~Illinois Department of Human Services~~.
- 2) Each hospital shall identify a liaison to the [Illinois Newborn Hearing Screening Program](#)~~Universal Newborn Hearing Screening (UNHS) program~~ at the [Illinois Department of Human Services](#) and at the Department of Public Health.

e) Equipment

- 1) Technology for screening as set forth in this Part must:
 - A) measure a physiologic response;
 - B) be implemented with objective response criteria;
 - C) use a procedure that measures the status of the peripheral auditory system and that is highly correlated with hearing status;
 - D) be designed for newborn hearing screening.
- 2) The methodology used ~~shall~~should detect, at a minimum, all infants with

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unilateral or bilateral hearing loss equal to or greater than ~~or equal to~~ 35 dBHL.

- 3) The methodology used should have a false-positive rate (the proportion of infants without hearing loss who are labeled incorrectly by the screening process as having significant hearing loss) of 3% or less.
- 4) The methodology used ~~ideally~~ should have a false-negative rate (the proportion of infants with significant hearing loss missed by the screening program) approaching~~of~~ zero.

(Source: Amended at 31 Ill. Reg. 4770, effective March 6, 2007)

Section 504.40 Reporting and Tracking

- a) Hospitals shall report screening results to the Illinois Department of Public Health ~~(IDPH)~~.
- 1) Hospitals shall report all required data per IDPH reporting requirements and methods, ~~including the use of IDPH forms and electronic data system at such time as it becomes available.~~
- 2) ~~On a monthly basis, hospitals shall report aggregate data regarding their universal newborn hearing screening activities. The report shall include: number of live births, number of newborns screened, number of newborns passing screening, number refused, number of newborns who do not pass screening, and number of newborns referred for further diagnostic testing.~~
- 23) In order to capture all children who may have a hearing loss, infant specific information shall be reported to IDPH within 7 calendar days after the hearing screening/rescreening for all infants ~~who do not pass the rescreening and for those who miss the hospital screening or rescreening~~. The infant specific information shall include the infant's name, date of birth, place of birth (hospital), mother's name and address, mother's maiden name, hearing screening test results and date of screening~~name and address of infant's physician, when known, and date of referral for further testing~~.
- 3) Infants with results other than bilateral pass or who are deceased, the

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parent's/guardian's name, address, and name of the primary care physician shall be reported to IDPH.

- 4) For infants who transfer to another hospital prior to screening, the "test result" reported to IDPH by the birthing hospital shall be listed as "transferred" and shall indicate the date of transfer and the hospital to which the child was transferred.
- 4) ~~For those hospitals that schedule and/or perform outpatient screenings, the screenings must be completed and reported to IDPH within 30 days after the discharge of the infant.~~
- b) IDPH will ~~maintain~~establish a registry of infants in need of follow-up as a result of the newborn hearing screening program. The registry will include all infants who did not pass the newborn hearing screening in the hospital and who did not file a written religious exemption.
- c) IDPH will notify the infant's primary care physician, as indicated ~~to IDPH by the hospital on the referral document~~. IDPH will provide written notification to both the infant's physician ~~named on listed on~~ the hospital record and the parents/guardians, within 5 business days after the receipt of the hospital report, regarding the need for follow-up for infants ~~not passing~~failing the screening.
- d) Persons who conduct any procedure necessary to complete an infant's hearing screening or diagnostic ~~follow-up~~testing shall report this information to IDPH. Diagnostic ~~follow-up~~testing results shall be reported to IDPH within 30 days after testing.
- e) When hearing loss is confirmed, IDPH will ~~make referrals~~have a procedure for referral to the Early Intervention Program, to Hearing and Vision Connections, to DSCC, and to the MCH Family Case Management Agency.
- f) IDPH will notify the appropriate MCH Family Case Management Agency or local health department~~local perinatal follow-up agency~~, in writing, of infants with no reported diagnostic testing 60 days after the initial hospital report regarding any non-bilateral pass test result~~the screening failure~~.
- g) The local MCH Family Case Management Agency or local health department~~perinatal follow-up agency~~ will provide appropriate follow-up services

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and report results to IDPH.

(Source: Amended at 31 Ill. Reg. 4770, effective March 6, 2007)

Section 504.50 Access to Diagnostic Testing

- a) DSCC shall provide assistance to families of infants referred from the Universal Newborn Hearing Screening Program in order to help them obtain diagnostic testing to the extent the families wish assistance.
- b) Referrals for children ~~potentially eligible for Early Intervention services~~ under the Early Intervention Services System Act [325 ILCS 20] must be made upon confirmation of hearing loss.

(Source: Amended at 31 Ill. Reg. 4770, effective March 6, 2007)

Section 504.60 Newborn Hearing Screening Advisory Committee

- a) The Newborn Hearing Screening Advisory Committee shall consist of representatives from:
 - 1) Audiologists;
 - 2) Chicago Department of Public Health;
 - 3) Early intervention providers;
 - 4) Health insurance plans;
 - 5) Illinois Department of Human Services;
 - 6) Illinois Department of ~~Public Aid~~ Healthcare and Family Services;
 - 7) Illinois Department of Public Health;
 - 8) Parents of children with hearing loss;
 - 9) Pediatric Associations;

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- 10) Persons with hearing loss;
 - 11) Public and private hospitals;
 - 12) University of Illinois at Chicago Division of Specialized Care for Children; and ~~Division of Specialized Care for Children at the University of Illinois at Chicago.~~
 - 13) Illinois Deaf and Hard of Hearing Commission
- b) The advisory committee shall:
- 1) Recommend policies and procedures to DHS, IDPH, and DSCC to ensure the efficient and effective administration of the Hearing Screening for Newborns Act. Develop and conduct training for hospitals implementing newborn hearing screening.
 - 2) Review any reports made available by the State with respect to the hearing screening status of all newborns. ~~Develop a tracking and follow up program for diagnostic hearing testing for those infants failing hospital-based screening, in order to diagnose congenital hearing loss.~~
 - 3) Review the availability of third party reimbursement for universal hospital-based hearing screening, diagnostic testing, hearing aids, cochlear implants, and similar concerns. ~~Develop a referral system to early intervention services and for hearing amplification for those infants diagnosed with hearing loss.~~
 - 4) ~~Develop an application process for financial assistance by the Division of Specialized Care for Children for follow up diagnostic hearing testing of newborns failing hospital based screening.~~
 - 5) ~~Develop educational and informational materials for hospital personnel, health care professionals, and parents on appropriate follow up procedures for infants failing hospital based screening.~~
 - 6) ~~Monitor any reports made available to the State with respect to the hearing screening status of all newborns.~~

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- 7) ~~Monitor the availability of third party reimbursement for universal hospital-based hearing screening of newborn infants.~~
- 48) Review administrative rules and make recommendations to the Department regarding those rules.

(Source: Amended at 31 Ill. Reg. 4770, effective March 6, 2007)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.11 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)]
- 5) Effective Date of Amendment: March 12, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposed Published in Illinois Register: 30 Ill. Reg. 11334; June 30, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 1030.11(f), deleted "or not". In Section 1030.11 (f)(3), changed "may" to "will" twice and changed "the effective date of the minimum 50 hours requirement" to "June 22, 2006."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1030.65	Amendment	30 Ill. Reg. 18077; November 17, 2006
1030.81	Amendment	30 Ill. Reg. 16262; October 13, 2006

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1030.82	Amendment	30 Ill. Reg. 16262; October 13, 2006
1030.83	Amendment	30 Ill. Reg. 18863; December 15, 2006
1030.85	Amendment	30 Ill. Reg. 16262; October 13, 2006
1030.96	Amendment	30 Ill. Reg. 16895; October 27, 2006
1030.98	Amendment	30 Ill. Reg. 16895; October 27, 2006

15) Summary and Purpose of Amendment: This Amendment implements the changes to Public Act 94-0897, which concerns the Graduated Driver's Licensing law.

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

Arlene J. Pulley
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/825-6388

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses

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- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

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

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December

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13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007.

Section 1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's

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License

- a) For purposes of this Section, the following definitions shall apply:
- 1) "Foreign National" – A non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.
 - 2) "Night" - Those hours during the period from sunset to sunrise.
 - 3) ~~2)~~ "Temporary Visitor's Driver's License" or "TVDL" – A license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.
- b) A person who wishes to obtain a driver's license shall go to one of the Secretary of State Driver Services Facilities located throughout the state. An application form provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106] shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services facility employee with acceptable forms of identification provided in Appendix B of this Part establishing the applicant's name, date of birth, signature for comparison, Illinois residency, and social security number.
- c) Any foreign national who wishes to obtain a temporary visitor's driver's license shall go to one of the designated Secretary of State Driver Services facilities located throughout the State. An application form, provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106], shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services facility employee with acceptable forms of identification provided in Appendix B of this Part to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency, and authorization of legal presence in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security

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Administration verifying ineligibility for a social security number.

- d) A temporary visitor's driver's license shall only be issued to an individual who is authorized to reside in this country for 1 or more years and has at least 6 months of his or her authorized presence remaining. Except, individuals currently holding a temporary visitor's driver's license who have been granted a temporary extension to remain in this country pending a decision of his or her request for a status change, upon presentation of documents issued by the USCIS, may be issued a temporary visitor's driver's license for the period of the temporary extension.
- e) The applicant shall take the following tests as required in Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109]:
- 1) A vision test as provided in Sections 1030.70 and 1030.75 of this Part;
 - 2) A road test, if required, as provided in Section 1030.85 of this Part (exemptions to the road test requirement are provided in Section 1030.88 of this Part); and
 - 3) A written test, if required, as provided in Section 1030.80.
- f) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a driver's license [without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and](#) until the applicant has, in accordance with Section 6-107(b) of the Illinois Code [625 ILCS 5/6-107(b)]:
- 1) Held a valid instruction permit for a minimum of 3 months;
 - 2) Passed an approved driver education course and submits proof of having passed the course as may be required;
 - 3) Submits, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, otherwise by the [legal](#) guardian having custody of the applicant, or in the event there is no parent or [legal](#) guardian, then by another responsible adult, that the applicant has had a minimum of [5025](#) hours, [at least 10 hours of which have been at night](#), of

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behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The ~~50~~25 hours shall be in addition to the ~~6~~-required hours spent with a driver education instructor. The Secretary of State will exempt 25 hours of behind-the-wheel practice, which will include the 10 hours of night practice time, in cases where the instruction permit was issued prior to June 22, 2006. The person completing the certification shall upon signing the certification swear under penalty of perjury that everything contained within the certification is true and correct.

- g) A driver's license or temporary visitor driver's license applicant shall have his/her photograph taken unless exempted as provided in Section 1030.90 of this Part. A driver's license shall be issued upon completion of all the requirements of this Section and Chapter 6 of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].
- h) A temporary visitor's driver's license shall only be issued in non-CDL class D, L or M as established in Section 1030.30 of this Part.
- i) Each original temporary visitor's driver's license shall expire 3 years from the date of issuance or at the time the individual's authorization to remain in this country expires, whichever is less. Except, the temporary visitor's driver's licenses of individuals 81 years of age or older shall expire in accordance with Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)] or at the time the individual's authorization to remain in this country expires, whichever is less.
- j) Each renewal temporary visitor's driver's license shall expire no more than 3 years from the expiration date of the current license or at the time the individual's authorization to remain in this Country expires, whichever is less. Except, the licenses of individuals 81 years of age or older shall expire in accordance with Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)] or at the time the individual's authorization to remain in this country expires, whichever is less.
- k) The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's driver's license shall be in accordance with Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118].
- l) Any person who wishes to renew a temporary visitor's driver's license shall go to one of the designated Secretary of State Driver Services facilities located throughout the State. Renewal shall be allowed no more than 90 days prior to the

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expiration date of the current driver's license. An application form, provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106], shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services facility employee with acceptable forms of identification provided in Appendix B of this Part to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency and authorization of legal presence and extension of his/her stay in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number. The applicant shall also be retested in accordance with 625 ILCS 5/6-109 of the Illinois Vehicle Code.

- m) The Secretary of State shall not send a renewal notice to the holder of a temporary visitor's driver's license.
- n) The design and contents of a temporary visitor's driver's license shall be in accordance with Section 6-110 of the Illinois Vehicle Code [625 ILCS 5/6-110] and Section 1030.90 of the Illinois Administrative Code, except it shall not contain a social security number. The license shall be distinctive in nature as to identify it as a temporary visitor's driver's license and will contain the phrase "not valid for identification".
- o) Each temporary visitor's driver's license issued to applicants under 21 years of age shall be in accordance with Sections 6-107.3 and 6-110(e) and (e-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.3 and 6-110(e) and (e-1)]. A temporary visitor's driver's license issued to an individual under the age of 21 years shall expire three years from the issue date or at the time the individual's authorization to remain in this country expires, whichever is less.
- p) A foreign national who is issued a temporary visitor's driver's license shall not be required to surrender his/her foreign country driver's license.
- q) A Central Unit will be established within the Secretary of State Driver Services Department. The responsibilities of this Central Unit shall be to provide assistance to Driver Services facility employees responsible for the issuance of a TVDL and to individuals applying for a TVDL; resolve cases where the USCIS was unable to provide first level verification of USCIS documents, via the Systematic Alien Verification for Entitlements (SAVE) Program, presented by

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TVDL applicants at the Driver Services facility level; perform liaison services to the USCIS; and provide written notification of an applicant's eligibility or ineligibility for a TVDL.

- 1) When an applicant appears at one of the designated Driver Services facilities and provides the necessary documents to prove identity and legal presence, a facility employee will begin the process by initiating an automated inquiry via the SAVE Program to verify the information on the USCIS documents. Upon receipt of a verification response from the SAVE Program, the facility employee will begin the TVDL application process. If the facility employee receives the response of "initiate additional verification", additional information is submitted to USCIS via the SAVE Program and copies of the applicant's documents are forwarded to the Central Unit for monitoring. The applicant will be advised that he or she will receive written notification from the Central Unit regarding his or her eligibility for a TVDL.
- 2) A response to a 2nd request for verification of USCIS documents via the SAVE Program generally takes 3-5 days. Upon receipt of a response from the 2nd verification request via the SAVE Program, the Central Unit will send a letter to the applicant informing him or her of his or her eligibility or ineligibility for a TVDL.
- 3) If the Central Unit receives a response of "Need Copies of Docs" from USCIS via the SAVE Program, a third, manual verification process must be completed. This requires photo copies of the documents submitted for identification, accompanied by a USCIS G-845 Form (request for verification of documentation of alien status), to be forwarded to the Department of Homeland Security, Citizenship and Immigration Services Office in Chicago, Illinois. Upon receipt of a written response from USCIS, the Central Unit will send a letter to the applicant informing him or her of his or her eligibility or ineligibility for a TVDL.

(Source: Amended at 31 Ill. Reg. 4782, effective March 12, 2007)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Number: 1040.20 Adopted Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521
- 5) Effective Date of Amendment: March 12, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 15917; October 6, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 1040.20(c), in the item "607(a)(1)", changed "607(a)(1)" to "6-507(a)(1)". In Section 1040.20(q), moved the entry for item "6-514(k)" to after the entry for item "6-514(i)2iii". In the 4th column of item "6-514(a)3iv", changed "MCSIA" to "Motor Carrier Safety Improvement Act (MCSIA)". Other technical, non-substantive changes were made as suggested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1040.33	Amendment	30 Ill. Reg. 18077; August 18, 2006
1040.115	New	30 Ill. Reg. 18089; November 17, 2006
1040.70	Amendment	30 Ill. Reg. 18874; December 15, 2006

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- 15) Summary and Purpose of Amendment: This rulemaking updates the Illinois Offense Table to be in compliance with the Federal Motor Carrier Safety Regulations.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Arlene J. Pulley
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/825-6388

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

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NOTICE OF ADOPTED AMENDMENT

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

Section	
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.29	2 or More Traffic Offenses Committed <u>Within</u> within 24 Months by a Person Under the Age of 21 Years
1040.30	3 Or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35	<u>Administrative Revocation for</u> Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation <u>Based</u> Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension of License of Commercial Vehicle Driver
1040.52	Driver Remedial Education Course
1040.55	Suspension <u>or Revocation</u> for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit

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- 1040.70 Problem Driver Pointer System
- 1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
- 1040.100 Rescissions
- 1040.101 Reinstatement Fees
- 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
- 1040.105 Suspension for 5 or More Tollway Violations and/or Evasions
- 1040.107 Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle
- 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations
- 1040.109 Two or More Convictions for Railroad Crossing Violations
- 1040.110 Bribery
- 1040.111 Suspension for Violation of 625 ILCS 5/11-908(a-1) for Failure to Yield upon Entering a Construction or Maintenance Zone when~~When~~ Workers Are Present

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

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill.

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Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007.

Section 1040.20 Illinois Offense Table

- a) The conviction report furnished to the Driver Services Department by the court where a person was convicted of a traffic violation shall be entered upon the driving record by classification (type action) and used as a source of information. In the absence of Statutory Amendment, the following rules shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out herein.
 - 1) Classification for convictions of traffic offenses:
 - Type action 68: Record History Item Only
 - Type action 82: Conviction
 - Type action 83: Immediate action (no points assigned)
 - Type action 85: Conviction (no points assigned)

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Type action 87: Conviction (points assigned)
Type action 89: Withdrawal (no points assigned)
Type action 93: Immediate action bond forfeiture (no points assigned)
Type action 94: Immediate action conviction (no points assigned)
Type action 95: Bond forfeiture (no points assigned)
Type action 96: Conviction (no points assigned)
Type action 97: Bond forfeiture (points assigned)
Type action 99: Conviction (points assigned)

- 2) Description of Offense: The code used to describe the offense is composed of the chapter and/or Section number of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-100], the Municipal Code of the City of Chicago (Municipal Code of Chicago, ch. 27), the Criminal Code of 1961 [720 ILCS 5/1-1], the Cannabis Control Act [720 ILCS 550/1], the Illinois Controlled Substances Act [720 ILCS 570/100], the Liquor Control Act of 1934 [235 ILCS 5/6-16(a)], or the Illinois Identification Card Act [15 ILCS 335]. Preceding the Section number for these codes, with the exception of those listed in subsection (a)(1) above, will be a single digit code to identify the specific law which will be as follows:

- 0 – Criminal Code, Cannabis Control Act, Illinois Controller Substances Act, the Liquor Control Act of 1934, or the Illinois Identification Card Act
- 1 – Illinois Vehicle Code
- 2 – Local ordinance (all municipal ordinance convictions), or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code Violations with the exception of the first digit which shall be a "2"
- 4 – Motor Vehicle Theft Law of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/4-100]
- 6 – The Illinois Driver Licensing Law
- 7 – Chicago Municipal Ordinance
- 8 – Foreign state and other (all out-of-state convictions to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be an "8")

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NOTE: The position for the single digit codes 1, 2, 6, or 8, will be symbolized by a # throughout the point table set out [in this Partherein](#).

- 3) Any one of the last positions of the offense code may be used to indicate the paragraph of the Section violated, or refer to the number of miles per hour (in code form) the driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out [in this Partherein](#)).
 - 4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of Section 6-206(a)(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)], as well as the number of points that should be assigned to those convictions which in turn determines the length and/or type of such action.
 - A) A thorough review of literature relating to the general concept of point systems utilized by other states.
 - B) A specific review of point systems and ranges of point assignments utilized by other states.
 - C) An exhaustive and detailed review of the current Illinois point system.
 - D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed, and agreed upon by the consensus of the group.
- b) Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act. The following violations of the Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act will not be assigned points but will be entered on the record as type action -93- Bond forfeiture immediate action; or type action -94- conviction immediate action.

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
4-102	102000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor [625 ILCS 5/4-100]
4-103	103000	4 103 00	Motor Vehicle Anti-Theft Law, felony [625 ILCS 5/4-100]
4-103.1	103100	4 103 01	Motor Vehicle Anti-Theft Law, conspiracy [625 ILCS 5/4-100]
6-101	101000	# 101 00	Operating a motor vehicle without a valid license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-104(a)	104001	# 104 01	Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)
6-104(b)	104002	# 104 02	Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(c)	104003	# 104 03	Violation of classification for transporting property for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(d)	104004	# 104 04	Violation of school bus driver permits (a serious traffic violation if committed in a commercial motor vehicle)

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6-104(e)	104005	# 104 05	Violation of religious bus driver endorsement restriction (a serious traffic violation if committed in a commercial motor vehicle)
6-104(f)	104006	# 104 06	Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle)
6-105	105000	6 105 00	Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)
6-107.1(a)	107110	6 107.1A	Violation of instruction permit
6-107.1(b)	107120	6 107.1B	Violation of curfew law – under the age of 17
6-110(a)	110000	6 110 00	Violation of curfew law – under age of 17 (Child Curfew "An Act relating to a curfew for certain children" [720/25 ILCS 555/1 and 555/2])
6-113(e)	113501	# 113 E1	Violation of driver's license restriction (a serious traffic violation if committed in a commercial motor vehicle)
6-113(e)	113502	# 113 E2	Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-205(a)3	205103	# 205 A3	Any felony under the laws of any state or federal government in the commission of which a vehicle was used

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6-205(a)5	205105	6 205 A5	Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act, [705 ILCS 405/ 1-81 through 405/9] that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-210(1)	210001	# 210 01	Driving during the period of suspension/revocation
6-210(2)	210002	# 210 02	Driving during the period of suspension/revocation
6-301(1)	301001	# 301 01	To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit
6-301(2)	301002	# 301 02	To lend his license or permit to any other person or knowingly allow the use thereof by another
6-301(3)	301003	# 301 03	To display or represent as his own any license or permit issued to another

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6-301(4)	301004	# 301 04	To fail or refuse to surrender to the Secretary of State or his agent or any peace police officer, upon his lawful demand, any license or permit which has been suspended, revoked or cancelled
6-301(5)	301005	# 301 05	To allow any unlawful use of a license or permit issued to him
6-301(6)	301006	# 301 06	To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person
6-301.1(b)1	301121	# 301121	Possess fictitious altered driver's license or permit
6-301.1(b)2	301122	# 301122	Possess/display altered fictitious driver's license or permit
6-301.1(b)3	301123	# 301123	Possess fictitious altered driver's license or permit
6-301.1(b)4	301124	# 301124	Possess fictitious altered driver's license or permit
6-301.1(b)5	301125	# 301125	Possess fictitious altered driver's license or permit
6-301.1(b)6	301126	# 301126	Possess fictitious altered driver's license or permit
6-301.1(b)7	301127	# 301127	Issue fictitious driver's license or permit

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6-301.1(b)8	301128	# 301128	Alter/attempt to alter driver's license or permit
6-301.1(b)9	301129	# 301129	Provide ID for obtaining fictitious driver's license or permit
6-301.1(b)10	301120	# 301120	To knowingly use any fictitious or unlawfully altered driver's license or permit to purchase or attempt to purchase any ticket for, or to board or attempt to board any common carrier
6-301.1(b)11	011211	# 3011211	To knowingly possess any fictitious or unlawfully altered driver's license or permit if the person has, at the time, a different driver's license issued by the Illinois Secretary of State or other driver's license agency in another jurisdiction that is suspended or revoked
6-301.2(b)1	301221	# 301221	Possess fraudulent driver's license or permit
6-301.2(b)2	301222	# 301222	Possess/display fraudulent driver's license or permit
6-301.2(b)3	301223	# 301223	Possess fraudulent driver's license or permit
6-301.2(b)4	301224	# 301224	Possess fraudulent driver's license or permit
6-301.2(b)5	301225	# 301225	Possess fraudulent driver's license or permit
6-301.2(b)6	301226	# 301226	Possess fraudulent driver's license or permit

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6-301.2(b)7	301227	# 301227	Possess driver's license making implement
6-301.2(b)8	301228	# 301228	Possess stolen driver's license making implement
6-301.2(b)9	301229	# 301229	Duplicate/sell fraudulent driver's license or permit
6-301.2(b)10	301220	# 301220	Advertise or distribute fraudulent driver's license or permit
6-301.2(b)11	012211	# 3012211	To knowingly use a fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier as used in this Section
6-301.2(b)12	012212	# 3012212	To knowingly possess any fraudulent driver's license or permit if the person has, at the time, a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked
6-301.2(b-1)	301201	# 3012b-1	Possess, use, or allow to be used any material to obtain information from the bar code or magnetic strip of an official Illinois Driver's License issued by the Secretary of State (P.A. 94-930, eff. 6-26-06)
6-302(a)1	302101	# 302101	Present false information in an application. for driver's license/permit

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6-302(a)2	302102	# 302102	Accept false information/ID in an application for driver's license/permit
6-302(a)3	302103	# 302103	Make false affidavit swear or affirm falsely
6-303(a)1	303101	# 303 A1	Driving during a suspension or revocation
6-303(a)2	303102	# 303 A2	Driving during a revocation or suspension
6-303(d)	303400	# 303 D0	Second conviction of driving during revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)2	303402	# 303 D2	Third conviction of driving during a revocation or violations of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)3	303403	# 303 D3	Fourth or subsequent conviction of driving during revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)4	303404	6-303(D-4)	Tenth through fourteenth conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 of the Illinois

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			<u>Rules of the Road or Section 9-3 of the Criminal Code or similar provisions of a local ordinance</u>
<u>6-303(d)5</u>	<u>303405</u>	<u>6-303(D-5)</u>	<u>Fifteenth or subsequent conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 of the Illinois Rules of the Road or Section 9-3 of the Criminal Code or a similar provision of a local ordinance</u>
<u>6-507(a)2</u>	<u>507102</u>	<u># 507 A2</u>	<u>Driving a commercial motor vehicle (CMV) without obtaining a commercial driver's license (CDL) (P.A. 94-307, eff. 10-1-05)</u>
<u>6-507(a)3</u>	<u>507103</u>	<u># 507 A3</u>	<u>Driving without the proper commercial driver's license classification or endorsements (P.A. 94-307, eff. 10-1-05)</u>
6-507(b)	507200	6 507 B0	No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, canceled, nor while subject to disqualification or while subject to or in violation of an "out-of-service" order
6-507(b)1	507201	# 507 B1	No person may drive a commercial motor vehicle while driving privileges, license, or permit is suspended, revoked, canceled or disqualified
6-507(b)2	507202	# 507 B2	No person may drive a commercial motor vehicle while driving privileges, license, or permit is

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			subject to or in violation of an out-of-service order
6-507(b)3	507203	# 507 B3	No person may drive commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
8-101	008000	8000	Failure to show proof of financial responsibility – persons who operate motor vehicles in transportation of passengers for hire
11-204	020400	# 0204 00	Fleeing or attempting to elude a peacepolice officer
11-204.1	020401	# 0204 01	Aggravated fleeing or eluding a peacepolice officer
11-401	040100	# 0401 00	Leaving scene or failure to report an accident involving death or personal injury
11-402(b)	040202	# 0402 02	Leaving the scene of an accident involving damage to a vehicle in excess of \$1000
11-406(a)	040610	# 0406 A0	Failure to make report of vehicle accident
11-406(b)	040620	# 0406 B0	Failure to make report of school bus accident
11-501(a)1	050111	# 0501 A1	Driving with a blood alcohol concentration above the legal limit
11-501(a)2	050112	# 0501 A2	Driving while under the influence of

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alcohol

11-501(a)3	050113	# 0501 A3	Driving while under the influence of any other drug or combination of drugs (prior to 1-1-99)
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any intoxicating compound or combination of intoxicating compounds (effective 1-1-99)
11-501(a)4	050114	# 0501 A4	Driving under the combined influence of alcohol and other drug or drugs (prior to 1-1-99)
11-501(a)4	050114	# 0501 A4	Driving while under the influence of any other drug or combination of drugs (effective 1-1-99)
11-501(a)5	050115	# 0501 A5	Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act (prior to 1-1-99)
11-501(a)5	050105	# 0501 A5	Driving while under the combined influence of alcohol and other drug or drugs or intoxicating compound or compounds (effective 1-1-99)
11-501(a)6	050106	# 0501 A6	Driving while there is any amount of a drug, substance or compound in the person's breath, blood or urine resulting from the unlawful use or consumption of cannabis, a

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			controlled substance or an intoxicating compound (effective 1-1-99)
11-501(b)	501200	# 11-0501 B	Initial conviction of violating Section 11-501 subsection (b)
11-501(b-3)	050123	# 0501 B-3	Second conviction of violating Section 11-501(a) or a similar provision committed within 5 years of a previous violation of Section 11-501(a) or similar provision (P.A. 93-800, eff. 1-1-05)
11-501(b-4)	050124	# 0501 B-4	Third or subsequent violation committed within 5 years of a previous violation of Section 11-501(a) or a similar provision (P.A. 93-800, eff. 1-1-05)
11-501(c)	501300	# 11-0501 C	A violation of Section 11-501 subsection (c)
11-501(c-1)1	501311	# 0501 C11	Driving under the influence while revoked for driving while under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-1)2	501312	# 0501 C12	Third violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under

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Section 11-501.1

11-501(c-1)3	501313	# 0501 C13	Fourth or subsequent violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-4)1	501341	# 0501 C41	Convicted of violating Section 11-501(a) for first time when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)2	501342	# 0501 C42	Second conviction within 10 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)3	501343	# 0501 C43	Third conviction within 20 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16. This is considered a Class 4 felony
11-501(c-4)4	501344	# 0501 C44	Fourth or subsequent conviction for violating Section 11-501(a) when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a

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child under the age of 16. This is considered a Class 2 felony

11-501(c-5)1	501351	# 0501 C5(1)	Violation of Section 11-501(a) while transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)2	501352	# 0501 C5(2)	Second violation of Section 11-501(a) and at the time of the violation the person was transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)3	501353	# 0501 C5(3)	Second violation of Section 11-501(a) or a similar provision within 10 years and at the time of the violation the person was transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)4	501354	# 0501 C5(4)	Second conviction of Section 11-501(a) or a similar provision within 5 years and at the time of the violation the person was transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)5	501355	# 0501 C5(5)	Third conviction for violating Section 11-501(a) or a similar provision and at the time of the violation the person was transporting a person under the age of 16 (felony) (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)6	501356	# 0501 C5(6)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time the person

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			<u>was transporting a person under the age of 16 (felony) (P.A. 93-1093, eff. 3-29-05)</u>
<u>11-501(c-5)7</u>	<u>501357</u>	<u># 0501 C5(7)</u>	<u>Fourth or subsequent conviction for violating Section 11-501(a) or similar provision and at the time of the fourth or subsequent violation the person was transporting a person under age 16, 3 prior violations of transporting a person under age 16 or while BAC .16 or more (felony) (P.A. 93-1093, eff. 3-29-05)</u>
<u>11-501(c-6)1</u>	<u>501361</u>	<u># 0501 C6(1)</u>	<u>Conviction of Section 11-501(a) or a similar provision and the alcohol concentration was .16 or more (P.A. 93-1093, eff. 3-29-05)</u>
<u>11-501(c-6)2</u>	<u>501362</u>	<u># 0501 C6(2)</u>	<u>Second conviction of Section 11-501(a) or a similar provision within 10 years and at the time the BAC was .16 or more (P.A. 93-1093, eff. 3-29-05)</u>
<u>11-501(c-6)3</u>	<u>501363</u>	<u># 0501 C6(3)</u>	<u>Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time of the violation the person's BAC was .16 or more (felony) (P.A. 93-1093, eff. 3-29-05)</u>
<u>11-501(c-6)4</u>	<u>501364</u>	<u># 0501 C6(4)</u>	<u>Fourth or subsequent conviction for violating Section 11-501(a) or a similar provision and at the time of the fourth or subsequent violation the person's BAC was .16 or more, three prior convictions of</u>

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			transporting a person under the age of 16 or while BAC was .16 or more (felony) (P.A. 93-1093, eff. 3-29-05)
11-501(D)	501400	# 0501 D	A violation of Section 11-501(D)
11-501(d)1	050141	# 0501 D1	Such person committed a violation of Section 11-501(a) for the third or subsequent time
11-501(d)2	050142	# 0501 D2	Such person committed a violation of Section 11-501(a) while driving a school bus with children on board
11-501(d)3	050143	# 0501 D3	Such person in committing a violation of Section 11-501(a) was involved in a motor vehicle accident which resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries
11-501(d)4	050144	# 0501 D4	Committed a violation of Section 11-501(a) of the Illinois Vehicle Code for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense
11-501(d)1A	501411	# 0501D1A	Convicted of committing a violation of Section 11-501(a) of the Illinois Vehicle Code for the third or subsequent time

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11-501(d)1B	501412	# 0501D1B	Such person committed a violation of of Section 11-501(a) of the Illinois Vehicle Code while driving a school bus with children on board
11-501(d)1C	501413	# 0501D1C	Such person, in committing a violation of Section 11-501(a) of the Illinois Vehicle Code, was involved in a motor vehicle accident which resulted in great bodily harm or permanent disability or disfigurement to another when such violation was the proximate cause of such injuries
11-501(d)1D	501414	# 0501D1D	Committed a violation of Section 11-501(A) of the Illinois Vehicle Code for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense or Section 11-501(d)(1)(C) or (F)
11-501(d)1E	501415	# 0501D1E	Committed a violation of Section 11-501(a) in a school zone when a 20 MPH speed limit was in effect and was involved in an accident that resulted in bodily harm
11-501(d)1F	501416	# 0501D1F	Committed a violation of Section 11-501(a) and was involved in a motor vehicle, snowmobile, all-terrain vehicle or water craft accident that resulted in the death of

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			<u>another person when the violation of Section 11-501(a) was a proximate cause of death</u>
<u>11-501(d)1G</u>	<u>501417</u>	<u># 0501D1G</u>	<u>Committed a violation of Section 11-501(a) and the driver did not possess a valid driver's license or permit (P.A. 94-329, eff. 1-1-06)</u>
<u>11-501(d)1H</u>	<u>501418</u>	<u># 0501D1H</u>	<u>Committed a violation of Section 11-501(a) and the driver knew that the vehicle being driven was not covered by a liability insurance policy (P.A. 94-329, eff. 1-1-06)</u>
<u>11-503(c)</u>	<u>050303</u>	<u># 050303</u>	<u>Aggravated reckless driving</u>
11-504	050400	# 0504 00	Drag racing
11-907(c)	090703	# 0907 03	Failure to yield the right-of-way or drive with due caution upon approaching a stationary emergency vehicle
<u>11-908(a)1</u>	<u>090811</u>	<u>1 908 A1</u>	<u>Failure to yield and proceed with due caution upon entering a construction zone when workers are present</u>
<u>11-1301 3a-1</u>	<u>301311</u>	<u># 13013A1</u>	<u>Unauthorized use of handicap placard or device (P.A. 94-619, eff. 1-1-06)</u>
11-1301.5(b)1	301521	1 13015B1	To knowingly possess any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device
11-1301.5(b)2	301522	1 13015B2	To knowingly issue or assist in the

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			issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)3	301523	1 13015B3	To knowingly alter any person-with-disabilities license plate or parking decal or device
11-1301.5(b)4	301524	1 13015B4	To knowingly manufacture, possess, transfer, or provide any documentation used in the application process, whether real or fictitious, for the purpose of obtaining, a fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)5	301525	1 13015B5	To knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device
11-1301.5(b)6	301526	1 13015B6	To knowingly transfer a person-with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to any authorized holder of a person-with-disabilities license plate or parking decal or device under this Code in the absence of the authorized holder
11-1301.6(b)1	301621	1 13016B1	To knowingly possess any fraudulent person-with-disabilities license plate or parking decal or

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CRIMINAL CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
			devise
11-1301.6(b)2	301622	1 13016B2	To knowingly possess without authority any implement to duplicate and/or manufacture any person-with-disabilities license plate or parking decal or device
11-1301.6(b)3	301623	1 13016B3	To knowingly duplicate, manufacture, sell, or transfer any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)4	301624	1 13016B4	To knowingly assist in the duplication, manufacturing, selling, or transferring of any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)5	301625	1 13016B5	To advertise or distribute a fraudulent person-with-disabilities license plate or parking decal or device
12-215(g)	221507	# 2215 07	Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-215] without lawful authority to stop
9-3	009003	9 03	Reckless homicide resulting from operation of a motor vehicle

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11-15.1	011151	11 151	Conviction of soliciting for a juvenile prostitute
11-19.1	011191	11 191	Conviction of juvenile pimping
12-5	012005	12 05	Conviction of reckless conduct
12-13	012013	12 13	Conviction of criminal sexual assault
12-14	012014	12 14	Conviction of aggravated criminal sexual assault
12-15	012015	12 15	Conviction of criminal sexual abuse
12-16	012016	12 16	Conviction of aggravated criminal sexual abuse
18-3	0018003	18 3	Conviction of vehicular hijacking
18-4	0018004	18 4	Conviction of aggravated vehicular hijacking
21-2	021002	21 02	Criminal trespass to motor vehicles
22-51	022051	22 51	Violation of the Hypodermic Syringes and Needles Act [720 ILCS 635/2] concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle

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24-1(a)7	241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)9	241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.2	241200	241 200	Conviction of aggravated discharge of a firearm
24-1.5(b)	241520	24 15B	Conviction of reckless discharge of a firearm

THE LIQUOR
CONTROL ACT
OF 1934

EDPM
OFFENSE
CODE

ABSTRACT
DESCRIPTION
CODE

DESCRIPTION OF OFFENSE

43-131(a)	431311	43 131A	Minor presents false ID to buy alcoholic beverage – Liquor Control Act of 1934
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[6-20](#)

[006020](#)

[6-20](#)

[Violation of Section 6-20 of the Liquor Control Act of 1934 \(P.A. 92-804, eff. 1-1-03\)](#)

CANNABIS
CONTROL
ACT

EDPM
OFFENSE
CODE

ABSTRACT
DESCRIPTION
CODE

DESCRIPTION OF OFFENSE

704(a)	070401	704 01	Conviction for violation of Section 4(a) of the Cannabis Control Act concerning the possession of not more than 2.5 grams of any substance containing cannabis
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704(b)	070402	704 02	Conviction for violation of Section 4(b) of the Cannabis Control Act concerning the possession of more than 2.5 grams but more than 10 grams of any substance containing cannabis
704(c)	070403	704 03	Conviction for violation of Section 4(c) of the Cannabis Control Act concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis
704(d)	070404	704 04	Conviction for violation of Section 4(d) of the Cannabis Control Act concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis
704(e)	070405	704 05	Conviction for violation of Section 4(e) of the Cannabis Control Act concerning the possession of more than 500 grams of any substance containing cannabis
705	00705	705 00	Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis
707	00707	707 00	Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult

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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1401(a)	140101	1401 01	Class X violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(b)	140102	1401 02	Class 1 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(c)	140103	1401 03	Class 2 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(d)	140104	1401 04	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(e)	140105	1401 05	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(f)	140106	1401 06	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a

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			controlled substance
1401(g)	140107	1401 07	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1402(a)1	140201	1402 01	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing heroin
1402(a)2	014202	1402 02	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing cocaine
1402(a)3	014203	1402 03	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing morphine
1402(a)4	014204	1402 04	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing peyote
1402(a)5	014205	1402 05	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid

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1402(a)6	014206	1402 06	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine or methamphetamine
1402(a)7	014207	1402 07	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more, but less than 100 grams of any substance containing lysergic acid diethylamide (LSD)
1402(a)8	014208	1402 08	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine
1402(a)9	014209	1402 09	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone
1402(a)10	014210	1402 10	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of

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isomers of phencyclidine (PCP)

1402(a)11	014211	1402 11	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II which is not otherwise included in this subsection
1402(b)	014220	1402 20	Conviction for violation of Section 402(b) of the Controlled Substances Act concerning the possession of any other amount of a controlled or counterfeit substance
1407	014070	1407 00	Adult delivers controlled or counterfeit substances to minor
1407.1	014701	1407 01	Adult uses minor to deliver controlled/counterfeit substances
16J-15	161015	16J-15	Conviction for violation of theft of motor fuel (P.A. 94-700, eff. 6-1-06)
2103	021003	21 03	Violation of the Drug Paraphernalia Control Act [720 ILCS 600] concerning the sale of instruments used for illegal drug use or abuse
ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
335-14a1	014101	14A1	To possess, display, or cause to be

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			displayed any canceled or revoked identification card
335-14a2	014102	14A2	To display or represent as the person's own any identification card issued to another
335-14a3	014103	14A3	To allow any unlawful use of an identification card issued to another person
335-14a4	014104	14A4	To lend an identification card to another or knowingly allow the use thereof
335-14a5	014105	14A5	To fail or refuse to surrender to the Secretary of State, the Secretary's agent, or any peace officer upon lawful demand, any identification card that has been revoked or canceled
335-14a6	014106	14A6	To knowingly possess, use or allow to be used any materials, hardware or software specifically designed for or primarily used in the manufacture, assembly, issuance or authentication of an official Illinois identification card or Illinois disabled person identification card by the Secretary of State (P.A. 93-667, eff. 3-19-04)
335-14a7	014107	14A7	To knowingly possess, use or allow to be used a stolen identification card making implement (P.A. 94-239, eff. 1-1-06)

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335-14(A-1)	014011	14-A-1	Possess or use materials to obtain information from an identification card (P.A. 94-239, eff. 1-1-06)
335-14ab1	014121	14AB1	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card
335-14ab2	014122	14AB2	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card for the purpose of obtaining any account, credit, credit card, or debit card from a bank, financial institution, or retail mercantile establishment
335-14ab3	014123	14AB3	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this state or any law of any other jurisdiction
335-14ab4	014124	14AB4	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided

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335-14ab5	014125	14AB5	To knowingly possess any fictitious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
335-14ab6	014126	14AB6	To knowingly possess any fictitious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document
335-14ab7	014127	14AB7	To knowingly issue or assist in the issuance of any fictitious identification card
335-14ab8	014128	14AB8	To knowingly alter or attempt to alter any identification card
335-14ab9	014129	14AB9	To knowingly manufacture, possess transfer, or provide any identification document for the purpose of obtaining a fictitious identification card
335-14ab10	0141210	14AB10	To make application for the purpose of obtaining a fictitious identification card for another person
335-14ab11	0141211	14AB11	To obtain the services of another person to make application for the purpose of obtaining a fictitious identification card
335-14bb1	014221	14BB1	To knowingly possess, display or cause to be displayed any

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			fraudulent identification card
335-14bb1	014222	14BB1	To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment
335-14bb3	014223	14BB3	To knowingly possess any fraudulent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction
335-14bb4	014224	14BB4	To knowingly possess any fraudulent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
335-14bb5	014225	14BB5	To knowingly possess any fraudulent identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
335-14bb6	014226	14BB6	To knowingly possess any fraudulent identification card with the intent to use the identification

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			card to acquire any other identification document
335-14bb7	014227	14BB7	To knowingly possess without authority any identification card making implement (P.A. 93-895, eff. 1-1-05)
335-14bb7	014227	14BB7	To knowingly possess without authority any implement to duplicate or manufacture any license or identification card
335-14bb8	014228	14BB8	To knowingly possess any stolen implement for duplicating or manufacturing an identification card
335-14bb9	014229	14BB9	To knowingly duplicate, manufacture, sell or transfer any fraudulent identification card
335-14bb10	0142210	14BB10	To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card
335-14cal	014311	14CA1	Present false information in application for identification card
335-14ca2	014312	14CA2	Accept false information in application for identification card
335-14ca3	014313	14CA3	Make false affidavit, swear or affirm falsely

c) Illinois Vehicle Code

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The following point assigned violations will be entered on the driving record as type action -97- Bond forfeiture or type action -99- conviction

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
6-107(e)	107005	6 107 05	Violation of GDL Restrictions on passenger limitations of drivers under the age of 18 (Implemented for GDL – P.A. 90-369, eff. 1-1-98)	10
6-107(f)	107006	6 107 06	Violation of GDL restrictions. Every person under the age of 18 when transporting a child under the age of 19, as provided in 625 ILCS 25/5 (Child Passenger Act), shall be responsible for securing that child in either a child restraint system or properly fastened seat belt	10
6-107(g)	107007	6 107 07	Violation of GDL restrictions for the first six months after issuance of the driver's license on passenger limitations of driver's under the age of 18 (P.A. 93-101, eff. 1-1-04)	10
6-501	501000	6 501 00	Violation of more than one driver's license (a serious traffic violation if committed in a commercial motor vehicle)	50

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6-507(a) 6-507(A)(1)	50710 <u>10</u>	6 507 A <u>10</u>	Driving a commercial motor vehicle without a <u>commercial valid</u> driver's license (<u>CDL</u>) in possession (<u>P.A. 94-307, eff. 9/30/05</u>) (a serious traffic violation if committed in a commercial motor vehicle)	50
11-203	020300	# 0203 00	Failure to obey lawful order of authorized officer	10
11-305	030500	# 0305 00	Disregarding official traffic control device	20
11-306	030600	# 0306 00	Disregarding traffic control light	20
11-308	030800	# 0308 00	Disregarding lane control signal (a serious traffic violation if committed in a commercial motor vehicle)	20
11-309	030900	# 0309 00	Disregarding flashing traffic signal	20
11-402(a)	040201	# 0402 01	Collision involving damage to vehicles only – failure to stop, exchange information and make report	25
11-403	040300	# 0403 00	Failure to stop and exchange information after motor vehicle collision property damage only	25
11-403	040370	# 0403 G0	Failure to stop and exchange information or give aid after motor vehicle collision – personal injury involved	50

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11-404	040400	# 0404 00	Failure to notify owner after collision with unattended vehicle or other property	15
11-502(a)	050201	# 0502 01	Illegal transportation, of any alcoholic liquor within the passenger area of any motor vehicle	25
11-503	050300	# 0503 00	Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)	55
11-505	050500	# 0505 00	Squealing or screeching tires	10
11-601(a)	060100	# 0601 00	Speeding too fast for conditions or failure to reduce speed to avoid an accident (a serious traffic violation if committed in a commercial motor vehicle)	10
11-601(b)	060101	# 0601 01	1-10 MPH above limit	5
11-601(b)	060103	# 0601 03	11-14 MPH above limit	15
11-601(b)	060105	# 0601 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
11-601(b)	060107	# 0601 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
11-601(b)	060108	# 0601 08	26-29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50

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11-601(b)	060109	# 0601 09	Over 29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601.5	060109	# 0601 09	Driving 40 MPH or more in excess of the applicable speed limit	50
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605(a)	060501	# 0605 01	Exceeding the maximum speed limit in a school zone (a serious violation in a commercial motor vehicle)	20
11-605(b)	060502	# 060502	Exceeding the maximum speed limit through a highway construction or maintenance zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605.1	060510	# 0605 1	Exceeding the maximum speed limit in a construction zone (P.A. 93-955, eff. 8-19-04)	20
11-605.3b	060532	# 0605 3b	Exceeding the maximum speed limit on a park zone street (P.A. 94-808, eff. 5-26-06)	20
11-605.3c	060533	# 0605 3c	Failure to obey stop sign or red light on a park zone street (P.A. 94-808, eff. 5-26-06)	20
11-606(a)	060601	# 0606 01	Driving below minimum speed	5

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			limit	
11-606(b)	060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	20
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	10
11-701	070100	# 0701 00	Failure to drive on right side of roadway (a serious traffic violation if committed in a commercial motor vehicle)	20
11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(a)	070301	# 0703 01	Improper passing on left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(b)	070302	# 0703 02	Failure to yield right-of-way to vehicle passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(c)	070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-704	070400	# 0704 00	Improper passing on the right (a serious traffic violation if committed in a commercial motor vehicle)	20

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11-705	070500	# 0705 00	Improper passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-706	070600	# 0706 00	Driving on left side of roadway where prohibited (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(b)	070702	# 0707 02	Driving on left side of roadway in a no passing zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(d)	070704	# 0707 04	No passing in unincorporated area where there exists a school speed zone as defined in Section 11-605 (a serious traffic violation if committed in a commercial motor vehicle)	10
11-708	070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island (a serious traffic violation if committed in a commercial motor vehicle)	5
11-709(a)	070901	# 0709 01	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(b)	070902	# 0709 02	Improper center lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(c)	070903	# 0709 03	Improper traffic lane usage (a	20

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			serious traffic violation if committed in a commercial motor vehicle)	
11-709(d)	070904	# 0709 04	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709.1	070911	# 0709 11	Passing on shoulder while merging into traffic (a serious traffic violation if committed in a commercial motor vehicle)	20
11-710	071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commercial motor vehicle)	25
11-711(a)	071101	# 0711 01	Improper entry or exit from controlled access roadway	10
11-711(b)	071102	# 0711 02	Operating an improper vehicle on a controlled access roadway	10
11-801	080100	# 0801 00	Improper turn at intersection	10
11-802	080200	# 0802 00	Improper U-turn	20
11-803	080300	# 0803 00	Unsafe movement of vehicle from parked position	15
11-804	080400	# 0804 00	Failure to give stop or turn signal	15
11-805	080500	# 0805 00	Improper stop or turn signal	15
11-806	080600	# 0806 00	Improper arm signal	15
11-901	090100	# 0901 00	Failure to yield right-of-way at	15

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			intersection	
11-901.1	090101	# 901 01	Failure to yield right-of-way at T intersection	15
11-902	090200	# 0902 00	Improper left turn with oncoming traffic	25
11-903	090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or crosswalks with traffic control devices	20
11-904	090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20
11-905	090500	# 0905 00	Improper merging into traffic	20
11-906	090600	# 0906 00	Failure to yield right-of-way upon emerging from private road or roadway	20
11-907	090700	# 0907 00	Failure to yield right-of-way to emergency vehicle	15
11-908(a)	090801	# 0908 01	Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any highway construction or maintenance area	15
11-908(b)	090802	# 0908 02	Failure to yield right-of-way to authorized vehicle displaying flashing lights engaged in work upon a highway	15
11-908(c)	090803	# 0908 03	Failure to stop at highway construction sign	15

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11-1002(a)	100201	# 1002 01	Failure to yield right-of-way to pedestrians at crosswalks without traffic control devices	20
11-1002(d)	100204	# 1002 04	Passing vehicle stopped for pedestrian (a serious traffic violation if committed in a commercial motor vehicle)	20
11-1002(e)	100205	# 1002 05	Failure to yield right-of-way to pedestrian at an intersection	20
11-1003.1	100301	# 1003 01	Failure to exercise due care for pedestrian or bicyclist	10
11-1004	100400	# 1004 00	Failure to yield right-of-way to a blind or hearing impaired pedestrian	20
11-1008	100800	# 1008 00	Failure to yield to a pedestrian on a sidewalk	20
11-1101	110100	# 1101 00	Improper passing of street car on the left	10
11-1102	110200	# 1102 00	Improper passing on the right or failure to stop for a street car	20
11-1103	110300	# 1103 00	Obstructing street car traffic	5
11-1104	110400	# 1104 00	Driving through safety zone	20
11-1201	120100	# 1201 00	Failure to stop for approaching railroad train or signal	20
11-1201(a)	120110	# 1201 A	For drivers who are not always required to stop, failing to stop	20

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			<u>before reaching the railroad crossing, if tracks are not clear (serious traffic violation if committed in a commercial motor vehicle)</u>	
<u>11-1201(a-2)</u>	<u>120112</u>	<u># 1201 A2</u>	<u>Failing to obey a traffic control device or the directions of an enforcement official at the railroad crossing</u>	<u>20</u>
<u>11-1201(a-5)</u>	<u>120115</u>	<u># 1201 A5</u>	<u>For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching train (serious traffic violation if committed in a commercial motor vehicle)</u>	<u>20</u>
<u>11-1201(d-1)</u>	<u>120141</u>	<u># 1201 D1</u>	<u>For all drivers, failing to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance (serious traffic violation if committed in a commercial motor vehicle)</u>	<u>20</u>
11-1202	120200	# 1202 00	Failure to stop at railroad grade crossing	20
<u>11-1202</u>	<u>120020</u>	<u># 1202</u>	<u>Failure to stop before driving onto crossing</u>	<u>20</u>
11-1203	120300	# 1203 00	Improper movement of heavy equipment across railroad grade crossing	5
11-1204	120400	# 1204 00	Disregarding stop or yield sign at an intersection	20

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11-1205	120500	# 1205 00	Failure to yield right-of-way upon emerging from alley or driveway	20
11-1402(a)	140201	# 1402 01	Limitations on backing	10
11-1402(b)	140202	# 1402 02	Limitations on backing upon controlled access highway	20
11-1403	140300	# 1403 00	Motorcycle operating violation or passenger equipment violation	5
11-1403.1	140301	# 1403 01	Motorized pedalcycle operating violation	5
11-1403.2	140302	# 1403 02	Operation of motorcycle on one wheel – reckless driving	55
11-1404	140400	# 1404 00	Motorcycle glasses, goggles or shield violation	5
11-1405	140500	# 1405 00	Motorcycle equipment violation	5
11-1412.1	141201	# 1412 01	Driving upon sidewalk (a serious traffic violation if committed in a commercial motor vehicle)	20
11-1414(a)	141401	# 1414 01	Passing school bus receiving or discharging children (a serious traffic violation if committed in a commercial motor vehicle)	25
11-1418	141800	# 1418 00	Illegal operation of farm tractor upon highway	10
11-1425(b)	142520	# 1425 B	For all drivers, failing to have	20

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			sufficient space to drive completely through the railroad crossing without stopping (serious traffic violation if committed in a commercial motor vehicle)	
11-1505	150500	# 1505 00	Improper position of motorized pedalcycles on roadway	10
11-1505.1	150501	# 1505 01	Riding motorized pedalcycle more than two abreast on roadways	10
11-1507.1	150701	# 1507 01	Violation of lamps on motorized pedalcycles	10
11-1510(b)	151020	# 1510 B0	Improper left turn on pedalcycle	10
12-201(b)	220102	# 2201 02	Head, tail or side light violation	10
12-208(a)	220801	# 2208 01	No stop lights	5
12-208(b)	220802	# 2208 02	No turn signal lights	5
12-208(c)	220803	# 2208 03	No turn signal lights on trailers or semi-trailers	5
12-301	230100	# 2301 00	Defective brakes	20
12-610.1b	261012	# 2610 1B	Driver under age 18 using a wireless phone (P.A. 94-240, eff. 7-15-05)	10
12-804	280400	# 2804 00	School bus identification and warning light violation	5

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15-106	510600	# 5106 00	Failure to fasten or secure any protruding component of a vehicle	15
15-109	510900	# 5109 00	Spilling or unsafe load	15
15-110	511000	# 5110 00	Improper towing of a vehicle	10
15-114	511400	# 5114 00	Improper pushing of another vehicle	10

d) City of Chicago Traffic Regulations – Chapter 27 of the Municipal Code of Chicago

The following point assigned violations will be entered on the driving record as type action -97- Bond forfeiture or type action -99- conviction

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-201	201000	7 201 00	Disregarding official traffic control device	20
7-202	202000	7 202 00	Disregarding traffic control light	20
7-203	203000	7 203 00	Disregarding flashing traffic signal	20
7-204	204000	7 204 00	Disregarding lane control light	20
7-205	205000	7 205 00	Avoiding official traffic control device	20
7-210	210000	7 210 00	Driving motor-driven cycle on access roadway	10

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7-211	211000	7 211 00	Improper traffic lane usage	20
7-212	212000	7 212 00	Speeding too fast for conditions	10
7-212.01	212001	7 212 01	1-10 MPH above limit	5
7-212.03	212003	7 212 03	11-14 MPH above limit	15
7-212.05	212005	7 212 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
7-212.07	212007	7 212 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
7-213	213000	7 213 00	Driving below minimum speed limit	5
7-214	214000	7 214 00	Improper turn at intersection	10
7-215	215000	7 215 00	Improper or illegal turn on red signal light	20
7-216	216000	7 216 00	Improper U-turn	10
7-217	217000	7 217 00	Improper U-turn in Loop district	10
7-218	218000	7 218 00	Disobeying no-turn sign	10

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7-219	219000	7 219 00	Driving wrong way on one-way street	5
7-220	220000	7 220 00	Driving wrong way on one-way street – restrictive period	5
7-221	221000	7 221 00	Disregarding stop sign at intersection	20
7-222	222000	7 222 00	Failure to yield right-of-way at stop intersection	20
7-223	223000	7 223 00	Failure to yield right-of-way upon emerging from alley or driveway	20
7-224	224000	7 224 00	Entering intersection when traffic is obstructed	20
7-225	225000	7 225 00	Failure to observe yield right-of-way	20
7-226	226000	7 226 00	Failure to stop for approaching railroad train or signal	20
7-227	227000	7 227 00	Failure to observe bridge signal	20
7-228	228000	7 228 00	Failure to yield right-of-way to emergency vehicles	15
7-229	229000	7 229 00	Failure to yield right-of-way to pedestrian at intersection	20
7-230	230000	7 230 00	Failure to yield right-of-way at intersection	15
7-231	231000	7 231 00	Failure to yield right-of-way to pedestrian	20

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7-232	232000	7 232 00	Failure to yield right-of-way to equestrian	20
7-233	233000	7 233 00	Failure to yield right-of-way to blind person	20
7-236(a)	236001	7 236 01	Improper passing on the left	20
7-236(b)	236002	7 236 02	Failure to yield right-of-way to vehicle passing on the left	20
7-237	237000	7 237 00	Improper passing on the right	20
7-238	238000	7 238 00	Improper passing on the left	20
7-239	239000	7 239 00	Failure to drive on right side of roadway	5
7-240	240000	7 240 00	Passing stopped school bus receiving or discharging children	25
7-241	241000	7 241 00	Passing vehicle stopped for pedestrian	20
7-244	244000	7 244 00	Failure to obey lawful order or authorized officer	10
7-247	247000	7 247 00	Driving in area designated as play street	20
7-248	248000	7 248 00	Driving on sidewalk or parkway	20
7-249	249000	7 249 00	Driving through safety zone	20

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7-250	250000	7 250 00	Driving in bus lane	20
7-251	251000	7 251 00	Driving on left side of roadway where prohibited	20
7-252	252000	7 252 00	Improper backing	10
7-253	253000	7 253 00	Improper entry or exit from controlled access roadway	10
7-255	255000	7 255 00	Negligent driving	10
7-256	256000	7 256 00	Following too closely	25
7-257	257000	7 257 00	Failure to exercise due care for pedestrian	10
7-260	260000	7 260 00	Unsafe movement of vehicle from parked position	15
7-261	261000	7 261 00	Failure to give stop or turn signal	15
7-262	262000	7 262 00	Improper stop or turn signal	15
7-266	266000	7 266 00	Improper towing or pushing of vehicle	10
7-270	270000	7 270 00	Failure to drive within bus lane – bus drivers	20
7-271	271000	7 271 00	Failure to observe mass transportation vehicle regulations	20
7-278	278000	7 278 00	Illegal operation of motorcycle or motor driven cycle	10
7-342	342000	7 342 00	Defective brakes	20

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7-346	346000	7 346 00	Head, tail, or side light violation	10
7-359	359000	7 359 00	Towing vehicles without bar or other safety device	10
7-369	369000	7 369 00	Failure to notify owner after collision with unattended vehicle	25
7-402(c)	402003	7 402 03	Restricted turn signs – prohibited right or left turn	10

e) Illinois Vehicle Code

The following violations will be entered on the driving record as type action -95- Bond forfeiture or type action -96- conviction with no point value:

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-107(e)	107005	6107e	Exceeding passenger limitations for drivers under the age of 18
6-107(f)	107006	6107f	Unrestrained child under the age of 18
11-407(a)	040710	# 0407 A0	Failure of driver to give notice of accident
11-407(b)	040720	# 0407 B0	Failure of passenger to give notice of accident
11-1412	141200	# 1412 00	Crossing fire hose
11-1420	142000	# 1420 00	Funeral procession violation
12-201(c)	220103	# 2201 03	Registration light violation

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12-203	220300	# 2203 00	Lamps on parked vehicle
12-207	220700	# 2207 00	Spot light or auxiliary light violation
12-209	220900	# 2209 00	Other light violation
12-211(a)	221101	# 2211 01	Headlight violation
12-211(b)	221102	# 2211 02	Front light violation
12-212	221200	# 2212 00	Front red or flashing light violation
12-214	221400	# 2214 00	Special lighting equipment on rural mail delivery vehicle
12-603.1	260301	# 2603 01	Violation of the seat belt act
<u>12-604.1</u>	<u>260401</u>	<u># 260401</u>	<u>Driving while using prohibited video devices (P.A. 94-185, eff. 1-01-06)</u>
<u>12-613(a)</u>	<u>261301</u>	<u># 2613 A</u>	<u>Violation of possession and use of radar or laser jamming devices (P.A. 94-594, eff. 1-01-06)</u>
12-712(a)	271201	# 2712 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-713(a)	271301	# 2713 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
12-714(a)	271401	# 2714 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-715(a)	271501	# 2715 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle

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1104	001104	# 01104 00	Violation of the Child Passenger Protection Act, [625 ILCS 25] child under age 4
1104(a)	101104	# 01104 10	Violation of the Child Passenger Protection Act, [625 ILCS 25] child age 4 but under age 6
25/4	250400	25 04	Violation of the Child Passenger Protection Act [625 ILCS 25] child under age 4
25/4a	250401	25 04A	Violation of the Child Passenger Protection Act [625 ILCS 25] child age 4 but under age 16
25/4b	250402	25 04B	Unrestrained – age 6 but under age 18 [625 ILCS 25]

f) City of Chicago Traffic Regulations – Chapter 27 of The Municipal Code of Chicago

The following violations will be entered on the driving record as type action -95- Bond forfeiture or type action -96- conviction with no point value:

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-235	235000	7 235 00	Driving through a funeral Funeral procession
7-246	246000	7 246 00	Crossing fire hose
7-274	274000	7 274 00	Driving in a funeral Funeral procession
7-342.1	342001	7 342 01	Violation of seat belt act
7-347	347000	7 347 00	Spot light violation

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7-348	348000	7 348 00	Other light violation
7-349	349000	7 349 00	Front red or flashing light

g) Case Review

- 1) After each case is entered to the appropriate driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension, revocation, or disqualification by automated computer programs using criteria set forth in 92 Ill. Adm. Code 1040.
- 2) Driver control action shall be entered upon the driver's record by classification (type action).

A) Classification for driver control actions:

Type action 01	Mandatory Revocation
Type action 02	Discretionary Revocation
Type action 03	Discretionary Suspension
Type action 04	Safety Responsibility Suspension
Type action 05	Financial Responsibility Suspension
Type action 06	Unsatisfied Judgment Suspension
Type action 07	Mandatory Suspension
Type action 08	Cancellation of License
Type action 09	Mandatory Suspension
Type action 17	Statutory Summary Suspension
Type action 18	Vehicle Emissions Suspension
Type action 45	Cancellation/Suspension/Denial of School Bus Permit
Type action DN	Denial of License and/or Privileges
Type action DQ	Discretionary/Mandatory Disqualification
Type action FR	Family Financial Responsibility Suspension
Type action IV	Invalidation of License
Type action OS	Out of Service Law Enforcement History Item
Type action ZT	Zero Tolerance Suspension

B) Description of driver control action:

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The code used to describe the action is composed of the Chapter and/or Section number of the Illinois Vehicle Code which provides the Secretary of State with the authority to take such action.

h) Mandatory Revocation – Type Action 01

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(a)1	205101	6 205 A1	Reckless homicide
6-205(a)2	205102	6 205 A2	Driving while under the influence of alcohol, other drug, or combination thereof
6-205(a)3	205103	6 205 A3	Felony involving the use of a motor vehicle
6-205(a)4	205104	6 205 A4	Leaving the scene of a traffic accident involving death of personal injury – violation of Section 11-401 of the The Illinois Vehicle Code
6-205(a)5	205105	6 205 A5	Perjury under oath relating to ownership or operation of a motor vehicle
6-205(a)6	205106	6 205 A6	Three convictions of reckless driving committed within a 12-month period
6-205(a)7	205107	6 205 A7	Conviction of motor vehicle theft as defined in Section 4-102
6-205(a)8	205108	6 205 A8	Conviction of drag racing under Section 11-504 of the Illinois Rules of the Road of the Illinois Vehicle Code
6-205(a)9	205109	6 205 A9	Violation of financial responsibility in operation of a motor vehicle for the purpose of hire (Chapter 8) or for rent (Chapter 9)

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6-205(a)10	205110	6 205 A10	Reckless conduct, Section 12-5 Illinois Criminal Code of 1961
6-205(a)11	205111	6 205 A11	Conviction of aggravated fleeing or eluding a peacepolice officer
6-205(a)12	205112	6 205 A12	Violation of Sec. 6-507(b) or a similar law of another state relating to the unlawful operation of a commercial motor vehicle
6-205(a)(13)	6205113	6 205 A13	A second or subsequent violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act, that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of the Illinois Vehicle Code
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-205(c)	205300	6 205 C0	Revocation of a restricted driving permit
6-205(d)	205400	6 205 D0	Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a combination thereof

i) Discretionary Revocations and Suspensions – Type Action 02 or 03

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****

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6-113(d)	113400	6 113 D0	Violation of a restriction on a license or permit
6-206(a)1	206101	6 206 A1	Has committed an offense requiring revocation upon conviction
6-206(a)2	206102	6 206 A2	Three or more convictions of moving traffic violations committed within a 12-month period
6-206(a)3	206103	6 206 A3	Habitually been in violation of vehicle laws
6-206(a)4	206104	6 206 A4	Accident resulting in death or injury
6-206(a)5	206105	6-206 A5	Permitted unlawful or fraudulent use of license, ID card or permit
6-206(a)6	206106	6 206 A6	Conviction of an offense in another state requiring a suspension or revocation in this State including authorization contained in Section 6-203.1
6-206(a)7	206107	6 206 A7	Refused or failed to submit to an examination
6-206(a)8	206108	6 206 A8	Ineligible for license or permit under Section 6-103.
6-206(a)9	206109	6 206 A9	False statement or knowingly concealed a material fact in application for license, ID card or permit
6-206(a)10	206110	6 206 A10	Has displayed or attempted to fraudulently use any driver's license, ID card or permit not issued to such person
6-206(a)11	206111	6 206 A11	Driving while license or permit has been revoked

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6-206(a)12	206112	6-206 A12	Obtained the services of another person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)13	206113	6 206 A13	Violation of Curfew Act
6-206(a)14	206114	6 206 A14	Unlawful use of license or permit under Section 6-301 of the Illinois Vehicle Code or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335]
6-206(a)15	206115	6 206 A15	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 [725 ILCS 5/100-1]
6-206(a)16	206116	6 206 A16	Violation of Section 11-204, fleeing from a peacepolice officer
6-206(a)17	206117	6 206 A17	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)18	206118	6 206 A18	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-206(a)19	206119	6 206 A19	Has violated Section 6-101 – driving without a valid license
6-206(a)20	206120	6 206 A20	Has violated Section 6-104 – driving without a proper classification on a driver's license
6-206(a)21	206121	6 206 A21	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1000
6-206(a)22	206122	6 206 A22	Has used a motor vehicle in violation of

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Section 24-1(a)(3), (4), (7), or (9) of the Criminal Code of 1961

6-206(a)23	206123	6 206 A23	Has been convicted of violating Paragraph (a) of Section 11-502(a) for a second or subsequent time within one year
6-206(a)24	206124	6 206 A24	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense which is the same or similar to an offense specified under Section 6-205 or 6-206
6-206(a)25	206125	6 206 A25	Has permitted any form of identification to be used by another in the application process in order to obtain a license, identification card or permit
6-206(a)26	206126	6 206 A26	Has altered or attempted to alter a license or has possessed an altered license, identification card or permit
6-206(a)27	206127	6 206 A27	Has violated Section 6-16 of the Liquor Control Act of 1934
6-206(a)28	206128	6 206 A28	Conviction for the illegal possession of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act while operating a motor vehicle
6-206(a)29	206129	6 206 A29	Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or

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			instruments used for illegal drug use or abuse while operating a motor vehicle
6-206(a)30	206130	6 206 A30	Conviction of a second or subsequent time of a sex offense and/or an offense against drug laws while operating a motor vehicle as enumerated in Section 6-206(a)(29)
6-206(a)31	206131	6 206 A31	Refused to submit/failed test(s) as required by Section 11-501.6
6-206(a)32	206132	6 206 A32	Has used a motor vehicle in violation of Section 24-1.2 of the Criminal Code of 1961
6-206(a)33	206133	6 206 A33	A violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
6-206(a)34	206134	6 206 A34	Two or more convictions of moving traffic violations committed within a 24 month period (Type Action 02 prior to 8-8-98) (Type Action 03 prior to 8-11-98)
6-206(a)34	206134	6 206 A34	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 of the Illinois Vehicle Code (effective 8-8-98)
6-206(a)35	206135	6 206 A35	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 of the Illinois Vehicle Code (prior to 8-8-98)
6-206(a)35	206135	6 206 A35	Use of fictitious or unlawfully altered person-with-disabilities license plate or

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			parking decal or device as defined in Section 11-1301.5 of the Illinois Vehicle Code (prior to 8-8-98)
6-206(a)35	206135	6 206 A35	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 of the Illinois Vehicle Code (effective 8-8-98)
6-206(a)36	206136	6 206 A36	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 of the Illinois Vehicle Code (prior to 8-8-98)
6-206(a)36	206136	6 206 A36	Two or more convictions of moving traffic violations committed within a 24 month period (Type Action 02 effective 8-8-98) (Type Action 03 effective 8-11-98)
6-206(a)37	206137	6 206 A37	Has been convicted of a violation of subsection (e) of Section 11-907(c) that resulted in property damage, personal injury, or death
6-206(a)38	206138	6 206 A38	Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 (P.A. 92-874, eff. 1-1-03)
6-206(a)39	206139	6 206 A39	Has committed a second or subsequent violation of Section 11-1201 of the Illinois Vehicle Code (P.A. 92-814, eff. 1-1-03)
6-206(a)40	206140	6 206 A40	Failure to yield and proceed with due caution upon entering a construction zone when workers are present (P.A. 93-667, eff. 3-19-04)
6-206(a)41	206141	6 206 A41	Committed a second or subsequent violation of Section 11-605.1 of the Illinois Vehicle

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Code within 2 years of the date of the previous violation (P.A. 93-955, eff. 8-19-04)

6-206(a)42 206142 6 206 A42 Has committed a violation of Section 11-1301.3(a-1) (P.A. 94-930, eff. 6-26-06)

6-206(c)3 206303 6 206 C3 Conviction of an offense while holding a Restricted Driving Permit

ILLINOIS IDENTIFICATION CARD ACT

EDPM OFFENSE CODE

ABSTRACT DESCRIPTION CODE

DESCRIPTION OF OFFENSE

~~124 33(B)5~~ ~~243305~~ ~~124 33B5~~ ~~Signature of applicant or signature on ID card is a forgery~~

~~124 33(B)6~~ ~~243306~~ ~~124 33B6~~ ~~ID card used for unlawful or fraudulent purpose~~

~~124 33(B)8~~ ~~243308~~ ~~124 33B8~~ ~~ID card duplicated for any purpose~~

~~124 33(B)9~~ ~~243309~~ ~~124 33B9~~ ~~ID card utilized to counterfeit such cards~~

j) Discretionary or Mandatory – Suspension – Type Action 03, 07, 09, 17, or 18, or ZT

IVC VIOLATION CODE

EDPM OFFENSE CODE

ABSTRACT DESCRIPTION CODE

DESCRIPTION OF OFFENSE

6-205(c) 205300 6 205 C0 Suspension of a Restricted Driving Permit

6-205.2 205002 6 205 02 Theft of motor fuel (P.A. 94-700, eff. 6-1-06)

6-303(b) 303200 6 303 B0 Driving while license or permit has been

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revoked or suspended

6-306.3	306003	6 306 03	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail
6-306.5	306005	6 306 05	Failure to pay fines – parking violations or automated traffic law violations
6-306.7	306007	6 306 07	Failure to pay fines – Illinois State Toll Highway Authority
11-406(e)	040650	1 0406 E0	Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406
11-501.1	050101	1 0501 01	Statutory Summary Suspension
11-501.8	050108	1 0501 08	Zero Tolerance Suspension
11-1414(f)	141460	1 1414 F0	Failure to stop for school bus when loading or discharging passengers
13A 112(b)	311122	13A 112 B	Vehicle Emissions Suspensions suspension
13B 55(b)	132552	13B 55B	Vehicle Emissions Suspension (P.A. 88-533, eff. 1-1-95)

k) Safety Responsibility Suspension – Type Action 04

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-201			Motor vehicle operator and/or owner of a vehicle involved in an accident in excess of \$500 without liability insurance coverage, with a reasonable possibility of a civil judgment being entered in court

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l) Financial Responsibility Suspension – Type Action 05

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-305			Failure to maintain proof of financial responsibility (SR-22 insurance) for a <u>designated period of time</u> 3-year period

UNIFIED CODE OF CORRECTIONS *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
730/5	5-6-3.1(m)		Fail to file proof of financial responsibility after receiving supervision <u>or three convictions</u> for a mandatory insurance violation

m) Unsatisfied Judgment Suspension – Type Action 06

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-303			Failure to satisfy court judgment relating to property damage or personal injury resulting from the operation of any motor vehicle

n) Cancellation – Type Action 08

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-108(1)	108001	6 108 01	Request for withdrawal of consent

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6-108(2)	108002	6 108 02	Death of person giving consent
6-108(3)	108003	6 108 03	Person giving consent no longer has legal custody
6-113(d)	113400	6 113 D0	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction
6-201(a)1	201101	6 201 A1	Not entitled to the issuance of the license or permit
6-201(a)2	201102	6 201 A2	Failed to give the required or correct information
6-201(a)3	201103	6 201 A3	Failed to pay fees or taxes due
6-201(a)4	201104	6 201 A4	Committed any fraud in the making of such application
6-201(a)5	201105	6 201 A5	Ineligible therefore under the provisions of Section 6-103
6-201(a)6	201106	6 201 A6	Has refused or neglected to submit to examination or re-examination as required under this Code
6-201(a)7	201107	6 201 A7	Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle
6-201(a)8	201108	6 201 A8	Failed to notify Secretary of State of a medical condition which is likely to cause loss of consciousness or loss of ability to safely operate a motor vehicle within 10 days after becoming aware of the condition
6-205(c)	205300	6 205 C0	Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section

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NOTICE OF ADOPTED AMENDMENT

6-205

6-206(c)3	206303	6 206 C3	Cancellation of a permit subsequent to a discretionary revocation or suspension pursuant to Section 6-206
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ILLINOIS
IDENTIFICA
-TION CARD
ACT

EDPM
OFFENSE
CODE

ABSTRACT
DESCRIPTION
CODE

DESCRIPTION OF OFFENSE

335 13(b)1	013201	335-13 B1	Not entitled to the issuance of an identification card
335 13(b)2	013202	335-13 B2	False statement or knowingly concealed a material fact in your application for an identification card
335 13(b)3	013203	335-13 B3	Displayed or represented as your own an identification card not issued to you
335 13(b)4	013204	335-13 B4	Permitted an unlawful use of your identification card by allowing another person to use your identification card
335 13(b)5	013205	335-13 B5	Signature of the applicant or the signature on the identification card is a forgery
335 13(b)6	013206	335-13 B6	Identification card has been used for an unlawful or fraudulent purpose
335 13(b)7	013207	335-13 B7	Identification card has been altered or defaced
335 13(b)8	013208	335-13 B8	Identification card has been duplicated for any purpose
335 13(b)9	013209	335-13 B9	Identification card was utilized for counterfeit purposes

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NOTICE OF ADOPTED AMENDMENT

335 13(b)10 013210 335-13 B10 Not a disabled person as defined in Section 4A of the Illinois Identification Card Act (effective 07/01/85)

[335 13\(b\)11](#) [013211](#) [335-13 B11](#) [The holder failed to appear at a Driver Services Facility for the re-issuance of an identification card \(P.A. 93-895, eff. 1-1-05\)](#)

o) Discretionary/Mandatory Cancellation/Suspension/Denial of School Bus Driver Permit – Type Action 45

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-106.1	106001	6 106 01	Discretionary/mandatory suspension/cancellation/denial of a school bus driver permit pursuant to Section 6-106.1 of the Illinois Vehicle Code
6-106.1(a)	106011		Zero tolerance cancellation of school bus driver permit

p) Denial – Type Action DN

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-107(c)			Denial of driver's license and/or driving privileges pursuant to Section 6-107(c) of the Illinois Vehicle Code
6-107(d)			Denial of driver's license pursuant to Section 6-107(d) of the Illinois Vehicle Code
6-108.1			Denial of driver's license pursuant to Section

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NOTICE OF ADOPTED AMENDMENT

6-108.1 of the Illinois Vehicle Code

q) Discretionary/Mandatory Disqualification –Type Action DQ

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-514(a)1	514101	6 514 A1	Refusal to submit/failure to complete chemical test
6-514(a)2	514102	6 514 A2	Operating commercial motor vehicle/alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act
6-514(a)3I	514131	6 514 A31	Driving under influence of alcohol/other drugs
6-514(a)3II	514132	6 514 A32	Leaving scene of accident while operating commercial motor vehicle
6-514(a)3III	514133	6 514 A33	Driving commercial motor vehicle while committing any felony
6-514(b)	514200	6 514 B	Second conviction of violation Sec. 6-514(a)
6-514(c)	514300	6 514 C	Conviction of felony drug offense(s) using commercial motor vehicle
6-514(e)	514500	6-514 E	Conviction of 2 or more serious traffic violations within 3 years
6-514(i)1	514901	6-514 II	Conviction for a first violation of operating a commercial motor vehicle while driving

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NOTICE OF ADOPTED AMENDMENT

			privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)2	514902	6 514 I2	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)3	514903	6 514 I3	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)4	514904	6 514 I4	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)5	514905	6 514 I5	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)6	514906	6 515 I6	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(j)2i	514021	6 514 J2i	Convicted for a first violation of railroad-highway grade crossing

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NOTICE OF ADOPTED AMENDMENT

6-514(j)2ii	514022	6 514 J2ii	Convicted for a second violation of railroad-highway grade crossing within a three-year period
6-514(j)2iii	514023	6 514 J2iii	Convicted of a third or subsequent violation of railroad-highway grade crossing within a three-year period
6-514(k)	514110	6 514 K	Notification of a disqualification of a driver's CMV privileges imposed by US DOT, Federal Motor Carrier Safety Administration, in accordance with 49 CFR 383.52, the Secretary of State shall immediately record the notice of disqualification and confirm the action to the driver
6-514(a)3iv	514034	6 514 A3iv	Driving a CMV when, as a result of prior violations committed while operating a CMV, the driver's CDL is revoked, suspended, or cancelled, or the driver is Motor Carrier Safety Improvement Act (MCSIA) required
6-514(a)3v	514035	6 514 3v	Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle MCSIA required

r) Family Financial Responsibility Suspension – Type Action FR

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
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7-702

Individuals who are 90 days or more delinquent in court ordered child support payments and have been found in contempt by the court

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

7-703

Individual who is 90 days or more delinquent in court ordered child support payment

s) Invalidation – Type Action IV

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****

6-301.3

Invalidation of driver's license or permit pursuant to Section 6-301.3 of the Illinois Vehicle Code

t) Out-Of-Service – Law Enforcement Sanction History Item – Type Action OS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****

6-515

515000

6 515

24 Hour out-of-service order

u) The following violations will not be assigned points but will be entered on the driving record as type action -68- record history item conviction. In the following Table, ACD means AAMVANet Code Dictionary and ~~DHR means Driver History Record.~~

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A12	Refused to submit to test for alcohol Implied Consent Law
A24	Driving under the influence of medication not intended to intoxicate
A30	Possession
A33	Illegal possession of drugs (controlled substances)

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A40	Aiding in violation of ignition interlock or immobilization device
A41	Driver violation of ignition interlock or immobilization device
A60	Underage conviction of drinking and driving at <u>.020-.02 or higher</u> BAC
A61	Underage Administrative Per Se – drinking and driving at <u>.020-.02 or higher</u> BAC
B09	Refusal to reveal identity after accident
B10	Refusal to reveal identity after accident—fatal accident
B11	Refusal to reveal identify after accident—personal injury accident
B12	Refusal to reveal identify after accident—property damage accident
B20	Driving while license withdrawn
B21	Driving while license barred
B22	Driving while license canceled
B23	Driving while license denied
B24	Driving while license disqualified
B27	Driving while license out of service order is in effect
B28	Driving while registration canceled
B29	Driving while registration suspended
B30	Permit unlicensed person to drive

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B40	Possess or provide counterfeit or altered document
B42	Possess or provide counterfeit or altered registration or title
B43	Missing, defaced, or obscured license plates
B44	Mutilated document
B45	Mutilated driver's license (includes DL, CDL, and Instruction Permit) or ID
B46	Mutilated registration card or title
B50	Expired or no document (or item) which is required
B52	Expired or no emissions inspection
B53	Expired or no license plates or decal/sticker
B54	Expired or no registration or title
B55	Expired or no vehicle safety inspection
B60	Failed to file document or report as required
B62	Failed to file change of address or name
B63	Failed to file future proof of financial responsibility
B64	Failed to file insurance certification
B65	Failed to file medical/certification disability information
B70	Failed to show document as required
B71	Failed to show certificate of weight

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B72	Failed to show driver's license (includes DL, CDL, and Instruction Permit)
B73	Failed to show emissions or vehicle (safety) inspection
B74	Failed to show insurance certification
B75	Failed to show operator's (driver's) log
B76	Failed to show registration
B77	Failed to show registration, title or driver's license (includes DL, CDL, and Instruction Permit)
B80	Failed to surrender driver's license (includes DL, CDL, and Instruction Permit)
B81	Failed to surrender driver's license, registration, plates or title
B82	Failed to surrender registration, plates or title
B83	False report
B84	False report of accident
B85	False report of emissions inspection
B86	False report of odometer reading or disclosure
B87	False report of operator's (driver's) log
B88	False report of theft
B89	False report of vehicle (safety) inspection
B90	Failed to provide or submit title transfer documents

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B93	Loan registration or plated to another person
D01	Misrepresentation of identity or other facts
D02	Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
D03	Misrepresentation of identify or other facts on application for person with disabilities permit/plates
D04	Misrepresentation of identity or other facts on application for registration or title
D05	Misrepresentation of identity or other facts to avoid arrest or prosecution
D11	Manufacture or produce false emissions or vehicle (safety) inspection certificate
D12	Manufacture or produce false registration or title
D15	Present or use improperly document (or item) not specified
D16	Present or use improperly driver's license (includes DL, CDL, and Instruction Permit)
D17	Present or use improperly emissions or vehicle (safety) inspection
D18	Present or use improperly insurance certification
D19	Present or use improperly operator's (driver's) log
D20	Present or use improperly registration, plates, or decal/sticker
D21	Present or use improperly registration or title
D26	Use another's registration, plates, or title

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
D28	Violate limits of registration (manufacturer, transporter, dealer, farm, antiques, etc.)
D35	Failure to comply with financial responsibility law
D36	Failure to maintain required liability insurance
D37	Failure to pay for damages or make installment payment
D38	Failure to post security or obtain release from liability
D39	Unsatisfied judgment
D40	Failure to appear
D41	Failure to appear for hearing and/or mandatory appearance
D42	Failure to appear for or complete department investigation
D43	Failure to appear for or complete examination or re-examination
D44	Failure to appear for or complete required courses
D45	Failure to appear for trial or court appearance
D50	Failure to make required payment
D51	Failure to make required payment of child support
D52	Failure to make required payment of fee
D53	Failure to make required payment of fine and costs
D54	Failure to make required payment of tax

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
D55	Failure to make required payment of toll
D65	Depositing harmful (including injurious and for burning) substance on traffic way
D66	Failure to remove harmful substance from traffic way
D67	Littering from a motor vehicle
D68	Throwing from vehicle any harmful substance
D71	Exceeding hours on duty limitations
D72	Inability to control vehicle
D73	Obscuring, tampering with, or illegally displaying traffic control device, warning, or instructions
D74	Operating a motor vehicle improperly due to drowsiness
D75	Operating a motor vehicle improperly due to physical or mental disability
D77	Sex offense in a motor vehicle
E03	Operating without HAZMAT safety equipment as required by law
E04	Operating without HAZMAT placards/markings as required by law
E20	Use of equipment prohibited by law
E22	Use of emergency vehicle markings prohibited by law
E30	Defective equipment
E32	Defective emissions control device

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
E33	Defective HAZMAT safety devices
E35	Defective or noisy exhaust system or muffler
E37	Defective tires
E50	Failure to use equipment as required
E52	Failure to use disabled vehicle lights, reflectors, or flares as required
E53	Failure to use HAZMAT safety devices as required
E57	Failure to use snow tires or chains as required
E70	Equipment used improperly or obstructed
E72	Emissions control device used improperly or obstructed
E73	Equipment used improperly—making excessive noise
E74	Exhaust system used improperly or obstructed
E80	Failure to correct defects after inspection failure or notice
F01	Safety equipment not used properly as required
F05	Carrying unsecured passengers in open area of vehicle
F06	Improper operation of or riding on a motorcycle
F10	Exceeding or violating size, weight, or passenger/cargo limits
F11	Exceeding or violating passenger or cargo limits of vehicle/truck
F12	Exceeding or violating size limits of vehicle/truck

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
F13	Exceeding or violating weight limits of vehicle/truck
F15	Exceeding or violating size limits of road/bridge/tunnel
F16	Exceeding or violating weight limits of road/bridge/tunnel
F20	Failure to weigh vehicle or stop at weigh station
F21	No or improper trip permit
F22	No warning for projecting load
F24	Violation of excess size/weight permit
F30	Failure to place red flags or flares
F31	Failure to set brakes
F32	Non-emergency stop
F33	Parking in a handicap zone
F34	Stopping, standing or parking: obstructing or impeding traffic
F35	Stopping, standing or parking where prohibited or improper
F40	Improper vehicle used on roadway
F41	Operate or permit vehicle where prohibited or not authorized
F60	Abandoned vehicle
F61	Alteration of emissions control device
F62	Failed to get VIN

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
F63	Leaving vehicle unattended with engine running
F64	Opening vehicle door into moving traffic or while vehicle is in motion
F66	Unsafe condition of vehicle (no specified component)
M01	Failure to obey
M02	Failure to obey barrier
M03	Failure to obey construction or maintenance zone markers
M04	Failure to obey flagger
M06	Failure to obey motor carrier rules/regulations
M07	Failure to obey pedestrian control/device
M09	Failure to obey railroad crossing restrictions
M13	Failure to obey school crossing guard
M32	Following emergency vehicle unlawfully
M33	Following fire equipment unlawfully
M43	Ran off road
M47	Improper lane or location – in bicycle lane
<u>M55</u>	<u>Improper lane or location – on rail or streetcar tracks</u>
<u>M81</u>	<u>Careless driving</u>
<u>M82</u>	<u>Inattentive driving</u>

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****

- M83 Negligent driving
- N02 Failure to yield right of way to animal rider or animal-drawn vehicle
- N41 Failure to cancel directional signals
- N44 Giving wrong signal
- N84 Unsafe operation
- S97 Operating at erratic or suddenly changing speeds
- U02 Resisting arrest
- U04 Using a motor vehicle in connection with a misdemeanor (not a traffic offense)
- U05 Using a motor vehicle to aid and abet a felon
- U06 Vehicular assault
- U21 Illegal operation of emergency vehicle

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****

- DE-0 Defective equipment
- DS-0 Disability
- DS-1 Inability to pass one or more tests required for driver's license
- EM-0 Equipment misuse

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

EM-1	Leaving a vehicle unattended with engine running
ER-0	Equipment regulations
ER-2	Use of equipment prohibited by law
FA-2	Violation of a motor vehicle law resulting in one's own death
FA-3	Suicide by motor vehicle
FE-0	Felony
FR-0	Financial responsibility
FR-1	Unsatisfied judgment
FR-2	Failure to meet requirements of the security following accident provisions of the Financial Responsibility Law
FR-3	Failure to file future proof of financial responsibility following conviction for violation of motor vehicle laws
FR-4	Failure to file future proof of financial responsibility as required under any other provision of the Financial Liability Law
FR-5	Failure to maintain required compulsory liability insurance
LI-0	Littering
MR-0	Misrepresentation contribution violation
MR-5	Obtaining or applying for a duplicate driver's license during withdrawal

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

~~MR-6 Misrepresentation of identify or other facts to avoid arrest or prosecution~~

~~MS-0 Miscellaneous~~

~~MS-5 Sex offense in vehicle~~

~~RR-0 Required reports, appearances, or documents~~

~~RR-1 Failure to file report of accident as required~~

~~RR-2 Failure to appear for hearing or trial~~

~~RR-3 Failure to surrender driver's license, registration, or title documents as required~~

~~RT-0 Registration and titling~~

~~RT-3 Misrepresentation of identity or other facts to obtain a vehicle registration or title~~

~~RT-4 Displaying a registration or title which is invalid because of alteration, counterfeiting or withdrawal (revocation, suspension, etc.)~~

~~RV-1 Recurrence of violations requiring mandatory action of the licensing authority as specified by law~~

~~RV-2 Accumulation of violations resulting in mandatory action of the licensing authority because of a statutory point system~~

~~RV-3 Accumulation of violations resulting in discretionary action by the license authority~~

~~SC-6 Obscuring, tampering with, or illegally displaying traffic control devices, warning, or instructions~~

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NOTICE OF ADOPTED AMENDMENT

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

~~VR-0 Violation of restriction licensing requirements~~

~~VR-6 Allowing an unlicensed operator to drive~~

v) The following violations will not be assigned points but will be entered on the driving record as type action -82- conviction immediate action:

ACD
CODE

DESCRIPTION OF OFFENSE

A04 Driving under the influence of alcohol with BAC at or over .04

A08 Driving under the influence of alcohol with BAC at or over .08

A10 Driving under the influence of alcohol with BAC at or over .10

A11 Driving under the influence of alcohol with BAC at or over _____
(detailed field required)

A12 Refuse to submit to test for alcohol – Implied Consent Law

A20 Driving under the influence of alcohol or drugs

A21 Driving under the influence of alcohol

A22 Driving under the influence of drugs

A23 Driving under the influence of alcohol and drugs

A25 Driving while impaired—~~ability definitely impaired~~

A26 Drinking alcohol while operating a vehicle

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A90	DUI at .10 Admin
A94	DUI at .04 Admin
A98	DUI at .08 Admin
B21	Driving while license barred
B22	Driving while license cancelled
B23	Driving while license denied
B27	Driving while license out-of-service order is in effect (for violations not covered by B19)
B92	Loan driver's license (includes DL, CDL, and Instruction Permit) to another person
D06	Misrepresentation of identify or other facts to obtain alcohol
D07	Possess multiple driver's licenses (including DL, CDL, and Instruction Permit)
D10	Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
D25	Use another person's driver's license (includes DL, CDL, and Instruction Permit)
D27	Violate limited license conditions
D29	Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit)
D76	Perjury

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

ACD
CODE

DESCRIPTION OF OFFENSE

S95

Speed contest (racing) on road open to traffic

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

~~C-11~~~~Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more.~~~~C-13~~~~Refusal to undergo such testing as is required by any State or jurisdiction~~~~DI-0~~~~Driving while intoxicated violation pertaining to intoxication~~~~DI-1~~~~Driving while under the intoxicating influence of alcohol, narcotics, or pathogenic drugs~~~~DI-2~~~~Driving while under the intoxicating influence of medication or other substances not intended to produce intoxication as a result of normal use~~~~DI-3~~~~Refusal to submit to a test for alcohol after arrest for driving while intoxicated or suspicion of intoxication~~~~DI-6~~~~Impaired~~~~EM-7~~~~Operating or using a vehicle without consent of the owner~~~~FE-1~~~~Using a motor vehicle as the device for committing a felony~~~~FE-2~~~~Using a motor vehicle in connection with a felony~~~~HR-4~~~~Evading arrest by fleeing the scene of citation or roadblock~~~~HR-5~~~~Evading arrest by extinguishing lights (when lights are required)~~~~MR-1~~~~Misrepresentation of identity or other facts to obtain a driver's license~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

*****	*****
MR-2	Displaying a driver's license which is invalid because of alteration, counterfeiting, or withdrawal (suspension, revocation etc.)
MR-3	Displaying the driver's license of another person
MR-4	Loaning a driver's license
SP-1	Contest racing on public traffic way
VR-1	Driving while revoked
VR-2	Driving while suspended
VR-4	Operating contrary to conditions specified on driver's license
VR-5	Operating without being licensed or without license required for type of vehicle operated

w) A TA 68 or TA 82 for the following offenses, additional information will be required from the reporting state to determine if the violation if committed in Illinois would result in a immediate action points assigned or, non-points assigned. The TA 68 or TA 82 will be converted to the applicable offenses of subsection b, c, or 4 8 of this Section, respectively.

x) The following violations will not be assigned points but will be entered on the driving record as type action -83- conviction immediate action:

ACD
CODE

DESCRIPTION OF OFFENSE

*****	*****
A34	Illegal possession of weapon, including firearm
A50	Motor vehicle used in <u>the commission of a felony involving</u> manufacturing, distribution, or dispensing a controlled substance

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
<u>A52</u>	<u>Transporting liquor to a minor</u>
B06	Leaving scene of an accident before police arrive – fatal accident
B07	Leaving scene of an accident before police arrive – personal injury accident
<u>B19</u>	<u>Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard</u>
<u>B20</u>	<u>Driving while license withdrawn</u>
<u>B24</u>	<u>Driving while license disqualified</u>
B25	Driving while license revoked
B26	Driving while license suspended
B41	Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
B51	Expired or no driver's license (includes DL, CDL, and Instruction Permit)
<u>B56</u>	<u>Driving a CMV without obtaining a CDL</u>
B91	Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit)
<u>D78</u>	<u>Perjury about the operation of a motor vehicle</u>
U01	Fleeing or evading police or roadblock
U03	Using a motor vehicle in connection with a felony (not traffic offense)
U07	Vehicular homicide

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
<u>U08</u>	<u>Vehicular manslaughter</u>
<u>U09</u>	<u>Negligent homicide while operating a CMV</u>
<u>U10</u>	<u>Causing a fatality through the negligent operation of a CMV</u>
<u>U23</u>	<u>Receiving or disposing of stolen vehicle or its parts</u>
<u>U26</u>	<u>Vehicle theft</u>

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
C-12	Driving under the influence of alcohol, as prescribed by State law, when committed in a commercial vehicle (disqualification if committed in a commercial motor vehicle)
C-14	Driving a commercial motor vehicle while under the influence of a controlled substance as defined un Section 102(6) of the Controlled Substances Act (21 USC 802(6)) (disqualification if committed in a commercial motor vehicle)
C-16	A felony involving the use of a commercial motor vehicle, other than a felony described in C-17 (disqualification if committed in a commercial motor vehicle)
C-17	The use of a commercial vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as defined in Section 102(6) of the Controlled Substances Act (21 USC 802(6) (disqualification if committed in a commercial motor vehicle)

y) The following violations will not be assigned points but will be entered on the driving record as type action -85- conviction:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B61	Failed to file accident report
D70	Driver's view obstructed
E01	Operating without equipment as required by law
E21	Use of colored lights and/or siren prohibited by law
E23	Use of radar or laser detector prohibited by law
E24	Use of vehicle lights prohibited by law
E34	Defective lights
E54	Failure to use headlight dimmer as required
F02	Child or youth restraint not used properly as required
F04	Seat belt not used properly as required
M30	Following improperly
M56	Improper lane or location – on fire hose
M80	Reckless, careless, or negligent driving
N05	Failure to yield right of way to funeral procession, procession or parade

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
AC-0	Accident
AC-2	Violation of a motor vehicle law resulting in property damage

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NOTICE OF ADOPTED AMENDMENT

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
AC-3	Violation of a motor vehicle law resulting in property damage to persons or property but considered an accident
AC-4	Involvement in an accident considered no indication of fault
DE-1	Operating with defective headlights
DE-3	Operating with defective muffler or exhaust system
DE-4	Operating with defective tires
DE-5	Operating with defective equipment resulting in inability to control vehicle movement properly
DI-5	Administrative per se
DS-2	Operating a motor vehicle improperly because of physical or mental disability
DS-3	Failure to discontinue operating a vehicle after onset of physical or mental disability (including uncontrollable drowsiness)
EM-2	Overloading vehicle with passengers or cargo
EM-4	Creating unlawful noise with vehicle or accessory
EM-5	Failure to dim lights as required
EM-6	Using a vehicle in connection with illegal activity other than a felony
ER-1	Operating without equipment required by law
FA-0	Fatality
FE-3	Using a motor vehicle to aid and abet a felon

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NOTICE OF ADOPTED AMENDMENT

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

FO-0	Following improperly
FO-3	Following an emergency vehicle unlawfully
HR-3	Leaving the scene of an accident after providing aid or identity but before arrival of police.
HV-0	Conviction of multiple serious offenses resulting in a long term removal of the license
IL-0	Improper lane operation where prohibited
IL-3	Ran off road
IL-4	Driving on road shoulder, in ditch, or on sidewalk
LI-1	Depositing injurious or harmful substance on traffic way
LI-2	Throwing from vehicle any burning or smoldering substance
LI-3	Littering from a motor vehicle
MS-3	Opening vehicle closure into moving traffic or while vehicle is in motion
MS-4	Crossing fire hose with vehicle
MS-6	Unsafe operation of vehicle
RK-0	Reckless, careless, or negligent driving
RK-2	Operating a motor vehicle without the exercise of care and caution required to avoid danger to persons or property
RK-3	Transporting hazardous substance without required safety devices or

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NOTICE OF ADOPTED AMENDMENT

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
	precautions
RK-4	Coasting or operating with gears disengaged
RR-4	Failure to keep driver's license or registration certificates in possession while driving or in vehicle as required
RR-5	Operating a motor vehicle with registration plates missing, defaced or obscured
RT-1	Operating a vehicle without registering it as required
RT-2	Operating with expired registration
RV-0	Repeated violations
RW-0	Right of way
RW-5	Failure to yield to school bus as required
SC-3	Passing through or around barrier positioned to prohibit or channel traffic
SC-4	Failure to observe warnings or instructions on vehicle properly displaying them
SI-3	Failure to cancel directional signals after executing maneuver
SP-5	Operating at erratic or suddenly changing speeds
TU-0	Turns
TU-1	Making right turn from left turn lane
TU-2	Making left turn from right turn lane

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NOTICE OF ADOPTED AMENDMENT

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

~~VR-3~~ Driving after license denied~~WW-0~~ Wrong way, side or direction

- z) The following point assigned violations will be entered on the driving record as type action -87- conviction:

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
A26	Drinking alcohol while operating a vehicle	25
A27	Driving after drinking—level of intoxication or impairment not known	15
A31	Illegal possession of alcohol	25
A32	Illegal possession of alcohol or drugs	25
A35	Possession of open alcohol container	25
A51	Transporting liquor illegally	25
B01	Hit and run – failure to stop and render aid after accident	25
B02	Hit and run – failure to stop and render aid after accident – fatal accident	50
B03	Hit and run – failure to stop and render aid after accident – personal injury accident	50
B04	Hit and run – failure to stop and render aid after accident – property damage accident	25
B05	Leaving scene of accident before police arrive	25

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NOTICE OF ADOPTED AMENDMENT

ACD CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
B08	Leaving scene of accident before police arrive – property damage accident	25
B13	Failure of duties upon damaging unattended vehicle or injuring animals	15
<u>B14</u>	<u>Failure to reveal identity after fatal or personal injury accident</u>	<u>50</u>
E02	Operating without brakes as required by law	20
E05	Operating without lights as required by law	10
E06	Operating without school bus equipment as required by law	5
E31	Defective brakes	20
E36	Defective school bus equipment	5
E51	Failure to use brakes	20
E55	Failure to use lights as required	10
E56	Failure to use school bus safety equipment as required	5
E71	Brakes used improperly	20
F03	Motorcycle safety equipment not used properly as required	5
F14	Exceeding or violating passenger or cargo limits of motorcycle	5
F23	Spilling, dragging, unsecured or unsafe load	15
F65	Towing or pushing vehicle improperly	10
M05	Failure to obey land markings or signal	20

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NOTICE OF ADOPTED AMENDMENT

ACD CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
M08	Failure to obey police or peace officer	10
M10	Failure to obey railroad gates, signs, or signals	20
M11	Failure to obey restricted lane	20
M12	Failure to obey safety zone	20
M14	Failure to obey sign or traffic control device	20
M15	Failure to obey stop sign	20
M16	Failure to obey traffic signal or light	20
M17	Failure to obey traffic sign	20
M18	Failure to obey warning light or flasher	20
M19	Failure to obey yield sign, or when entering roadway	20
M20	Failure to slow down to check tracks are clear of approaching train	20
M21	Failure to stop at crossing if track not clear	20
M22	Failure to stop before driving onto crossing	20
M23	Fail to have space to drive through crossing	20
M24	Fail to manage crossing, insufficient clearance	20
M25	Failure to obey yield sign	20
M31	Failure to leave sufficient distance for overtaking by other vehicles	20

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NOTICE OF ADOPTED AMENDMENT

ACD CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
M34	Following too closely	25
M40	Improper lane or location	20
M41	Failure to keep in proper lane	20
M42	Improper or erratic (unsafe) lane changes	20
M44	Improper lane or location – crossover	20
M45	Improper lane or location – crosswalk	20
M46	Improper lane or location – entrance/exit ramp or way	10
M48	Improper lane or location – in occupied lane	20
M49	Improper lane or location – in human occupant violator or restricted lane	20
M50	Improper lane or location – limited access highway	10
M51	Improper lane or location – median	20
M52	Improper lane or location – not on National Network	20
M57	Improper lane or location – oncoming traffic lane	20
M58	Improper lane or location – road shoulder, ditch, or sidewalk	20
M60	Improper lane or location – slower vehicle lane	20
M61	Improper lane or location – straddling center line(s)	20
M62	Improper lane or location – traveling in turn (or center) lane	20

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
M70	Improper passing	10
M71	Passing in violation of posted sign or pavement marking	20
M72	Passing in violation of opposite directions restrictions	10
M73	Passing on wrong side	20
M74	Passing on hill or curve	20
M75	Passing school bus displaying warning not to pass	25
M76	Passing where prohibited	20
M77	Passing with insufficient distance or visibility	20
M84	Reckless driving	55
N01	Failure to yield right of way	20
N03	Failure to yield right of way to cyclist	10
N04	Failure to yield right of way (i.e. ambulance, fire equipment, police, etc.)	15
N06	Failure to yield right of way to other vehicle	20
N07	Failure to yield right of way to overtaking vehicle	20
N08	Failure to yield right of way to pedestrian (includes handicapped or blind)	20
N09	Failure to yield right of way to school bus	20
N20	Failure to yield right of way at crosswalk	20

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
N21	Failure to yield right of way at rotary	20
N22	Failure to yield right of way at stop sign	20
N23	Failure to yield right of way at traffic sign	20
N24	Failure to yield right of way at traffic signal	20
N25	Failure to yield right of way at unsigned intersection	15
N26	Failure to yield right of way at yield sign	20
N30	Failure to yield right of way when warning displayed on other vehicle	15
N31	Failure to yield right of way when turning	20
N40	Failure to use or improper signal	15
N42	Failure to signal intent to pass	15
N43	Failure to signal lane change or turn	15
N50	Improper turn	10
N51	Improper method of turning	10
N52	Improper position for turning	10
N53	Making improper left turn	10
N54	Making improper right turn	10
N55	Making improper turn around (not U turn)	10
N56	Making improper U turn	20

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NOTICE OF ADOPTED AMENDMENT

ACD CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
N60	Driving wrong way	5
N61	Driving wrong way at rotary intersection	5
N62	Driving wrong way on divided highway	5
N63	Driving wrong way on one way street or road	5
N70	Driving on wrong side	20
N71	Driving on wrong side of divided highway	20
N72	Driving on wrong side of undivided street or road	20
N82	Improper backing	10
N83	Improper starting	15
S01	01-05 mph over speed limit (detail optional)	5
S06	06-10 mph over speed limit (detail optional)	5
S11	11-15 mph over speed limit (detail optional)	15
S15	Speeding 15 mph or more over the speed limit (detail optional)	20
S16	16-20 mph over speed limit (detail optional)	20
S21	21-25 mph over speed limit (detail optional)	20
S26	26-30 mph over speed limit (detail optional)	50
S31	31-35 mph over the speed limit (detail optional)	50
S36	36-40 mph over the speed limit (detail optional)	50

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NOTICE OF ADOPTED AMENDMENT

ACD CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
S41	41 mph or more over the speed limit (detail optional)	50
S50	Speeding in school zone (detail field)	50
S51	01-10 mph over speed limit (detail optional)	5
S61	11-20 mph over speed limit (detail optional)	15
S71	21-30 mph over speed limit (detail optional)	20
S81	31-40 mph over speed limit (detail optional)	50
S91	41 mph or more over speed limit (detail optional)	50
S92	Speeding – speed limit and actual speed (detail required)	10
S93	Speeding	10
S94	Prima facie speed violation or driving too fast for conditions	10
S96	Speed less than minimum	5
S98	Speeding on freeway (wasting fuel)	10
S99	Speeding in school zone (no detail field)	50
U08	Vehicle manslaughter	25
U31	Violation resulting in fatal accident	20
DHR CONVICTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
AC-1	Violation of a motor vehicle law resulting in bodily injury	25

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****

C-15	Leaving the scene of an accident involving a commercial motor vehicle	25
C-18	Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit when operating a CMV	20
C-19	Driving a CMV in willful or wanton disregard for the safety of persons or property	55
C-20	Reckless driving, as defined by State or local law or regulation, when operating a CMV	55
C-21	Improper or erratic traffic lane changes when operating a CMV	20
C-22	Following the vehicle ahead too closely when operating a CMV	25

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
C-23	A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation) when operating a CMV	55
DE-2	Operating with defective brakes	20
DI-4	Illegal possession of alcohol or drugs in motor vehicle	25
EM-3	Towing or pushing vehicle improperly	10
FA-1	Violation of a motor vehicle law resulting in the death of another person	25
FO-1	Following too closely	25

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NOTICE OF ADOPTED AMENDMENT

<u>ACD CODE</u> *****	<u>DESCRIPTION OF OFFENSE</u> *****	<u>POINTS</u> *****
FO-2	Failure of a truck to leave sufficient distance for being overtaken by another vehicle	20
HR-0	Hit and run; leaving the scene; evading arrest	25
HR-1	Failure to stop and render aid after involvement in an accident resulting in bodily injury	50
HR-2	Failure to stop and reveal identify after involvement in an accident resulting in property damage only (disqualification if committed in a commercial motor vehicle	25
IL-1	Improper lane changing	20
IL-2	Failure to keep in proper lane	20
IL-5	Making improper entrance to or exit from traffic way	10
MS-1	Starting improperly from a parked position	15
MS-2	Improper backing	10
PA-0	Passing	10
PA-1	Passing on a hill, curve or when prohibited by posted signs or pavement markings	10
PA-2	Passing on wrong side	20
PA-3	Passing with insufficient distance allowed for other vehicles or with inadequate visibility	20
PA-4	Passing school bus taking on or discharging passengers or displaying warning not to pass	25

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NOTICE OF ADOPTED AMENDMENT

<u>ACD CODE</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>POINTS</u>
<u>*****</u>	<u>*****</u>	<u>*****</u>
PA-5	Failure to signal intention to pass	15
PA-6	Failure to yield to overtaking vehicle	20
RK-1	Heedless, willful, wanton or reckless disregard of the rights and safety of others in operating a motor vehicle, endangering persons or property	55
RW-1	Failure to yield right of way to emergency or other authorized vehicle	15
RW-2	Failure to yield right of way at yield sign, after stop sign, or when emerging from private traffic way	20
RW-3	Failure to yield right of way in a manner required at unsigned intersection	15
RW-4	Failure to yield right of way to pedestrian, animal rider or animal drawn vehicle as required	20
SC-0	Signs and control devices	20
SC-1	Failure to follow instructions of a police officer	10
SC-2	Failure to obey traffic instructions stated on traffic sign or shown by traffic control device	20
SC-5	Failure to observe safety zone	20
SI-0	Signaling intentions	15
SI-1	Failure to signal intention to change vehicle direction or to reduce speed suddenly	15
SI-2	Giving wrong signal	15

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NOTICE OF ADOPTED AMENDMENT

<u>ACD CODE</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>POINTS</u>
<u>*****</u>	<u>*****</u>	<u>*****</u>
SP-0	Speeding	15
SP-2	Prima Facie speed violation for driving too fast for conditions	10
SP-3	Speed in excess of posted maximum	5
SP-4	Speed less than posted minimum	5
TU-3	Making improper turn	15
WW-1	Driving wrong way on one-way street	5
WW-2	Driving on wrong side of road	20
WW-3	Driving in wrong direction at rotary intersection	5

aa) The following withdrawals will not be assigned points but will be entered on the driving record as type action -89- withdrawal:

<u>ACD CODE</u>	<u>DESCRIPTION OF OFFENSE</u>
<u>*****</u>	<u>*****</u>
A04	Driving under the influence of alcohol with BAC at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over _____ (detail field required)
A12	Refused to submit to test for alcohol-Implied Consent Law
A20	Driving under the influence of alcohol or drugs

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A24	Driving under the influence of medication not intended to intoxicate
A25	Driving while impaired— ability definitely impaired
A26	Drinking alcohol while operating a vehicle
A27	Driving after drinking—level of intoxication or impairment not known
A30	Possession
A31	Illegal possession of alcohol
A32	Illegal possession of alcohol or drugs
A33	Illegal possession of drugs (controlled substances)
A34	Illegal possession of weapon, including firearm
A35	Possession of open alcohol container
A40	Aiding in violation of ignition interlock or immobilization device
A41	Driver violation of ignition interlock or immobilization device
A50	Motor vehicle used in <u>the commission of a felony involving</u> manufacturing, distributing, or dispensing a controlled substance
A51	Transporting liquor illegally
A52	Transporting liquor to a minor

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A60	Underage convicted of drinking and driving at <u>.020-.02</u> or higher BAC
A61	Underage Administrative Per Se – drinking and driving at <u>.020-.02</u> or higher BAC
A90	DUI at .10 Admin
A94	DUI at .04 Admin
A98	DUI at .08 Admin
B01	Hit and run – failure to stop and render aid after accident
B02	Hit and run – failure to stop and render aid after accident – fatal accident
B03	Hit and run – failure to stop and render aid after accident – personal injury accident
B04	Hit and run – failure to stop and render aid after accident – property damage accident
B05	Leaving accident scene before police arrive
B06	Leaving accident scene before police arrive – fatal accident
B07	Leaving accident scene before police arrive – personal injury accident
B08	Leaving accident scene before police arrive – property damage accident
B09	Refusal to reveal identity after accident
B10	Refusal to reveal identity after accident – fatal accident
B11	Refusal to reveal identity after accident – personal injury

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B12	Refusal to reveal identity after accident—property damage accident
B13	Failure of duties upon damaging unattended vehicle or injuring animals
B14	Failure to reveal identity after fatal or personal injury accident
B19	Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver and/or transporting hazardous materials that require a placard
B20	Driving while license withdrawn
B21	Driving while license barred
B22	Driving while license canceled
B23	Driving while license denied
B24	Driving while license disqualified
B25	Driving while license revoked
B26	Driving while license suspended
B27	Driving while license out of service order is in effect
B28	Driving while registration canceled
B29	Driving while registration suspended
B30	Permit unlicensed person to drive
B40	Possess or provide counterfeit or altered document
B41	Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B42	Possess or provide counterfeit or altered registration or title
B43	Missing, defaced, or obscured license plates
B44	Mutilated document
B45	Mutilated driver's license (includes DL, CDL, and Instruction Permit) or ID
B46	Mutilated registration card or title
B50	Expired or no document (or item) which is required
B51	Expired or no driver's license (includes DL, CDL, and Instruction Permit)
B52	Expired or no emissions inspection
B53	Expired or no license plates or decal/sticker
B54	Expired or no registration or title
B55	Expired or no vehicle safety inspection
B56	<u>Driving a CMV without obtaining a CDL</u>
B60	Failed to file document or report as required
B61	Failed to file accident report
B62	Failed to file change of address or name
B63	Failed to file future proof of financial responsibility
B64	Failed to file insurance certification
B65	Failed to file medical certification/disability information

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B70	Failed to show document as required
B71	Failed to show certificate of weight
B72	Failed to show driver's license (includes DL, CDL, and Instruction Permit)
B73	Failed to show emissions or vehicle (safety) inspection
B74	Failed to show insurance certification
B75	Failed to show operator's (driver's) log
B76	Failed to show registration
B77	Failed to show registration, title or driver's license (includes DL, CDL, and Instruction Permit)
B80	Failed to surrender driver's license (includes DL, CDL, and Instruction Permit)
B81	Failed to surrender driver's license, registration, plates or title
B82	Failed to surrender registration, plates or title
B83	False report
B84	False report of accident
B85	False report of emissions inspection
B86	False report of odometer reading or disclosure
B87	False report of operator's (driver's) log
B88	False report of theft

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B89	False report of vehicle (safety) inspection
B90	Failed to provide or submit title transfer documents
B91	Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit)
B92	Loan driver's license (includes DL, CDL, and Instruction Permit) to another person
B93	Loan registration or plates to another person
D01	Misrepresentation of identity or other facts
D02	Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
D03	Misrepresentation of identity or other facts on application for handicap permit/plates
D04	Misrepresentation of identity or other facts on application for registration or title
D05	Misrepresentation of identity or other facts to avoid arrest or prosecution
D06	Misrepresentation of identity or other facts to obtain alcohol
D07	Possess multiple driver's licenses (includes DL, CDL, and Instruction Permit)
D10	Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
D11	Manufacture or duplicate false emissions or vehicle (safety) inspection certificates

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
D12	Manufacture or duplicate false registration or title
D15	Present or use improperly—document (or item) not specified
D16	Present or use improperly – driver's license (includes DL, CDL and Instruction Permit)
D17	Present or use improperly—emissions or vehicle (safety) inspection certificate
D18	Present or use improperly—insurance certification
D19	Present or use improperly—operator's (driver's) log
D20	Present or use improperly—registration, plates, or decal/sticker
D21	Present or use improperly—registration or title
D25	Use another's driver's license (includes DL, CDL, and Instruction Permit)
D26	Use another's registration, plates, or title
D27	Violate limited license conditions
D28	Violate limits of registration (manufacturer, transporter, dealer, farm, antique, etc.)
D29	Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit)
D35	Failure to comply with financial responsibility law
D36	Failure to maintain required liability insurance
D37	Failure to pay for damages or make installment payment

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
D38	Failure to post security or obtain release from liability
D39	Unsatisfied judgment
D40	Failure to appear
D41	Failure to appear for hearing and/or mandatory appearance
D42	Failure to appear for and/or complete department investigations
D43	Failure to appear for or complete examination/re-examination
D44	Failure to appear for or complete required courses
D45	Failure to appear for trial or court appearance
D50	Failure to make required payment
D51	Failure to make required payment of child support
D52	Failure to make required payment of fee
D53	Failure to make requirement payment of fine and costs
D54	Failure to make required payment of tax
D55	Failure to make required payment of toll
<u>D56</u>	<u>Failure to answer a citation, pay fines, penalties and/or costs related to the original violation</u>
D65	Depositing harmful (including injurious and for burning) substance on traffic way
D66	Failure to remove harmful substance from traffic way

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
D67	Littering from a motor vehicle
D68	Throwing from vehicle, any harmful substance
D70	Driver's view obstructed
D71	Exceeding hours on duty limitations
D72	Inability to control vehicle
D73	Obscuring, tampering with, or illegally displaying traffic control devices, warning, or instructions
D74	Operating a motor vehicle improperly because of drowsiness
D75	Operating a motor vehicle improperly due to physical or mental disability
D76	Perjury
D77	Sex offense in a motor vehicle
D78	Perjury about the operation of a motor vehicle
E01	Operating without equipment as required by law
E02	Operating without brakes as required by law
E03	Operating without HAZMAT safety equipment as required by law
E04	Operating without HAZMAT placards/markings as required by law
E05	Operating without lights as required by law
E06	Operating without school bus equipment as required by law

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
E20	Use of equipment prohibited by law
E21	Use of colored lights and/or siren prohibited by law
E22	Use of emergency vehicle markings prohibited by law
E23	Use of radar or laser detector prohibited by law
E24	Use of vehicle lights prohibited by law
E30	Defective equipment
E31	Defective brakes
E32	Defective emissions control device
E33	Defective HAZMAT safety devices
E34	Defective lights
E35	Defective or noisy exhaust system or muffler
E36	Defective school bus equipment
E37	Defective tires
E50	Failure to use equipment as required
E51	Failure to use brakes
E52	Failure to use disabled vehicle lights, reflectors, or flares as required
E53	Failure to use HAZMAT safety devices as required
E54	Failure to use headlight dimmer as required

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
E55	Failure to use lights as required
E56	Failure to use school bus safety equipment as required
E57	Failure to use snow tires or chains as required
E70	Equipment used improperly or obstructed
E71	Brakes used improperly
E72	Emissions control device used improperly or obstructed
E73	Equipment used improperly—making excessive noise
E74	Exhaust system used improperly or obstructed
E80	Failure to correct defects after inspection failure or notice
F01	Safety equipment not used properly as required
F02	Child or youth restraint not used properly as required
F03	Motorcycle safety equipment not used properly as required
F04	Seat belt not used properly as required
F05	Carrying unsecured passengers in open area of vehicle
F06	Improper operation of or riding on a motorcycle
F10	Exceeding or violating size, weight, or passenger cargo limits
F11	Exceeding or violating passenger or cargo limits of vehicle/truck
F12	Exceeding or violating size limits of vehicle/truck

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
F13	Exceeding or violating weight limits of vehicle/truck
F14	Exceeding or violating passenger or cargo limits of motorcycle
F15	Exceeding or violating size limits of road/bridge/tunnel
F16	Exceeding or violating weight limits of road/bridge/tunnel
F20	Failure to weigh vehicle or stop at weigh station
F21	No/improper trip permit
F22	No warning for projecting load
F23	Spilling, dragging, unsecured or unsafe load
F24	Violation of excess size/weight permit
F30	Failure to place red flags or flares
F31	Failure to set brake(s)
F32	Non-emergency stop
F33	Parking in a handicap zone
F34	Stopping, standing, or parking: obstructing or impeding traffic
F35	Stopping, standing, or parking where prohibited or improper
F40	Improper vehicle used on roadway
F41	Operate or permit vehicle where prohibited or not authorized
F60	Abandoned vehicle

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
F61	Alteration of emissions control device
F62	Failed to get VIN
F63	Leaving vehicle unattended with engine running
F64	Opening vehicle door into moving traffic or while vehicle is in motion
F65	Towing or pushing vehicle improperly
F66	Unsafe condition of vehicle (no specified component)
M01	Failure to obey
M02	Failure to obey barrier
M03	Failure to obey construction or maintenance zone markers
M04	Failure to obey flagger
M05	Failure to obey lane markings or signal
M06	Failure to obey motor carrier rules/regulations
M07	Failure to obey pedestrian control/device
M08	Failure to obey police or peace officer
M09	Failure to obey railroad crossing restrictions
M10	Failure to obey railroad gates, signs, or signals
M11	Failure to obey restricted lane
M12	Failure to obey safety zone

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
M13	Failure to obey school crossing guard
M14	Failure to obey sign or traffic control device
M15	Failure to obey stop sign
M16	Failure to obey traffic signal or light
M17	Failure to obey traffic signal
M18	Failure to obey warning light or flasher
M19	Failure to obey yield sign
M20	Failure to slow down to check if tracks are clear
M21	Fail to stop at crossing if tracks not clear
M22	Failure to stop before driving onto crossing
M23	Fail to have space to drive through crossing
M24	Fail to manage crossing, insufficient clearance
M25	Failure to stop; basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.
M30	Following improperly
M31	Failure to leave sufficient distance for overtaking by other vehicles obey stop basic rule at unsigned intersection or when entering roadway
M32	Following emergency vehicle unlawfully
M33	Following fire equipment unlawfully

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
M34	Following too closely
M40	Improper lane or location
M41	Failure to keep in proper lane
M42	Improper or erratic (unsafe) lane changes
M43	Ran off road
M44	Improper lane or location – crossover
M45	Improper lane or location – crosswalk
M46	Improper lane or location – entrance/exit ramp or way
M47	Improper lane or location – in bicycle lane
M48	Improper lane or location – in occupied lane
M49	Improper lane or location – in human occupant violator or restricted lane
M50	Improper lane or location – limited access highway
M51	Improper lane or location – median
M52	Improper lane or location — not on National Network
M53	Improper lane or location — not on route authorized by permit
M54	Improper lane or location — not on truck route
M55	Improper lane or location – on rail or streetcar tracks
M56	Improper lane or location – on fire hose

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
M57	Improper lane or location – oncoming traffic lane
M58	Improper lane or location – road shoulder, ditch or sidewalk
M60	Improper lane or location – slower vehicle lane
M61	Improper lane or location – straddling center line(s)
M62	Improper lane or location – traveling in turn (or center) lane
M70	Improper passing
M71	Passing in violation of posted sign or pavement marking
M72	Passing in violation of opposite directions restriction
M73	Passing on wrong side
M74	Passing on hill or curve
M75	Passing school bus displaying warning not to pass
M76	Passing where prohibited
M77	Passing with insufficient distance or visibility
M80	Reckless, careless, or negligent driving
M81	Careless driving
M82	Inattentive driving
M83	Negligent driving
M84	Reckless driving

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
N01	Failure to yield right of way
N02	Failure to yield right of way to animal rider or animal drawn vehicle
N03	Failure to yield right of way to cyclist
N04	Failure to yield right of way to emergency vehicle (i.e. ambulance, fire equipment, police, etc.)
N05	Failure to yield right of way to funeral procession, procession or parade
N06	Failure to yield right of way to other vehicle
N07	Failure to yield right of way to overtaking vehicle
N08	Failure to yield right of way to pedestrian (includes handicapped or blind)
N09	Failure to yield right of way to school bus
N20	Failure to yield right of way at crosswalk
N21	Failure to yield right of way at rotary
N22	Failure to yield right of way at stop sign
N23	Failure to yield right of way at traffic sign
N24	Failure to yield right of way at traffic signal
N25	Failure to yield right of way at unsigned intersection
N26	Failure to yield right of way at yield sign
N30	Failure to yield right of way when warning displayed on other vehicle
N31	Failure to yield right of way when turning

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
N40	Failure to use signal or improper signal
N41	Failure to cancel directional signals
N42	Failure to signal intention to pass
N43	Failure to signal lane change or turn
N44	Giving wrong signal
N50	Improper turn
N51	Improper method of turning
N52	Improper position for turning
N53	Making improper left turn
N54	Making improper right turn
N55	Making improper turn around (not U turn)
N56	Making improper U turn
N60	Driving wrong way
N61	Driving wrong way at rotary intersection
N62	Driving wrong way on divided highway
N63	Driving wrong way on one way street or road
N70	Driving on wrong side
N71	Driving on wrong side of divided highway

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
N72	Driving on wrong side of undivided street or road
N80	Coasting (operating with gears disengaged)
N81	Clinging to other vehicles
N82	Improper backing
N83	Improper starting
N84	Unsafe operations
S01	01-05 mph above speed limit (detail optional)
S06	06-10 mph above speed limit (detail optional)
S11	11-15 mph above speed limit (detail optional)
S15	Speeding 15 mph or more above speed limit (detail optional)
S16	16-20 mph above speed limit (detail optional)
S21	21-25 mph above speed-limit (detail optional)
S26	26-30 mph above speed limit (detail optional)
S31	31-35 mph above speed limit (detail optional)
S36	36-40 mph above speed limit (detail optional)
S41	41 mph or more above speed limit (detail optional)
S50	Speeding in school zone (detail optional)
S51	01-10 mph above speed limit (detail optional)

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
S61	11-20 mph above speed limit (detail optional)
S71	21-30 mph above speed limit (detail optional)
S81	31-40 mph above speed limit (detail optional)
S91	41 mph or more above speed limit (detail optional)
S92	Speeding; speed limit and actual speed (detail required)
S93	Speeding
S94	Prima facie speed violation or driving too fast for conditions
S95	Speed contest (racing) on road open to traffic
S96	Speed less than minimum
S97	Operating at erratic or suddenly changing speeds
S98	Speeding or freeway (wasting fuel)
S99	Speeding in school zone (no detail field)
U01	Fleeing or evading police or roadblock
U02	Resisting arrest
U03	Using motor vehicle in connection with a felony (not traffic offense)
U04	Using a motor vehicle in connection with a misdemeanor (not traffic offense)
U05	Using a motor vehicle to aid and abet a felon

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
U06	Vehicular assault
U07	Vehicular homicide
U08	Vehicular manslaughter
<u>U09</u>	<u>Negligent homicide while operating a CMV</u>
<u>U10</u>	<u>Causing a fatality through the negligent operation of a CMV</u>
<u>U20</u>	Damaging or tampering with vehicle
U21	Illegal operation of emergency vehicle
<u>U22</u>	Odometer reading tampering
<u>U23</u>	Receiving or disposing of stolen vehicle or its parts
<u>U24</u>	Removal, falsification, or unauthorized use of VIN or registration plate
<u>U25</u>	Unauthorized use of a vehicle or taking a vehicle without owner consent
<u>U26</u>	Vehicle theft
<u>U30</u>	Violation resulting in accident
U31	Violation resulting in fatal accident
<u>U32</u>	Violation resulting in personal injury accident
<u>U33</u>	Violation resulting in property damage accident
<u>W00</u>	<u>Withdrawal, non-ACD violation</u>
W01	Accumulation of convictions (including point systems and/or being judged a habitual offender or violator)

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NOTICE OF ADOPTED AMENDMENT

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
<u>W09</u>	<u>Failure to surrender hazmat endorsement as required by the USA Patriot Act</u>
<u>W10</u>	<u>Withdrawal (reason not specified)</u>
<u>W11</u>	<u>Family report recommended</u>
<u>W12</u>	<u>Immigration law offender</u>
W13	Parental consent withdrawn
W14	Physical or mental disability
W15	Physician's or specialist's report recommended
W20	Unable to pass DL test(s) or meet qualifications
<u>W21</u>	<u>Unable to pass re-examination</u>
<u>W22</u>	<u>Underage for license</u>
<u>W23</u>	<u>Underage possession of tobacco</u>
<u>W24</u>	<u>Underage school dropout</u>
<u>W25</u>	<u>Disobeying terms of probation</u>
<u>W26</u>	<u>Insufficient funds, protested or invalid check</u>
W30	2 serious violations within 3 years
W31	3 serious violations within 3 years
<u>W40</u>	<u>The accumulation of two or more major offenses</u>
<u>W41</u>	<u>An additional major offense after reinstatement</u>

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ACD CODE	DESCRIPTION OF OFFENSE
*****	*****

W50 The accumulation, within 10 years, of two out-of-service general violations

W51 The accumulation of two out-of-service order violations within 10 years while transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard

W52 The accumulation of three or more out-of-service order violations within 10 years

W60 Accumulation of two railroad-highway grade crossing violations within a three year period

W61 Accumulation of three or more railroad-highway grade crossing violations in a three year period

W70 Imminent hazard

DHR WITHDRAWAL CODE	DESCRIPTION OF WITHDRAWAL
*****	*****

~~C-11~~ ~~Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more~~

~~C-13~~ ~~Refusal to undergo such testing as is required by any State or jurisdiction~~

~~C-51~~ ~~Disqualification for driving a CMV while the person's alcohol concentration is 0.04 percent or more~~

~~C-52~~ ~~Disqualification for driving under the influence of alcohol, as prescribed by State law~~

~~C-53~~ ~~Disqualification for refusal to undergo such testing as is required by any State or jurisdiction~~

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NOTICE OF ADOPTED AMENDMENT

DHR
WITHDRAWAL
CODE

DESCRIPTION OF WITHDRAWAL

- ~~C-54 Disqualification for driving a CMV while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 USC 802(6))~~
- ~~C-55 Disqualification for leaving the scene of an accident involving a CMV~~
- ~~C-56 Disqualification for a felony involving the use of a CMV as in C-16~~
- ~~C-61 As in C-51, but involving hazardous materials~~
- ~~C-62 As in C-52, but involving hazardous materials~~
- ~~C-63 As in C-53, but involving hazardous materials~~
- ~~C-64 As in C-54, but involving hazardous materials~~
- ~~C-65 As in C-55, but involving hazardous materials~~
- ~~C-66 As in C-56, but involving hazardous materials~~
- ~~C-70 Disqualification for the use of a CMV in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as in C-17~~
- ~~C-71 Disqualification for 2nd offense for any combination of violations as described in C-11-C-16~~
- ~~C-80 Disqualification of a driver who during any 3-year period is convicted of two serious traffic violations in separate incidents. Disqualification period is 60 days.~~
- ~~C-81 Disqualification of a driver who during any 3-year period is convicted of three serious traffic violations in separate incidents. Disqualification period is 120 days.~~

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DHR
WITHDRAWAL
CODE

DESCRIPTION OF WITHDRAWAL

***** *****

C-99 24 Hour Out of Service Order

DI-3 Refusal to submit to a test for alcohol, after arrest for driving while intoxicated or suspension of intoxication thereof.

(Source: Amended at 31 Ill. Reg. 4792, effective March 12, 2007)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Number: 1600.122 Proposed Action: Amendment
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) Effective Date of Amendment: March 12, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposed Published in the Illinois Register: October 06, 2006; 30 Ill. Reg. 16053
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Grammatical changes suggested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1600.135	New Section	30 Ill. Reg. 6106; April 7, 2006
1600.150	Amendment	30 Ill. Reg. 17284; November 3, 2006
1600.151	Amendment	30 Ill. Reg. 17284; November 3, 2006
1600.152	Repealed	30 Ill. Reg. 17284; November 3, 2006
1600.153	Amendment	30 Ill. Reg. 17284; November 3, 2006

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1600.154	Amendment	30 Ill. Reg. 17284; November 3, 2006
1600.155	Amendment	30 Ill. Reg. 17284; November 3, 2006
1600.156	Amendment	30 Ill. Reg. 17284; November 3, 2006
1600.158	Amendment	30 Ill. Reg. 17284; November 3, 2006
1600.159	Amendment	30 Ill. Reg. 17284; November 3, 2006
1600.161	Amendment	30 Ill. Reg. 17284; November 3, 2006
1600.163	Amendment	30 Ill. Reg. 17284; November 3, 2006

- 15) Summary and Purpose of Amendment: Amendment to the current rule incorporating recent changes in accordance with Public Act 94-1057.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Albert Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive,
Champaign, IL 61820

217/378-7516 or 217/378-8855

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600
UNIVERSITIES RETIREMENT

SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.25	Effective Beneficiary Designations
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.55	Election to Make Contributions Covering Periods of Military Leave
1600.60	Sick Leave Accrual Schedule
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.121	Determination of Final Rate of Earnings Period
1600.122	Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%
1600.123	Part-time/Concurrent Service Adjustments
1600.125	Compensation Subject to Withholding
1600.130	Procurement
1600.137	Overpayment Recovery
1600.139	Voluntary Deductions from Annuity Payments
1600.140	Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

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- 1600.150 Definitions
- 1600.151 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1600.152 Curing Minor Deficiencies
- 1600.153 Filing a QILDRO with the System
- 1600.154 Modified QILDROs
- 1600.155 Benefits Affected by a QILDRO
- 1600.156 Effect of a Valid QILDRO
- 1600.157 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1600.158 Alternate Payee's Address
- 1600.159 Electing Form of Payment
- 1600.160 Automatic Annual Increases
- 1600.161 Expiration of a QILDRO
- 1600.162 Reciprocal Systems QILDRO Policy Statement
- 1600.163 Providing Benefit Information for Divorce Purposes

1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

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

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007.

SUBPART A: MISCELLANEOUS PROCEDURES

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Section 1600.122 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

Purpose. This Section implements 40 ILCS 5/15-155(g), (h), (i), (j), and (k).

- a) Calculation of the Employer Cost. This calculation is made where a monthly benefit is calculated from the participant's final rate of earnings (FRE). ~~The~~ ~~Where the monthly benefit exceeds the "Base Amount", the~~ "present value of the increase in benefits" described in Section 15-155(g), called the "Employer Cost", will be calculated as follows:
 - 1) The ~~"Base Amount" is calculated by limiting~~ earnings, as defined in Section 15-111, for every academic year in the FRE final rate of earnings period, as defined in Section 15-112, are adjusted on a full-time equivalent basis to 106% of the earnings paid in the prior academic year.
 - A) 48 Month FREs and Partial Academic Years. Where the final rate of earnings for a participant is the average annual earnings during the 48 consecutive calendar month period ending with the last day of final termination of employment, any partial academic year at the beginning of the final rate of earnings period will be disregarded.
 - B) Full-Time Equivalent (FTE) Basis.
 - i) The System shall adjust earnings from an employer in a manner consistent with the percent time employed reported by the employer.
 - ii) The FTE earnings of an academic year shall equal the total earnings in the academic year divided by the average percent time of employment.
 - C) Earnings credited during periods of service purchased under Sections 15-113.1 through 15-113.7 shall be determined on a FTE basis.

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- D) For the purpose of Section 15-155(g), earnings do not include payments made under a collective bargaining agreement for unused sick leave or payments made for unused vacation.
- 2) The FTE earnings of each academic year in the FRE period are limited to 106% of the previous academic year's FTE earnings to yield the "Capped FTE Earnings" of each academic year. If the participant had employment with more than one employer during the final rate of earnings period, the monthly benefit and the base amount are calculated separately for each employer using only the earnings with that employer.
- 3) The Capped FTE Earnings of each academic year are multiplied by the respective average percent times of employment to yield the "Capped Earnings" for each academic year. The Capped Earnings shall be used to determine the "Capped FRE". The Base Amount is subtracted from the monthly benefit to determine the "Benefit Increase".
- 4) The "Benefit Increase" shall equal the difference between the FRE and the Capped FRE, multiplied by the number of years of service, and further multiplied by 2.2%.
- 54) The "Employer Cost" equals the actuarial present value of the Benefit Increase. This actuarial present value calculation will be made by using actuarial tables provided by the System's actuary from time to time. The actuarial table used will correspond with the type of monthly benefit that is provided to the participant. A single-life annuity table will be used where a Traditional Benefit Package participant has no eligible survivor at the time of retirement. If the participant had employment with more than one employer during the final rate of earnings period, the Employer Cost is calculated for each employer using only the earnings with that employer. However, no Employer Cost will be assessed among multiple, concurrent employers if the increase in total earnings for the concurrent academic year in the FRE period does not exceed 6% over the total earnings of the previous academic year.
- b) Employer Billing:
- 1) Billing. Whenever it determines that a payment is or may be required under Section 15-155(g), the System shall calculate the amount of the

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~~payment and bill the employer for the amount. The bill shall specify the calculations used to determine the amount due.~~Initial Notice. ~~After finalizing a participant's benefit, the System will send a notice to an employer containing the Employer Cost and the earnings from which the Employer Cost was derived. The notice will state that employer will be billed for the Employer Cost with respect to the participant's benefit on the 15th-day (or the following business day if the 15th-day falls on a holiday or a weekend) of the second calendar month following the date of the notice. For example, if the notice is dated January 10, 2006, the employer will be billed on March 15, 2006.~~

- 2) Request for Recalculation. ~~If the employer disputes the amount of the bill, it may, within 30 days after receipt of the bill, apply to the System in writing for a recalculation. The application must specify the grounds of the dispute and, if the employer asserts the calculation is subject to Section 15-155(h) or 15-155(i), must include an affidavit setting forth and attesting to all facts within the employer's knowledge that are pertinent to the applicability of Section 15-155(h) or 15-155(i). Upon receiving a timely application for recalculation, the System shall review the application and, if appropriate, recalculate the amount due.~~The employer will have 30 days from the date of the notice during which it may contest the earnings stated in the notice pursuant to the administrative hearing procedures set forth in Section 1600.80 of this Part as if the employer were a "participant, annuitant, or beneficiary" under that Section.
- 3) Payment. ~~The employer contributions required under Section 15-155(g) may be paid in the form of a lump sum within 90 days after the receipt of the bill. If the employer contributions are not paid within 90 days after receipt of the bill, then interest will be charged at a rate equal to the System's prescribed rate of interest (defined under Section 15-125(1)) compounded annually from the 91st day after the receipt of the bill. Payments must be concluded within 3 years after the employer's receipt of the bill.~~[40 ILCS 5/15-155(g)]Billing. ~~The bill for the Employer Cost will be sent on the 15th-day (or the following business day if the 15th-day falls on a holiday or a weekend) of the second calendar month following the date after the notice. The employer must pay the lump sum amount specified in the bill within 30 days after its receipt, except as to any contested amounts. The employer must pay any contested amount within 30 days after a final non appealable decision.~~

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- c) Exclusions for earnings increases paid on or after June 1, 2005, but before July 1, 2011, under Section 15-155(h).
- 1) Grandfathering. When assessing payment for any amount due under Section 15-155(g), the System shall exclude earnings increases paid to participants under contracts or collective bargaining agreements entered into, amended, or renewed before June 1, 2005. [40 ILCS 5/15-155(hg)] does not apply to earnings increases paid to participants under contracts or collectively bargained agreements entered into, amended, or renewed before June 1, 2005. Such contracts are "grandfathered". For the purposes of Section 15-155(h) this Section:
- A1) A contract or collective bargaining agreement is "entered into, amended or renewed" on the earliest of the following:
- iA) the date the governing body of the employer voted to accept the contract or collective bargaining agreement;
- iiB) the date the contract or collective bargaining agreement was executed in final form by the parties; or
- iiiC) the date the parties to the contract or collective bargaining agreement reached a tentative agreement regarding the terms of the contract or collective bargaining agreement, provided and that the tentative agreement is subsequently approved by the governing body of the employer on or after June 1, 2005, without any ~~changes~~change to ~~the its~~ terms, other than pursuant to modifications that do not have the effects described under subsection (c)(1)(B)(i) or (c)(1)(B)(ii) after the grandfathered status of the contract or collective bargaining agreement.
- B2) A contract or collective bargaining agreement will not exclude~~exempt~~ earnings increases paid under the contract or agreement if the contract or agreement is amended or renegotiated after June 1, 2005, to have the effect of:

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- iA) increasing the earnings usable for the FRE (except where the increase is the result of a salary reopener provision, which provision was a part of the contract or collective bargaining agreement prior to June 1, 2005); or
- iiB) extending the expiration date of the contract (in such case, the earnings will be ~~excluded~~exempted only through the original expiration date of the contract).

C3) Miscellaneous

- i) A contract exception made by an employer for an individual shall disqualify that individual's earnings increases from grandfathering but shall not invalidate the grandfathering for any other persons.
- ii) A memorandum of understanding between the employer and the collective bargaining unit to increase the credit hours available shall not invalidate the contract, but any earnings increases because of the increased credit hours shall not be excluded from the calculation under subsection (a) of this Section, unless Section 15-155(h) or 15-155(i) applies.
- iii) When a member has given notice to the employer of his or her intent to retire pursuant to the terms of a grandfathered contract or collective bargaining agreement, earnings provided under the contract or collective bargaining agreement shall be excluded so long as the earnings are provided to the member within four years after the expiration date of the contract or collective bargaining agreement.
- iv) Notwithstanding the above, earnings paid under a grandfathered contract on or after July 1, 2011 shall not be excluded from earnings under subsection (a). ~~A contract exception made by an employer for an individual shall remove that individual's earnings increases from the exemption but shall not invalidate the contractual~~

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~~exemption for any other persons. A memorandum of understanding between the employer and the collective bargaining unit to increase the credit hours available shall not invalidate the contract, but any earnings increases because of the increased credit hours shall not be exempt from the calculation under subsection (a) of this Section.~~

- 4) ~~When a member has given notice to the employer of his or her intent to retire pursuant to the terms of a grandfathered contract or collective bargaining agreement, earnings provided pursuant to the contract or agreement shall be exempt from employer contributions so long as the earnings are provided to the member within four years after the expiration date of the contract or collective bargaining agreement, unless a different time period is otherwise specifically provided for in the contract or collective bargaining agreement and the time period was a part of the contract or agreement prior to June 1, 2005.~~
- 2) Earnings 10 Years Prior to Retirement Eligibility. When assessing payment for any amount due under Section 15-155(g), the System shall exclude earnings increases paid to a participant at a time when the participant is 10 or more years from retirement eligibility under Section 15-135. [40 ILCS 5/15-155(h)] Earnings increases paid in academic years preceding and including the academic year during which the participant was 10 years from attaining his or her earliest retirement eligibility shall be excluded.
- 3) Overloads and Overtime
- A) Earnings increases resulting from overload work, including a contract for summer teaching, or overtime when the employer has certified to the System, and the System has approved the certification, that:
- i) in the case of overloads:
- the overload work is for the sole purpose of academic instruction in excess of the standard number of instruction hours for a full-time

STATE UNIVERSITIES RETIREMENT SYSTEM

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- employee occurring during the academic year that the overload is paid; and*
- the earnings increases are equal to or less than the rate of pay for academic instruction computed using the participant's current salary rate and work schedule; and*
 - ii) in the case of overtime, the overtime was necessary for the educational mission. [40 ILCS 5/15-155(h)]*
- B) The certification shall be in the form adopted by the System and be signed by a duly authorized representative of the employer. The certification must be accompanied by supporting documentation as required by the form.*
- C) The standard number of instruction hours for a full-time employee shall be consistent with employer policy in force for the academic year in which the overload earnings were earned.*
- 4) Promotions*
- A) When assessing payment for any amount due under Section 15-155(g), the System shall exclude earnings increases resulting from:*
- i) a promotion for which the employee moves from one classification to a higher classification under the State Universities Civil Service System;*
 - ii) a promotion in academic rank for a tenured or tenure-track faculty position; or*
 - iii) a promotion that the Illinois Community College Board has recommended in accordance with Section 15-155(k).*
- B) The earnings increases referenced in subsection (c)(4)(A) shall be excluded only if the promotion is to a position that has existed and been filled by a member for no less than one complete academic year and the earnings increase as a result of the promotion is an*

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increase that results in an amount no greater than the average salary paid for other similar positions. [40 ILCS 5/15-155(h)]

- C) The employer shall certify that the promotion is to a position that has existed and been filled by a member for no less than one complete academic year and the earnings increase as a result of the promotion is an increase that results in an amount no greater than the average salary paid for other similar positions. The certification shall be in the form adopted by the System and be signed by a duly authorized representative of the employer. The certification must be accompanied by supporting documentation as required by the form.
- D) The phrase "an amount no greater than the average salary paid for other similar positions" shall mean the midpoint of the salary range for the position or similar positions as most recently approved by the Merit Board of the State Universities Civil Service or the current average salary paid for tenured or tenure-track faculty positions in the same department, as the case may be.
- d) Exclusions for earnings increases described in Section 15-155(h) paid on or after July 1, 2011, but before July 1, 2014, under a contract or collective bargaining agreement entered into, amended, or renewed on or after June 1, 2005, but before July 1, 2011, under Section 15-155(i). For the purpose of Section 15-155(i), a contract or collective bargaining agreement is "entered into, amended or renewed" on the earliest of the following:
- 1) the date the governing body of the employer voted to accept the contract or collective bargaining agreement;
 - 2) the date the contract or collective bargaining agreement was executed in final form by the parties; or
 - 3) the date the parties to the contract or collective bargaining agreement reached a tentative agreement regarding the terms of the contract or collective bargaining agreement, provided that the tentative agreement is subsequently approved by the governing body of the employer on or after July 1, 2011, without any changes to the terms that have the effect of extending the expiration date.

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- e) The exclusions under subsections (c) and (d) shall not apply to earnings increases paid after June 30, 2014.

(Source: Amended at 31 Ill. Reg. 4927, effective March 12, 2007)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF RESCINDED REVOCATION 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 rescinded the revocation against Gettysburg Mortgage Company, LLC, License No. MB.0006668 of Arlington Heights, Illinois, a licensee under the Act, effective February 6, 2007. For further reference link to: www.idfpr.com

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period October 1, 2006 through December 31, 2006.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; 28 Ill. Reg. 12943, September 17, 2004; 29 Ill. Reg. 1449, January 21, 2005; 29 Ill. Reg. 7239, May 20, 2005; 29 Ill. Reg. 12672, August 12, 2005; 29 Ill. Reg. 18963, November 18, 2005; 30 Ill. Reg. 5458, March 17, 2006, 30 Ill. Reg. 9195, May 12, 2006; 30 Ill. Reg. 14377, September 1, 2006, and 30 Ill. Reg. 18257, November 17, 2006.

Water quality criteria for General Use and Lake Michigan Basin Waters are listed below. General Use criteria apply to waters of the State for which there is no specific designation in 35 Ill. Adm. Code 303.201, Lake Michigan Basin criteria apply within waters of the Lake Michigan Basin as designated in 35 Ill. Adm. Code 303.443.

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

General Use Criteria

Chemical: Acenaphthene	CAS #83-32-9
Acute criterion: 120 ug/l	Chronic criterion: 62 ug/l
Date criteria derived: November 14, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Acenaphthylene	CAS # 208-96-8
Acute criterion: 190 ug/L	Chronic criterion: 15 ug/L
Date criteria derived: March 1, 1998	
Applicable waterbodies: Not used during this period.	
Chemical: Acetone	CAS #67-64-1
Acute criterion: 1,500 mg/l	Chronic criterion: 120 mg/l
Date criteria derived: May 25, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acetonitrile	CAS #75-05-8
Acute criterion: 380 mg/l	Chronic criterion: 30 mg/l
Date criteria derived: December 7, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acrylonitrile	CAS #107-13-4
Acute criterion: 910 ug/l	Chronic criterion: 73 ug/l
Human health criterion (HNC): 0.21 ug/l	
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Anthracene	CAS #120-12-7
Human health criterion (HTC): 35 mg/l	
Date criteria derived: August 18, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Atrazine	CAS #1912-24-9
Acute criterion: 82 ug/l	Chronic criterion: 9.0 ug/L
Date criteria derived: May 2, 2005	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)anthracene	CAS #56-55-3
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Benzo(a)pyrene	CAS #50-32-8
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(b)fluoranthene	CAS # 205-99-2
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(k)fluoranthene	CAS #207-08-9
Human health criterion (HNC): 1.6 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Carbon tetrachloride	CAS #56-23-5
Acute criterion: 3,500 ug/l	Chronic criterion: 280 ug/l
Human health criterion (HNC): 1.4 ug/l	
Date criteria derived: June 18, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Chlorobenzene	CAS #108-90-7
Acute criterion: 990 ug/l	Chronic criterion: 79 ug/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloroform	CAS #67-66-3
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l	
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Chrysene	CAS #218-01-9
Human health criterion (HNC): 16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichlorobenzene	CAS #95-50-1
Acute criterion: 210 ug/l	Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichlorobenzene	CAS #541-73-1
Acute criterion: 500 ug/l	Chronic criterion: 200 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethane	CAS #107-06-2
Acute criterion: 25 mg/l	Chronic criterion: 4.5 mg/l
Human health criterion (HNC): 23 ug/l	
Date criteria derived: March 19, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethylene	CAS #75-35-4
Acute criterion: 3,000 ug/l	Chronic criterion: 240 ug/l
Human health criterion (HNC): 0.95 ug/l	
Date criteria derived: March 20, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dichlorophenol	CAS #120-83-2
Acute criterion: 630 ug/l	Chronic criterion: 83 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloropropane	CAS #78-87-5
Acute criterion: 4,800 ug/l	Chronic criterion: 380 ug/l
Date criteria derived: December 7, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichloropropylene	CAS #542-75-6
Acute criterion: 99 ug/l	Chronic criterion: 7.9 ug/l
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dimethyl phenol	CAS #105-67-9
Acute criterion: 740 ug/l	Chronic criterion: 220 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol	CAS #534-52-1
Acute criterion: 29 ug/l	Chronic criterion: 2.3 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dinitrophenol	CAS #51-28-5
Acute criterion: 85 ug/l	Chronic criterion: 4.1 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 2,6-dinitrotoluene	CAS #606-20-2
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Date criteria derived: February 14, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Diquat	CAS #85-00-7
Acute criterion: 990 ug/l	Chronic criterion: 80 ug/l
Date criteria derived: January 30, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Ethyl mercaptan (ethanethiol)	CAS #75-08-1
Acute criterion: 17 ug/l	Chronic criterion: 2 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Fluoranthene	CAS #206-44-0
Human health criterion (HTC): 120 ug/l	
Date criteria derived: August 10, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Formaldehyde	CAS #50-00-0
Acute criterion: 4.9 mg/l	Chronic criterion: 0.39 mg/l
Date criteria derived: January 19, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobenzene	CAS #118-74-1
Human health criterion (HNC): 0.00025 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobutadiene	CAS #87-68-3
Acute criterion: 35 ug/l	Chronic criterion: 2.8 ug/l
Date criteria derived: March 23, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachloroethane	CAS #67-72-1
Acute criterion: 380 ug/l	Chronic criterion: 31 ug/l
Human health criterion (HNC): 2.9 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: n-Hexane	CAS #110-54-3
Acute criterion: 250 ug/l	Chronic criterion: 20 ug/l
Date criteria derived: April 8, 2002	

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Applicable waterbodies: Not used during this period.	
Chemical: Isobutyl alcohol = 2-methyl-1-propanol	CAS #78-83-1
Acute criterion: 430 mg/l	Chronic criterion: 35 mg/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Methylene chloride	CAS #75-09-2
Acute criterion: 17 mg/l	Chronic criterion: 1.4 mg/l
Human health criterion (HNC): 340 ug/l	
Date criteria derived: January 21, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Methyl ethyl ketone	CAS #78-93-3
Acute criterion: 320 mg/l	Chronic criterion: 26 mg/l
Date criteria derived: July 1, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl-2-pentanone	CAS #108-10-1
Acute criterion: 46 mg/l	Chronic criterion: 1.4 mg/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2-methyl phenol	CAS #95-48-7
Acute criterion: 4.7 mg/l	Chronic criterion: 0.37 mg/l
Date criteria derived: November 8, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl phenol	CAS #106-44-5
Acute criterion: 670 ug/l	Chronic criterion: 120 ug/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: methyl tert-butyl ether (MTBE)	CAS #134-04-4
Acute criterion: 67 mg/l	Chronic criterion: 6.7 mg/l
Date criteria derived: September 18, 1997	
Applicable waterbodies: Not used during this period.	
Chemical: Naphthalene	CAS #91-20-3
Acute criterion: 510 ug/l	Chronic criterion: 68 ug/l
Date criteria derived: November 7, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 4-nitroaniline	CAS #100-01-6
Acute criterion: 1.5 mg/l	Chronic criterion: 0.12 mg/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: May 5, 1996 Applicable waterbodies: Not used during this period.	
Chemical: Nitrobenzene Acute criterion: 15 mg/l Human health criterion (HTC): 0.52 mg/l Date criteria derived: February 14, 1992; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #98-95-3 Chronic criterion: 8.0 mg/l
Chemical: Pentachlorophenol Acute criterion: 20 ug/l Date criteria derived: national criterion at pH of 7.8, September 1986 Applicable waterbodies: Not used during this period.	Chronic criterion: 13 ug/l
Chemical: Phenanthrene Acute criterion: 46 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #85-01-8 Chronic criterion: 3.7 ug/l
Chemical: Propylene Acute criterion: 4.0 mg/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	CAS #115-07-1 Chronic criterion 0.40 mg/l
Chemical: Pyrene Human health criterion (HTC): 3.5 mg/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.	CAS #120-00-0
Chemical: Tetrachloroethylene Acute criterion: 1,200 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #127-18-4 Chronic criterion: 150 ug/l
Chemical: Tetrahydrofuran Acute criterion: 220 mg/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	CAS #109-99-9 Chronic criterion: 17 mg/l
Chemical: 1,2,4-trichlorobenzene Acute criterion: 370 ug/l Date criteria derived: December 14, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #120-82-1 Chronic criterion: 72 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 1,1,1-trichloroethane Acute criterion: 4,900 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #71-55-6 Chronic criterion: 390 ug/l
Chemical: 1,1,2-trichloroethane Acute criterion: 19 mg/l Human health criterion (HNC): 12 ug/l Date criteria derived: December 13, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #79-00-5 Chronic criterion: 4.4 mg/l
Chemical: Trichloroethylene Acute criterion: 12,000 ug/l Human health criterion (HNC): 25 ug/l Date criteria derived: October 23, 1992 Applicable waterbodies: Not used during this period.	CAS #79-01-6 Chronic criterion: 940 ug/l

Lake Michigan Basin Criteria

Chemical: Bis(2-ethylhexyl)phthalate <u>Aquatic Life Criteria:</u> Acute criterion: 76 ug/l <u>Human Health Non-threshold Criteria:</u> Drinking water: 2.8 ug/l Date criteria derived: June 20, 2006 Applicable waterbodies: All waters of the Lake Michigan basin. Not used during this period.	CAS #117-81-7 Chronic criterion: 17 ug/l Non-drinking water: 3.2 ug/l
Chemical: Methylene Chloride <u>Aquatic Life Criteria:</u> Acute criterion: 10,803 ug/l <u>Human Health Non-threshold Criteria:</u> Drinking water: 47 ug/l Date criteria derived: June 20, 2006 Applicable waterbodies: All waters of the Lake Michigan basin. Not used during this period.	CAS #75-09-2 Chronic criterion: 1,200 ug/l Non-drinking water: 2,600 ug/l
Chemical: Vinyl Chloride <u>Aquatic Life Criteria:</u>	CAS #75-01-4

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LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 8,380 ug/l	Chronic criterion: 931 ug/l
<u>Human Health Non-threshold Criteria:</u>	
Drinking water: 0.25 ug/l	Non-drinking water: 14.4 ug/l
Date criteria derived: June 20, 2006	
Applicable waterbodies: All waters of the Lake Michigan basin	
Not used during this period.	

For additional information concerning these criteria or the derivation process used in generating them, please contact:

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Springfield, Illinois 62794-9276
217-558-2012

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 6, 2007 through March 12, 2007 and have been scheduled for review by the Committee at its April 18, 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>
4/19/07	<u>Department of Human Services</u> , Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132)	12/1/06 30 Ill. Reg. 18357	4/18/07
4/21/07	<u>State Records Commission</u> , State Records Commission (44 Ill. Adm. Code 4400)	11/13/06 30 Ill. Reg. 17732	4/18/07
4/21/07	<u>Illinois Commerce Commission</u> , Voluntary Binding Arbitration Practice (83 Ill. Adm. Code 202)	10/6/06 30 Ill. Reg. 15844	4/18/07
4/21/07	<u>Department of Children and Family Services</u> , Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible (89 Ill. Adm. Code 309)	10/27/06 30 Ill. Reg. 16701	4/18/07
4/22/07	<u>Department of Central Management Services</u> , Electronic Commerce Security Act (14 Ill. Adm. Code 105)	5/12/06 30 Ill. Reg. 8700	4/18/07
4/22/07	<u>Secretary of State</u> , Illinois Electronic Commerce Security Act (14 Ill. Adm. Code 100)	5/12/06 30 Ill. Reg. 8798	4/18/07

PROCLAMATIONS

2007-69**KEN BARTELS**

- WHEREAS, the Elmhurst Jaycees, a local chapter of the U.S. Junior Chamber of Commerce, serves the local community through organizing events and service to others; and
- WHEREAS, the Elmhurst Jaycees was established in 1920 and continues today to provide young people between the ages of 21 and 39 the tools they need to build bridges of success for themselves in the areas of business development, management skills, individual training, community service, and international connections; and
- WHEREAS, in addition to providing opportunities to develop personal and leadership skills, the Elmhurst Jaycees have honored deserving community volunteers with the Distinguished Service Award for more than 50 years; and
- WHEREAS, the honoree for this evening, Ken Bartels, has been a very active member of the Elmhurst community. In addition to his work as Vice President of College Advancement at Elmhurst College, Bartels has also been a leader for the Elmhurst Chamber of Commerce & Industry, Rotary Club of Elmhurst, Elmhurst Symphony Orchestra, as well as many other worthwhile organizations; and
- WHEREAS, Mr. Bartels has worked hard in the Elmhurst community for more than 25 years, where he has also been the cable TV voice of Elmhurst's Memorial Day Parade, Elmfest's Opening Ceremonies and as part of the "Elmhurst Our Kind of Town" cable television series; and
- WHEREAS, this year, the Elmhurst Jaycees will present the 2007 Distinguished Service Award to Ken Bartels at River Forest Country Club on April 18:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize **KEN BARTELS** as he receives the **ELMHURST JAYCEES DISTINGUISHED SERVICE AWARD** for his contributions to the Elmhurst community, service to humanity, and to our great State.

Issued by the Governor on March 5, 2007.

Filed by the Secretary of State March 12, 2007.

2007-70**WORLD KIDNEY DAY**

PROCLAMATIONS

WHEREAS, the Renal Support Network (RSN) and Wellness & Education Kidney Advocacy Network (weKAN), as well as other organizations nationwide are recognizing kidney disease on this day; and

WHEREAS, of the estimated 20 million people, or 1 in 9 adults with chronic kidney disease, another 20 million are at risk for developing chronic kidney disease; and

WHEREAS, by calling attention to the importance of education and patient self-empowerment with regard to chronic kidney disease within our state, we hope to improve the quality and availability of such information and services; and

WHEREAS, our future depends on the quality of care and services; education, advocacy, and awareness of chronic kidney disease represent a worthy commitment to current and future patients:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 8, 2007 as **WORLD KIDNEY DAY** in Illinois, and urge all citizens to observe this day with appropriate programs and activities. Furthermore, I encourage the citizens of Illinois to seek counsel and input from any person or group, such as RSN and weKAN, with knowledge and expertise in matters concerning chronic kidney disease.

Issued by the Governor on March 5, 2007.

Filed by the Secretary of State March 12, 2007.

2007-71**SAFETY MATTERS DAY**

WHEREAS, on Sunday, March 10, 2002 Kent Jacob missed his 5:00-6:00 p.m. curfew, and has been missing since that tragic day. Although Kent was physically 42-years-old at the time of his disappearance, he only had the mental capacity of a young child; and

WHEREAS, because Kent had the mental capacity of a child, and like any young child, Kent and others like him are very vulnerable to a predator. Special needs men, women and children often do not have the analytical skills to sense danger, nor the ability to free themselves from a dangerous or volatile situation. Armed with these facts and the desire to educate others, the Safety Matters initiative was born; and

WHEREAS, Safety Matters is a two-part program. The first part of the initiative is geared toward the parents or care-givers of special needs adults and children and it is made up of eight simple safety points that were designed to empower the

PROCLAMATIONS

individual, not cripple them with fear. The I am SAFE (Secure, Aware, Firm, and Educated) curriculum is designed to be taught on an on-going basis to adults and children with special needs; and

WHEREAS, as the search for Kent Jacobs continues, the Jacobs family is determined to prevent this from happening to others by joining forces with Let's Bring Them Home to launch a new initiative entitled Safety Matters:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 10, 2007 as **SAFETY MATTERS DAY** in Illinois, and encourage all citizens to join in this worthy observance, and do your part to support this important program.

Issued by the Governor on March 6, 2007.

Filed by the Secretary of State March 12, 2007.

2007-72**CERTIFIED ATHLETIC TRAINERS MONTH**

WHEREAS, the State of Illinois recognizes certified athletic trainers as an integral part of our health care system, providing quality care and injury prevention for the physically active; and

WHEREAS, Illinois certified athletic trainers are trained and responsible individuals whose duties include the prevention, evaluation, treatment and rehabilitation of injuries caused during physical activities or athletics; and

WHEREAS, the certified athletic trainer has become a vitally important part of health care in this country; and

WHEREAS, due to the proven success rates of certified athletic trainers in Illinois, more people are partaking in physical activities with the knowledge that if they do become injured, there are quality trainers who can assist with rehabilitation; and

WHEREAS, for their continued commitment to providing quality care and injury prevention to the physically active, the State of Illinois recognizes certified athletic trainers for the vital role that they play in health care in this country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as **CERTIFIED ATHLETIC TRAINERS MONTH** in Illinois, and I encourage all citizens to join this worthy observance.

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Issued by the Governor on March 6, 2007.
Filed by the Secretary of State March 12, 2007.

2007-73
SISTER CITIES DAY

- WHEREAS, in 1956, shortly after World War II and at the height of the Cold War, President Dwight D. Eisenhower proposed a "People-to-People" program, aimed at involving individuals and organized groups at all levels of society in citizen diplomacy, with the hope that these personal relationships would lessen the chance of future world conflicts; and
- WHEREAS, by 1967, due to the program's tremendous growth and popularity, the "People-to-People" program became a separate, nonprofit corporation known as Sister Cities International (SCI); and
- WHEREAS, according to their mission statement, SCI exists to "Promote peace through mutual respect, understanding and cooperation – one individual, one community at a time;" and
- WHEREAS, the work of SCI strengthens partnerships between the United States and international communities, which in turn increases global cooperation at the municipal level, promotes cultural understanding and stimulates economic development; and
- WHEREAS, SCI represents more than 250,000 volunteers in over 1,400 United States cities, who work in collaboration with 140 countries around the globe. The Illinois chapter of SCI represents 60 communities from the state and works in partnership with 98 cities around the world; and
- WHEREAS, by working to promote peaceful relations between the United States and the global community, SCI is working towards a better and brighter future for American citizens, as well as people throughout the world:
- THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 10, 2007 as **SISTER CITIES DAY** in Illinois, in recognition of their tireless efforts at promoting international peace and cooperation.

Issued by the Governor on March 6, 2007.
Filed by the Secretary of State March 12, 2007.

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2007-74**DAVID MONTROSS DAY**

WHEREAS, the Midwest Eye-Banks makes the Gift of Sight possible by providing corneal tissue from donors to the people for whom a corneal transplant is a second chance for sight; and

WHEREAS, the Midwest Eye-Banks accomplishes its mission through public and professional education, donor coordination, and distribution of eye tissue for transplantation, research, and training; and

WHEREAS, this year, the Midwest Eye-Banks is holding its Eighth Annual Gift of Sight Gala on March 23; and

WHEREAS, the honoree for this year's event is David Montross, who is being recognized for his community involvement and strong civic leadership in the City of Chicago; and

WHEREAS, Mr. Montross has displayed an outstanding commitment to serving Chicago citizens, and enhancing the general well being of this great city and state. In addition, as a double cornea transplant recipient, Mr. Montross is a strong advocate for ocular health, and a wonderful example of the successful work of ocular health professionals across the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 23, 2007 as **DAVID MONTROSS DAY** in Illinois, in honor of his significant contributions to this great city and state.

Issued by the Governor on March 7, 2007.

Filed by the Secretary of State March 12, 2007.

2007-75**ARTS IN EDUCATION SPRING CELEBRATION MONTHS**

WHEREAS, arts are the personification of beauty in the world, and help to preserve our cultural heritage; and

WHEREAS, the State of Illinois declares that arts education, which includes dance, drama, music and visual arts, plays an essential role in the education of all students, providing them with a balanced education that will aid in developing their full potential; and

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WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and furthermore, they are committed to supporting the development and promotion of fine and applied arts programs; and

WHEREAS, winner of several awards, the Arts in Education Spring Celebration, an annual event, is held at the Peoria County Courthouse Plaza and provides a venue for students in grades pre-Kindergarten through 12 to showcase their works and talents; and

WHEREAS, this year, the Arts in Education Spring Celebration will be held April 16th through May 25th; and

WHEREAS, the State of Illinois resolutely supports events such as the Arts in Education Spring Celebration, and commends the students and teachers who work to bring the beauty of art to this great state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April and May 2007 as **ARTS IN EDUCATION SPRING CELEBRATION MONTHS** in Illinois, and encourage all citizens to recognize the benefits of arts programs in our schools.

Issued by the Governor on March 7, 2007.

Filed by the Secretary of State March 12, 2007.

2007-76**FEDERAL EMPLOYEE OF THE YEAR DAY**

WHEREAS, the hard work and dedication of men and women across the United States have been instrumental in making our nation strong and prosperous; and

WHEREAS, a special day is set aside each year to recognize the outstanding service of dedicated federal employees; and

WHEREAS, this year, the 50th Annual Federal Employee of the Year Awards Luncheon will be held on May 17, 2007 at The Hyatt Regency Chicago. The theme for this year's ceremony is "A Golden Record of Excellence"; and

WHEREAS, at this prestigious ceremony, federal employees who have dedicated themselves to giving superior service to the American public will be honored; and

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WHEREAS, awards will be given to the outstanding employee in each of eleven categories that cover various types of jobs within the federal workforce; and

WHEREAS, in conjunction with the ceremony, college scholarships will be awarded to two graduate students attending the University of Illinois at Chicago's College of Urban Planning and Public Affairs:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 17, 2007 as **FEDERAL EMPLOYEE OF THE YEAR DAY** in Illinois, and encourage all citizens to join in honoring these hard working individuals, and to recognize the exceptional services they provide for our society.

Issued by the Governor on March 8, 2007.

Filed by the Secretary of State March 12, 2007.

2007-77**GREAT AMERICAN MEATOUT DAY**

WHEREAS, a wholesome diet of vegetables, fresh fruits, and whole grains promotes health and reduces the risk of heart disease, stroke, cancer, diabetes, and other chronic diseases that debilitate then kill 1.3 million Americans annually; and

WHEREAS, such a diet helps preserve topsoil, water, energy, and other food production resources that are essential to human survival; and

WHEREAS, as a result, a change in eating habits will help preserve our forests, grasslands, and other wildlife habitats and reduce pollution of our waterways by crop debris, manure, and pesticides; and

WHEREAS, a healthy diet can help prevent the suffering and death of more than ten billion sentient animals each year in the US; and

WHEREAS, each year, dedicated Illinois Meatout volunteers encourage their neighbors to explore such a diet:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 20, 2007 as **GREAT AMERICAN MEATOUT DAY** in Illinois, and encourage all citizens to explore a wholesome diet of vegetables, fresh fruits, and whole grains.

Issued by the Governor on March 12, 2007.

Filed by the Secretary of State March 12, 2007.

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2007-78

DISTRICT OF COLUMBIA FULL EMANCIPATION DAY

WHEREAS, Monday, April 16, 2007 marks the 135th anniversary of the day in 1862, on which President Abraham Lincoln signed the "Compensated Emancipation Act, For the release of certain persons held to service or labor in the District of Columbia"; and

WHEREAS, President Abraham Lincoln issued the historic Emancipation Proclamation on January 1, 1863, as the nation approached its third year of bloody civil war. The proclamation declared "that all persons held as slaves" within the rebellious states "are, and henceforward shall be free."

WHEREAS, the Compensated Emancipation Act was signed on April 16, 1862 and freed all enslaved people in Washington, DC nine months before President Lincoln issued his famous Emancipation Proclamation of 1863; and

WHEREAS, the District of Columbia Compensated Emancipation Act not only liberated 3,100 former slaves, but it also compensated them financially for the horrors that they had to endure during a time of great "national shame"; and

WHEREAS, the State of Illinois joins in celebrating the anniversary of this historic event in our great county. While true racial equality is something that we continue to strive for today, the Compensated Emancipation Act represents the very beginning of the civil rights movement in the United States. By recognizing this anniversary, we reflect on how far we have come as a land of equal opportunity, and realize the work that still lies ahead:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 16, 2007 as **DISTRICT OF COLUMBIA FULL EMANCIPATION DAY** in Illinois, and encourage all citizens to join in celebrating this major turning point in our nation's history.

Issued by the Governor on March 12, 2007.

Filed by the Secretary of State March 12, 2007.

ILLINOIS ADMINISTRATIVE CODE

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