

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017
www.cyberdriveillinois.com

 Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

August 26, 2011 Volume 35, Issue 35

PROPOSED RULES

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Medical Practice Act of 1987	
68 Ill. Adm. Code 1285.....	14233
Real Estate Appraiser Licensing	
68 Ill. Adm. Code 1455.....	14235
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Covering All Kids Health Insurance Program	
89 Ill. Adm. Code 123.....	14244
TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS	
The Administration and Operation of the Teachers' Retirement System	
80 Ill. Adm. Code 1650.....	14259
TRANSPORTATION, DEPARTMENT OF	
Minimum Safety Standards for Construction of Multifunction School Activity Buses	
92 Ill. Adm. Code 435.....	14271
Inspection Procedures for Multifunction School Activity Buses	
92 Ill. Adm. Code 436.....	14321

ADOPTED RULES

COMMERCE COMMISSION, ILLINOIS	
Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities	
83 Ill. Adm. Code 590.....	14414
EDUCATIONAL LABOR RELATIONS BOARD, ILLINOIS	
Public Information, Rulemaking, Organization and Personnel	
2 Ill. Adm. Code 2675.....	14418
Freedom of Information	
2 Ill. Adm. Code 2676.....	14426
General Procedures	
80 Ill. Adm. Code 1100.....	14438
Hearing Procedures	
80 Ill. Adm. Code 1105.....	14442
Representation Procedures	
80 Ill. Adm. Code 1110.....	14447
Unfair Labor Practice Proceedings	
80 Ill. Adm. Code 1120.....	14474
Fair Share Fee Objections	
80 Ill. Adm. Code 1125.....	14481
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Rights and Responsibilities	
89 Ill. Adm. Code 102.....	14486

PUBLIC HEALTH, DEPARTMENT OF Certification and Operation of Environmental Laboratories 77 Ill. Adm. Code 465.....	14494
EMERGENCY RULES	
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF Medical Practice Act of 1987 68 Ill. Adm. Code 1285.....	14564
JOINT COMMITTEE ON ADMINISTRATIVE RULES NOTICE OF PUBLICATION ERROR	
POLLUTION CONTROL BOARD Solid Waste 35 Ill. Adm. Code 807.....	14570
ENVIRONMENTAL PROTECTION AGENCY Permit Fees for National Pollutant Discharge Elimination System Permits and Domestic Sewage Sludge Generator or Sludge User Permits 35 Ill. Adm. Code 325.....	14571
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES Second Notices Received.....	14572
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS Gubernatorial Proclamation 2011-266.....	14573

INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
13	March 14, 2011	March 25, 2011
14	March 21, 2011	April 1, 2011
15	March 28, 2011	April 8, 2011
16	April 4, 2011	April 15, 2011
17	April 11, 2011	April 22, 2011
18	April 18, 2011	April 29, 2011
19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
21	May 9, 2011	May 20, 2011

22	May 16, 2011	May 27, 2011
23	May 23, 2011	June 3, 2011
24	May 31, 2011	June 10, 2011
25	June 6, 2011	June 17, 2011
26	June 13, 2011	June 24, 2011
27	June 20, 2011	July 1, 2011
28	June 27, 2011	July 8, 2011
29	July 5, 2011	July 15, 2011
30	July 11, 2011	July 22, 2011
31	July 18, 2011	July 29, 2011
32	July 25, 2011	August 5, 2011
33	August 1, 2011	August 12, 2011
34	August 8, 2011	August 19, 2011
35	August 15, 2011	August 26, 2011
36	August 22, 2011	September 2, 2011
37	August 29, 2011	September 9, 2011
38	September 6, 2011	September 16, 2011
39	September 12, 2011	September 23, 2011
40	September 19, 2011	September 30, 2011
41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
44	October 17, 2011	October 28, 2011
45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3) Section Number: 1285.305 Proposed Action:
Amendment
- 4) Statutory Authority: Medical Practice Act of 1987 [225 ILCS 60] and the Patients' Right to Know Act (Public Act 97-280)
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 97-280, effective August 9, 2011, creates the Patients' Right to Know Act, directing the Department to make available to the public a profile of each physician licensed in Illinois; this proposed rulemaking implements this requirement by amending Section 1285.305.

The original statutory authority was part of PA 94-677, an omnibus bill that also included medical malpractice caps. After the caps were ruled unconstitutional, PA 94-677's non-severability clause ended the Department's statutory authority, forcing the shutdown of the profile. With the new statutory authority contained in PA 97-280, the Department is reactivating Section 1285.305 to allow the Department to obtain correct, complete, and accurate information on the physicians for inclusion in the public profiles.
- 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? Yes
- 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 has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Medical skills are required for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment on page 14564 of this issue of the *Illinois Register*:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Real Estate Appraiser Licensing
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3) Section Number: 1455.320 Proposed Action:
Amendment
- 4) Statutory Authority: Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]
- 5) A complete description of the subjects and issues involved: Under authority in the Dodd-Frank Wall Street Reform and Consumer Protection Act, the federal Appraisal Subcommittee (ASC) approved a modification of the annual National Registry fee to \$40 from the current \$25, effective January 1, 2012. Accordingly, on or after that date, for all new appraiser credentials and all renewals of existing credentials, states are required to collect and transmit to the ASC the modified annual Registry fee of \$40 in order for a credential to be reflected on the National Registry. States were given this delayed effective date to provide a reasonable transition period to implement this modified registry fee, which is accomplished by this proposed rulemaking.
- 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking has no impact on local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 W. Washington St., 3rd Floor

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Springfield, IL 62786
217/785-0813 Fax# 217/557-4451

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Real estate appraisal schools and businesses that use real estate appraisers will be affected, but appraisers are required by federal law to operate under the most current version of USPAP.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Appraiser education and experience is necessary for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 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 Trainee Appraiser License; Application by Non-Resident for Licensure by Endorsement

1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee 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 Qualifying Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser; Non-Resident Qualifying Education

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Estate Trainee 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
- 1455.315 Supervisor and Trainee Requirements

SUBPART G: ADMINISTRATIVE PROVISIONS

Section

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section

- 1455.350 Education Provider Application; Requirements
- 1455.360 Qualifying Education Course Requirements of Education Providers
- 1455.370 Qualifying Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser
- 1455.380 Examples of Acceptable Pre-License Education Courses (Repealed)
- 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 Qualifying Education 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 (Repealed)
- 1455.460 Education Providers, Pre-License and Continuing Education Courses – Transition Provisions (Repealed)

SUBPART J: HEARINGS

Section

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

- 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].

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

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; amended at 33 Ill. Reg. 7121, effective May 14, 2009; amended at 35 Ill. Reg. 1967, effective January 20, 2011; amended at 35 Ill. Reg. _____, effective _____.

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 Trainee 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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

~~\$90~~~~\$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 or a State Certified Residential Real Estate Appraiser shall be calculated at ~~\$265~~~~\$250~~ per year, which shall include the National Registry fees.
 - 2) The application to renew an Associate Real Estate Trainee 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 or an Associate Real Estate Trainee Appraiser shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- c) 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.
- d) Initial application fee for a license as an education provider, a qualifying education 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 qualifying education course shall be \$150.
 - 3) The application fee for a license for a continuing education course shall be \$100.
- e) Application fee to renew a license as an education provider, a qualifying education 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.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 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 qualifying education course shall be calculated at \$100 per year.
 - 4) The application fee to renew a license that has expired as a qualifying education 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.
- f) 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.
- g) 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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

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 General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Trainee 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 a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.
- 8) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be \$1 per page.
- 9) 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 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Covering All Kids Health Insurance Program
- 2) Code Citation: 89 Ill. Adm. Code 123
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
123.100	Amendment
123.200	Amendment
123.210	Amendment
123.240	Amendment
123.270	Amendment
123.320	Amendment
123.340	Amendment
- 4) Statutory Authority: Public Act 96-1502, the Covering All Kids Health Insurance Program Act [215 ILCS 170] and 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 implement the Medicaid Reform change that caps All Kids eligibility at 300% of poverty. Public Act 96-1502 amended the Covering All Kids Health Insurance Act (215 ILCS 170) to establish an income limit of 300% of the Federal Poverty level (FPL) for the All Kids Premium program that begins on July 1, 2011 for new applications. Children in families with countable monthly income over 300% of the FPL who are enrolled in All Kids Premium on July 1, 2011, may remain enrolled in the program until July 1, 2012.

These proposed changes will also eliminate the 3-month period of ineligibility for families whose benefits were canceled due to nonpayment of premiums. This change was enacted under P.A. 96-1272 and effective January 1, 2011.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section Numbers: 123.280 Proposed Action: Amendment Illinois Register Citation: 35 Ill. Reg. 683; January 14, 2011

- 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: 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:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department is particularly interested in receiving comments on the provisions governing redetermination of eligibility at Section 123.200(d)(2)(b) as they pertain to defining affordable health insurance. 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].

- 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: None

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 123

COVERING ALL KIDS HEALTH INSURANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

- 123.100 General Description
- 123.110 Definitions

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section

- 123.200 Eligibility
- 123.210 Eligibility Exclusions and Terminations
- 123.220 Application Process
- 123.230 Determination of Monthly Countable Income
- 123.240 Eligibility Determination and Enrollment Process
- 123.250 Appeals
- 123.260 Annual Renewals
- 123.270 Adding Children to the Program and Changes in Participation

SUBPART C: ALL KIDS PREMIUM LEVEL 2-8 HEALTH PLAN

Section

- 123.300 Covered Services
- 123.310 Service Exclusions
- 123.320 Co-payments and Cost Sharing
- 123.330 Premium Requirements
- 123.340 Non-payment of Premium
- 123.350 Provider Reimbursement

AUTHORITY: The Covering ALL KIDS Health Insurance Program Act [215 ILCS 170] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

SOURCE: Adopted by emergency rulemaking at 30 Ill. Reg. 10134, effective May 17, 2006, for

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

a maximum of 150 days; adopted at 30 Ill. Reg. 16971, effective October 13, 2006; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 123.100 General Description

This Part implements the Covering ALL KIDS Health Insurance Program Act [215 ILCS 170] that authorizes the Department to administer an insurance program to offer ~~all~~ uninsured children in Illinois access to health insurance. The Department shall provide health benefits coverage to eligible individuals through purchasing or providing health care benefits.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section 123.200 Eligibility

A child may be eligible under the program provided that all of the following eligibility criteria are met:

- a) A child is not eligible for medical assistance under the Public Aid Code or benefits including rebates under the Children's Health Insurance Program Act;
- b) A child is under 19 years of age;
- c) A child is a resident of the State of Illinois; and
- d) The child meets one of the following:
 - 1) Upon initial determination of eligibility:
 - A) ~~The~~If the application is received during calendar year 2006, the child has been without health insurance at least since January 1, 2006, or, if application is made after December 31, 2006, the child has been without health insurance for at least 12 months prior to the date of application;
 - B) The child lost employer-sponsored health insurance when the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

child's parent's job ended;

- C) The child has no health insurance and is less than one year old in the month of application for All Kids;
- D) The child has exhausted the life-time benefit limit of his or her health insurance;
- E) The child's health insurance is purchased under the provisions of Consolidated Omnibus Budget Reconciliation Act (COBRA);
- F) The child was disenrolled for medical assistance under the Public Aid Code or benefits, including rebates, under the Children's Health Insurance Program Act within one year prior to applying under this Part; ~~or~~
- G) The child has health insurance provided by the child's noncustodial parent and the child's custodian is unable to access such health insurance benefits for the child; or.
- H) The child is a member of a family whose monthly countable income is at or below 300 percent of the Federal Poverty Level, except as provided in Section 123.270(a).

2) Upon redetermination of eligibility:

- A) The child was initially enrolled under subsection (d)(1)(A) or (F) of this Section; or
- B) Affordable health insurance is not available to the child. For the purpose of this Section, affordable health insurance for the child does not exceed the following amounts:
 - i) For a child who would be eligible for All Kids Premium Level 2 or 3, the cost of the monthly premium for coverage of all children seeking coverage under this Part does not exceed three percent of the family's monthly countable income as determined under Section 123.230.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- ii) For a child who would be eligible for All Kids Premium Level 4, the cost of the monthly premiums for coverage of all children seeking coverage under this Part does not exceed four percent of the family's monthly countable income as determined under Section 123.230.
 - iii) For a child who would be eligible for All Kids Premium Levels 5-8, the cost of the monthly premium for coverage of the child does not exceed five percent of the family's monthly countable income as determined under Section 123.230.
- C) For the purposes of this subsection (d)(2), health insurance shall be considered unavailable to the child if subsection (d)(1)(D), (E), or (G) apply.
- D) Family monthly countable income is at or below 300 percent of the Federal Poverty Level, except that a child with family income in excess of 300 percent of the Federal Poverty Level may remain eligible through June 30, 2012 if the child continues to meet all other eligibility requirements for All Kids Premium Levels 3-8 without a break.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 123.210 Eligibility Exclusions and Terminations

- a) A child shall not be determined eligible for coverage under the program if:
 - 1) The child is an inmate of a public institution.
 - 2) The child is a patient in an institution for mental diseases.
- b) Termination of a child's coverage under the program shall be initiated upon the occurrence of any of the following events:
 - 1) A child becomes ineligible due to:
 - A) Losing his or her Illinois residency.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- B) Attaining 19 years of age.
 - C) Becoming enrolled in medical assistance under 89 Ill. Adm. Code 118 or 120 or for health care benefits or rebates under 89 Ill. Adm. Code 125.
 - D) Meeting the provisions of subsections (a)(1) and (2) of this Section.
 - E) The required premiums as specified in Section 123.330 are not paid in a timely manner as specified in Section 123.340.
 - F) The family fails to report to the Department changes in information that impacts upon the child's eligibility for the program.
 - G) The family makes a request to the Department to terminate the child's coverage.
 - H) The Department determines that the child is no longer eligible based on any other applicable State or federal law or regulation.
 - I) The Department determines that an applicant failed to provide eligibility information that was truthful and accurate to the best of the applicant's knowledge and belief and that affected the child's eligibility determination.
 - J) The Department determines that the child's eligibility was incorrectly determined.
- c) Following termination of a child's coverage under the program, the following action is required before the child can be re-enrolled:
- 1) ~~The A new application must be completed and the~~ child must be found determined otherwise eligible;
 - 2) There must be full payment of premiums due under this Part or 89 Ill. Adm. Code 125 for periods in which a premium was owed and not paid for the child;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) Any overpayment of rebates paid on behalf of the child under 89 Ill. Adm. Code 125 must be repaid to the Department. A rebate overpayment shall be considered repaid if the Department can recoup the overpayment out of future rebate payments; and
- 4) ~~If the termination was the result of non-payment of premiums, the individual must be out of the program for three months before re-enrollment; and~~
- 4)5) The first month's premium must be paid if there was an unpaid premium on the date the child's previous coverage was canceled.
- d) A certificate of prior creditable coverage will be issued when an individual's coverage is terminated under the All Kids/~~FamilyCare~~ Health Plan.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 123.240 Eligibility Determination and Enrollment Process

- a) If the monthly countable income is above 200 percent of the Federal Poverty Level and at or below 300 percent of the Federal Poverty Level for the number of individuals in the family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 2.
- b) If the monthly countable income is above 300 percent of the Federal Poverty Level, individuals are not eligible for benefits under this Section except that a child may remain enrolled in All Kids Premium Levels 3-8 until June 30, 2012 if a child in the family was approved for enrollment in Premium Levels 3 through 8 before July 1, 2011 and all other eligibility requirements of this Part are met without a break. During this period, the child is enrolled in the appropriate All Kids Premium Level according to the following income standards; and at or below 400 percent of the Federal Poverty Level for the number of individuals in the family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 3.
- 1) If the monthly countable income is above 300 percent of the Federal Poverty Level and at or below 400 percent of the Federal Poverty Level for the number of individuals in the family, the child will be enrolled in

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

All Kids Premium Level 3.

- 2) If the monthly countable income is above 400 percent of the Federal Poverty Level and at or below 500 percent of the Federal Poverty Level for the number of individuals in the family, the child will be enrolled in All Kids Premium Level 4.
- 3) If the monthly countable income is above 500 percent of the Federal Poverty Level and at or below 600 percent of the Federal Poverty Level for the number of individuals in the family, the child will be enrolled in All Kids Premium Level 5.
- 4) If the monthly countable income is above 600 percent of the Federal Poverty Level and at or below 700 percent of the Federal Poverty Level for the number of individuals in the family, the child will be enrolled in All Kids Premium Level 6.
- 5) If the monthly countable income is above 700 percent of the Federal Poverty Level and at or below 800 percent of the Federal Poverty Level for the number of individuals in the family, the child will be enrolled in All Kids Premium Level 7.
- 6) If the monthly countable income is above 800 percent of the Federal Poverty Level for the number of individuals in the family, the child will be enrolled in All Kids Premium Level 8.

- e) ~~If the monthly countable income is above 400 percent of the Federal Poverty Level and at or below 500 percent of the Federal Poverty Level for the number of individuals in the family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 4.~~
- d) ~~If the monthly countable income is above 500 percent of the Federal Poverty Level and at or below 600 percent of the Federal Poverty Level for the number of individuals in the family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 5.~~
- e) ~~If the monthly countable income is above 600 percent of the Federal Poverty Level and at or below 700 percent of the Federal Poverty Level for the number of individuals in the family and all other eligibility requirements of this Part are met,~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~the child will be enrolled in All Kids Premium Level 6.~~

- ~~f) If the monthly countable income is above 700 percent of the Federal Poverty Level and at or below 800 percent of the Federal Poverty Level for the number of individuals in the family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 7.~~
- ~~g) If the monthly countable income is above 800 percent of the Federal Poverty Level for the number of individuals in the family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 8.~~
- ~~ch) Applicants will be notified, in writing, regarding the outcome of their eligibility determination.~~
- ~~di) Eligibility determinations for the program made by the 15th day of the month will be effective the first day of the following month. Eligibility determinations for the program made after the 15th day of the month will be effective no later than the first day of the second month following that determination.~~
- ~~ej) For children enrolled in All Kids Premium Level 2, the duration of eligibility for the program for children will be 12 months unless one of the events described in Section 123.210(a)(1) or (b)(1) occurs. For children enrolled in All Kids Premium Levels 3 through 8, the duration of eligibility will be until June 30, 2012 unless one of the events described in Section 123.210(a)(1) or (b)(1) occurs. The period12 months of eligibility will commence when the first child in a family is covered under the program. Children added to a family case after the eligibility period begins will be eligible for the balance of the 12-month eligibility period.~~
- ~~fk) Children for whom application to the program is made before the beginning of the fourth month following the month of the child's birth may obtain backdated coverage for a period beginning with the child's day of birth. This coverage shall be subject to the family paying the premiums for the months of backdated coverage requested.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 123.270 Adding Children to the Program and Changes in Participation

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) Families may add eligible children to the program during the 12-month eligibility period. Coverage for newborns added to a case and for whom backdated coverage is approved as permitted under ~~Section~~subsection 123.240(k) may begin with the child's date of birth. Coverage for all other children added to a case shall be prospective and, for signed requests received by the 15th day of the month, shall be effective on the first day of the month following receipt of the signed request. Signed requests to add a child received after the 15th day of a month will be effective no later than the first day of the second month following receipt of the signed request. Eligibility shall continue for the remainder of the 12-month eligibility period that began with coverage of the first child in the family, except that eligibility for children in All Kids Premium Levels 3-8 in no event shall continue beyond June 30, 2112. Such addition of a child shall not result in a review of the family's financial eligibility for the program.
- b) Premium amounts will be adjusted to reflect adding or removing a child from the program subject to the limitations set forth in Section 123.330(a).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: ALL KIDS PREMIUM LEVEL 2-8 HEALTH PLAN

Section 123.320 Co-payments and Cost Sharing

- a) Co-payments or cost sharing may be charged for services provided to a child by a health care provider as described in subsection (b), except for practitioner visits scheduled for well-baby care, well-child care, age appropriate immunizations, preventative dental visits or family planning services.
- b) Co-payment and cost sharing requirements are as follows:
- 1) Practitioner office visit:
 - A) All Kids Premium Level 2 co-payment: \$10 per visit.
 - B) All Kids Premium Level 3 co-payment: \$15 per visit.
 - C) All Kids Premium Level 4 co-payment: \$20 per visit.
 - D) All Kids Premium Levels 5-8 co-payment: \$25 per visit.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 2) Dental visits:
 - A) All Kids Premium Level 2 co-payment: \$10 per visit.
 - B) All Kids Premium Level 3 co-payment: \$15 per visit.
 - C) All Kids Premium Level 4 co-payment: \$20 per visit.
 - D) All Kids Premium Levels 5-8 co-payment: \$25 per visit.
- 3) Inpatient hospitalization:
 - A) All Kids Premium Level 2 cost sharing: \$100 per admission.
 - B) All Kids Premium Level 3 cost sharing: \$150 per admission.
 - C) All Kids Premium Level 4 cost sharing: \$200 per admission.
 - D) All Kids Premium Levels 5-7 cost sharing: 10 percent of Department's rate.
 - E) All Kids Premium Level 8 cost sharing: 25 percent of Department's rate.
- 4) Hospital or Ambulatory Surgical Treatment Center outpatient encounter with a payable service on the Ambulatory Procedure List, as set forth in 89 Ill. Adm. Code 148.140:
 - A) All Kids Premium Level 2 cost sharing: 5 percent of the Department's rate.
 - B) All Kids Premium Level 3 cost sharing: 10 percent of the Department's rate.
 - C) All Kids Premium Level 4 cost sharing: 15 percent of the Department's rate.
 - D) All Kids Premium Levels 5-7 cost sharing: 20 percent of the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Department's rate.

- E) All Kids Premium Level 8 cost sharing: 25 percent of the Department's rate.
- 5) Hospital Emergency Visit:
- A) All Kids Premium Level 2 co-payment: \$30 per visit.
 - B) All Kids Premium Level 3 co-payment: \$50 per visit.
 - C) All Kids Premium Level 4 co-payment: \$75 per visit.
 - D) All Kids Premium Levels 5-8 co-payment: \$100 per visit.
- 6) Prescription drugs:
- A) All Kids Premium Level 2 co-payment: \$3 for a 1 to 30-day supply of generic drugs or \$7 for a 1 to 30 day supply of brand name drugs.
 - B) All Kids Premium Level 3 co-payment: \$6 for a 1 to 30-day supply of generic drugs or \$14 for a 1 to 30 day supply of brand name drugs.
 - C) All Kids Premium Level 4 co-payment: \$9 for a 1 to 30-day supply of generic drugs or \$21 for a 1 to 30 day supply of brand name drugs.
 - D) All Kids Premium Levels 5-8 co-payment: \$12 for a 1 to 30-day supply of generic drugs or \$28 for a 1 to 30 day supply of brand name drugs.
- c) The out-of-pocket co-payment and cost sharing expense children enrolled in All Kids Premium Level 2 will incur shall not exceed \$250 per annual enrollment period multiplied by the number of children in the family enrolled in All Kids Premium Level 2. The out-of-pocket cost sharing expense a child enrolled in All Kids Premium Levels 3-8 will~~shall~~ incur for services under subsections (b)(3), (4) and (5) of this Section during the plan year July 1 to June 30 shall be limited as

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

follows:

~~1)~~ ~~All Kids Premium Level 2 – \$500 per child.~~

~~12)~~ All Kids Premium Level 3 – \$750 per child.

~~23)~~ All Kids Premium Level 4 – \$1,000 per child.

~~34)~~ All Kids Premium Levels 5-7 – \$5,000 per child.

~~45)~~ All Kids Premium Level 8 – no maximum.

- d) Providers will be responsible for collecting co-payments under the All Kids Health Insurance Plan.
- e) Providers may elect not to charge co-payments. If co-payments are charged, the co-payment may not exceed the amounts established in subsection (b).
- f) The Department will not require providers to deliver services when co-payments properly charged under the All Kids Premium Health Plans are not paid.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 123.340 Non-payment of Premium

- a) Children enrolled in All Kids Premium Levels 2-8 will have a grace period through the end of the month ~~following the~~ coverage ~~month~~ to pay the premium.
- b) Failure to pay the full monthly premium by the last day of the grace period will result in termination of coverage.
- c) Partial premium payments will not be refunded.
- d) When termination of coverage is recorded by the 15th day of the month, it will be effective the first day of the following month. When termination of coverage is recorded after the 15th day of the month, it will be effective no later than the first day of the second month following that determination.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 35 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1650.3100	New
1650.3105	New
1650.3110	New
1650.3115	New
1650.3120	New
1650.3125	New
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]
- 5) A Complete Description of the Subjects and Issues Involved: This series of new rules are intended to implement federal tax-qualified plan requirements imposed on the Teachers' Retirement System by the Internal Revenue Service. In response to the System's request for a favorable tax-qualified determination letter, the IRS has issued a compliance statement approving adoption of the proposed amendments to be made to Part 1650 of the Illinois Administrative Code. To ensure continued qualification of the retirement plan administered by the System and continued reliance on the IRS compliance statement and favorable determination letter, the purpose of this Subpart Q is to promulgate the required amendments to the System regarding the plan qualification requirements through the Illinois Administrative Code.
- 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 create or expand a

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

State mandate under the State Mandates Act [30 ILCS 805].

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

Cynthia Fain
Sr. Asst. General Counsel
Teachers' Retirement System
2815 West Washington,
P. O. Box 19253
Springfield, Illinois 62794-9253

217/753-0375

- 13) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.
- 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: None

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

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

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section

1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

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

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits – Application Procedure; Effective Date
1650.202 Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

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

SUBPART F: ANNUITANTS AND BENEFICIARIES

Section

- 1650.505 Beneficiary (Repealed)
- 1650.510 Re-entry Into Service (Repealed)
- 1650.511 Separation from Service
- 1650.512 Verification of Compliance with Post-Retirement Employment Limitations
- 1650.520 Suspension of Benefits
- 1650.530 Power of Attorney

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1650.540 Conservators/Guardians
- 1650.550 Presumption of Death
- 1650.560 Benefits Payable on Death
- 1650.561 Valid Beneficiary Designations
- 1650.570 Survivors' Benefits
- 1650.571 Payment of Monthly Survivor Benefits to a Trust
- 1650.575 Full-time Student – Receipt of Survivors Benefits Until Age 22
- 1650.580 Evidence of Eligibility
- 1650.590 Comptroller Offset
- 1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

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

SUBPART H: ADMINISTRATIVE REVIEW

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

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

- Section
- 1650.710 Amendments

SUBPART J: RULES OF ORDER

- Section
- 1650.810 Parliamentary Procedure

SUBPART K: PUBLIC RECORD REQUESTS

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section

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

SUBPART L: BOARD ELECTION PROCEDURES

Section

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

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1650.1110 Definitions
- 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1650.1112 Requirements for a Valid QILDRO Calculation Order
- 1650.1113 Required Forms
- 1650.1114 Filing a QILDRO or a Calculation Order with the System
- 1650.1115 Benefits Affected by a QILDRO
- 1650.1116 Effect of a Valid QILDRO
- 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1650.1118	Alternate Payee's Address
1650.1119	Electing Form of Payment
1650.1120	Automatic Annual Increases
1650.1121	Reciprocal Systems QILDRO Policy Statement (Repealed)
1650.1122	Providing Benefit Information for Divorce Purposes
1650.1123	Suspension and Expiration of a QILDRO
1650.1124	Income Tax Reporting
1650.1125	Lump-Sum Death Benefit Allocation to Alternate Payee

SUBPART N: PAYROLL DEDUCTION PROGRAM

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

SUBPART O: RETIREMENT BENEFITS

Section	
1650.2900	Excess Benefit Arrangement

SUBPART P: COMPETITIVE SELECTION PROCEDURES
FOR INVESTMENT SERVICES

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

SUBPART Q: PLAN QUALIFICATION

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

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

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25, 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. _____, effective _____.

SUBPART Q: PLAN QUALIFICATIONSection 1650.3100 Summary and Purpose

- a) This Subpart Q is intended to implement compliance requirements imposed on the Teachers' Retirement System of the State of Illinois (System) by the United States Internal Revenue Service (IRS). On April 13, 2011, the System received a favorable determination letter reflecting the view of the IRS that the System complies in form with the applicable requirements for qualification under the Internal Revenue Code of 1986, as amended (26 USC). In connection with the determination letter application, the System submitted to the IRS proposed amendments to the provisions of Article 16 of the Illinois Pension Code [40 ILCS 5/16]. The IRS approved those proposed amendments by issuing a compliance statement, and adoption of the proposed amendments is necessary for continued reliance on the IRS compliance statement and favorable determination letter. While the System worked diligently to seek legislative enactment, the proposed amendments to Article 16 of the Illinois Pension Code have not yet been enacted by action of the Illinois General Assembly and signature by the Illinois Governor.
- b) The System therefore requested, and the IRS has issued, a revised compliance statement approving adoption of the proposed amendments to be made to the Illinois Administrative Code, rather than to the Illinois Pension Code. To ensure the continued qualification of the retirement plan administered by the System and continued reliance on the IRS compliance statement and favorable determination letter, the purpose of this Subpart Q is to promulgate the required amendments to the System regarding the plan qualification requirements.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1650.3105 Exclusive Benefit Rule

Prior to the satisfaction of all liabilities to members or their beneficiaries, no part of the corpus or income of the System shall be used for, or diverted to, purposes other than for the exclusive benefit of the System's members, annuitants and beneficiaries.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1650.3110 USERRA (Uniformed Services Employment and Reemployment Rights Act (38 USC 4301-4335)) Compliance

The provisions of 40 ILCS 5/1-118 (veterans' rights) shall be effective with respect to the System beginning December 12, 1994.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1650.3115 Required Minimum Distributions

The provisions of 40 ILCS 5/1-116.1 (required distributions) shall be effective with respect to the System beginning January 1, 1987.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1650.3120 Federal Contribution and Benefit Limitations

The System shall comply with the applicable contribution and benefit limitations imposed by section 415 of the Internal Revenue Code. This Section is effective for years beginning January 1, 1976 through January 14, 1991 (the effective date of 40 ILCS 5/1-116).

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1650.3125 Mortality Tables and Interest Rates

The mortality tables and interest rates adopted by the Board of Trustees of the System from time to time in accordance with 40 ILCS 5/16-122 shall apply to 40 ILCS 5/16 as though such provisions were fully set forth in 40 ILCS 5/16. This Section applies beginning July 1, 1984.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Minimum Safety Standards for Construction of Multifunction School Activity Buses
- 2) Code Citation: 92 Ill. Adm. Code 435
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
435.10	New Section
435.20	New Section
435.30	New Section
435.APPENDIX A	New Section
435.APPENDIX B	New Section
435.APPENDIX C	New Section
435.APPENDIX D	New Section
435.APPENDIX E	New Section
435.APPENDIX F	New Section
435.APPENDIX G	New Section
435.APPENDIX H	New Section
435.APPENDIX I	New Section
435.APPENDIX J	New Section
- 4) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch.12, Art. VIII, as amended by PA 96-410, effective July 1, 2010] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812]
- 5) A complete description of the subjects and issues involved: The Department is establishing construction standards specific to multifunction school activity buses (MFSAB) pursuant to PA 96-410, effective July 1, 2010.

PA 96-410 prohibits the use of 11 to 15 passenger vans and permits the use of MFSAB (designed to transport 11 to 15 persons, including the driver) for an interscholastic, interscholastic-athletic, or school sponsored, non-curriculum-related activity that (i) does not require student participation as part of the educational services of the entity and (ii) is not associated with the students' regular class-for-credit schedule. The Public Act does not apply to any second division vehicle used for a parade, homecoming, or a similar non-curriculum-related school activity. The Public Act also establishes specific lettering (i.e., marking) requirements and prohibits MFSAB from being painted school bus yellow and from being equipped with a stop signal arm panel and an eight-lamp flashing signal

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

system.

At Section 435.20, Incorporation by Reference, the Department is proposing to incorporate all applicable Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571) as of October 1, 2011, the most current edition of the FMVSS. The National Highway Traffic Safety Administration (NHTSA) requires MFSAB to meet all FMVSS applicable to school buses, except stop signal arm panel and eight-lamp flashing signal system. Since the Department's rules at 92 Ill. Adm. Code 440, Minimum Safety Standards for Construction of Type I School Buses, apply only to traditional yellow school buses, the Department is promulgating this new Part, pursuant to the Public Act, to prescribe construction standards for the MFSAB.

Currently, school districts and contractors that purchase MFSAB can request, as additional equipment, components that are required on yellow school buses but they are not required to do so. By this rulemaking, the Department is proposing that, in the interest of public safety, MFSAB manufactured for use in Illinois after the effective date of this Part, must be equipped with the same safety equipment required on a school bus with the exception of the equipment prohibited by PA 96-410 (stop signal arm panel, 8-light flashing signal system and school bus yellow paint). The additional equipment that the Department, in its discretion, is requiring includes: crossing control arm, fire extinguisher, first aid kit, noise suppression switch, radio speaker location, rub rails, strobe lamp, two-way radio or cell phone, and vehicle length posted on bulkhead. The Department has prescribed a July 1, 2012 manufacturers' compliance date. Therefore, as of July 1, 2012, the construction standards for an MFSAB will be similar, but not identical, to the standards for a type I school bus. By this Notice, the following components are either required or optional equipment on MFSAB manufactured for use in Illinois on or after July 1, 2012.

Air Cleaner	Drive Shaft
Aisle	Electrical System Wiring
Alternator (Generator)	Emergency Exits
Barrier, Guard	Entrance Door
Battery or Batteries	Exhaust System
Battery Compartment (optional)	Filter, Oil
Brakes	Fire Extinguisher
Bumper, Front and Rear	First Aid Kit
Child Check System (optional)	Floor and Floor Covering
Communication Device	Frame and Body
Crossing Control Arm	Fuel System

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Grab Handles	Shock Absorbers
Heaters	Steering System
Horn	Steps, Entrance
Instruments and Instrument Panel	Stop Signal Arm Panel (not applicable)
Insulation	Storage Compartment (optional)
Lettering	Sun Visor
Lights	Suspension and Springs
Locked Compartment (optional)	Tow Hooks (optional)
Mirrors	Trash Container (optional)
Paint Requirements	Undercoating
Pedals (Accelerator and Brake)	Ventilation
Projections	Warning Devices
Radio Speakers	Wheels
Reflectors	Windows
Rub Rails	Windshield Washer
Seat Belts	Windshield Wipers
Seat, Driver's	
Seats, Passenger	

- 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 affects units of local government that own or operate multifunction school activity buses.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

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

217/785-3031

By Messenger or Inter-Agency Mail:

IDOT/Division of Traffic Safety
1340 N. 9th Street
Springfield, Illinois

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

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that own or operate multifunction school activity buses.
- B) Reporting, bookkeeping or other procedures required for compliance: No impact anticipated.
- C) Types of professional skills necessary for compliance: No impact anticipated.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)PART 435
MINIMUM SAFETY STANDARDS FOR CONSTRUCTION
OF MULTIFUNCTION SCHOOL ACTIVITY BUSES

Section

435.10	Purpose, Scope and Implementation Date
435.20	Incorporation by Reference of Federal Regulations
435.30	Definitions
435.APPENDIX A	Air Cleaner through Battery and Battery Compartment
435.APPENDIX B	Brakes through Drive Shaft
435.APPENDIX C	Electrical System Wiring through Filter, Oil
435.APPENDIX D	Fire Extinguisher through Fuel System
435.APPENDIX E	Grab Handles through Insulation
435.APPENDIX F	Lettering through Paint Requirements
435.APPENDIX G	Pedals through Seat, Driver's
435.APPENDIX H	Seats, Passenger through Storage Compartment (optional)
435.APPENDIX I	Sun Visor through Undercoating
435.APPENDIX J	Ventilation through Windshield Wipers

AUTHORITY: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch.12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].

SOURCE: Adopted at 35 Ill. Reg. _____, effective _____.

Section 435.10 Purpose, Scope and Implementation Date

This Part prescribes the requirements of the Illinois Department of Transportation (Department) governing the construction of multifunction school activity buses (MFSAB) that are manufactured on or after July 1, 2012. These standards are applicable to MFSAB that are owned or operated by, or for, school districts or school bus contractors.

Section 435.20 Incorporation by Reference of Federal Regulations

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- a) Each multifunction school activity bus must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.1 through 571.404). Those applicable provisions of the FMVSS are incorporated by reference as that part of the FMVSS was in effect on October 1, 2011. No later amendments to or editions of 49 CFR 571 are incorporated.
- b) Each multifunction school activity bus must conform to the applicable provisions of 49 CFR 567, Certification, and 49 CFR 568, Vehicles Manufactured in Two or More Stages, that were in effect on the first day of the month in which the chassis manufacturer completed the last manufacturing operation on the incomplete bus. Those applicable provisions are incorporated by reference as they were in effect on October 1, 2011. No later amendments to or editions of 49 CFR 567 and 49 CFR 568 are incorporated.
- c) Each multifunction school activity bus must conform to the applicable Standards and Recommended Practices of the Society of Automotive Engineers Handbook (Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale PA 15096-0001, 724/776-4841). Those applicable provisions of the SAE Standards and Recommended Practices are incorporated by reference as of the 2005 edition date. No later amendments to or editions of the SAE Standards and Recommended Practices are incorporated.
- d) Copies of the materials incorporated by reference are available for inspection at the Division of Traffic Safety, 1340 North Ninth Street, Springfield, Illinois 62702 or by calling 217/785-1181. The federal standards are available on the National Archives and Records Administration's website at <http://ecfr.gpoaccess.gov>. The Division of Traffic Safety's rules are available on the Department's Highway and Traffic Safety Information website at <http://www.dot.il.gov/safety.html>.

Section 435.30 Definitions

"Body" means the portion of a bus that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

"Body-on-Chassis" means a completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

"Bus" means *every motor vehicle, other than a commuter van, designed for carrying more than ten persons.* (Section 1-107 of the Code)

"Chassis" means *every frame or supportive element of a vehicle whether or not a manufacturer's identification number, serial number, or other identifying numbers are present on said part.* (Section 1-111.1(b) of the Code)

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

"Commercial Vehicle Safety Section" means a section of the Bureau of Safety Programs of the Division of Traffic Safety, Illinois Department of Transportation.

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

"Division" means the Illinois Department of Transportation, Division of Traffic Safety.

"Empty Weight" means the unloaded vehicle weight; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant.

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

"Gross Vehicle Weight Rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of the school bus. (See Section 1-124.5 of the Code.)

"Illinois Vehicle Equipment Law" means 625 ILCS 5/12-101 through 12-902.

"Manufacturer" (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the federal certification label.

"Multifunction School Activity Bus" or "MFSAB" means a school bus manufactured for the purpose of transporting 11 to 15 persons, including the

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

driver, whose purposes do not include transporting students to and from home or school bus stops. A MFSAB is prohibited from meeting the special requirements for school buses in Sections 12-801, 12-803, and 12-805 and subsection (a) of Section 12-802 of the Code. (Section 1-148.3a5 of the Code)

"Passenger" means every occupant of the vehicle who is not the driver.

"Purchase Date" means the date when the purchase transaction was completed, not when the body or chassis was built.

"Seating Reference Point" means the unique design H-point, as defined in SAE J1100, that simulates the position of the pivot center of the human torso and thigh. Each school bus manufacturer utilizes different criteria to determine the specific seating reference point on passenger seats for vehicles they manufacture.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 435.APPENDIX A Air Cleaner through Battery and Battery Compartment

a) AIR CLEANER

Any type is acceptable.

b) AISLE

Unobstructed minimum clearance leading from service door to emergency door (or back of bus) must be at least 12 inches (305 mm) wide. Floor to ceiling height must be a minimum of 68.9 inches (1.75 m) at any location within the aisle.

c) ALTERNATOR (GENERATOR)

The generator, or alternator with rectifier, shall have a minimum capacity rating of 60 amperes and shall be capable of meeting all electrical requirements.

d) BARRIER, GUARD

A guard barrier, constructed and thickly padded so as to provide head, knee and leg protection, shall be installed in front of each forward facing passenger seat that does not directly face the rear surface of another passenger seat. The barrier must measure the same height as the passenger seat back directly behind that barrier. Barriers shall conform to S5.2 through S5.2.3 of 49 CFR 571.222.

e) BATTERY OR BATTERIES

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

When rated in conformance with SAE Standard J537 (September 2000) the batteries shall provide a current flow for engine cranking no less than the engine manufacturer's recommended Cold Cranking Current (amperes for 30 seconds) at -18° C (0° F) or, at the purchaser's option, at -29° C (-20° F).

When rated in conformance with SAE Standard J537 (September 2000) the batteries shall provide a Reserve Capacity (duration of 25 ampere current flow) at 27° C (80° F) for no less than 135 minutes.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Battery or batteries may be mounted either in the engine area or outside of the passenger/driver area in a separate battery compartment.

f) BATTERY COMPARTMENT (optional)

When the battery is mounted outside the engine compartment, it shall be welded or bolted in a closed, weather-tight, and vented compartment that is located and arranged so as to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by a manually operated latch or other fastener. A latch or fastener must be designed in such a fashion as to keep the door closed when in the latched position. Each electrical cable connecting the battery in this carrier to the body or chassis shall be one piece between the terminal connector and the first body or chassis terminal connector.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 435.APPENDIX B Brakes through Drive Shaft

a) BRAKES

Every motor vehicle shall be equipped with two separate means of applying the brakes and they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes. (See Section 12-301(a) of the Illinois Vehicle Equipment Law.)

Emergency/parking brake system must apply brakes to at least two wheels. (See Section 12-301(a) of the Illinois Vehicle Equipment Law.)

AGENCY NOTE: Micro brakes are not considered a separate means of braking and are not acceptable.

Must be equipped with service brakes on all wheels. (See Section 12-301(a)(5) of the Illinois Vehicle Equipment Law.)

b) BUMPER, FRONT

Manufacturer's standards are acceptable. Black color is not required.

The entire front bumper must be of metal construction unless an energy absorbing bumper is used.

c) BUMPER, REAR

The rear bumper shall be channel-type cross section with the top edge at least 225 mm (8.9") above the bottom edge. The bumper shall be formed from rolled steel at least 4.55 mm (.18") thick, and shall wrap around the rear corners of the body to a point at least 300 mm (11.8") forward of the rearmost point of the body at floor line. The rear bumper shall be attached to the chassis frame with provisions for removal by means of commonly available hand tools and the prevention of hitching to or riding on. The rear bumper shall be of sufficient strength to permit the bus being pushed by another vehicle without permanent distortion.

d) CHILD CHECK SYSTEM (optional)

If a mechanical or electronic child check system is installed, the system shall

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

require that, when the driver turns off the vehicle's ignition system, the vehicle's interior lights must illuminate to assist the driver. (See Section 12-816 of the Illinois Vehicle Equipment Law.)

e) COMMUNICATION DEVICE

AGENCY NOTE: A communication device is required on each MFSAB while the driver is in possession of the MFSAB. The manufacturer may elect to install a two way radio at the time the MFSAB is manufactured; however, a communication device (i.e., two way radio or cellular radio telecommunication device) can also be installed by the owner after the MFSAB is purchased.

An MFSAB must contain either a cellular radio telecommunication device (i.e., cell phone) or an operating two-way radio while the MFSAB driver is in possession of the vehicle.

f) CROSSING CONTROL ARM

The crossing arm must meet the following:

- 1) Must meet or exceed the wiring requirements of SAE J1133.
- 2) Must be capable of full operation between, and including, the temperatures -40° F and 160° F.
- 3) The arm, when activated, must extend a minimum of five feet from the front face of the bumper.
- 4) The arm must be mounted on the far right side (entry side) of the front bumper.
- 5) Appropriate brackets shall be used to attach the arm to the front bumper for proper operation and storage. The arm must stay at the same level as the front bumper and must not "dip" below the front bumper.
- 6) All component parts must meet or exceed any applicable federal motor vehicle safety standards in effect at the time of manufacture.
- 7) The arm must extend at the same time the stop arm panel extends. An

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

independent "on/off" switch is prohibited.

8) If the driver can stop the arm from extending with the use of an optional override switch, the arm sequence must automatically reset once the service door is closed.

9) Red lights and/or red reflectors are prohibited.

g) DRIVE SHAFT GUARD

A suitable guard shall be provided for each segment of the drive shaft to prevent accident or injury if the shaft breaks or becomes disconnected.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 435.APPENDIX C Electrical System Wiring through Filter, Oil

- a) ELECTRICAL SYSTEM WIRING
- 1) All wiring for lamps and other electrical devices shall be as recommended for automobiles, motor coaches, and heavy duty starting motor circuits in SAE Recommended Practices J1292 (October 1981) and J541a (October 1996) and in other practices or standards referenced in those documents, unless preempted by FMVSS. (See the FMVSS (49 CFR 571) for requirements.)
 - 2) All circuits may be divided into independent circuits. Whenever feasible, all other electrical functions (sanders, windshield wipers, heaters, defrosters, etc.) shall be provided with independent and properly protected circuits.
 - 3) Each body circuit shall be coded either by numerals and/or letters at approximately 100 mm (3.9") intervals, or by color and numerals and/or letters, or by colors only. The codes shall appear on a diagram of the circuits in a readily accessible location.
 - 4) A separate fuse, circuit breaker, or electronic circuit protection shall be provided for all circuits, except that components of the engine starter and ignition circuits may be protected by other means.
 - 5) Wires not enclosed within the body shall be fastened securely at intervals of not more than 460 mm (18.1").
 - 6) All terminals and splice clips shall be accessible.
 - 7) The chassis manufacturer shall install a readily accessible electrical terminal so that the net body and chassis electrical current flow can be indicated through a chassis ammeter without dismantling or disassembling the chassis component. The chassis wiring to this terminal shall have a current carrying capacity at least equal to the maximum generator output.
 - 8) A noise suppression switch that is capable of turning off noise producing accessories, including, but not limited to, heater blowers, defroster fans, auxiliary fans and radios, must be installed.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

b) EMERGENCY EXITS

Each opening for a required emergency exit window or door must be outlined around its exterior perimeter with, at a minimum, one inch (2.54 cm) wide retroreflective tape. All retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217. Retroreflective tape can be located on the rear bumper or rub rail provided the space under the emergency exit door or emergency exit window is not adequate to accommodate the tape, or, provided rivets are present that prohibit the tape from being applied properly.

Optional emergency roof exits are allowed. Retroreflective tape is also optional.

1) Side

Inside release mechanism must be protected against accidental release; easily accessible; and readily operated manually without the use of remote control, power device, or tool.

2) Rear

Inside release mechanism must be protected against accidental release; easily accessible; readily operated manually without use of remote control, power device, or tool.

Shall have permanently attached inside and outside release handles. Outside release handle must be non-hitchable.

Rear exit shall hinge on right; open outwards; have a 24 inch or more clear horizontal opening and 45 inch or more clear vertical opening above floor. Glazing shall be installed in upper and lower portions. Door and rubber seal must not be defective.

3) Window

Optional emergency windows are allowed. They must be labeled "Emergency Exit" in letters at least two inches high, of a color that contrasts with its background, located at the top of or directly above the window on the inside surface of the bus.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

4) Alarms and Locks

Both audible and visible alarms shall alert the driver when engine is running and any emergency exit door either:

A) Is not fully latched, or

B) Is locked.

An audible alarm shall alert the driver when engine is running and any emergency exit window either:

A) Is not fully latched, or

B) Is locked.

The engine starting system shall not operate while any emergency exit door or window (optional or required) is locked (i.e., release mechanism that requires a key or combination, a "hasp lock" or a sliding latch) from either inside or outside the bus.

Alarm cut-off or "squelch" control is prohibited.

On a van conversion, any rear cargo door inside locks of the type installed by the chassis manufacturer (such as commonly used in cars – "push/pull" type) shall be made inoperable. The mechanism cannot, through jarring, vibration, etc., cause the door to become locked and be inoperable from the inside or outside.

No alarm is required for roof hatches.

c) ENTRANCE DOOR

1) Physical Requirements

The service entrance shall have a minimum vertical opening of 1.7 m (67") and a minimum horizontal opening of 610 mm (24").

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Door shall be located to right of operator and operated by an over-center control. Upper portions of door shall be safety glass or equivalent. Vertical closing edges shall be equipped with flexible material for a proper seal and to prevent injury.

Each door on the right side of the vehicle, hinged or sliding, except the service door shall be made permanently inoperable by means other than the rub rail on the outside of the body.

The service door shall be either manually or power operated by the seated driver. When in the closed and secured position, the door operating mechanism shall prevent accidental opening but shall afford prompt release and opening by the driver. No exposed parts of a door operating mechanism shall come together so as to shear or crush fingers. The vertical closing edges of a service door shall be padded to lessen chance of injury.

A power operated door shall be equipped for emergency manual operation in case of power failure. Instructions for emergency operation of a power operated door shall be affixed permanently on the interior of the door in letters at least 12 mm (.5") high.

2) Locks and Alarms

A service door lock is not required, but if any type of service door locking system is installed on the bus, the system shall conform to at least one of the following:

- A) The locking system shall not be capable of preventing the driver from easily and quickly opening the service door from inside the vehicle; or
- B) A locking system that is capable of preventing the bus driver from easily and quickly opening the service door shall include an audiovisual alarm. The alarm shall be audible and visible and must alert the driver when the engine is running and the service door is locked. An alarm disconnect, "squelch control", or other alarm defeating or weakening device shall be prohibited; or

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- C) A locking system shall not be capable of preventing the bus driver from easily and quickly opening the service door except when a person outside the bus uses a key that is not capable of locking more than one of at least 1000 of the door manufacturer's key locking systems.

d) EXHAUST SYSTEM

1) General

"Exhaust system" includes each component used to conduct gas from an engine exhaust port (manifold) to an authorized exit point, including each sealing, connecting, and supporting component. Exhaust system shall be outside body and attached to chassis. Size of tail pipe shall not be reduced after it leaves muffler. Any flexible component that contains exhaust gas shall be of stainless steel. System shall not leak. System shall have an outlet at its discharge ends only.

Exhaust system shall be shielded from either accidental contact, "hitching to", or "standing on", except that no shielding is required at the discharge end. A chassis or body component may provide required shield.

AGENCY NOTE: As mandated by the United States Environmental Protection Agency (USEPA), diesel-powered engines manufactured after December 31, 2006 are required to meet stricter standards that will reduce emissions of particulate matter and nitrogen oxides into the atmosphere. School bus manufacturers may be required to modify exhaust systems to meet the USEPA requirements, e.g., mufflers may be replaced with after-treatment devices that significantly reduce toxins released into the atmosphere. Modifications to exhaust systems made in compliance with the USEPA requirements are acceptable, provided they do not impact the safe operation of the school bus.

2) Discharge

The exhaust pipe, muffler and tail pipe shall be outside the bus body and attached to the chassis.

The exhaust system shall be insulated from any insulated wire, flammable

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

material, brake hose or line, or fuel system component by a securely attached metal shield at any point where the exhaust system is 11.8 inches (300 mm) or less (four inches (101.6 mm) or less if diesel powered engine) from the components listed in this subsection (d)(2).

The tail pipe may meet the chassis manufacturer's standard configuration. However, the tail pipe shall not exit beneath any fuel filler location or beneath any emergency exit door.

The tail pipe shall extend out to, but not more than, 1 inch beyond the perimeter of the body, the bumper or the rub rail.

The shielding of engine compartment components shall be governed by the chassis manufacturer's standards.

Each gas conducting component that is not of stainless steel shall be of commercial heat and corrosion resistant exhaust system material and shall be nonflexible.

e) FILTER, OIL

A "full flow" replaceable element or cartridge type engine oil filter of approximately 1 liter (1 quart) capacity shall be installed. The purchaser may specify additional "full flow" or "by-pass" type filters, or oil treatment devices.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 435.APPENDIX D Fire Extinguisher through Fuel System

a) FIRE EXTINGUISHER

AGENCY NOTE: A fire extinguisher is required to be carried on each MFSAB transporting students. The manufacturer may elect to install the fire extinguisher at the time the MFSAB is manufactured; however, a fire extinguisher can also be installed by the owner after the MFSAB is purchased.

Pressurized dry-chemical gauge type approved by Underwriters' Laboratories, Inc., with a rating of not less than 10 B.C., mounted in bracket and readily accessible. Sealed with a type of seal that will not interfere with operation. If stored in locked compartment, compartment must be labeled. Halon fire extinguishers (10 B.C.) are approved.

b) FIRST AID KIT

AGENCY NOTE: A first aid kit is required to be carried on each MFSAB transporting students. The manufacturer may elect to install the first aid kit at the time the MFSAB is manufactured; however, a first aid kit can also be installed by the owner after the MFSAB is purchased.

Kit shall be readily identifiable, removable, and mounted in a readily accessible place in driver's compartment – either in full view or in secured compartment (see LOCKED COMPARTMENT). If not carried in compartment, the case shall be dust tight and substantially constructed of durable material. The contents shall include, but not be limited to, the following:

Unit Type (Minimum Contents)

4" bandage compress – 2 packages

2" bandage compress – 2 packages

1" bandage or adhesive compress – 1 package

40" triangle bandage with two safety pins – 1

Splint, wire or wood – 1

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

A tourniquet or any type of ointment, antiseptic or other medicine shall not be included.

AGENCY NOTE: OSHA approved blood-borne pathogen kits are permitted.

c) FLOOR AND FLOOR COVERING

All portions of the floor that come in contact with passengers' or driver's footwear shall be covered with a waterproof material. This floor covering shall not crack when subjected to sudden temperature change and shall be bonded securely to the floor with a waterproof substance. All seams and openings shall be filled with a waterproof sealer.

The floor covering in the aisles and entrance area shall be of non-skid, wear-resistant type material commonly used in commercial passenger transportation vehicles.

d) FRAME AND BODY

Body mounts shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust or fumes through the joint between the chassis cowl and the body.

Frame shall extend to rear of body cross-member.

Frame extension is permitted when alterations are behind rear hanger or rear springs and not for the purpose of extending wheel base.

e) FUEL SYSTEM

The fuel system shall conform to all applicable provisions of 49 CFR 571.301.

Entire fuel system, except extensions for driver control of air or fuel, must be outside passenger and driver compartment.

Fuel tank must have a minimum capacity of 24 gallons, mounted, filled, and vented entirely outside body.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 435.APPENDIX E Grab Handles through Insulation

a) GRAB HANDLES

1) Exterior

Not required.

2) Interior

Stainless steel clad, solidly attached on the left side of the entranceway as a person enters the bus, and as long as practicable. An optional grab handle can also be located on the right side of the entranceway.

b) HEATERS

An interior temperature of not less than 10° Celsius (50° F) shall be maintained throughout the bus while the bus is moving at 75 kilometers per hour (46.6 miles per hour) in calm air at the average minimum January temperature, as established by the Weather Bureau, U.S. Department of Commerce, for the area in which the bus is to be operated.

Each heater shall bear a nameplate that shall identify the heater manufacturer and state the heater capacity rating when tested as recommended in SAE Recommended Practice J638 (November 1998), or when tested in accordance with other nationally recognized standard or code. The recommended practice, standard, or code under which the heater is rated shall be identified on the nameplate. The nameplate shall constitute certification by the heater manufacturer that the heater performance is as shown on the plate.

Heater hoses shall be supported so as to prevent wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges and shall neither interfere with nor restrict the operation of any engine function (such as an emission or ignition control mechanism). Heater hoses shall be protected or baffled between the point at which they enter the passenger compartment and the point of attachment to the heater so that, in the event of hose rupture or disconnection, passengers and/or driver will not be subject to hot water burns.

Auxiliary fuel-fired heating systems are permitted, provided they comply with the

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

following:

- 1) The auxiliary heating system fuel shall utilize the same type of fuel as specified for the vehicle engine;
- 2) The heater or heaters may be direct hot air or connected to the engine's coolant system;
- 3) An auxiliary heating system, when connected to the engine's coolant system, may be used to preheat the engine coolant or preheat and add supplementary heat to the bus heating system;
- 4) Auxiliary heating systems must be installed pursuant to the manufacturer's recommendations and shall not direct exhaust in a manner that will endanger bus passengers;
- 5) Auxiliary heating systems that operate on diesel fuel shall be capable of operating on:
 - A) a hot water and/or combustion type heater; or
 - B) if only one heater is used, a fresh-air or combination fresh-air and recirculation type heater; or
 - C) blended diesel fuel without the need for system adjustment; and
- 6) The auxiliary heating system shall be low voltage.

c) HORN

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

Optional exterior air horn is permitted.

d) INSTRUMENTS AND INSTRUMENT PANEL

Shall be equipped with the following nonglare illuminated instruments and gauges

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

mounted for easy maintenance and repair and in such a manner that each is clearly visible to the seated driver. An indicator light instead of a pressure or temperature gauge is permissible.

- 1) Speedometer;
- 2) Odometer;
- 3) Fuel gauge;
- 4) Oil pressure gauge;
- 5) Water temperature gauge;
- 6) Ampere meter or volt meter with graduated charge and discharge indications;
- 7) High beam headlight indicator;
- 8) Directional signal indicator;
- 9) Air pressure or vacuum gauge (when air or vacuum brakes are used);
- 10) Emergency/service brake indicator (includes anti-lock brake system (ABS)).

e) INSULATION

The ceiling and sidewalls shall be thermally insulated with a fire-resistant material that shall reduce the noise level and vibrations.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 435.APPENDIX F Lettering through Paint Requirements

a) LETTERING

1) Exterior

The body and chassis manufacturer's name, emblem, or other identification may be displayed (colorless or any color) on any unglazed surface of the bus.

A vehicle identification number may be displayed on the exterior surface of the school bus roof.

A) Front

Vehicle number assigned for identification shall be a minimum of four inches (100 mm) high and located as high as practicable. Decals are permissible. (See Section 12-802 of the Illinois Vehicle Equipment Law.)

B) Left

The name of the owner or the entity for which the MFSAB is operated or both shall be painted in a contrasting color on both sides, centered as high as practicable below the window line, in letters at least 4 inches high. (See Section 12-802 of the Illinois Vehicle Equipment Law.)

Optional: Vehicle number assigned for identification may be displayed at a minimum height of four inches (100 mm).

Decals are permissible.

C) Rear

"EMERGENCY DOOR" or "EMERGENCY EXIT" in lettering at least two inches high at top of emergency door, or directly above, or on door glazing.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

"EMERGENCY EXIT" (for buses without rear emergency door) in letters at least two inches high directly below rear emergency window or on exit glazing. An arrow, at least 5.9 inches in length and $\frac{3}{4}$ inch in width indicating direction each release mechanism should be turned to open door or window located within 5.9 inches of release handle, in black. Vehicle number assigned for identification shall be a minimum 4 inches (100 mm) high. Decals are permissible. All required lettering must be a color that contrasts with its background.

If bus uses alternate fuel (e.g., propane, CNG), vehicle must be marked with identifying decal. The decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least $\frac{1}{4}$ inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or

"CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.

The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of vehicle. (See Section 12-704.3 of the Illinois Vehicle Equipment Law.)

A white decal with black lettering and numerals that measure one inch high must be displayed on the rear of the bus. The decal must display either the words TO REPORT ERRATIC DRIVING or TO COMMENT ON MY DRIVING CALL followed by the area code and telephone number of the bus owner. The decal shall be located on the rear window glazing below the rear seat back, on the bus body below the window line, or on the rear bumper. The decal must be visible to the motoring public from the rear of the bus and cannot obstruct any required lettering or numerals. The decal cannot be located on any emergency door glazing or any emergency window glazing. Magnetic signs are prohibited. (See Section 12-821 of the Illinois Vehicle Equipment Law.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

The ERRATIC DRIVING or TO COMMENT ON MY DRIVING CALL decal may be applied by the school bus owner after the school bus is purchased.

D) Right

The name of the owner or the entity or both for which the MFSAB is operated shall be painted in a contrasting color on both sides, centered as high as practicable below the window line, in letters at least 4 inches high. (See Section 12-802 of the Illinois Vehicle Equipment Law.)

The following lettering must be at least two inches (50 mm) high:

- i) The word "CAPACITY", or abbreviation "CAP.", and the rated passenger capacity followed by the word "PASSENGERS", or the abbreviation "PASS.", shall be displayed on the outside of the body near the rear edge of the service entrance.
- ii) Empty weight in pounds must be shown. Empty weight is indicated by "EW". (See Section 12-802 of the Illinois Vehicle Equipment Law.)

Manufacturer's identification name or emblem may be displayed, but not on service door glazing. Manufacturer's name or emblem must not interfere with required lettering. Decals are permissible.

Optional: If audio and/or visual recording devices are present on the bus, one white decal with black lettering measuring one inch high shall be displayed on the exterior of the service (i.e., entrance) door, or on the bus body adjacent to the service door if the door is not adequate to accommodate the decal. The decal shall serve as a notice of audio and/or visual recordings. The decal must not be located on any service door glazing. Magnetic signs are prohibited. (See Section 14-3(m) of the Illinois Criminal Code.)

2) Interior

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

A) Front

Each letter or numeral must be at least two inches (50 mm) high and contrasting sharply with its background. A colorless background strip (such as white, aluminum or silver) may be used. Decals are permitted.

On right side: Either "CAPACITY" or "CAP." plus numerals showing rated passenger capacity, followed by either "PASSENGER" or "PASS."

As nearly as practicable opposite the center of aisle, but to right of inside mirror, either "NO STANDEES" or "NO STANDEES PERMITTED".

The vehicle's length (rounded up to next whole foot) shall be displayed on the bulkhead clearly within the driver's view. (For example: vehicle length of 39.1 feet will be displayed as 40 feet.)

A red cross formed of five equal squares with words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.

The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.

Optional: If audio and/or visual recording devices are present on the bus, one white decal with black lettering measuring one inch high shall be displayed on the front interior bulkhead. The decal shall serve as a notice of audio and/or visual recordings. The decal must not obstruct any other required lettering on the bulkhead. Magnetic signs are prohibited. (See Section 14-3(m) of the Illinois Criminal Code.)

Optional: A "No Smoking" sign may be posted on the interior surface of an MFSAB bus.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

B) Left

"EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labeling must be of a color that contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the exit must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of the bus. These operating instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (See 49 CFR 571.217.)

C) Rear

"EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labeling must be of a color that contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the door must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of the bus. These operating instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (See 49 CFR 571.217.)

D) Right

"EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any side emergency door. For any emergency window exit "EMERGENCY EXIT" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, or at the bottom

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

of the emergency window exit. The labeling must be of a color that contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the exit must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of the bus. These instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (See 49 CFR 571.217.)

E) Ceiling

Roof exit must be labeled "EMERGENCY EXIT" in letters at least 1.95 inches (5 cm) high, of a color that contrasts with its background. The labeling must be located on an inside surface of the exit, or within 11.7 inches (30 cm) of the roof exit opening. Concise operating instructions describing the motions necessary to unlatch and open the emergency exit shall be located within 5.85 inches (15 cm) of the release mechanism. These instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (See 49 CFR 571.217.)

b) LIGHTS

Light Emitting Diode (LED) lamps that meet applicable FMVSS or SAE Standards/Recommended Practices are acceptable.

1) Back Up

Two white lights shall be provided. Must meet federal standards (49 CFR 571.108).

2) Clearance, Front

Two clearance lights (amber) visible from the front at highest and widest portions of the body. Must conform to federal standards (49 CFR 571.108). May be combined with sidemarker lamp provided the requirements for both lights are met.

Exception: Buses that measure less than 80 inches wide are exempt. (See

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

49 CFR 571.108.)

3) Clearance, Rear

Two clearance lights (red) mounted at highest and widest parts of body. Must conform to federal standards (49 CFR 571.108).

Exception: Buses that measure less than 80 inches wide are exempt. (See 49 CFR 571.108.)

4) Identification, Front

Three amber lights mounted at center front near top of body. Must conform to federal standards (49 CFR 571.108).

Exception: Buses that measure less than 80 inches wide are exempt. (See 49 CFR 571.108.)

5) Identification, Rear

Three red lights mounted at center rear near top of body. Must conform to federal standards (49 CFR 571.108).

Exception: Buses that measure less than 80 inches wide are exempt. (See 49 CFR 571.108.)

6) Flashing Signal System (not applicable)

MFSAB cannot be equipped with a flashing signal system.

7) Headlights

Shall have at least two headlamps with at least one mounted on each side of the front of the bus. Lamp body must be securely attached. Lenses, reflectors, bulbs, etc., must be in good condition, properly aimed and fill required intensity. Shall conform to federal standards (49 CFR 571.108).

8) Interior

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Adequate light to illuminate aisles, step well, and emergency passageways.

9) License Plate

Adequate white light to illuminate license plate. (See 49 CFR 571.108.) May be combined with one of the tail lights.

10) Parking Lights

Shall be one lamp on each side; white or amber color. (See 49 CFR 571.108.)

All buses 80 or more inches in overall width that are equipped with side marker lamps, clearance lamps, and intermediate side marker lamps are exempt from having parking lights. However, if the vehicle is equipped with parking lights, they must be operational. (See 49 CFR 571.108.)

11) Sidemarker, Left

Two lamps: one amber at front and one red at rear, mounted as high as practicable and located on the side of the bus. Shall conform to federal standards (49 CFR 571.108).

12) Sidemarker, Right

Two lamps: one amber at front and one red at rear, mounted as high as practicable and located on the side of the bus. Shall conform to federal standards (49 CFR 571.108).

13) Step Well

At least the nosings of the service entrance steps and the floor around the step well shall be automatically illuminated with white light when the ignition is on and the service entrance door is open.

No lamp shall be installed so as to shine directly into the eyes of a pupil moving through the service entrance and looking at the service steps.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

14) Stop

Two red lights mounted at same height and as high as practicable below window line. Seven inch minimum diameter or 19 square inches. Not less than three feet apart laterally. Must conform to federal standards (49 CFR 571.108).

15) Strobe

Lamp must comply with following requirements:

- A) One per bus;
- B) Shall emit white or bluish/white light;
- C) Shall be visible from any direction;
- D) Shall flash 60 to 120 times per minute;
- E) Shall be visible in normal sunlight;
- F) Mounted at or behind center of rooftop and equal distance from each side.

Distance from rear will be calculated by measuring height of filament and multiplying same by 30 inches. (Filament height x 30 = distance from rear of bus where lamp is to be located.)

If a roof exit, air conditioner or the size of the bus interferes with the placement of a strobe as required in this subsection (b)(15)(F), the strobe can be placed to the rear of the roof exit or air conditioner as near as practicable above the rear axle, horizontally centered between the rear tires.

16) Tail

Two red lights mounted with centers not less than 40 inches nor more than 50 inches from surface on which vehicle stands. Must conform to federal standards (49 CFR 571.108).

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

17) Turn Signal, Front

One amber lamp located on each side at or near the front, including the fender or cowl. They shall be located at the same height and as far apart as practicable. Lamps must conform to federal standards (49 CFR 571.108).

18) Turn Signal, Rear

One red or amber lens on each side at the same height and as far apart as practicable below window. Must meet federal standard 49 CFR 571.108.

c) LOCKED COMPARTMENT (optional)

The fire extinguisher, first-aid kit, and/or warning devices may be stored either in a closed, unlocked compartment or under lock and key, provided the locking device is connected with an automatic warning signal that will alert driver when the compartment is locked. The automatic alarm shall be both audible and visible to the seated driver. The alarm shall alert the driver when the engine is running and the compartment is locked and cannot be readily opened without using a tool, key, or combination. An alarm cut-off or "squelch" control is prohibited.

Each safety item inside the compartment shall be named on the outside of the compartment cover or door. In addition, a RED CROSS formed of five equal squares shall be displayed on the cover when the first aid kit is inside the compartment.

d) MIRRORS

Every required mirror shall be of reflecting material protected from abrasion, scratching, and corrosion. Mirror shall be firmly installed on stable supports so as to give a clear, stable, reflected view. Mirrors must meet all requirements of 49 CFR 571.111 to provide the required field of view.

Convex crossover mirrors can be combined with either the right or left side safety mirrors provided the convex mirror meets the field of view and size requirements of 49 CFR 571.111.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

1) Exterior

A) Rear View Driving

Shall be mounted outside on the left and right sides of the bus. Must give seated driver a view to the rear along each side of the bus. Must be at least 50 square inches of usable flat rectangular reflecting surface on each side. (See 49 CFR 571.111.)

If the rear view driving mirror does not provide the required field of view, a convex driving mirror must be installed to expand the driving view to the rear. However, the usable flat reflecting surface must be rectangular and must maintain at least 50 square inches.

B) Right Side Safety

An outside convex mirror, either alone or in combination with the crossover mirror system, shall give the seated driver a view of the roadway along the right side of the bus between the most forward surface of the right front tire and the rear of the rear bumper. The projected reflecting surface of this convex mirror shall be at least 40 square inches ($7\frac{1}{8}$ inches diameter if a circle).

Extra-wide-angle convex mirror heads are permissible on right front corner only.

C) Left Side Safety (Optional)

A convex mirror is required if the left rear view driving mirror system does not give the seated driver a reflected view of the roadway along the left side of the bus between the front edge of the driver's seat (in most forward position) and the rear of the rear bumper. The convex mirror shall be installed so that either alone or in combination with the rear view driving mirror gives the seated driver the proper view.

D) Crossover

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

An outside convex mirror shall give the seated driver a view of the front bumper and the area of roadway in front of the bus. The projected reflecting surface of this mirror shall be at least 40 square inches ($7\frac{1}{8}$ inch diameter if a circle). (See 49 CFR 571.111.)

Exception: If the seated driver of a forward control bus has a direct view of the front bumper and the area of roadway in front of the bus, a crossover mirror is optional.

2) Interior

Must have a clear view safety glass mirror, metal backed and framed with rounded corners and edges that shall be padded. Shall afford a good view of the interior and roadway to the rear.

e) PAINT REQUIREMENTS

The exterior of any MFSAB can be any color except national school bus glossy yellow.

Each opening for a required emergency exit must be outlined around its outside perimeter with a minimum 1 inch (2.54 cm) wide retroreflective tape, including roof exits. The retroreflective tape must be on the exterior surface of the bus. Required retroreflective tape can be located on the rear bumper or the rub rail, provided the space under the emergency exit door or emergency exit window is not adequate to accommodate the tape or provided rivets are present that prohibit the tape from being applied properly. (See 49 CFR 571.217.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 435.APPENDIX G Pedals through Seat, Driver's

a) PEDALS (ACCELERATOR AND BRAKE)

Minimum 1½ inch clearance with pedal fully depressed. All pedals must be covered with rigid nonslip material.

Pedal extensions are allowed. They must be securely attached and covered with rigid nonslip material.

b) PROJECTIONS

1) Exterior

Entire rear and bumper area of bus must be nonhitchable.

AGENCY NOTE: "Nonhitchable" is defined as the rear of the bus being designed and maintained to prevent or discourage riding or grasping rear of bus so as to "hitch" rides.

2) Interior

Interior shall be free of all dangerous projections.

Optional equipment (e.g., video camera) that is located in the bulkhead area of the bus and not flush with the interior walls must meet the following requirements:

- A) Must not interfere with occupants entering or exiting the bus.
- B) Must not be located in driver's head impact zone.
- C) Must not obstruct required lettering.

Additional projections (e.g., external speakers, air conditioners) located within 59 inches from the floor shall be padded to prevent injury. This includes inner lining of ceiling and walls.

Installation of book or luggage racks is not permissible.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Flush mounted speakers are exempt from padding requirements.

c) RADIO SPEAKERS

Radio/stereo speakers cannot be located within four feet of the rearmost position of the driver's seat.

d) REFLECTORS

1) Front

Two yellow or amber rigid or sheet type (tape) reflex reflectors shall be securely attached on the front of the body near the lower left and right hand corners. (See Section 12-202 of the Illinois Vehicle Equipment Law.)

These front reflectors shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket or any other portion of the bus.

No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rub rail.

The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least seven square inches of reflecting material (about 3 inch diameter if a solid circle).

A sheet type (tape) reflex reflector may conform to the surface on which it is installed but its forward projected reflecting area shall be at least eight square inches.

Exception: Buses that measure less than 80 inches wide are exempt. (See 49 CFR 571.108.)

2) Left Side

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. (See Section 12-202 of the Illinois Vehicle Equipment Law.)

On buses more than 30 feet long, one amber reflector must also be provided at or near midpoint between front and rear side reflector. (See 49 CFR 571.108.)

All reflectors must measure at least three inches in diameter.

3) Right Side

One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. (See Section 12-202 of the Illinois Vehicle Equipment Law.)

On buses more than 30 feet long, one amber reflector must also be provided at or near midpoint between front and rear side reflector. (See 49 CFR 571.108.)

All reflectors must measure at least three inches in diameter.

4) Rear

Two red reflectors on rear body within 12 inches of lower right and lower left corners. (See Section 12-202 of the Illinois Vehicle Equipment Law.) Minimum three inches in diameter.

Exception: Buses that measure less than 80 inches wide are exempt. (See 49 CFR 571.108.)

e) RUB RAILS

There shall be one rub rail, located approximately at seat level, that shall extend from the rear of the service entrance completely around the bus body without interruption, except at functioning doors or a rear engine compartment, to a point

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

of curvature near the front of the body on the left side.

There shall be one rub rail on each side, located approximately at the floor line, that shall extend over the same longitudinal distance as the rub rail located at the seat level.

More than two rub rails may be installed on sides and rear of bus.

Rub rails of longitudinally corrugated or ribbed steel at least 3.9 inches (100 mm) wide shall be fixed on the outside of the bus.

Exceptions:

- 1) Rub rail need not extend across wheel housing.
- 2) Rub rail may terminate at the point of curvature at the right and left rear corners of the body.

f) SEAT BELTS

Each MFSAB shall be equipped with a retractable lap belt assembly for the driver's seat. (See Section 12-807 of the Illinois Vehicle Equipment Law.) A shoulder harness is optional. Belt material, buckle, tongue, etc., of each driver's belt shall remain above floor when not in use.

Passenger safety belts that meet 49 CFR 571.222 are required on any MFSAB that has a GVWR of 10,000 pounds or less. Passenger safety belts are optional on any MFSAB that has a GVWR of more than 10,000 pounds. However, optional safety belts installed on any MFSAB are required to meet 49 CFR 571.222. At all times, each seat belt shall be readily available for quick and easy use. Retractors must be the emergency locking type. Each belt assembly shall be clean.

g) SEAT, DRIVER'S

The driver's seat shall be rigidly positioned and have a forward and backward adjustment without the use of tools or other nonattached devices. Seat cushions shall be securely fastened to the seat frame.

Optional: Bus may be equipped with a durable safety belt webbing cutter with a

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

full-width handgrip and a protected, replaceable, or non-corrodible blade. The webbing cutter must be mounted in a location accessible to the seated driver in an easily detachable manner.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 435.APPENDIX H Seats, Passenger through Storage Compartment (optional)

a) SEATS, PASSENGER

Each seat and each barrier are required to conform to FMVSS 222 (49 CFR 571.222).

Each seat shall be constructed so that the shortest straight-line distance from the top of the seat back to the empty seat cushion is 28" when measured near the transverse center of the seat at the front of the seat back and along the angle of rearward inclination of the seat back. Since the height of a seat back is difficult to measure precisely on a repeated basis, a measurement of 27.5" or more is deemed acceptable.

All seats shall be forward facing and securely fastened to part or parts of bus that support them. No bus shall be equipped with jump seats or portable seats (does not include child restraint systems). Padding and covering shall be of fire resistant material. Backs of all seats of similar size shall be of the same width at top and the same height from floor and shall slant at the same angle with the floor. The top and side rails and seat backs shall be padded to cushion level. Seat padding and covering shall be in good condition (i.e., free from holes and tears). Seat cushions shall be securely fastened to the seat frame.

b) SHOCK ABSORBERS

Two front and two rear double-acting shock absorbers of adequate capacity shall be installed.

c) STEERING SYSTEM

The rim grip of the steering wheel shall have at least 50 mm (2") clearance in all directions, except at the spokes.

The steering gear shall provide safe and accurate performance at maximum load and speed and shall be easily adjusted. Only changes approved by the chassis manufacturer shall be permitted.

d) STEPS, ENTRANCE

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

The bottom step in the entranceway shall not extend beyond the exterior of the body. With all seats empty, the bottom step shall be not less than 300 mm (11.8") and not more than 400 mm (15.7") from the roadway. At least two steps shall be provided. The steps shall be enclosed. Risers shall be approximately equal. Each step, including the floor at the top riser, shall be surfaced with a nonskid material with a 40 mm (1.6") to 80 mm (3.1") white nosing as an integral piece.

- e) STOP SIGNAL ARM PANEL (not applicable)

MFSAB cannot be equipped with stop signal arm panels.

- f) STORAGE COMPARTMENT (optional)

Covered, fire-resistant container securely fastened of adequate strength and capacity for tire chains and tools for minor emergency repairs.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 435.APPENDIX I Sun Visor through Undercoating

a) SUN VISOR

Shall be interior, adjustable and not less than five inches by 16 inches. Must be installed above windshield.

Not required to be transparent, but must not interfere with view of interior rear view mirror.

b) SUSPENSION AND SPRINGS

Each spring and other component in any of the suspension systems shall be capable of supporting its share of the rated gross axle weight during normal operations.

c) TOW HOOKS (optional)

1) Front

A front tow hook must not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.

2) Rear

Any tow hooks installed on the rear shall be attached or braced to the chassis frame or to an equivalent structural member of an integral type bus. A tow hook must not extend beyond the rear face of the rear bumper.

d) TRASH CONTAINER (optional)

A trash container may be present. If present, it must be securely stored in the vehicle and must not obstruct an aisle.

e) UNDERCOATING

Fire resistant undercoating material applied to entire underside of body, front fenders, wheel wells, floor members, and side panels below floor level. Non-

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

metallic parts need not be coated.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 435.APPENDIX J Ventilation through Windshield Wipers

a) VENTILATION

The body shall be equipped with a controlled ventilation system of sufficient capacity to maintain a satisfactory ratio of outside to inside air under cool and cold operating conditions without opening of windows. With a powered ventilation system, air outlet openings shall be located, sized, and manufactured so that, with doors and windows closed, a positive pressure is maintained in the driver and passenger spaces to lessen chances of dangerous gas entering those spaces. Fresh air inlets shall be located so as to minimize entrance of either dangerous engine gas or obnoxious engine fumes.

b) WARNING DEVICES

AGENCY NOTE: The bus purchaser may elect to install the warning devices after the bus is purchased.

- 1) Emergency warning devices are required to be carried on any second division motor vehicle weighing more than 8,000 pounds and operated upon any highway outside an urban district. The warning devices must be securely stored.

The warning devices required for use when lighted lamps are required (see Section 12-201(b) of the Illinois Vehicle Equipment Law) shall consist of:

- A) At least three liquid-burning flares and three red-burning 15-minute fuses; or
 - B) Three red electric lanterns; or
 - C) Three portable red emergency reflectors that meet FMVSS No. 125.
- 2) In addition, the following warning devices are also required for use when lighted lamps are not required (see Section 12-201(b) of the Illinois Vehicle Equipment Law):
 - A) Two red cloth flags (not less than 12 inches square with standards

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

to support flags); or

- B) Two portable emergency reflectors that meet FMVSS No. 125. (The reflectors in subsection (b)(1)(C) qualify for this option.) (See Section 12-702(a) and (c) of the Illinois Vehicle Equipment Law.)

c) WHEELS

1) Housings

Each opening shall allow for unimpeded wheel and tire service and removal. Each rear wheel housing shall provide the clearance recommended in SAE J683 (August 1985) for installation and use of tire chains on the dual or single tires installed on the rear wheels.

2) Rim

Wheels and rims may be black, gray or manufacturer's option.

3) Tires

Must meet 49 CFR 571.120. A spare tire is the purchaser's option. If the spare tire is carried inside, it shall be securely mounted so that it in no way interferes with the passenger seating accommodations, the emergency door operations or aisle space.

Tires on same axle must be of same construction.

A mixture of regular and mud-and-snow treads must be the same on both sides of the axle.

When radial and conventional (i.e., bias) tires are both used, one of the following two requirements shall be met:

- A) On vehicles with one single wheel axle and one or more dual wheel axles, radial tires shall be used on the steering (i.e., front) axle only.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- B) On vehicles having two single wheel axles, radial tires shall be used on the rear axle only.

d) WINDOWS

- 1) All applicable provisions of 49 CFR 571.205 apply to the optional laminated safety glass and also to any plastic materials used in a multiple glazed unit.

Glazing shall be marked as follows pursuant to 49 CFR 571.205:

- A) Windshield – "AS 1" Glass
- B) Driver's Window – "AS 1" Glass or "AS 2" Glass
- C) Driver's door – "AS 1" Glass or "AS 2" Glass
- D) All other locations – "AS 1" Glass, "AS 2" Glass, or "AS 3" Glass.

- 2) Emergency (Also see EMERGENCY EXITS)

When the emergency door is located on the left side, a rear emergency window shall be provided. Minimum dimensions are 16 inches high and 48 inches wide. Designed to be opened from the inside or the outside. Hinged on top, designed and operated to insure against accidental closing in an emergency. Inside handle shall provide for quick release. Outside handle shall be nondetachable and nonhitchable. When locked or not fully latched, window shall actuate alarm audible and visible to driver. No cutoff switch allowed.

Optional emergency windows are allowed. They must be labeled "Emergency Exit" in letters at least two inches high, of a color that contrasts with its background, located at the top of or directly above the window on the inside surface of the bus.

Optional emergency windows must be equipped with an audible alarm activated when window is locked or not fully latched.

- 3) Rear

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

All rear glazing shall be the fixed type. No portion of any rear window shall display any lettering, numerals or symbols that may obstruct the driver's view.

4) Side

Each side window shall provide unobstructed emergency opening at least 9 inches high and 22 inches wide, obtained either by lowering window or by use of knock-out type split sash.

Window latches must be in proper working order.

5) Windshield

Shall be installed between front corner posts and must be unobstructed. Non-reflective tinted film may be used along the uppermost portion of the windshield but must not extend more than six inches down from the top of the windshield. (See Sections 12-501 and 12-503 of the Illinois Vehicle Equipment Law.) Windshield shall be slanted to reduce glare.

e) WINDSHIELD WASHER

Windshield washer shall effectively clean entire area covered by both wipers.

f) WINDSHIELD WIPERS

Wipers shall be either two speed or variable speed with nonglare arms and blades. Blades need not be individually powered.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Inspection Procedures for Multifunction School Activity Buses
- 2) Code Citation: 92 Ill. Adm. Code 436
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
436.10	New Section
436.20	New Section
436.30	New Section
436.APPENDIX A	New Section
436.APPENDIX B	New Section
436.APPENDIX C	New Section
436.APPENDIX D	New Section
436.APPENDIX E	New Section
436.APPENDIX F	New Section
436.APPENDIX G	New Section
436.APPENDIX H	New Section
436.APPENDIX I	New Section
436.APPENDIX J	New Section
436.APPENDIX K	New Section
436.APPENDIX L	New Section
- 4) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch.12, Art VIII, as amended by PA 96-410, effective July 1, 2010] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812]
- 5) A complete description of the subjects and issues involved: The Department is establishing inspection criteria specific to multifunction school activity buses (MFSAB) pursuant to Public Act 96-410, effective July 1, 2010. Section 13-109 of the Illinois Vehicle Inspection Law require MFSAB to be inspected every six months at an Illinois Official Testing Station.

PA 96-410 prohibits the use of 11-15 passenger vans and permits the use of MFSAB (designed to transport 11 to 15 persons, including the driver) for an interscholastic, interscholastic-athletic, or school sponsored, non-curriculum-related activity that (i) does not require student participation as part of the educational services of the entity and (ii) is not associated with the students' regular class-for-credit schedule. The Public Act does not apply to any second division vehicle used for a parade, homecoming, or a similar

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

non-curriculum-related school activity. The Public Act also establishes specific lettering (i.e., marking) requirements and prohibits MFSAB from being painted school bus yellow and from being equipped with a stop signal arm panel and an eight-lamp flashing signal system.

At Section 436.20, Incorporation by Reference, the Department is proposing to incorporate all applicable Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571) as of October 1, 2010, the most current edition of the FMVSS. The National Highway Traffic Safety Administration (NHTSA) requires MFSAB to meet all FMVSS applicable to school buses, except stop signal arm panel and eight-lamp flashing signal system. Since the Department's rules at 92 Ill. Adm. Code 440, Minimum Safety Standards for Construction of Type I School Buses, apply only to traditional yellow school buses, the Department is promulgating a new Part 435, Minimum Safety Standards for Construction of Multifunction School Activity Buses (published elsewhere in this Register), pursuant to the Public Act, to prescribe construction standards for the MFSAB. By this rulemaking, the Department is establishing inspection procedures to coincide with the construction standards of 92 Ill. Adm. Code 435. This Part 436 requires the same equipment as required in Part 435. Rejection criteria has also been established in this Part similar to criteria found in 92 Ill. Adm. Code 441, Inspection Procedures for Type I School Buses.

Since Part 436 prescribes a January 2, 2012 manufacturers' compliance date, this Part will apply to MFSAB manufactured on or after January 2, 2012. Components listed here that are not listed in Part 435 indicate equipment that is required by the FMVSS. Listing all equipment required by the FMVSS would be redundant to include in Part 435 since the FMVSS are incorporated by reference in the text of Part 435. However, components required by the FMVSS must be maintained in proper working order and inspected during the semi-annual inspection. By this Notice, the following components will be inspected on MFSAB manufactured for use in Illinois on or after January 2, 2012.

Air Cleaner	Bumper, Front and Rear
Aisle	Certification Label (Federal)
Alternator (Generator)	Child Check System (optional)
Axles	Communication Device
Barrier, Guard	Crossing Control Arm
Battery or Batteries	Defrosters
Battery Cables	Drive Shaft Guard
Battery Compartment (optional)	Electrical System Wiring
Brakes	Emergency Exits

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Entrance Door	Reflectors
Exhaust System	Rub Rails
Fenders	Seat Belts
Filter, Oil	Seat, Driver's
Fire Extinguisher	Seats, Passenger
First Aid Kit	Steering System
Floor and Floor Covering	Steps, Entrance
Frame and Body	Stop Signal Arm Panel (not applicable)
Fuel Storage and Delivery System	Storage Compartment (optional)
Grab Handles	Sun Visor
Heaters	Suspension and Springs
Hood	Tow Hooks (optional)
Horn	Trash Container (optional)
Instruments and Instrument Panel	Undercoating
Insulation	Ventilation
Lettering	Warning Devices
Lights	Wheels
Locked Compartment (optional)	Windows
Mirrors	Windshield Washer
Paint Requirements	Windshield Wipers
Pedals (Accelerator and Brake)	
Projections	
Radio Speakers	

- 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 affects units of local government that own or operate multifunction school activity buses.
- 12) Time, Place and Manner in which interested persons may comment on this proposed

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

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

217/785-3031

By Messenger or Inter-Agency Mail:

IDOT/Division of Traffic Safety
1340 N. 9th Street
Springfield, Illinois

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

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that own or operate multifunction school activity buses.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- B) Reporting, bookkeeping or other procedures required for compliance: No impact anticipated.
 - C) Types of professional skills necessary for compliance: No impact anticipated.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 436

INSPECTION PROCEDURES FOR MULTIFUNCTION SCHOOL ACTIVITY BUSES

Section

436.10	Purpose, Scope and Implementation Date
436.20	Incorporation by Reference of Federal Regulations
436.30	Definitions
436.APPENDIX A	Air Cleaner through Barrier, Guard
436.APPENDIX B	Battery or Batteries through Bumper, Front
436.APPENDIX C	Bumper, Rear through Drive Shaft Guard
436.APPENDIX D	Electrical System Wiring through Fenders
436.APPENDIX E	Filter, Oil through Frame and Body
436.APPENDIX F	Fuel Storage and Delivery System through Horn
436.APPENDIX G	Instruments and Instrument Panel through Locked Compartment (optional)
436.APPENDIX H	Mirrors through Rub Rails
436.APPENDIX I	Seat Belts through Steering System
436.APPENDIX J	Steps, Entrance through Suspension
436.APPENDIX K	Tow Hooks (optional) through Warning Devices
436.APPENDIX L	Wheels through Windshield Wipers

AUTHORITY: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch.12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].

SOURCE: Adopted at 35 Ill. Reg. _____, effective _____.

Section 436.10 Purpose, Scope and Implementation Date

This Part prescribes the requirements of the Illinois Department of Transportation (Department) governing the inspection of multifunction school activity buses (MFSABs) that are manufactured on or after July 1, 2012. These standards are applicable to MFSABs that are owned or operated by, or for, school districts or school bus contractors.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.20 Incorporation by Reference of Federal Regulations

- a) Each multifunction school activity bus must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.1 through 571.404) as they apply to multi-function school activity buses. Those applicable provisions of the FMVSS are incorporated by reference as that part of the FMVSS was in effect on October 1, 2011. No later amendments to or editions of 49 CFR 571 are incorporated.
- b) Each multifunction school activity bus must conform to the applicable provisions of 49 CFR 567, Certification, and 49 CFR 568, Vehicles Manufactured in Two or More Stages, that were in effect on the first day of the month in which the chassis manufacturer completed the last manufacturing operation on the incomplete bus. Those applicable provisions are incorporated by reference as they were in effect on October 1, 2011. No later amendments to or editions of 49 CFR 567 and 49 CFR 568 are incorporated.
- c) Each multifunction school activity bus must conform to the applicable Standards and Recommended Practices of the Society of Automotive Engineers Handbook (Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale PA 15096-0001, 724/776-4841). Those applicable provisions of the SAE Standards and Recommended Practices are incorporated by reference as of the 2005 edition date. No later amendments to or editions of the SAE Standards and Recommended Practices are incorporated.
- d) Copies of the materials incorporated by reference are available for inspection at the Division of Traffic Safety, 1340 North Ninth Street, Springfield, Illinois 62702 or by calling 217/785-1181. The federal standards are available on the National Archives and Records Administration's website at <http://ecfr.gpoaccess.gov>. The Division of Traffic Safety's rules are available on the Department's Highway and Traffic Safety Information website at <http://www.dot.il.gov/safety.html>.

Section 436.30 Definitions

"Body" means the portion of a bus that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

"Body-on-Chassis" means a completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"Bus" means *every motor vehicle, other than a commuter van, designed for carrying more than ten persons.* (Section 1-107 of the Code)

"Chassis" means *every frame or supportive element of a vehicle whether or not a manufacturer's identification number, serial number, or other identifying numbers are present on said part.* (Section 1-111.1b of the Code)

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

"Commercial Vehicle Safety Section" means a section of the Bureau of Safety Programs of the Division of Traffic Safety, Illinois Department of Transportation.

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

"Division" means the Illinois Department of Transportation, Division of Traffic Safety.

"Empty Weight" means the unloaded vehicle weight; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant.

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

"Gross Vehicle Weight Rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of the school bus. (See Section 1-124.5 of the Code.)

"Illinois Vehicle Equipment Law" means 625 ILCS 5/12-101 through 12-902.

"Manufacturer" (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the federal certification label.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

"Multifunction School Activity Bus" or "MFSAB" means a school bus manufactured for the purpose of transporting 11 to 15 persons, including the driver, whose purposes do not include transporting students to and from home or school bus stops. A MFSAB is prohibited from meeting the special requirements for school buses in Sections 12-801, 12-803, and 12-805 and subsection (a) of Section 12-802 of the Code. (Section 1-148.3a5 of the Code)

"Passenger" means every occupant of the vehicle who is not the driver.

"Purchase Date" means the date when the purchase transaction was completed, not when the body or chassis was built.

"Seating Reference Point" means the unique design H-point, as defined in SAE J1100, that simulates the position of the pivot center of the human torso and thigh. Each school bus manufacturer utilizes different criteria to determine the specific seating reference point on passenger seats for vehicles they manufacture.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.APPENDIX A Air Cleaner through Barrier, Guard

a) AIR CLEANER

PROCEDURES/SPECIFICATIONS:

Any type is acceptable.

REJECT VEHICLE IF:

Air cleaner is not properly attached or is missing.

b) AISLE

PROCEDURES/SPECIFICATIONS:

Unobstructed minimum clearance leading from service door to emergency door (or back of bus) must be at least 12 inches (305 mm) wide. Floor to ceiling height must be a minimum of 68.9 inches (1.75 m) at any location within the aisle.

REJECT VEHICLE IF:

Aisle does not meet minimum standards.

c) ALTERNATOR (GENERATOR)

PROCEDURES/SPECIFICATIONS:

The generator, or alternator with rectifier, shall have a minimum capacity rating of 60 amperes and shall be capable of meeting all electrical requirements.

REJECT VEHICLE IF:

Alternator does not meet minimum standards or is not functioning.

d) AXLES

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Must meet federal chassis requirements as indicated on federal certification label.
(See 49 CFR 568.)

REJECT VEHICLE IF:

Axles show visible signs of apparent damage, leaking fluids or are not firmly attached.

e) BARRIER, GUARD

PROCEDURES/SPECIFICATIONS:

A guard barrier, constructed and thickly padded so as to provide head, knee and leg protection, shall be installed in front of each forward facing passenger seat that does not directly face the rear surface of another passenger seat. The barrier must measure the same height as the passenger seat back directly behind that barrier. (See 49 CFR 571.222.)

REJECT VEHICLE IF:

Barrier is not solidly attached. Padding or covering is missing or shows wear and tear. Barrier does not meet requirements.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.APPENDIX B Battery or Batteries through Bumper, Front

a) BATTERY OR BATTERIES

PROCEDURES/SPECIFICATIONS:

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

When rated in conformance with SAE Standard J537 (September 2000) the batteries shall provide a current flow for engine cranking no less than the engine manufacturer's recommended Cold Cranking Current (amperes for 30 seconds) at -18°C (0°F) or, at the purchaser's option, at -29°C (-20°F).

When rated in conformance with SAE Standard J537 (September 2000) the batteries shall provide a Reserve Capacity (duration of 25 ampere current flow) at 27°C (80°F) no less than 135 minutes.

Battery or batteries may be mounted either in the engine area or outside of the passenger/driver area in a separate battery compartment.

REJECT VEHICLE IF:

Battery or batteries are: not securely mounted; excessively corroded; of insufficient capacity.

b) BATTERY CABLES

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Cables are corroded or are not securely attached.

c) BATTERY COMPARTMENT (optional)

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

When the battery is mounted outside the engine compartment, it shall be welded or bolted in a closed, weather-tight, and vented compartment that is located and arranged so as to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by a manually operated latch or other fastener. A latch or fastener must be designed in such a fashion as to keep the door closed when in the latched position. Each electrical cable connecting the battery in this carrier to the body or chassis shall be one piece between the terminal connector and the first body or chassis terminal connector.

REJECT VEHICLE IF:

If present, battery compartment does not meet requirements.

d) BRAKES

PROCEDURES/SPECIFICATIONS:

Every motor vehicle shall be equipped with two separate means of applying the brakes and they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes. (See Section 12-301(a) of the Illinois Vehicle Equipment Law.)

REJECT VEHICLE IF:

Brakes do not meet requirements.

1) Backing Plate

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Backing plate is in poor condition.

2) Drums/Discs

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS:

Inspect drums and/or discs for cracks or for being worn or reworked beyond the manufacturer's minimum limits.

REJECT VEHICLE IF:

Worn or reworked beyond the manufacturer's minimum limits.

3) Emergency/Parking Brake

PROCEDURES/SPECIFICATIONS:

Emergency/parking brake system must apply brakes to at least two wheels. (See Section 12-301(a) of the Illinois Vehicle Equipment Law.)

AGENCY NOTE: Micro brakes are not considered a separate means of braking and are not acceptable.

Procedures for testing:

- A) Apply operating control fully.
- B) Check actuating mechanism for release.

Brake Performance Test:

Using Drive-On Pad Type Tester:

- i) Drive vehicle onto brake machine pads at 4-8 m.p.h.
- ii) Apply emergency/parking brakes to bring vehicle to a halt. Do not lock wheels.
- iii) Note the braking forces registered by the brake machine.

Using Roll-On Type Tester:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- i) Position axle with emergency brake onto roller.
- ii) Apply emergency brake but do not lock wheels.

REJECT VEHICLE IF:

Emergency/parking brake does not meet requirements.

- A) Not equipped with emergency/parking brakes. Operating mechanism does not hold in the applied position.
- B) Actuating mechanism does not fully release when release control is operated properly.

Brake Performance Test:

Drive-On Tester:

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

Roll-On Tester:

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

- 4) Emergency Brake Ratchet (Pedal or Lever)

PROCEDURES/SPECIFICATIONS:

Must be in proper adjustment. If vehicle was manufactured with a warning light, it must be visible when emergency brake is activated.

REJECT VEHICLE IF:

Emergency brake ratchet or warning light does not meet requirements.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

5) Pedal Clearance (Service Brakes)

(See PEDALS at Appendix H.)

6) Power Systems

A) Air

i) Air Pressure

PROCEDURES/SPECIFICATIONS:

With air system fully charged (compressor governor "cut-out") run engine at low idle. Make one full (maximum) brake application and immediately record reservoir air pressure.

Apply and release brakes until pressure indicated on the air gauge is at least 10 psi (i.e., pounds per square inch) below governor "cut-in" pressure. Run engine at high idle and determine seconds required to raise reservoir pressure from recorded pressure.

REJECT VEHICLE IF:

Time required to raise air pressure from recorded to cut-out is more than 30 seconds. Air gauge is missing or does not operate.

ii) Low Pressure Warning Device

PROCEDURES/SPECIFICATIONS:

Complete the following steps to evaluate low pressure warning device.

- 1) Before starting the engine, apply brakes and release until low air pressure warning device functions.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 2) Start the engine.
- 3) Apply service brakes and release until air compressor is activated.
- 4) Continue to run engine until compressor cut-out pressure is reached.
- 5) Record compressor cut-out pressure.
- 6) Shut engine off.

Determine if low pressure warning device is missing or inoperative.

If located in the driver's forward field of view, the warning device can be a visual device only. If not located in the driver's front view, the device must be both audible and visible.

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

REJECT VEHICLE IF:

Missing or inoperative low pressure warning device. Device does not meet requirements.

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

B) Electric/Hydraulic

PROCEDURES/SPECIFICATIONS:

Turn key to "off" position. Depress service brake pedal. Electric hydraulic pump must come "on" (listen).

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Electric pump does not operate properly or is absent.

C) Hydraulic

PROCEDURES/SPECIFICATIONS:

Inspect booster belts, supports, tubes, hoses, connections and general condition. Clean reservoir and cover as necessary and check master cylinder fluid level. Do not contaminate fluid.

Turn key to "on" position. Warning signal must come on (look/listen). Depress brake pedal lightly. Start engine. Pedal must move down slightly (feel). Warning signal must go "off" (look/listen).

REJECT VEHICLE IF:

Belt is slack or worn; tube or hose is damaged; any part leaks or is cracked; master cylinder fluid is below manufacturer's recommended capacity.

Either booster or warning signal does not operate properly.

D) Vacuum/Hydraulic

PROCEDURES/SPECIFICATIONS:

Inspect tanks, chambers, hoses, tubes, connectors, clamps, and booster air cleaner.

Inspect supports and attachments.

With engine off, repeatedly apply service brakes until vacuum is depleted, with medium pressure on brake pedal, and start engine; release brake and operate engine until maximum vacuum is established; stop engine; apply service brakes hard.

With brakes still applied, start engine; after one minute of running

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

engine, check "Low Vacuum" indicator.

REJECT VEHICLE IF:

Any component is restricted, collapsed, scraped, cracked, loose, or broken. Booster air cleaner is clogged.

Any support or attachment is broken. Any connecting line or other component is not attached or supported so as to prevent damage from scraping or rubbing.

Foot pedal does not fall away from foot when engine is started; insufficient vacuum reserve to permit one full service brake application after engine is off without actuating "low vacuum" indicator; valve or diaphragm leaking.

7) Service Brakes

PROCEDURES/SPECIFICATIONS:

Must be equipped with service brakes on all wheels. (See Section 12-301(a)(5) of the Illinois Vehicle Equipment Law.)

Must be equipped with a "split system" on service brakes. (See 49 CFR 571.105.)

Power-assisted service brakes are required. (See 49 CFR 571.105.)

If the bus is equipped with an anti-lock braking system (ABS), verify the ABS warning light is not illuminated and has not been made inoperable.

REJECT VEHICLE IF:

Service brakes do not meet requirements. ABS warning light is illuminated or has been made inoperable.

Brake Performance Test:

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Using Drive-On Pad Type Brake Tester:

Check vehicle's stopping ability before testing.

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

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

Note the braking forces registered by the brake machine.

Using Roll-On Type Tester:

Each axle must be tested separately. Transmission must be in neutral when testing brakes on any drive axle.

Drive front axle onto rollers. Start roller motor. Apply service brakes but do not lock wheels.

Repeat the above steps for each axle.

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

REJECT VEHICLE IF:

Drive-On Tester:

Machine does not register a total braking force of at least 60% of the vehicle empty weight.

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

Roll-On Tester:

Machine does not register a total braking force of at least 60% of the vehicle empty weight. Braking forces at

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

opposite wheels on same axle vary more than 20%.

e) BUMPER, FRONT

PROCEDURES/SPECIFICATIONS:

Manufacturer's standard for vehicle or an equivalent bumper that meets or exceeds manufacturer's standards. Black color is not required.

The entire front bumper must be of metal construction unless an energy absorbing bumper is used.

Bumper must be solidly attached and free from damage or sharp edges.

REJECT VEHICLE IF:

Front bumper does not meet requirements. Bumper is not solidly attached. Sharp edges are present.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.APPENDIX C Bumper, Rear through Drive Shaft Guard

a) BUMPER, REAR

PROCEDURES/SPECIFICATIONS:

The rear bumper shall be channel-type cross section with the top edge at least 225 mm (8.9") above the bottom edge. The bumper shall be formed from rolled steel at least 4.55 mm (.18") thick, and shall wrap around the rear corners of the body to a point at least 300 mm (11.8") forward of the rearmost point of the body at floor line. The rear bumper shall be attached to the chassis frame with provisions for removal by means of commonly available hand tools and the prevention of hitching to or riding on. The rear bumper shall be of sufficient strength to permit the bus being pushed by another vehicle without permanent distortion.

REJECT VEHICLE IF:

Rear bumper does not meet requirements. Bumper is not solidly attached. Sharp edges are present. Rear bumper is hitchable.

b) CERTIFICATION LABEL (FEDERAL)

PROCEDURES/SPECIFICATIONS:

The manufacturer's label must contain the following information:

- 1) Name of vehicle (bus) manufacturer and the month and year in which manufacture of the vehicle was completed;
- 2) Name of incomplete vehicle (chassis) manufacturer and the month and year in which it performed the last manufacturing operation on the incomplete vehicle;
- 3) Gross vehicle weight rating or ratings (GVWR);
- 4) Gross axle weight ratings (GAWR);
- 5) The statement, "This vehicle conforms to all applicable federal motor vehicle safety standards in effect in (month/year)";

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 6) The vehicle identification number (VIN);
- 7) The vehicle's classification (MFSAB). (See 49 CFR 567.5.)

The certification label may be supplemented by an alterer's certification. A certified vehicle might have been altered before its purchase for use as a school bus. The alterations may have included, but are not limited to, classification changes, gross weight rating changes, or changes to the application/effective date of an FMVSS. If any such alteration occurred, the bus must carry an additional federal label that identifies the alterer, shows when alteration was completed, "as altered" GVWR, GAWR and classification (if changed). It must also state that the altered vehicle conforms to all applicable FMVSS in effect in (month/year). (See 49 CFR 567.7.)

REJECT VEHICLE IF:

A required label is absent, defaced, destroyed, not riveted, or not permanently affixed. "Permanently affixed" means the label cannot be removed without destroying or defacing it.

A certification label does not contain the required statement and all other information required for that label.

c) CHILD CHECK SYSTEM (optional)

If a mechanical or electronic child check system is installed, the system shall require that, when the driver turns off the vehicle's ignition system, the vehicle's interior lights must illuminate to assist the driver. (See Section 12-186 of the Illinois Vehicle Equipment Law.)

REJECT VEHICLE IF:

A mechanical or electronic child check system is installed but the interior lights are not illuminated when the ignition is turned off or to the "accessories" position.

d) COMMUNICATION DEVICE

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

An MFSAB must contain either a cellular radio telecommunication device (i.e., cell phone) or an operating two-way radio while the school bus driver is in possession of a school bus.

Verify either a cell phone or a two-way radio is operating and can be turned on.

Exception: If neither a cell phone nor a two-way radio is present on the bus at the time of inspection, documentation on district or company letterhead must be present indicating the communication device requirement is being met by the use of a cell phone that is not present at the time of inspection.

REJECT VEHICLE IF:

The two-way radio or cell phone does not operate; or

Two-way radio or cell phone is not present and no documentation is provided indicating the communication device requirement is being met by the use of a cell phone.

e) CROSSING CONTROL ARM

PROCEDURES/SPECIFICATIONS:

The crossing arm must meet the following:

- 1) Must meet or exceed the wiring requirements of SAE J1133.
- 2) Must be capable of full operation between, and including, the temperatures -40° F and 160° F.
- 3) The arm, when activated, must extend a minimum of five feet from the front face of the bumper.
- 4) The arm must be mounted on the far right side (entry side) of the front bumper.
- 5) Appropriate brackets shall be used to attach the arm to the front bumper for proper operation and storage. The arm must stay at the same level as

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

the front bumper and must not "dip" below the front bumper.

- 6) All component parts must meet or exceed any applicable federal motor vehicle safety standards in effect at the time of manufacture.
- 7) The arm must extend at the same time the stop arm panel extends. An independent "on/off" switch is prohibited.
- 8) If the driver can stop the arm from extending with the use of an optional override switch, the arm sequence must automatically reset once the service door is closed.
- 9) Red lights and/or red reflectors are prohibited.

REJECT VEHICLE IF:

Crossing control arm does not meet requirements.

f) DEFROSTERS

PROCEDURES/SPECIFICATIONS:

Using heat from heaters and circulation from fans, defrosting equipment shall keep the windshield, the windows to the left of the operator, and the glass in the service door clear of fog, frost, and snow. Must conform to federal standard 49 CFR 571.103.

(Auxiliary fans are not considered to be a defrosting and defogging system.)

REJECT VEHICLE IF:

Defrosting system does not function properly.

Auxiliary fans are not securely mounted or blades are not protected.

g) DRIVE SHAFT GUARD

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Shall be of sufficient strength to protect each segment of the drive shaft and prevent it from going through the floor or dropping to the ground if broken.

REJECT VEHICLE IF:

Drive shaft guard is missing, not firmly attached, or does not properly protect each segment of the drive shaft.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.APPENDIX D Electrical System Wiring through Fenders

a) ELECTRICAL SYSTEM WIRING

1) Circuits

PROCEDURES/SPECIFICATIONS:

Circuits arranged to manufacturer's specifications are acceptable. Circuits may be added as necessary.

MFSABs must be equipped with a noise suppression switch that is capable of turning off noise producing accessories including, but not limited to, heater blowers, defroster fans, auxiliary fans and radios.

REJECT VEHICLE IF:

Breaks in insulation are present. Not on proper circuit or properly wired.

Noise suppression switch is missing or does not function.

2) Fuses

PROCEDURES/SPECIFICATIONS:

For buses equipped with electrical systems that utilize fuses, two extra fuses for each size fuse used on the bus shall be conveniently mounted for easy access on the bus body.

REJECT VEHICLE IF:

If required, fuses are not present or are not conveniently mounted for easy access.

3) Switches

PROCEDURES/SPECIFICATIONS:

Check operation and condition.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

REJECT VEHICLE IF:

Switches are not operating properly or are missing.

4) Wiring

PROCEDURES/SPECIFICATIONS:

All wires shall be properly insulated and securely attached at not more than 18.1 inches (460 mm) intervals. Check condition.

REJECT VEHICLE IF:

Insulation is frayed or missing. Wiring not securely attached.

b) EMERGENCY EXITS

PROCEDURES/SPECIFICATIONS:

All buses must be equipped with either a rear emergency door or a left side emergency door and a rear emergency window. (See 49 CFR 571.217.)

All emergency exits shall be outlined around the perimeter of the exit with a minimum one inch wide retroreflective tape or decal. The retroreflective tape or decal shall be placed on the exterior surface of the MFSAB. (See 49 CFR 571.217.)

Exceptions: Retroreflective tape can be located on the rear bumper provided the space under the emergency exit door is not adequate to accommodate the tape or provided rivets are present that prohibit the tape from being applied properly.

Optional emergency roof hatches are allowed. They must be installed according to manufacturer's specifications.

Open and close roof hatches (required or optional) to verify their operation.

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Emergency exits do not meet requirements. Roof hatches do not open.

1) Side

PROCEDURES/SPECIFICATIONS:

Inside release mechanism must be protected against accidental release; easily accessible; and readily operated manually without the use of remote control, power device, or tool.

Shall be hinged on front side and open outward. Shall be equipped with safety glass (or equivalent). Glass shall be located in upper portion of the door. Door shall be of at least the same gauge metal as the body. Shall be 24 inches or more clear horizontal opening, with forward edge of opening in line with the rearmost edge of a seat back. Shall have 45 inches or more clear vertical opening. Door and rubber seal must not be defective. (See Alarms and Locks in subsection (b)(4) for requirements.)

There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front. If there is no flip-up seat present, a guard barrier must be installed in front of the seat to the rear of the door. (See 49 CFR 571.217.)

REJECT VEHICLE IF:

Release mechanism is not protected, accessible, or operable (inside and outside); unable to open easily; hinge is located at incorrect location; location and size of opening is incorrect. General condition of door and/or rubber seal is defective.

2) Rear

PROCEDURES/SPECIFICATIONS:

Inside release mechanism must be protected against accidental release; easily accessible; readily operated manually without use of remote control, power device or tool.

Shall have permanently attached inside and outside release handles.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Outside release handle must be non-hitchable.

Rear exit shall hinge on right; open outwards; have a 24 inch or more clear horizontal opening and 45 inch or more clear vertical opening above floor. Glazing shall be installed in upper and lower portions. Door and rubber seal must not be defective. (See Alarms and Locks in subsection (b)(4) for requirements.)

REJECT VEHICLE IF:

Inside release mechanism is not protected. Inside and outside release mechanisms are not accessible or do not operate properly. Outside release mechanism is hitchable. Door does not open easily. Location of hinge is incorrect. Size of opening is incorrect. Glazing does not meet requirements. General condition of door and/or rubber seal is defective.

3) Window

PROCEDURES/SPECIFICATIONS:

When the emergency door is located on the left side, a rear emergency window shall be provided. Minimum 16 inches high and 48 inches wide. Designed to be opened from the inside or the outside. Hinged on top, designed and operated to insure against accidental closing in an emergency. Inside handle shall provide for quick release. Outside handle shall be nondetachable and nonhitchable. (See Alarms and Locks in subsection (b)(4) for requirements.)

Optional emergency windows are allowed. They must be labeled "Emergency Exit" in letters at least two inches high, of a color that contrasts with its background, located at the top of or directly above the window on the inside surface of the bus.

REJECT VEHICLE IF:

If equipped, operating mechanisms do not function. Glass is cracked or broken.

4) Alarms and Locks

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS:

Both audible and visible alarms shall alert the driver when engine is running and any emergency exit door either:

- A) Is not fully latched, or
- B) Is locked.

An audible alarm shall alert the driver when engine is running and any emergency exit window either:

- A) Is not fully latched, or
- B) Is locked.

The engine starting system shall not operate while any emergency exit door or window (optional or required) is locked (i.e., release mechanism that requires a key or combination, a "hasp lock" or a sliding latch) from either inside or outside the bus.

Alarm cut-off or "squelch" control is prohibited.

On a van conversion, any rear cargo door inside locks of the type installed by the chassis manufacturer (such as commonly used in cars – "push/pull" type) shall be made inoperable. The mechanism cannot, through jarring, vibration, etc., cause the door to become locked and be inoperable from the inside or outside.

Exception: No alarm is required for roof hatches.

REJECT VEHICLE IF:

Alarms do not alert driver as required. Locks do not meet requirements.

c) ENTRANCE DOOR

- 1) Physical Requirements

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS:

The service entrance shall have a minimum vertical opening of 1.7 m (67") and a minimum horizontal opening of 610 mm (24").

Door shall be located to right of operator and operated by an over-center control. Upper portions of door shall be safety glass or equivalent. Vertical closing edges shall be equipped with flexible material for a proper seal and to prevent injury.

Each door on the right side of the vehicle, hinged or sliding, except the service door shall be made permanently inoperable by means other than the rub rail on the outside of the body.

The service door shall be either manually or power operated by the seated driver. When in the closed and secured position, the door operating mechanism shall prevent accidental opening but shall afford prompt release and opening by the driver. No exposed parts of a door operating mechanism shall come together so as to shear or crush fingers. The vertical closing edges of a service door shall be padded to lessen chance of injury.

A power operated door shall be equipped for emergency manual operation in case of power failure. Instructions for emergency operation of a power operated door shall be affixed permanently on the interior of the door in letters at least 12 mm (.5") high.

REJECT VEHICLE IF:

Binding or jamming is evident, malfunctions, over-ride device on power operated door does not function, control not accessible by driver.

Door is missing, loose, or damaged. Rubber seal is missing or torn.

2) Locks and Alarms

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

A service door lock is not required, but if any type of service door locking system is installed on the bus, the system shall conform to at least one of the following:

- A) The locking system shall not be capable of preventing the driver from easily and quickly opening the service door from inside the vehicle; or
- B) A locking system that is capable of preventing the bus driver from easily and quickly opening the service door shall include an audiovisual alarm. The alarm shall be audible and visible and must alert the driver when the engine is running and the service door is locked. An alarm disconnect, "squelch control", or other alarm defeating or weakening device shall be prohibited; or
- C) A locking system shall not be capable of preventing the bus driver from easily and quickly opening the service door except when a person outside the bus uses a key that is not capable of locking more than one of at least 1000 of the door manufacturer's key locking systems.

REJECT VEHICLE IF:

Locks and alarms do not meet requirements. Bent, worn or dislocated parts that would delay quick door release and opening are present.

d) EXHAUST SYSTEM

PROCEDURES/SPECIFICATIONS:

1) General

"Exhaust system" includes each component used to conduct gas from an engine exhaust port (manifold) to an authorized exit point, including each sealing, connecting, and supporting component. Exhaust system shall be outside body and attached to chassis. Size of tail pipe shall not be reduced after it leaves muffler. Any flexible component that contains exhaust gas shall be of stainless steel. System shall not leak. System shall have an outlet at its discharge ends only.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Exhaust system shall be shielded from either accidental contact, "hitching to", or "standing on", except that no shielding is required at the discharge end. A chassis or body component may provide required shield.

AGENCY NOTE: As mandated by the United States Environmental Protection Agency (USEPA), diesel-powered engines manufactured after December 31, 2006 are required to meet stricter standards that will reduce emissions of particulate matter and nitrogen oxides into the atmosphere. School bus manufacturers may be required to modify exhaust systems to meet the USEPA requirements, e.g., mufflers may be replaced with after-treatment devices that significantly reduce toxins released into the atmosphere. Modifications to exhaust systems made in compliance with the USEPA requirements are acceptable, provided they do not impact the safe operation of the school bus.

REJECT VEHICLE IF:

All parts of system are not securely fastened and supported.

Any part of system is leaking or missing.

Any part of system contains holes not made by manufacturer.

Exhaust system does not meet requirements.

2) Discharge

PROCEDURES/SPECIFICATIONS:

The exhaust pipe, muffler and tail pipe shall be outside the bus body and attached to the chassis.

The exhaust system shall be insulated from any insulated wire, flammable material, brake hose or line, or fuel system component by a securely attached metal shield at any point where the exhaust system is 11.8 inches (300 mm) or less (four inches (101.6 mm) or less if diesel powered engine) from the components listed in this subsection (d)(2).

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

The shielding of engine compartment components shall be governed by the chassis manufacturer's standards.

The tail pipe may meet the chassis manufacturer's standard configuration. However, the tail pipe shall not exit beneath any fuel filler location or beneath any emergency exit door.

The tail pipe shall extend out to, but not more than, 1 inch beyond the perimeter of the body, the bumper or the rub rail.

Each gas conducting component that is not of stainless steel shall be of commercial heat and corrosion resistant exhaust system material and shall be nonflexible.

REJECT VEHICLE IF:

Exhaust discharge system does not meet requirements.

Exhaust discharge location is "hitchable".

Exhaust fumes are released towards a door or other opening into bus body.

e) FENDERS

PROCEDURES/SPECIFICATIONS:

Shall be properly braced and free from any body attachment.

There shall be approximately one inch located between front fenders and back face to cowl.

REJECT VEHICLE IF:

Fenders are not solid or in bad condition.

Sharp edges are evident.

Fenders are loose or protrude out.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.APPENDIX E Filter, Oil through Frame and Body

a) FILTER, OIL

PROCEDURES/SPECIFICATIONS:

A "full flow" replaceable element or cartridge type engine oil filter of approximately 1 liter (1 quart) capacity shall be installed. The purchaser may specify additional "full flow" or "by-pass" type filters, or oil treatment devices.

REJECT VEHICLE IF:

Oil filter leaks or does not meet requirements.

b) FIRE EXTINGUISHER

PROCEDURES/SPECIFICATIONS:

Pressurized dry-chemical gauge type approved by Underwriters' Laboratories, Inc., with a rating of not less than 10 B.C., mounted in bracket and readily accessible. Sealed with a type of seal that will not interfere with operation. If stored in locked compartment, compartment must be labeled. Halon fire extinguishers (10 B.C.) are approved.

REJECT VEHICLE IF:

Gauge does not indicate in the calibrated or marked "Full Charge" area. Seal is broken. Extinguisher is not mounted, not in a quick release holder or not labeled in compartment, if applicable. Improper rating. Missing.

c) FIRST AID KIT

PROCEDURES/SPECIFICATIONS:

Kit shall be readily identifiable, removable, and mounted in a readily accessible place in driver's compartment – either in full view or in secured compartment (see LOCKED COMPARTMENT). If not carried in compartment, the case shall be dust tight and substantially constructed of durable material. The contents shall include, but not be limited to, the following:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Unit Type (Minimum Contents)

4" bandage compress – 2 packages

2" bandage compress – 2 packages

1" bandage or adhesive compress – 1 package

40" triangle bandage with two safety pins – 1

Splint, wire or wood – 1

A tourniquet or any type of ointment, antiseptic or other medicine shall not be included.

AGENCY NOTE: OSHA approved blood-borne pathogen kits are permitted.

REJECT VEHICLE IF:

Kit is not complete or is missing. Dust or other visible dirt is present inside case. Minimum number of individual packages or boxes are not sealed. Medicine or tourniquet is present. Locked compartment containing kit is not labeled. Not mounted in readily accessible location.

d) FLOOR AND FLOOR COVERING

PROCEDURE/SPECIFICATIONS:

All portions of the floor that come in contact with passengers' or driver's footwear shall be covered with a waterproof material. This floor covering shall not crack when subjected to sudden temperature change and shall be bonded securely to the floor with a waterproof substance. All seams and openings shall be filled with a waterproof sealer.

The floor covering in the aisles and entrance area shall be of non-skid, wear-resistant type material commonly used in commercial passenger transportation vehicles.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

REJECT VEHICLE IF:

Abnormal wear and obstructions are present. Holes or openings are present in floors, floor covering, interior engine cover, or boots. Metal floor stripping is not securely attached or is broken. Interior engine cover is not fastened securely. Floor or floor covering does not meet requirements.

e) FRAME AND BODY

PROCEDURES/SPECIFICATIONS:

Visually inspect:

- 1) Body mounts shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust or fumes through the joint between the chassis cowl and the body.
- 2) Cross members and mounting bolts.
- 3) Engine mounting bolts.
- 4) Frame shall extend to rear of body cross member.
- 5) Frame extension is permitted when alterations are behind rear hanger or rear springs and not for the purpose of extending wheel base.
- 6) Collision damage detrimental to the safe operation of the vehicle.

REJECT VEHICLE IF:

- 1) Cracked, loose, missing bolts. Any repair done by welding body to frame, insulation strip missing.
- 2) Loose, cracked, broken or missing.
- 3) Missing, loose.
- 4) Cracked, broken, bent, rusted to a depth as to substantially weaken frame, welding except by body manufacturer.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 5) Unless permitted, frame extends past wheel base.
- 6) Collision damage is detrimental to the safe operation of the vehicle.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.APPENDIX F Fuel Storage and Delivery System through Horn

a) FUEL STORAGE AND DELIVERY SYSTEM

PROCEDURES/SPECIFICATIONS:

Entire fuel system, except extensions for driver control of air or fuel, must be outside passenger and driver compartment.

REJECT VEHICLE IF:

Any part of fuel system, except extensions for driver control of air or fuel, is within passenger/driver compartment.

1) Fuel Filler Cap

PROCEDURES/SPECIFICATIONS:

Meets manufacturer's specifications. Must be the same as or equivalent to original equipment.

REJECT VEHICLE IF:

Fuel filler cap is defective or missing.

2) Fuel Lines

PROCEDURES/SPECIFICATIONS:

Firmly attached. No leakage, seepage, abrasion, or chafing. Inside engine compartment, the chassis manufacturer's standard shall govern separation and shielding between parts designed by chassis manufacturer.

REJECT VEHICLE IF:

Fuel lines are cracked, leaking, insecure mounting, damaged, clamps missing, mount clips missing or not separated.

3) Fuel Filler Tube

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Fuel filler tube leaks or is not secure.

- 4) Fuel Pump

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Fuel pump leaks, is damaged or is not secure.

- 5) Fuel Tanks

PROCEDURES/SPECIFICATIONS:

Minimum capacity of 24 gallons, mounted, filled, and vented entirely outside body. Must meet manufacturer's specifications (49 CFR 571.301).

REJECT VEHICLE IF:

Fuel tanks have leakage, seepage, or abrasion; hole or crack that would leak or seep when tank is full.

- 6) Fuel Tank Mounts

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Fuel tank mounts are cracked or loose or bolts are missing.

7) Fuel Tank Straps

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Fuel tank straps are cracked, loose, or missing.

b) GRAB HANDLES

1) Exterior

Not required.

2) Interior

PROCEDURES/SPECIFICATIONS:

Stainless steel clad solidly attached on the left side of the entranceway as a person enters the bus and as long as practicable. An optional grab handle can also be located on the right side of the entranceway.

Draw a ½ inch hexagon nut attached to a string through the junction where the grab handle attaches to the lower step well.

REJECT VEHICLE IF:

Interior grab handles are missing or are not solidly attached.

Nut becomes lodged on the grab handle. (Retrofit kit is required.)

c) HEATERS

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Nameplate must identify manufacturer and heater rating capacity. Must be capable of maintaining inside temperature of 50°. The heater hoses shall be supported to guard against excessive wear due to vibration and shall not interfere with or restrict the operation of any engine function. Any hose in the passenger compartment shall be protected to prevent injury from burns in the event of rupture. If heater is not protected by a seat, it must be padded.

Auxiliary fuel-fired heating systems are permitted, provided they comply with the following:

- 1) The auxiliary heating system fuel shall utilize the same type of fuel as specified for the vehicle engine;
- 2) The heater or heaters may be direct hot air or connected to the engine's coolant system;
- 3) An auxiliary heating system, when connected to the engine's coolant system, may be used to preheat the engine coolant or preheat and add supplementary heat to the bus' heating system;
- 4) Auxiliary heating systems must be installed pursuant to the manufacturer's recommendations and shall not direct exhaust in a manner that will endanger bus passengers;
- 5) Auxiliary heating systems that operate on diesel fuel shall be capable of operating on:
 - A) a hot water and/or combustion type heater; or
 - B) if only one heater is used, a fresh-air or combination fresh-air and recirculation type heater; or
 - C) blended diesel fuel without the need for system adjustment; and
- 6) The auxiliary heating system shall be low voltage.

REJECT VEHICLE IF:

Heater is missing; in poor working condition; defective hoses, supports or baffles;

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

not firmly attached or not padded when required.

d) HOOD

PROCEDURES/SPECIFICATIONS:

Open hood and inspect safety catch and hinges for proper operation. Close hood and inspect for proper full closure. Manually inspect latches or remote control for proper operation.

REJECT VEHICLE IF:

Hood does not open or hood latches do not securely hold hood in its proper fully-closed position. Secondary or safety catch does not function properly. Hinge is broken, missing or not attached to body.

e) HORN

PROCEDURES/SPECIFICATIONS:

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

Optional exterior air horn is permitted.

REJECT VEHICLE IF:

Horn control is missing or defective or horn is not audible.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.APPENDIX G Instruments and Instrument Panel through Locked Compartment (optional)

a) INSTRUMENTS AND INSTRUMENT PANEL

PROCEDURES/SPECIFICATIONS:

Shall be equipped with the following nonglare illuminated instruments and gauges mounted for easy maintenance and repair and in such a manner that each is clearly visible to the seated driver. An indicator light instead of a pressure or temperature gauge is permissible. (See 49 CFR 571.101.)

- 1) Speedometer;
- 2) Odometer;
- 3) Fuel gauge;
- 4) Oil pressure gauge;
- 5) Water temperature gauge;
- 6) Ampere meter or volt meter with graduated charge and discharge indications;
- 7) High beam headlight indicator;
- 8) Directional signal indicator;
- 9) Air pressure or vacuum gauge (when air or vacuum brakes are used);
- 10) Emergency/service brake indicator (includes anti-lock brake system (ABS)).

REJECT VEHICLE IF:

Instruments or instrument panel do not operate properly; instruments are missing; inaccurate readings.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

b) INSULATION

PROCEDURES/SPECIFICATIONS:

The ceiling and sidewalls shall be thermally insulated with a fire-resistant material that shall reduce the noise level and vibrations.

REJECT VEHICLE IF:

Insulation does not meet requirements.

c) LETTERING

1) Exterior

PROCEDURES/SPECIFICATIONS:

The body and chassis manufacturer's name, emblem, or other identification may be displayed (colorless or any color) on any unglazed surface of the bus.

A vehicle identification number may be displayed on the exterior surface of the school bus roof.

A) Front

PROCEDURES/SPECIFICATIONS:

Vehicle number assigned for identification shall be a minimum of four inches (100 mm) high and located as high as practicable. Decals are permissible. (See Section 12-802 of the Illinois Vehicle Equipment Law.)

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is obstructed.

B) Left

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS:

The name of the owner or the entity for which the MFSAB is operated or both shall be painted in a contrasting color on both sides, centered as high as practicable below the window line, in letters at least 4 inches high. (See Section 12-802(b) of the Illinois Vehicle Equipment Law.)

"EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labeling must be of a color that contrasts with its background. (See 49 CFR 571.217.)

Optional: Vehicle number assigned for identification may be displayed at a minimum height of four inches (100 mm).

Decals are permissible.

REJECT VEHICLE IF:

Lettering does not meet requirements. Required lettering is obstructed.

C) Rear

PROCEDURES/SPECIFICATIONS:

"EMERGENCY DOOR" or "EMERGENCY EXIT" in lettering at least two inches high at top of emergency door, or directly above, or on door glazing.

"EMERGENCY EXIT" (for buses without rear emergency door) in letters at least two inches high directly below rear emergency window or on exit glazing. An arrow, at least 5.9 inches in length and $\frac{3}{4}$ inch in width indicating direction each release mechanism should be turned to open door or window located within 5.9 inches

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

of release handle, in black. Vehicle number assigned for identification shall be a minimum 4 inches (100 mm) high. Decals are permissible. All required lettering must be a color that contrasts with its background.

If bus uses alternate fuel (e.g., propane, CNG), vehicle must be marked with identifying decal. The decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least $\frac{1}{4}$ inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or

"CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.

The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of vehicle. (See Section 12-704.3 of the Illinois Vehicle Equipment Law.)

A white decal with black lettering and numerals that measure one inch high must be displayed on the rear of the bus. The decal must display either the words TO REPORT ERRATIC DRIVING or TO COMMENT ON MY DRIVING CALL followed by the area code and telephone number of the bus owner. The decal shall be located on the rear window glazing below the rear seat back, on the bus body below the window line, or on the rear bumper. The decal must be visible to the motoring public from the rear of the bus and cannot obstruct any required lettering or numerals. The decal cannot be located on any emergency door glazing or any emergency window glazing. Magnetic signs are prohibited. (See Section 12-821 of the Illinois Vehicle Equipment Law.)

Exception: If the bus is being presented for inspection by a dealer or a manufacturer prior to delivery to the owner, the ERRATIC DRIVING or TO COMMENT ON MY DRIVING CALL decal is optional. The decal may be applied by the school bus owner after

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

the school bus is purchased.

REJECT VEHICLE IF:

Lettering does not meet requirements. Required lettering is obstructed.

Buses using alternate fuels are not properly marked with decal.
Decal is in wrong location.

D) Right

PROCEDURES/SPECIFICATIONS:

The name of the owner or the entity or both for which the MFSAB is operated shall be painted in a contrasting color on both sides, centered as high as practicable below the window line, in letters at least 4 inches high. (See Section 12-802 of the Illinois Vehicle Equipment Law.)

The following lettering must be at least two inches (50 mm) high:

- i) The word "CAPACITY", or abbreviation "CAP.", and the rated passenger capacity followed by the word "PASSENGERS", or the abbreviation "PASS.", shall be displayed on the outside of the body near the rear edge of the service entrance.
- ii) Empty weight in pounds must be shown. Empty weight is indicated by "EW". (See Section 12-802 of the Illinois Vehicle Equipment Law.)

Manufacturer's identification name or emblem may be displayed, but not on service door glazing. Manufacturer's name or emblem must not interfere with required lettering. Decals are permissible.

"EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit "EMERGENCY EXIT"

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labeling must be of a color that contrasts with its background. (See 49 CFR 571.217.)

Optional: If audio and/or visual recording devices are present on the bus, one white decal with black lettering measuring one inch high shall be displayed on the exterior of the service (i.e., entrance) door, or on the bus body adjacent to the service door if the door is not adequate to accommodate the decal. The decal shall serve as a notice of audio and/or visual recordings. The decal must not be located on any service door glazing. Magnetic signs are prohibited. (See Section 14-3(m) of the Illinois Criminal Code.)

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is obstructed.

2) Interior

A) Front

PROCEDURES/SPECIFICATIONS:

Each letter or numeral must be at least two inches (50 mm) high and contrasting sharply with its background. A colorless background strip (such as white, aluminum or silver) may be used. Decals are permitted.

On right side: Either "CAPACITY" or "CAP." plus numerals showing rated passenger capacity, followed by either "PASSENGER" or "PASS."

As nearly as practicable opposite the center of aisle, but to right of inside mirror, either "NO STANDEES" or "NO STANDEES PERMITTED".

The vehicle's length (rounded up to next whole foot) shall be displayed on the bulkhead clearly within the driver's view. (For

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

example: vehicle length of 39.1 feet will be displayed as 40 feet.)

A red cross formed of five equal squares with words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.

The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.

Optional: If audio and/or visual recording devices are present on the bus, one white decal with black lettering measuring one inch high shall be displayed on the front interior bulkhead. The decal shall serve as a notice of audio and/or visual recordings. The decal must not obstruct any other required lettering on the bulkhead. Magnetic signs are prohibited. (See Section 14-3(m) of the Illinois Criminal Code.)

Optional: A "No Smoking" sign may be posted on the interior surface of an MFSAB bus.

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is obstructed. Vehicle length is not displayed properly or is absent.

B) Left

PROCEDURES/SPECIFICATIONS:

"EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labeling must be of a color that contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the exit must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

the bus. These operating instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (See 49 CFR 571.217.)

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is obstructed.

C) Rear

PROCEDURES/SPECIFICATIONS:

"EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labeling must be of a color that contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the door must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of the bus. These operating instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (See 49 CFR 571.217.)

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is obstructed.

D) Right

PROCEDURES/SPECIFICATIONS:

"EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any side emergency door. For any emergency window exit, "EMERGENCY EXIT" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, or at the bottom of the emergency window exit. The labeling must be of a color that

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the exit must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of the bus. These instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (See 49 CFR 571.217.)

REJECT VEHICLE IF:

Right interior lettering does not meet requirements. Lettering is obstructed.

E) Ceiling

PROCEDURES/SPECIFICATIONS

Roof exit must be labeled "EMERGENCY EXIT" in letters at least 1.95 inches (5 cm) high, of a color that contrasts with its background. The labeling must be located on an inside surface of the exit, or within 11.7 inches (30 cm) of the roof exit opening. Concise operating instructions describing the motions necessary to unlatch and open the emergency exit shall be located within 5.85 inches (15 cm) of the release mechanism. These instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (See 49 CFR 571.217.)

REJECT VEHICLE IF:

Lettering does not meet requirements.

d) LIGHTS

Light Emitting Diode (LED) lamps that meet applicable FMVSS or SAE Standards/Recommended Practices are acceptable.

1) Back Up

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Two white lights shall be provided. Must meet federal standards (49 CFR 571.108).

REJECT VEHICLE IF:

Back-up lights do not function; illegal color; broken lens.

2) Clearance, Front

PROCEDURES/SPECIFICATIONS:

Two clearance lights (amber) visible from the front at highest and widest portions of the body. Must conform to federal standards (49 CFR 571.108). May be combined with sidemarker lamp provided the requirements for both lights are met.

Exception: Buses that measure less than 80 inches wide are exempt. (See 49 CFR 571.108.)

REJECT VEHICLE IF:

Front clearance lights do not function; improper color; broken lens.

3) Clearance, Rear

PROCEDURES/SPECIFICATIONS:

Two clearance lights (red) mounted at highest and widest parts of body. Must conform to federal standards (49 CFR 571.108).

Exception: Buses that measure less than 80 inches wide are exempt. (See 49 CFR 571.108.)

REJECT VEHICLE IF:

Rear clearance lights do not function; improper color; broken lens.

4) Identification, Front

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS:

Three amber lights mounted at center front near top of body. Must conform to federal standards (49 CFR 571.108).

Exception: Buses that measure less than 80 inches wide are exempt. (See 49 CFR 571.108.)

REJECT VEHICLE IF:

Front cluster lights do not function properly; improper color; broken lens.

5) Identification, Rear

PROCEDURES/SPECIFICATIONS:

Three red lights mounted at center rear near top of body. Must conform to federal standards (49 CFR 571.108).

Exception: Buses that measure less than 80 inches wide are exempt. (See 49 CFR 571.108.)

REJECT VEHICLE IF:

Rear cluster lights do not function properly; improper color; broken lens.

6) Flashing Signal System (not applicable)

PROCEDURES/SPECIFICATIONS:

MFSAB cannot be equipped with a flashing signal system.

REJECT VEHICLE IF:

MFSAB is equipped with a flashing signal system.

7) Headlights

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Shall have at least two headlamps with at least one mounted on each side of the front of the bus. Lamp body must be securely attached. Lenses, reflectors, bulbs, etc., must be in good condition, properly aimed and fill required intensity. Check for bulb burn out. Verify high and low beams are functioning. Shall conform to federal standards (49 CFR 571.108).

REJECT VEHICLE IF:

Headlights do not meet requirements. High/low beams do not function.

8) Interior

PROCEDURES/SPECIFICATIONS:

Adequate to illuminate aisles, step well, and emergency passageways.

REJECT VEHICLE IF:

Interior lights do not provide adequate lighting; cracked or broken lenses; improper color.

9) License Plate

PROCEDURES/SPECIFICATIONS:

Adequate white light to illuminate license plate. (See 49 CFR 571.108.)
May be combined with one of the tail lights.

REJECT VEHICLE IF:

License plate light does not provide adequate lighting; cracked or broken lenses; improper color.

10) Parking Lights

PROCEDURES/SPECIFICATIONS:

Shall be one lamp on each side; white or amber color. (See 49 CFR

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

571.108.)

All buses 80 or more inches in overall width that are equipped with side marker lamps, clearance lamps, and intermediate side marker lamps are exempt from having parking lights. However, if the vehicle is equipped with parking lights, they must be operational. (See 49 CFR 571.108.)

REJECT VEHICLE IF:

Parking lights do not meet requirements; improper color; cracked or broken lenses.

11) Sidemarker, Left

PROCEDURES/SPECIFICATIONS:

Two lamps: one amber at front and one red at rear, mounted as high as practicable and located on the side of the bus. Shall conform to federal standards (49 CFR 571.108).

REJECT VEHICLE IF:

Left marker lights do not meet requirements; does not function properly; improper color; cracked or broken lenses.

12) Sidemarker, Right

PROCEDURES/SPECIFICATIONS:

Two lamps: one amber at front and one red at rear, mounted as high as practicable and located on the side of the bus. Shall conform to federal standards (49 CFR 571.108).

REJECT VEHICLE IF:

Right marker lights do not meet requirements; improper color; cracked or broken lenses.

13) Step Well

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS:

At least the nosings of the service entrance steps and the floor around the step well shall be automatically illuminated with white light when the ignition is on and the service entrance door is open.

No lamp shall be installed so as to shine directly into the eyes of a pupil moving through the service entrance and looking at the service steps.

REJECT VEHICLE IF:

Step well light does not meet requirements; improper color; cracked or broken lenses.

14) Stop

PROCEDURES/SPECIFICATIONS:

Two red lights mounted at same height and as high as practicable below window line. Seven inch minimum diameter or 19 square inches. Not less than three feet apart laterally. Must conform to federal standards (49 CFR 571.108).

For buses with an overall width of less than 80 inches, a high mounted stop lamp is required (may be two lamps).

REJECT VEHICLE IF:

Stop lights do not meet requirements; improper color; cracked or broken lenses; do not function properly.

15) Strobe

PROCEDURES/SPECIFICATIONS:

Lamp must comply with following requirements:

A) One per bus;

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- B) Shall emit white or bluish/white light;
- C) Shall be visible from any direction;
- D) Shall flash 60 to 120 times per minute;
- E) Shall be visible in normal sunlight;
- F) Mounted at or behind center of rooftop and equal distance from each side.

Distance from rear will be calculated by measuring height of filament and multiplying same by 30 inches. (Filament height x 30 = distance from rear of bus where lamp is to be located.)

If a roof exit, air conditioner or the size of the bus interferes with the placement of a strobe as required in this subsection (d)(15)(F), the strobe can be placed to the rear of the roof exit or air conditioner as near as practicable above the rear axle, horizontally centered between the rear tires.

REJECT VEHICLE IF:

Strobe light does not meet installation requirements; does not function properly; improper color; cracked or broken lenses.

Shielding is present.

16) Tail

PROCEDURES/SPECIFICATIONS:

Two red lights mounted with centers not less than 40 inches nor more than 50 inches from surface on which vehicle stands. Must conform to federal standards (49 CFR 571.108).

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Tail lights do not meet requirements; do not function properly; improper color; cracked or broken lenses.

17) Turn Signal, Front

PROCEDURES/SPECIFICATIONS:

One amber lamp located on each side at or near the front, including the fender or cowl. They shall be located at the same height and as far apart as practicable. Lamps must conform to federal standards (49 CFR 571.108).

Operate turn signals and four-way warning hazards to check performance of front and rear lights.

REJECT VEHICLE IF:

Front turn signal lights do not meet requirements; do not function properly; improper color; cracked or broken lenses.

Four-way warning hazards do not operate properly.

18) Turn Signal, Rear

PROCEDURES/SPECIFICATIONS:

One red or amber lens on each side at the same height and as far apart as practicable below window. Must meet federal standard 49 CFR 571.108.

REJECT VEHICLE IF:

Rear turn signal does not meet requirements; improper color; does not function properly; cracked or broken lenses.

e) LOCKED COMPARTMENT (optional)

PROCEDURES/SPECIFICATIONS:

Fire extinguisher, first-aid kit, and warning devices may be stored either in a

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

closed, unlocked compartment or under lock and key, provided the locking device is connected with an automatic warning signal that will alert driver when compartment is locked. The automatic alarm shall be both audible and visible to the seated driver. The alarm shall alert the driver when the engine is running and the compartment is locked and cannot be readily opened without using a tool, key, or combination. An alarm cut-off or "squelch" control is prohibited.

Each safety item inside the compartment shall be named on the outside of the compartment cover or door. In addition, a RED CROSS formed of five equal squares shall be displayed on the cover when the first aid kit is inside the compartment.

REJECT VEHICLE IF:

If present, locked compartment is not readily accessible to driver; lettering or identification missing; alarm does not function properly when compartment is locked and vehicle is running.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.APPENDIX H Mirrors through Rub Rails

a) MIRRORS

PROCEDURES/SPECIFICATIONS:

Every required mirror shall be of reflecting material protected from abrasion, scratching, and corrosion. Mirror shall be firmly installed on stable supports so as to give a clear, stable, reflected view. Mirrors must meet all requirements of 49 CFR 571.111 to provide the required field of view.

Convex crossover mirrors can be combined with either the right or left side safety mirrors provided the convex mirror meets the field of view and size requirements of 49 CFR 571.111.

REJECT VEHICLE IF:

Mirrors do not meet requirements; defective; excessively clouded; not securely attached; cracked or broken glass.

1) Exterior

A) Rear View Driving

PROCEDURES/SPECIFICATIONS:

Shall be mounted outside on the left and right sides of the bus. Must give seated driver a view to the rear along each side of the bus. Must be at least 50 square inches of usable flat rectangular reflecting surface on each side. (See 49 CFR 571.111.)

If the rear view driving mirror does not provide the required field of view, a convex driving mirror must be installed to expand the driving view to the rear. However, the usable flat reflecting surface must be rectangular and must maintain at least 50 square inches.

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Rear view driving mirror does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

B) Right Side Safety

PROCEDURES/SPECIFICATIONS:

An outside convex mirror, either alone or in combination with the crossover mirror system, shall give the seated driver a view of the roadway along the right side of the bus between the most forward surface of the right front tire and the rear of the rear bumper. The projected reflecting surface of this convex mirror shall be at least 40 square inches ($7\frac{1}{8}$ inches diameter if a circle).

Extra-wide-angle convex mirror heads are permissible on right front corner only.

REJECT VEHICLE IF:

Right side safety mirror does not meet requirements; defective; excessively clouded; not securely attached; cracked or broken glass.

C) Left Side Safety (Optional)

PROCEDURES/SPECIFICATIONS:

A convex mirror is required if the left rear view driving mirror system does not give the seated driver a reflected view of the roadway along the left side of the bus between the front edge of the driver's seat (in most forward position) and the rear of the rear bumper. The convex mirror shall be installed so that either alone or in combination with the rear view driving mirror gives the seated driver the proper view.

REJECT VEHICLE IF:

Left side safety mirror does not meet requirements; defective;

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

excessively clouded; not securely attached; cracked or broken glass.

D) Crossover

An outside convex mirror shall give the seated driver a view of the front bumper and the area of roadway in front of the bus. The projected reflecting surface of this mirror shall be at least 40 square inches ($7\frac{1}{8}$ inch diameter if a circle). (See 49 CFR 571.111.)

Exception: If the seated driver of a forward control bus has a direct view of the front bumper and the area of roadway in front of the bus, a crossover mirror is optional.

REJECT VEHICLE IF:

Crossover mirror does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

2) Interior

PROCEDURES/SPECIFICATIONS:

Must have a clear view safety glass mirror, metal backed and framed with rounded corners and edges that shall be padded. Shall afford a good view of the interior and roadway to the rear.

REJECT VEHICLE IF:

Interior mirror does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

b) PAINT REQUIREMENTS

PROCEDURES/SPECIFICATIONS:

The exterior of any MFSAB can be any color except national school bus glossy

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

yellow.

Each opening for a required emergency exit must be outlined around its outside perimeter with a minimum 1 inch (2.54 cm) wide retroreflective tape, including roof exits. The retroreflective tape must be on the exterior surface of the bus. Required retroreflective tape can be located on the rear bumper or the rub rail, provided the space under the emergency exit door or emergency exit window is not adequate to accommodate the tape or provided rivets are present that prohibit the tape from being applied properly. (49 CFR 571.217)

REJECT VEHICLE IF:

Paint does not meet color requirements or is in poor condition (i.e., faded, peeling or rusted). MFSAB is painted national school bus glossy yellow.

c) PEDALS (ACCELERATOR AND BRAKE)

PROCEDURES/SPECIFICATIONS:

Minimum 1½ inch clearance with pedal fully depressed. All pedals must be covered with rigid nonslip material.

Pedal extensions are allowed. They must be securely attached and covered with rigid nonslip material.

REJECT VEHICLE IF:

Pedals do not meet clearance requirements or are not covered with rigid nonslip material. Pedal extensions are not securely attached.

d) PROJECTIONS

1) Exterior

PROCEDURES/SPECIFICATIONS:

Entire rear and bumper area of bus must be nonhitchable.

AGENCY NOTE: "Nonhitchable" is defined as the rear of the bus being

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

designed and maintained to prevent or discourage riding or grasping rear of bus so as to "hitch" rides.

REJECT VEHICLE IF:

Exterior projections do not comply with nonhitchable requirements.

2) Interior

PROCEDURES/SPECIFICATIONS:

Interior shall be free of all dangerous projections.

Optional equipment (e.g., video camera) that is located in the bulkhead area of the bus and not flush with the interior walls must meet the following requirements:

- A) Must not interfere with occupants entering or exiting the bus.
- B) Must not be located in driver's head impact zone.
- C) Must not obstruct required lettering.

Additional projections (e.g., external speakers, air conditioners) located within 59 inches from the floor shall be padded to prevent injury. This includes inner lining of ceiling and walls.

Installation of book or luggage racks is not permissible.

Flush mounted speakers are exempt from padding requirements.

REJECT VEHICLE IF:

Optional equipment in bulkhead does not meet requirements.

Remaining projections are not padded (e.g., external speakers).

Book or luggage racks are present.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

e) RADIO SPEAKERS

Radio/stereo speakers cannot be located within four feet of the rearmost position of the driver's seat.

REJECT VEHICLE IF:

Speakers are located in the prohibited area or are not deactivated.

f) REFLECTORS

1) Front

PROCEDURES/SPECIFICATIONS:

Two yellow or amber rigid or sheet type (tape) reflex reflectors shall be securely attached on the front of the body near the lower left and right hand corners. (See Section 12-202 of the Illinois Vehicle Equipment Law.)

These front reflectors shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket or any other portion of the bus.

No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rub rail.

The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least seven square inches of reflecting material (about 3 inch diameter if a solid circle).

A sheet type (tape) reflex reflector may conform to the surface on which it is installed but its forward projected reflecting area shall be at least eight square inches.

Exception: Buses that measure less than 80 inches wide are exempt. (See

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

49 CFR 571.108.)

REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

2) Left Side

PROCEDURES/SPECIFICATIONS:

One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. (See Section 12-202 of the Illinois Vehicle Equipment Law.)

On buses more than 30 feet long, one amber reflector must also be provided at or near midpoint between front and rear side reflector. (See 49 CFR 571.108.)

All reflectors must measure at least three inches in diameter.

REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

3) Right Side

PROCEDURES/SPECIFICATIONS:

One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. (See Section 12-202 of the Illinois Vehicle Equipment Law.)

On buses more than 30 feet long, one amber reflector must also be provided at or near midpoint between front and rear side reflector. (See 49 CFR 571.108.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

All reflectors must measure at least three inches in diameter.

REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

4) Rear

PROCEDURES/SPECIFICATIONS:

Two red reflectors on rear body within 12 inches of lower right and lower left corners. (See Section 12-202 of the Illinois Vehicle Equipment Law.)
Minimum three inches in diameter.

Exception: Buses that measure less than 80 inches wide are exempt. (See 49 CFR 571.108.)

REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

g) RUB RAILS

There shall be one rub rail, located approximately at seat level, that shall extend from the rear of the service entrance completely around the bus body without interruption, except at functioning doors or a rear engine compartment, to a point of curvature near the front of the body on the left side.

There shall be one rub rail on each side, located approximately at the floor line, that shall extend over the same longitudinal distance as the rub rail located at the seat level.

More than two rub rails may be installed on sides and rear of bus.

Rub rails of longitudinally corrugated or ribbed steel at least 3.9 inches (100 mm) wide shall be fixed on the outside of the bus.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Exceptions:

- 1) Rub rail need not extend across wheel housing.
- 2) Rub rail may terminate at the point of curvature at the right and left rear corners of the body.

REJECT VEHICLE IF:

Rub rails are missing; not firmly attached; incorrect color; or incorrect number of rails.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.APPENDIX I Seat Belts through Steering System

a) SEAT BELTS

PROCEDURES/SPECIFICATIONS:

Each MFSAB shall be equipped with a retractable lap belt assembly for the driver's seat. (See Section 12-807 of the Illinois Vehicle Equipment Law.) A shoulder harness is optional. Belt material, buckle, tongue, etc., of each driver's belt shall remain above floor when not in use.

Passenger safety belts that meet 49 CFR 571.222 are required on any MFSAB that has a GVWR of 10,000 pounds or less. Passenger safety belts are optional on any MFSAB that has a GVWR of more than 10,000 pounds. However, optional safety belts installed on any MFSAB are required to meet 49 CFR 571.222. At all times, each seat belt shall be readily available for quick and easy use. Retractors must be the emergency locking type. Each belt assembly shall be clean.

REJECT VEHICLE IF:

Seat belts are not secured, not adjustable, cracked, broken, frayed, torn or dirty. Retractor or buckle does not operate properly.

b) SEAT, DRIVER'S

PROCEDURES/SPECIFICATIONS:

The driver's seat shall be rigidly positioned and have a forward and backward adjustment without the use of tools or other nonattached devices.

Seat padding and covering shall be in good condition (i.e., free from holes and tears). Seat cushions shall be securely fastened to the seat frame.

Optional: Bus may be equipped with a durable safety belt webbing cutter with a full-width handgrip and a protected, replaceable, or non-corrodible blade. The webbing cutter must be mounted in a location accessible to the seated driver in an easily detachable manner.

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Driver's seat is not securely anchored to floor; in poor condition; adjustment mechanism does not function properly. Optional webbing cutter does not meet requirements.

c) SEATS, PASSENGER

PROCEDURES/SPECIFICATIONS:

Each seat is required to conform to FMVSS 222 (49 CFR 571.222).

Each seat shall be constructed so that the shortest straight-line distance from the top of the seat back to the empty seat cushion is 28" when measured near the transverse center of the seat at the front of the seat back and along the angle of rearward inclination of the seat back. Since the height of a seat back is difficult to measure precisely on a repeated basis, a measurement of 27.5" or more is deemed acceptable.

All seats shall be forward facing and securely fastened to part or parts of bus that support them. No bus shall be equipped with jump seats or portable seats (does not include child restraint systems). The center-to-center seat spacing shall be no more than 24 inches, measured from the seating reference point to the seat back or guard barrier in front of the seat. Padding and covering shall be of fire resistant material. Minimum 36 inch headroom for sitting position above top of undepressed cushion line on all seats (measured vertically not more than seven inches from side wall at cushion height and at front and rear center of cushion). Backs of all seats of similar size shall be of the same width at top and the same height from floor and shall slant at the same angle with the floor. The top and side rails and seat backs shall be padded to cushion level. Seat padding and covering shall be in good condition (i.e., free from holes and tears). Seat cushions shall be securely fastened to the seat frame. (49 CFR 571.222)

Seat bottom cushions must also be equipped with a self-latching mechanism that is designed to flip up or be removable without tools.

REJECT VEHICLE IF:

Passenger seats do not meet requirements; are not firmly attached to body; seat frames are broken; cushions not firmly attached; padding and covering are not fire

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

resistant. Padding or covering is loose, in poor condition, or missing; seats are torn or have holes; minimum seat dimensions or seat spacing is not in compliance.

d) STEERING SYSTEM

1) Exterior

A) Kingpins

PROCEDURES/SPECIFICATIONS:

Raise vehicle so as to unload kingpins (brakes should be applied to eliminate wheel bearing looseness). Either grasp wheel at top and bottom or use a bar for leverage. Attempt to rock wheel in and out. Check movement at extreme top or bottom of tire. If movement exists, place a dial indicator, tape measure, or a fixed device at the wheel and measure amount of movement.

Place leverage bar under tire. Raise bar to check for vertical movement between spindle and support axle.

REJECT VEHICLE IF:

Wheel bearing movement exceeds $\frac{1}{4}$ inch or kingpin movement exceeds:

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

B) Linkage

PROCEDURES/SPECIFICATIONS:

For buses with single "I" beam or tube type front axle, hoist bus under axle. For buses with twin "I" beam type front axles or with "A frame" control arms, each axle or arm must be hoisted

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

independently so as to load the ball joints. Grasp front and rear of tire and attempt to shake assembly right and left to determine linkage looseness. Measure movement of wheel.

Inspect for damage to or looseness in the following linkage components:

- i) Ball Joints
- ii) Cotter Pins
- iii) Drag Link
- iv) Idler Arm
- v) Pitman Arm
- vi) Steering Box
- vii) Tie Rod
- viii) Tie Rod Ends

REJECT VEHICLE IF:

Measurement is found to be in excess of:

Rim Diameter (in inches)	Max. Allowable Movement (in inches)
16 or less	$\frac{1}{4}$
17 and 18	$\frac{3}{8}$
over 18	$\frac{1}{2}$

Any linkage component is bent, welded, loose, insecurely mounted or missing.

- C) Power Steering

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Manually and visually inspect:

- i) Belts
- ii) Cylinders
- iii) Fluid Level
- iv) Hoses
- v) Mounting Brackets
- vi) Power Assist
- vii) Pump

REJECT VEHICLE IF:

Steering components are:

- i) Loose, frayed, cracked, missing; incorrect belts
 - ii) Loose and/or leaking
 - iii) Low fluid level
 - iv) Cracked, leaking, rubbed by moving parts
 - v) Cracked, loose or broken
 - vi) No assist is evident
 - vii) Loose, leaking
- D) Toe-In/Toe-Out

PROCEDURES/SPECIFICATIONS:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

With wheels held in a straight ahead position, drive vehicle slowly over the approved drive-on side slip indicator.

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

REJECT VEHICLE IF:

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

E) Wheel Bearings

PROCEDURES/SPECIFICATIONS:

With the front end of the vehicle lifted so as to load any ball joints, grasp the front tire top and bottom, rock it in and out. Record movement. To verify that any looseness detected is in the wheel bearing, notice the relative movement between the brake drum or disc and the backing plate or splash shield.

AGENCY NOTE: Wheel bearing play can be eliminated by applying service brakes.

REJECT VEHICLE IF:

Relative movement between drum and backing plate, measured at tire, is $\frac{1}{4}$ inch or more.

2) Interior

A) Column

PROCEDURES/SPECIFICATIONS:

Inspect to determine that column support bracket is properly tightened and all bolts are present.

REJECT VEHICLE IF:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Column support bracket is not properly tightened or bolts are missing.

B) Lash

PROCEDURES/SPECIFICATIONS:

With road wheels in straight ahead position, turn steering wheel until a turning movement can be observed at the left road wheel. Slowly reverse steering wheel motion and measure lash.

REJECT VEHICLE IF:

Lash exceeds following acceptable limits:

Steering Wheel Max. Diameter (inches)	Acceptable Lash (inches) Measured at Max. Circumference
16 or less	2
18	2 $\frac{1}{4}$
20	2 $\frac{1}{2}$
22	2 $\frac{3}{4}$

C) Shaft

PROCEDURES/SPECIFICATIONS:

Grasp steering wheel with both hands and attempt to move shaft up and down.

REJECT VEHICLE IF:

Steering shaft moves up and down.

AGENCY NOTE: Steering shafts on International-Navistar vehicles will move up and down but must be within manufacturer's tolerances.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

D) Steering Wheel

PROCEDURES/SPECIFICATIONS:

Inspect steering wheel condition.

REJECT VEHICLE IF:

Steering wheel is damaged. Any spokes are missing or reinforcement ring is exposed.

E) Travel

PROCEDURES/SPECIFICATIONS:

Turn steering wheel through a full right and left turn checking for binding, jamming and complete travel left and right.

REJECT VEHICLE IF:

Binding or jamming is present. Does not complete full turn from left to right. Tire rubs on fender or frame during turn.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.APPENDIX J Steps, Entrance through Suspension

a) STEPS, ENTRANCE

PROCEDURES/SPECIFICATIONS:

The bottom step in the entranceway shall not extend beyond the exterior of the body. With all seats empty, the bottom step shall be not less than 300 mm (11.8") and not more than 400 mm (15.7") from the roadway. At least two steps shall be provided. The steps shall be enclosed. Risers shall be approximately equal. Each step, including the floor at the top riser, shall be surfaced with a nonskid material with a 40 mm (1.6") to 80 mm (3.1") white nosing as an integral piece.

REJECT VEHICLE IF:

Steps or risers are not solid. Steps, risers or nonskid material covering is missing, loose, or not in good condition. White nosing is missing or in poor condition.

b) STOP SIGNAL ARM PANEL (not applicable)

PROCEDURES/SPECIFICATIONS:

MFSAB cannot be equipped with stop signal arm panels.

REJECT VEHICLE IF:

Stop signal arm panel is present.

c) STORAGE COMPARTMENT (optional)

PROCEDURES/SPECIFICATIONS:

Covered, fire-resistant container securely fastened of adequate strength and capacity for tire chains and tools for minor emergency repairs.

REJECT VEHICLE IF:

If installed, does not meet requirements.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

d) SUN VISOR

PROCEDURES/SPECIFICATIONS:

Shall be interior, adjustable and not less than five inches by 16 inches. Must be installed above windshield.

Not required to be transparent, but must not interfere with view of interior rear view mirror.

REJECT VEHICLE IF:

Sun visor does not meet requirements.

e) SUSPENSION

1) Shocks

PROCEDURES/SPECIFICATIONS:

Equipped with front and rear heavy-duty, double acting shock absorbers.

REJECT VEHICLE IF:

Shocks are missing, broken, or have severe leakage (not slight dampness). Mounting bolts or mounts are broken or loose, or rubber bushing is partially or completely missing.

2) Springs

PROCEDURES/SPECIFICATIONS:

A) Coil

Visually inspect:

i) Spring

ii) Control arms

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- iii) Torque arms (rear)

REJECT VEHICLE IF:

Coil is missing, is disconnected, is broken, has loose bushings, is welded or is damaged.

- B) Leaf

PROCEDURES/SPECIFICATIONS:

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

- i) Springs
- ii) Shackles
- iii) Hangers
- iv) U-bolts
- v) Center bolts
- vi) Bushings or pivot

REJECT VEHICLE IF:

Springs are missing or broken. Shackles or U-bolts worn or loose. Center bolt in springs sheared or broken. Steering stops allow tire to rub on frame or metal. Any leaves are cracked or missing. Any shackle, shackle pins, hangers, or U-bolts are worn, loose or missing.

- C) Torsion Bar (Stabilizer Bar)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS:

Visually inspect:

- i) Torsion bar
- ii) Mounting brackets
- iii) Control arms
- iv) Torque arms (if applicable – rear)
- v) Stabilizer bars (if applicable)

REJECT VEHICLE IF:

Torsion bar is missing, disconnected, broken, loose, welded, damaged.

D) Air Suspension

PROCEDURES/SPECIFICATIONS:

Visually inspect:

- i) Air bag/bellows
- ii) Mountings
- iii) Air lines
- iv) Leveling devices

REJECT VEHICLE IF:

Air leaks are present; improper inflation; vehicle is resting on one or both axles; vehicle is not level (tilting to either side); air bags/bellows are cut into belting; air lines are excessively worn; loose mountings.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.APPENDIX K Tow Hooks (optional) through Warning Devices

a) TOW HOOKS (optional)

1) Front

PROCEDURES/SPECIFICATIONS:

A front tow hook must not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.

REJECT VEHICLE IF:

Tow hooks extend beyond bumper; not securely attached.

2) Rear

PROCEDURES/SPECIFICATIONS:

Any tow hooks installed on the rear shall be attached or braced to the chassis frame or to an equivalent structural member of an integral type bus. A tow hook must not extend beyond the rear face of the rear bumper.

REJECT VEHICLE IF:

Tow hooks extend beyond bumper; not securely attached.

b) TRASH CONTAINER (optional)

PROCEDURES/SPECIFICATIONS:

A trash container may be present. If present, it must be securely stored in the vehicle and must not obstruct an aisle.

REJECT VEHICLE IF:

Optional trash container does not meet requirements.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

c) UNDERCOATING

PROCEDURES/SPECIFICATIONS:

Fire resistant undercoating material applied to entire underside of body, front fenders, wheel wells, floor members, and side panels below floor level. Non-metallic parts need not be coated.

REJECT VEHICLE IF:

Undercoating does not meet requirements.

d) VENTILATION

PROCEDURES/SPECIFICATIONS:

Body must be equipped with ventilating system capable of supplying proper quantity of air under operating conditions.

REJECT VEHICLE IF:

Air is obstructed; not securely fastened; not covered.

e) WARNING DEVICES

PROCEDURES/SPECIFICATIONS:

- 1) Emergency warning devices are required to be carried on any second division motor vehicle weighing more than 8,000 pounds and operated upon any highway outside an urban district. The warning devices must be securely stored.

The warning devices required for use when lighted lamps are required (see Section 12-201(b) of the Illinois Vehicle Equipment Law) shall consist of:

- A) At least three liquid-burning flares and three red-burning 15-minute fusees; or
- B) Three red electric lanterns; or

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- C) Three portable red emergency reflectors that meet FMVSS No. 125.
- 2) In addition, the following warning devices are also required for use when lighted lamps are not required (see Section 12-201(b) of the Illinois Vehicle Equipment Law):
- A) Two red cloth flags (not less than 12 inches square with standards to support flags); or
 - B) Two portable emergency reflectors that meet FMVSS No. 125. (The reflectors in subsection (b)(1)(C) qualify for this option.) (See Section 12-702(a) and (c) of the Illinois Vehicle Equipment Law.)

The warning devices must be securely stored.

REJECT VEHICLE IF:

Required warning devices are not present or are in poor condition.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 436.APPENDIX L Wheels through Windshield Wipers

a) WHEELS

1) Housings

PROCEDURES/SPECIFICATIONS:

Full open type attached to floor sheet to prevent water, fumes or dust entering the body. Inside height should not exceed 10 inches above floor line. Housings shall allow for unimpeded wheel and tire service or removal. Housing shall provide clearance for installation and use of tire chains on the dual or single tires installed on the rear wheels.

Inspect tire and road wheel assemblies.

REJECT VEHICLE IF:

Wheel housings do not meet clearance requirement; wheel housings are not firmly secured; holes are present.

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

2) Rim

PROCEDURES/SPECIFICATIONS:

Inspect all wheel and rim bolts, nuts, studs, lugs, locking rings, etc. Each cover, cap or decorative ring that obscures any of these items must be removed prior to the inspection.

Inspect for visible wheel damage.

REJECT VEHICLE IF:

Any wheel or rim securing device such as a nut, bolt, stud, lug, ring or other type securing device is loose, missing or cracked.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Wheel locating holes are elongated, oversized or "wallowed out". Any part of a wheel or rim is cracked, repaired by welding or rewelding, or damaged so as to cause unsafe operation of the vehicle.

3) Tires

PROCEDURES/SPECIFICATIONS:

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

A regrooved, retreaded or recapped tire shall not be on the front steering axle.

A tire with restricted use marking is prohibited (e.g., "NHS" or "SL" following size marking, "Off Highway", "Farm Use", "Racing Only", etc.).

No MFSAB shall be equipped with any tire that is so worn that tread configuration is absent on any part of the tire in contact with the road surface.

Inspect for tread wear:

- A) Check for the presence of tread wear indicators.
- B) For tires without tread wear indicators, use tread depth gauge to measure groove depth.

Steering (Front) and Drive (Rear) Axles: Measure tread depth at any point on a major tread groove.

- C) For tires without tread wear indicators and with noncircumferential grooves, or "spaces", between the tread elements (as in snow, mud, lug knob, or traction treads):

Steering (Front) and Drive (Rear) Axles: Measure tread depth at any point on a major tread groove.

- D) Inspect tire for bald, partially bald, cupped, dished or unevenly

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

worn areas.

- E) The measurements shall not be made where the tie bars, humps or fillets are located.

AGENCY NOTE: "Bald" means without a groove.

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

Inspect for evidence of tread or sidewall separation.

Inspect for regrooved or recut treads.

AGENCY NOTE: 49 CFR 369 requires tires marked "REGROOVABLE" to have sufficient tread rubber that, after regrooving, cord material below the grooves shall have a protective covering of tread material at least 3/32 inch thick.

Inspect tires for legible markings showing size designation and carcass construction.

AGENCY NOTE: "R" in size designation shows radial construction. More plies at tread than sidewall shows belted construction. Same number of plies at tread and sidewall, without a belted or radial indication, shows plain bias construction.

Tires on same axle must be of same construction.

Inspect tires for size designation and for matched construction.

AGENCY NOTE: "Construction" refers to bias, bias belted or radial arrangement of ply cords in the tire carcass.

Inspect each single dual tire assembly.

A mixture of regular and mud-and-snow treads must be the same on both sides of axle.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

When radial and conventional (i.e., bias) tires are both used on a vehicle, one of the following two requirements shall be met:

- A) On vehicles with one single wheel axle and one or more dual wheel axles, radial tires shall be used on the steering (i.e., front) axle only.
- B) On vehicles having two single wheel axles, radial tires shall be used on the rear axle only.

A tube built only for bias tire shall not be installed in a radial tire. Red color shall not be added to stem of a "bias" tube. (Valve stem of tube for radial tire is either marked "radial" or has red ring or is painted red.) A "radial" tube and flap may be used in a bias tire.

Inspect valve stems.

REJECT VEHICLE IF:

Improper inflation (flat tire).

Regrooved, retreaded or recapped tire is located on front steering axle.

Restricted marking is present.

Any part of tire that is in contact with road surface is absent of tread configuration.

- A) Tread wear indicators contact road at any point on a major tread groove.
- B) On steering (front) axle: Tread depth is less than 4/32 inch when measured at any point on a major tread groove.

On drive (rear) axle: Tread depth is less than 2/32 inch when measured at any point on a major tread groove.
- C) On steering axle: Tread depth is less than 4/32 inch when measured at any point on a major tread groove.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

On drive axle: Tread depth is less than 2/32 inch when measured at any point on a major tread groove.

- D) The tire has bald, partially bald, cupped, dished or unevenly worn areas.

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

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

Tread has been regrooved or recut on a tire that does not have the word "REGROOVABLE" molded on or into both sides of the tire.

A tire on a road wheel does not exhibit a legible size marking and a legible construction marking.

Tires on the same axle are not of same construction.

A tire exceeds the diameter (not width) of its mate by 1/2 inch (1/4 inch radius) or more; or one tire touches its mate.

A mixture of regular and mud-and-snow treads are not the same on both sides of the axle.

Requirements for using both radial and conventional tires on a vehicle are not met.

A tube is built only for bias tire but installed in a radial tire.

A valve stem leaks; is cracked; is either damaged or positioned so as to hamper pressure checking or inflation; shows evidence of wear because of misalignment.

- b) WINDOWS

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS:

- 1) All applicable provisions of 49 CFR 571.205 apply to the optional laminated safety glass and also to any plastic materials used in a multiple glazed unit.

Glazing shall be marked as follows pursuant to 49 CFR 571.205:

- A) Windshield – "AS 1" Glass
- B) Driver's Window – "AS 1" Glass or "AS 2" Glass
- C) Driver's door – "AS 1" Glass or "AS 2" Glass
- D) All other locations – "AS 1" Glass, "AS 2" Glass, or "AS 3" Glass.

REJECT VEHICLE IF:

Windows do not meet requirements.

- 2) Emergency (Also see EMERGENCY EXITS)

PROCEDURES/SPECIFICATIONS:

When the emergency door is located on the left side, a rear emergency window shall be provided. Minimum dimensions are 16 inches high and 48 inches wide. Designed to be opened from the inside or the outside. Hinged on top, designed and operated to insure against accidental closing in an emergency. Inside handle shall provide for quick release. Outside handle shall be nondetachable and nonhitchable. When locked or not fully latched, window shall actuate alarm audible and visible to driver. No cutoff switch allowed.

Optional emergency windows are allowed. They must be labeled "Emergency Exit" in letters at least two inches high, of a color that contrasts with its background, located at the top of or directly above the window on the inside surface of the bus.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Optional emergency windows must be equipped with an audible alarm activated when window is locked or not fully latched.

REJECT VEHICLE IF:

Operating mechanisms do not function. Alarm does not function. Glass is cracked or broken (see EMERGENCY EXIT – Alarms and Locks).

3) Rear

PROCEDURES/SPECIFICATIONS:

All rear glazing shall be the fixed type. No portion of any rear window shall display any lettering, numerals or symbols that may obstruct the driver's view.

REJECT VEHICLE IF:

Glass is cracked or broken. Visibility through rear windows is obstructed.

4) Side

PROCEDURES/SPECIFICATIONS:

Each side window shall provide unobstructed emergency opening at least 9 inches high and 22 inches wide, obtained either by lowering window or by use of knock-out type split sash.

Window latches must be in proper working order.

Optional: Plexiglass is allowed on side windows.

REJECT VEHICLE IF:

Side windows do not meet emergency opening requirements. Window does not open easily. Glass is cracked or broken. Stop lines are missing.

Window latches do not operate properly.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

5) Windshield

PROCEDURES/SPECIFICATIONS:

Shall be installed between front corner posts and must be unobstructed. Non-reflective tinted film may be used along the uppermost portion of the windshield but must not extend more than six inches down from the top of the windshield. (See Sections 12-501 and 12-503 of the Illinois Vehicle Equipment Law.) Windshield shall be slanted to reduce glare.

REJECT VEHICLE IF:

Windshield is not firmly sealed or attached. Glass is broken, cracked or discolored (not including allowed tint). "Star chip" is present that measures more than one inch in diameter.

c) WINDSHIELD WASHER

PROCEDURES/SPECIFICATIONS:

Windshield washer shall effectively clean entire area covered by both wipers.

REJECT VEHICLE IF:

Windshield washer does not effectively clean entire area or does not operate properly.

d) WINDSHIELD WIPERS

PROCEDURES/SPECIFICATIONS:

Wipers shall be either two speed or variable speed with non-glare arms and blades. Blades need not be individually powered.

REJECT VEHICLE IF:

Windshield wipers do not cover entire cleaning area. Blades are damaged, torn or hardened, or rubber wiping element has broken down. Wiper fails to park properly when shut off.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3) Section Number: 590.10 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3]
- 5) Effective Date of Amendment: August 15, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's Springfield office and is available for public inspection:
- 9) Notice of Proposal Published in Illinois Register: March 11, 2011; 35 Ill. Reg. 3878
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Illinois Commerce Commission has adopted this amendment to 83 Ill. Adm. Code 590 to incorporate by reference certain federal safety standards. This complies with Section 3 of the Illinois Gas Pipeline Safety Act, which requires the Commission's rules to be as inclusive and as stringent as the federal safety standards and compatible with the federal safety standards. It is appropriate to incorporate the federal amendments into Part 590 that have been adopted by the U.S.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Department of Transportation since the last amendment of Part 590 in 2009.

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIESPART 590
MINIMUM SAFETY STANDARDS FOR TRANSPORTATION
OF GAS AND FOR GAS PIPELINE FACILITIES

Section
590.10 Standards

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993; amended at 18 Ill. Reg. 11518, effective July 25, 1994; amended at 19 Ill. Reg. 13549, effective October 1, 1995; amended at 21 Ill. Reg. 8906, effective July 1, 1997; amended at 23 Ill. Reg. 11872, effective October 1, 1999; amended at 25 Ill. Reg. 11355, effective September 1, 2001; amended at 27 Ill. Reg. 12385, effective August 1, 2003; amended at 29 Ill. Reg. 11808, effective August 1, 2005; amended at 31 Ill. Reg. 11562, effective August 1, 2007; amended at 33 Ill. Reg. 12224, effective August 15, 2009; amended at 35 Ill. Reg. 14414 effective August 15, 2011.

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR [191.1, 191.3, 191.5, 191.7, 191.9, 191.11, 191.13, 191.15, 191.17, 191.23, 191.25, 192, 193 and 199](#) as of January 1, ~~2011~~²⁰⁰⁹, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.
- b) No later amendment or editions are incorporated by this Part.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 35 Ill. Reg. 14414, effective August 15, 2011)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking, Organization and Personnel
- 2) Code Citation: 2 Ill. Adm. Code 2675
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2675.10	Amendment
2675.230	Amendment
2675.240	Amendment
2675.250	Amendment
2675.APPENDIX A	Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)] and Section 5-15(a)(1) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)(1)]
- 5) Effective Date of Amendments: August 12, 2011
- 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 at the Board's Chicago and Springfield offices and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 15, 2010; 34 Ill. Reg. 15595
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 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: The amendments make express the Executive

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Director's authority to issue certifications of representatives, certifications of the results of elections, and dismissals of representation petitions and otherwise update the description of the organization of the agency. This rulemaking updates the agency's organization chart. This rulemaking also updates the address of the agency's Springfield office.

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

Susan J. Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

312/793-3288
Susan.Willenborg@illinois.gov

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XLVIII: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 2675
PUBLIC INFORMATION, RULEMAKING, ORGANIZATION AND PERSONNEL

SUBPART A: PUBLIC INFORMATION

Section	
2675.10	General Information
2675.20	Procedural Information
2675.30	Access to Board Materials

SUBPART B: RULEMAKING

Section	
2675.110	Procedures
2675.120	Petitions for Rulemaking

SUBPART C: ORGANIZATION

Section	
2675.210	Composition of the IELRB
2675.220	Executive Director and General Counsel
2675.230	Office of the Executive Director
2675.240	Office of the General Counsel
2675.250	Administrative Operations
2675.260	Advisory Committee

2675.APPENDIX A Illinois Educational Labor Relations Board Staff Organization Chart

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)].

SOURCE: Adopted at 14 Ill. Reg. 4158, effective March 2, 1990; amended at 28 Ill. Reg. 12818, effective September 7, 2004; amended at 35 Ill. Reg. 14418, effective August 12, 2011.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: PUBLIC INFORMATION

Section 2675.10 General Information

The Illinois Educational Labor Relations Board (IELRB or Board) has jurisdiction of labor relations matters involving educational employees and educational employers within Illinois. The IELRB maintains offices at ~~One Natural Resources Way 320 West Washington, Suite 260~~, Springfield, Illinois ~~6270262701~~, (217) 782-9068, and 160 North LaSalle Street, Suite N-400, Chicago, Illinois 60601, (312) 793-3170. General information regarding the IELRB and its activities may be obtained by writing or telephoning the IELRB at either office. Information regarding the docket of cases pending before the IELRB or pending hearings may be obtained by contacting the IELRB's General Counsel at the Chicago Office. Information regarding the docket of cases pending investigation may be obtained by contacting the Executive Director at the Chicago Office. The IELRB's office will be open to the public from 8:30 a.m. to 5:00 p.m. on days other than Saturdays, Sundays and legal holidays.

(Source: Amended at 35 Ill. Reg. 14418, effective August 12, 2011)

SUBPART C: ORGANIZATION

Section 2675.230 Office of the Executive Director

The Board, through the Office of the Executive Director under the general supervision and direction of the Executive Director, performs the following operations:

- a) Investigating unfair labor practice charges pursuant to 80 Ill. Adm. Code 1120.30, 80 Ill. Adm. Code 1105 and 80 Ill. Adm. Code 1120;
- b) Conducting all necessary investigations of voluntary recognition and representation petitions pursuant to 80 Ill. Adm. Code 1105 and 80 Ill. Adm. Code 1110;
- c) Issuing certifications of representatives, certifications of the results of elections, and dismissals of representation petitions;
- d) Issuing complaints and notices of hearing and dismissals of unfair labor practice charges;
- e)e) Advising the Board on legal issues ~~that~~which may arise in the course of the

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Board's official duties;

- ~~f)~~ Training of arbitrators and mediators as directed by the Board;
- ~~g)~~ Implementing and maintaining the Board's Labor Mediation Roster;
- ~~h)~~ Administering the Board's public information officer program;
- ~~i)~~ Serving as the Board's Freedom of Information Officer.

(Source: Amended at 35 Ill. Reg. 14418, effective August 12, 2011)

Section 2675.240 Office of the General Counsel

The members of the IELRB, personally, and through the Office of the General Counsel under the general supervision and direction of the General Counsel, perform the following operations:

- a) Reviewing all recommended decisions of its hearing officers, Administrative Law Judges and Executive Director;
- b) Drafting and issuing all unfair labor practice and representation decisions of the Board;
- c) Advising the Board on legal issues ~~that~~which arise in the course of the Board's official duties;
- d) Assisting the ~~Office~~Officeer of the Attorney General in representing the Board in all legal matters pending in the courts;
- e) Representing the Board in legal proceedings before other agencies and courts;
- f) Conducting representation and unfair labor practice hearings and issuing recommended decisions and orders;
- g) Reviewing and revising the Board's Rules and Regulations.

(Source: Amended at 35 Ill. Reg. 14418, effective August 12, 2011)

Section 2675.250 Administrative Operations

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

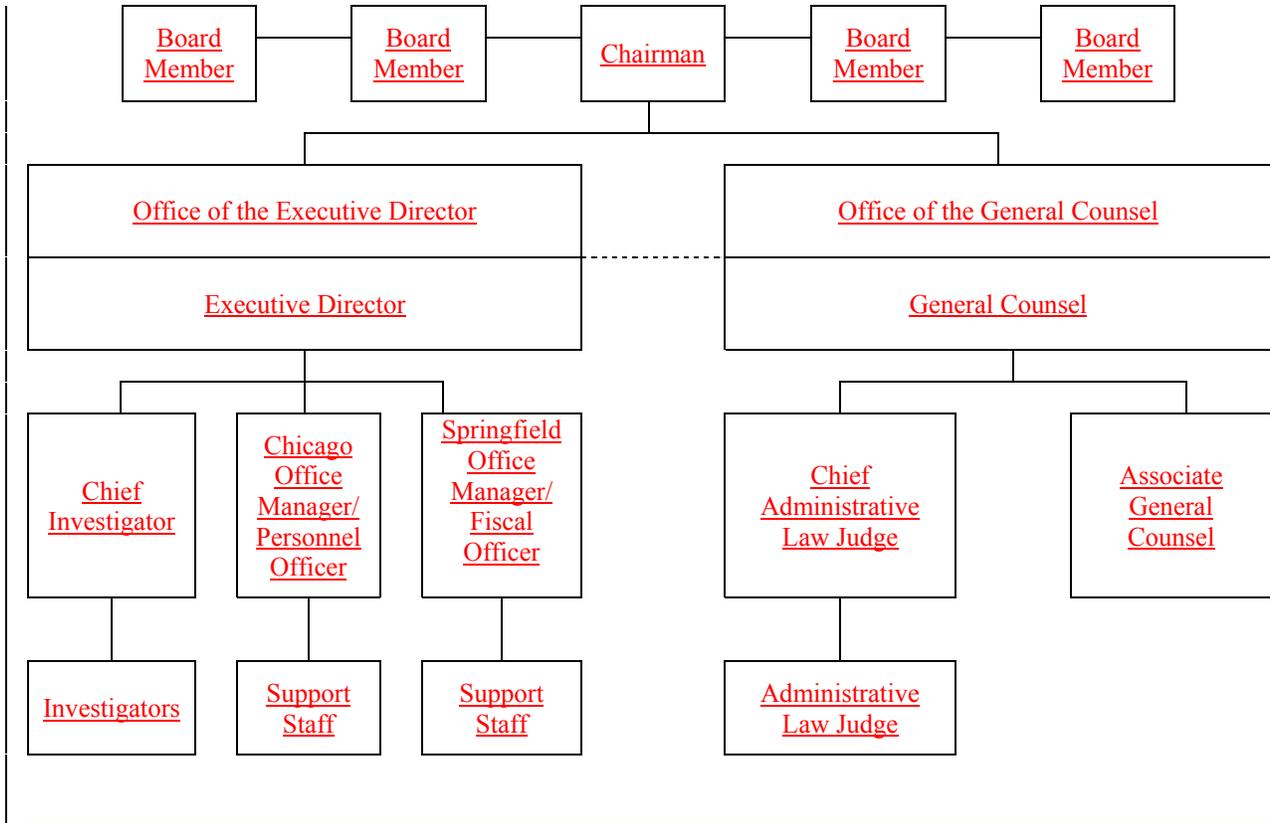
- a) The following administrative operations are performed by the staff of the IELRB under the general supervision and direction of the Executive Director:
- 1a) Administering all financial transactions, including the processing of all ~~Statestate~~ vouchers and related fiscal matters;
 - 2b) Preparing the budget for the IELRB and appropriation requests for review by the IELRB and submission to the Office of Management and Budget and General Assembly;
 - 3) Processing all personnel matters;
 - 4)e) Assigning all clerical and administrative staff within the offices of the IELRB.
- b) The IELRB's staff is organized as depicted in Appendix A.

(Source: Amended at 35 Ill. Reg. 14418, effective August 12, 2011)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

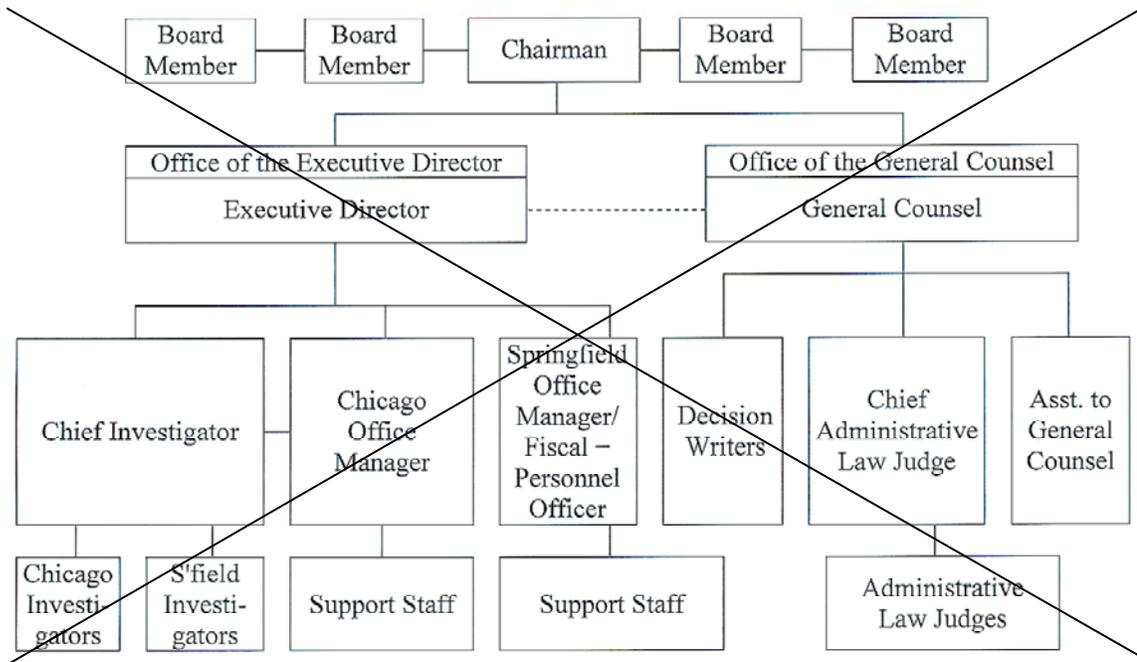
NOTICE OF ADOPTED AMENDMENTS

Section 2675.APPENDIX A Illinois Educational Labor Relations Board Staff Organization Chart



ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS



(Source: Amended at 35 Ill. Reg. 14418, effective August 12, 2011)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Freedom of Information
- 2) Code Citation: 2 Ill. Adm. Code 2676
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2676.10	Amendment
2676.20	Amendment
2676.30	Amendment
2676.40	Amendment
2676.50	Repeal
2676.60	Amendment
2676.70	Amendment
2676.80	New Section
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) Effective Date of Amendments: August 12, 2011
- 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 at the Board's Chicago and Springfield offices and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 15, 2010; 34 Ill. Reg. 15603
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 2676.10(b), the language providing that certain records are confidential and exempt from disclosure has been changed from "under any (or all) circumstances" to "pursuant to the Board's Freedom of Information procedures". In Section 2676.20(a), the proposed language stating that records within categories 1 through 6 shall be immediately disclosed upon request has been deleted. Also, in Section 2676.20(a)(8), language has been added stating that information in records concerning Freedom of Information requests the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of a

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

requester will be redacted, unless the requester consents to the disclosure in writing, and cross-exceptions have been added to the list of records that are available for public inspection in 2676.20(a)(10). In Section 2676.20(b), the portion of the proposed text removing files in pending unfair labor practice and representation cases from the list of records that are regarded as confidential and exempt from disclosure has been deleted. In Section 2676.30, the language stating the "written requests may be submitted in any means available to the Board" has been changed to "written requests can be submitted by any means available and accessible to the Board."

- 12) Have all 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments update the Board's Freedom of Information procedures to reflect changes in the Freedom of Information Act. These amendments also update the address of the Board's Springfield office.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan J. Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

312/793-3288
Susan.Willenborg@illinois.gov

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XLVIII: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 2676
FREEDOM OF INFORMATION

Section

2676.10	General Categories of Board Records
2676.20	Availability of Certain Records
2676.30	Requests for Access to Records
2676.40	Initial Response to Request
2676.50	Appeal of Denial of Access (Repealed)
2676.60	Place and Time of Inspection
2676.70	Copies
2676.80	Records of Freedom of Information Act Requests

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and authorized by Section 5(i) of the Educational Labor Relations Act [115 ILCS 5/5(i)].

SOURCE: Adopted at 14 Ill. Reg. 4151, effective March 2, 1990; amended at 28 Ill. Reg. 7921, effective May 28, 2004; amended at 35 Ill. Reg. 14426, effective August 12, 2011.

Section 2676.10 General Categories of Board Records

- a) The Illinois Educational Labor Relations Board (the Board) maintains the following general categories of records:
 - 1) Case records, covering the processing and disposition of representation and unfair labor practice cases.
 - 2) Mediation/~~arbitration~~[Arbitration](#) records, including the Board's roster of mediators/arbitrators, requests for panels ~~from the roster~~[therefrom](#), and related records.
 - 3) Collective ~~bargaining agreement~~[Bargaining Agreements](#) filed with the Board by employers under the Board's jurisdiction.
 - 4) Minutes ~~and agendas~~ of Board ~~meetings~~[Meetings](#).

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 5) Administrative, fiscal and personnel files, covering the Board's internal business affairs.
 - 6) General ~~correspondence~~ Correspondence.
 - 7) Legislative and rulemaking files, covering analyses of bills and proposed rules, comments ~~on proposed bills and rules thereon~~, and related records.
 - 8) Files and records concerning the appeal of Board decisions to the Appellate Court and other litigation involving the Board.
 - 9) Files and records concerning mediations conducted by Board employees.
- b) Within these general categories, some records are ~~readily~~ available to the public for inspection, others are available ~~upon notice or~~ subject to limitations, and some are deemed confidential and exempt from disclosure ~~pursuant to the Board's Freedom of Information procedures under any circumstances.~~ The following Section 2676.20 provides examples.

(Source: Amended at 35 Ill. Reg. 14426, effective August 12, 2011)

Section 2676.20 Availability of Certain Records

- a) The following records maintained by the Board are ~~readily~~ available for public inspection, ~~meaning they are subject to disclosure and copies are maintained in such a fashion as to ordinarily be accessible for inspection on short notice:~~
- 1) Dockets of cases filed with the Board.
 - 2) Pending Representation Petitions (including for certification, decertification, clarification and amendment of certification).
 - 3) Current certifications of exclusive bargaining representatives and certifications of result.
 - 4) Pending unfair labor practice charges.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 5) Decisions and Orders rendered by hearing officers, [Administrative Law Judges](#), the Executive Director and the Board.
 - 6) The Labor Mediation Roster, including vitae of roster members.
 - 7) [Open Session Minutes and Agendas](#) of Board meetings.
 - 8) Freedom of Information Requests and the records showing their dispositions. [Information the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of a requester will be redacted, unless the requester consents to the disclosure in writing.](#)
 - 9) Files in unfair labor practice and representation cases, [except for the information described in subsection \(b\) that have been closed for six months or more.](#)
 - 10) [Hearing records, including transcripts, exhibits, briefs filed to hearing officers and Administrative Law Judges, exceptions, cross-exceptions and briefs filed with the Board, and other record materials from Board-conducted hearings in both representation and unfair labor practice cases.](#)
 - 11) [Mediation/arbitration records, other than those dealing with mediations conducted by Board personnel.](#)
 - 12) [Rulemaking files, except for preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except to the extent that a record or a relevant portion of a record is publicly cited and identified by the Chairman of the Board.](#)
 - 13) [Collective bargaining agreements filed with the Board by covered employers.](#)
 - 14) [Records relating to the obligation, receipt and use of public funds of the State and school districts.](#)
- b) ~~The following records are deemed accessible for public inspection, but may not be available on short notice; advance arrangements should be made:~~

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~Hearing Records, including transcripts, briefs filed to hearing officers and exceptions and briefs filed with the Board and other record materials from Board-conducted hearings in both closed representation and unfair labor practice cases.~~
 - 2) ~~Mediation/Arbitration records, including requests to the Board for the appointment of mediators, fact finders and arbitrators pursuant to Section 12 of the Act, the Board's responses to such requests, and the reports filed with the Board by fact finders and interest arbitrators.~~
 - 3) ~~Rulemaking files, covering the Board's proposal, review and adoption of regulations.~~
 - 4) ~~Collective Bargaining Agreements filed with the Board by covered employers.~~
 - 5) ~~Files in unfair labor practice and representation cases that have been closed less than 6 months.~~
- b)e) The following records are regarded as confidential and exempt from disclosure pursuant to the Board's Freedom of Information procedures under all circumstances.:
- 1) Showings of Interest submitted to the Board in conjunction with petitions in representation cases, and materials generated by the Board's investigations of thosesueh showings.
 - 2) Files in pending unfair labor practice and representation cases.
 - 3) Records in representation cases potentially identifying voters (or non-voters) and the character of their votes in secret ballot elections conducted by the Board.
 - 4) InformationInternal Personnel Files regarding Board employees that constitutes private information as defined in Section 2(c-5) of the Freedom of Information Act [5 ILCS 140] is prohibited from being disclosed by the Personnel Records Review Act [820 ILCS 40] is exempted from disclosure under the State Officials and Employees Ethics Act [5 ILCS 430], constitutes examination data used to determine the qualifications of

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- an applicant for employment, or relates to the Board's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.
- 5) Preliminary drafts, notes, recommendations, ~~and~~ memoranda and other records by Board members or Board personnel in which opinions are expressed or policies or actions are ~~proposed or~~ formulated, except when a record or a relevant portion of a record is publicly cited and identified by the Chairman of the Board.
- 6) Drafts, notes, recommendations, memoranda and other materials, including communications between Board personnel and attorneys representing the Board, relating to pending litigation involving the Board.
- 7) Information contained in files in representation and unfair labor practice cases that constitutes private information as defined in Section 2(c-5) of the Freedom of Information Act or personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy as defined in Section 7(c) of the Freedom of Information Act, unless the disclosure is consented to in writing by the individual subjects of the information.
- 8) Affidavits submitted in unfair labor practice cases and the identity of the persons giving the affidavits.
- 9) Communications made during mediations conducted by employees of the Board, other than settlement agreements entered into by or on behalf of a public body.
- 10) Proposals and bids for any contract or agreement, or information prepared by or for the Board in preparation for a bid solicitation, including information that, if it were disclosed, would frustrate procurement or give an advantage to any person proposing to enter into a contract agreement with the Board.
- 11) Information received by an educational employer under its procedures for evaluation of faculty members by their academic peers, and course materials or research materials used by faculty members.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 12) Closed Session Minutes of Board meetings.
- 13) Administrative or technical information associated with automated data processing operations that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt from disclosure under Section 7 of the Freedom of Information Act.
- 14) Records relating to collective negotiating matters between public bodies and their employees or representatives, except for any final contract or agreement.
- 15) Materials prepared or compiled with respect to internal audits of the Board.

c)d) All other records maintained by the Board shall be available for public inspection, to the extent mandated by the Freedom of Information Act ~~[5 ILCS 140]~~, pursuant to the procedures specified in Section 2676.30.

(Source: Amended at 35 Ill. Reg. 14426, effective August 12, 2011)

Section 2676.30 Requests for Access to Records

Requests under the Freedom of Information Act for access to public records of the Illinois Educational Labor Relations Board shall be submitted in writing to the Executive Director, Illinois Educational Labor Relations Board, 160 North LaSalle Street, Suite N-400, Chicago, Illinois 60601. Written requests can be submitted by any means available and accessible to the Board. Each request submitted by mail should be enclosed in an envelope clearly marked "FOIA REQUEST".

(Source: Amended at 35 Ill. Reg. 14426, effective August 12, 2011)

Section 2676.40 Initial Response to Request

a) Timelines

- 1) The Board will respond, through its staff, to the request within 57 working days after its receipt unless, within that period, the staff notifies the requester that it will require an extension of up to 57 additional working days. A notice of such an extension shall state the reasons why the

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

extension is needed and the date by which the response will be forthcoming.

- 2) Unless the requester and the Board agree to extend the time for the Board to comply with the request, the Board may extend the time for responding to the request only if:
 - A) the requested records are stored in whole or part at other locations than the office having charge of them;
 - B) the request requires the collection of a substantial number of specified records;
 - C) the request is made in categorical terms and requires an extensive search for the records responsive to it;
 - D) the records have not been located in the course of routine search and additional efforts are being made to locate them;
 - E) the requested records require examination and evaluation to determine whether they are exempt from disclosure under Section 7 of the Freedom of Information Act or should be revealed only with appropriate deletions;
 - F) the Board cannot comply with the request for records within 5 working days after receipt of the request without unduly burdening or interfering with the operations of the public body, or
 - G) there is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of the Board having a substantial interest in the determination of the subject matter of the request.
 - 3) The Board and the requester may also agree in writing to extend the period for complying with the request for public records for a period to be determined by the Board and the requester.
- b) The Board shall comply with all requests seeking all records within a category unless compliance with the request would be unduly burdensome for the Board,

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

there is no way to narrow the request, and the burden on the Board outweighs the public interest in the information. Before invoking this exemption, the Board shall afford the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If the Board responds to a request by invoking this exemption, it shall do so in writing, specifying the reasons why it would be unduly burdensome to comply with the request and the extent to which compliance will burden the operations of the Board. Repeated requests by the same person for the same records that are unchanged or are identical to records that have been previously provided or properly denied shall be deemed unduly burdensome.

- c)b) If the staff approves a request for the inspection of public records, it will notify the requester when and where the records will be made available for inspection. ~~If the request is for copies of records, the copies shall be provided after the requester has tendered payment in full to the Board for the applicable copy fees specified in Section 2676.70 of this Part.~~
- d)e) If the Board, through its staff, denies in whole or in part a written request for records, notice of the denial shall be given in writing stating the reasons for the denial~~therefore, including a detailed factual basis for the application of any exemption claimed.~~ The notice shall also identify by name and title the staff person~~person(s)~~ responsible for the denial,~~and shall advise the requester that the denial may be appealed to the Board.~~ The notice shall also inform the requester of the right to review by the Public Access Counselor established in the Office of the Attorney General, provide the address and telephone number of the Public Access Counselor, and inform the requester of his or her right to judicial review. When the Board denies a request for records on the basis that the records are exempt under Section 7 of the Freedom of Information Act, the notice shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. If the denial goes to only a portion of the requested records, the notice shall advise how and when the request will otherwise be granted. ~~A request for categories of records which is unduly burdensome to the Board will be denied only after affording the requester an opportunity to confer and to narrow the request to manageable proportions.~~
- e)d) The Board's failure to respond to a request within the period of time prescribed in subsection 2676.40(a)~~of this Part~~ may be treated by the requester as a denial of the request.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 14426, effective August 12, 2011)

Section 2676.50 Appeal of Denial of Access (Repealed)

- a) ~~A person whose written request for public records has been denied by the staff of the Board may appeal the denial to the Board. The appeal must be in writing and must include a copy of the original request, a copy of the denial (if any), and a statement of the reasons why the denial should be overturned.~~
- b) ~~An appeal to the Board shall be addressed to it, to the attention of the General Counsel, at 160 North LaSalle Street, Suite N-400, Chicago, Illinois 60601, and shall be clearly designated: "ATTN: FOIA APPEAL".~~
- e) ~~The Board shall determine a requester's appeal within 7 working days after its receipt. If the Board grants the appeal, a written notice to that effect shall inform the requester how and when the records will be made available. If the Board denies the appeal, in whole or in part, a written notice shall inform the requester that judicial review of the denial is available under Section 11 of the Freedom of Information Act [5 ILCS 140/11].~~
- d) ~~The Board's failure to determine an appeal within 7 working days after its receipt may be treated by the requester as a denial of the appeal.~~

(Source: Repealed at 35 Ill. Reg. 14426, effective August 12, 2011)

Section 2676.60 Place and Time of Inspection

Public records maintained by the Board will be made available for inspection pursuant to this Part at the Board's offices at either ~~One Natural Resources Way~~320 West Washington Street, Suite 260, Springfield, Illinois ~~62702~~62704 or 160 North LaSalle Street, Suite N-400, Chicago, Illinois 60601, during regular office hours (8:30 a.m. to 5:00 p.m.) on days other than Saturdays, Sundays and legal holidays. The Board will determine at which office the records will be available.

(Source: Amended at 35 Ill. Reg. 14426, effective August 12, 2011)

Section 2676.70 Copies

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Upon proper request, the Board will furnish and certify copies of public records ~~that which~~ are available for public inspection. No fees will be charged for the first 50 pages of copies. The fee for additional copies will be 15 cents per page. The Board will furnish copies of documents without charge or at a reduced charge if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public, and is not for the principal purpose of personal or commercial benefit. In the case of a public record maintained in an electronic format, the Board will furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the record in the format in which it is specified by the requester, the Board will furnish it the format in which it is maintained by the Board or in paper format, at the option of the requester. The Board will charge the requester for the actual cost of purchasing a recording medium, at a charge of fifteen cents per page, plus appropriate postage if the copies are to be mailed. Copies will not be released to the requester until payment in full, by check or money order, of the copying and postage fees has been received.

(Source: Amended at 35 Ill. Reg. 14426, effective August 12, 2011)

Section 2676.80 Records of Freedom of Information Act Requests

The Board's Freedom of Information Officer shall maintain an electronic or paper copy of a request for public records, including all documents submitted with the request. The Freedom of Information Officer shall create a file containing the original request for public records, a copy of the Board's response, and a copy of all other communications related to the request for public records. The Freedom of Information Officer shall also create a single file in which copies of all notices of denials of requests for public records shall be retained. This file shall be open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records request. Information in this file the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of a requester will be redacted, unless the requester consents to the disclosure in writing.

(Source: Added at 35 Ill. Reg. 14426, effective August 12, 2011)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1100
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1100.70	Amendment
1100.120	New Section
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) Effective Date of the Amendments: August 12, 2011
- 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 at the Board's Chicago and Springfield offices and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 15, 2010; 34 Ill. Reg. 15615
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1100.30, the text concerning three days being added to the prescribed period when service is effected by first class mail is no longer being stricken. Therefore, Section 1100.30 was removed from this adopted text. In Section 1100.70(a), text has been added providing for requests for subpoenas and motions to revoke subpoenas to be filed with the Chief Administrative Law Judge when an Administrative Law Judge or hearing officer has not been named. In Section 100.70(b), text concerning the production of documents has been added to the language regarding the date when motions to revoke subpoenas must be filed.
- 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 rulemaking currently in effect? No

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments provide for subpoena requests and motions to revoke subpoenas to be filed with the Administrative Law Judge or hearing officer rather than with the Chief Administrative Law Judge in cases where an Administrative Law Judge or hearing officer has been named. These amendments also provide standards for granting oral argument in this Part, rather than in the unfair labor practice proceedings of Part 1120.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan J. Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

312/793-3288
Susan.Willenborg@illinois.gov

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE C: LABOR RELATIONS
 CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1100
 GENERAL PROCEDURES

Section

1100.10	Definitions
1100.20	Filing and Service of Documents
1100.30	Computation and Extensions of Time
1100.40	Hearing Officers
1100.50	Recording of Hearings
1100.60	Representation of Parties
1100.70	Subpoenas
1100.80	Limitation on Practice Before the Board by Former Employees
1100.90	Amicus Curiae
1100.100	Gender Usage
1100.105	Qualifications of Administrative Law Judges
1100.110	Conflict of Interest
<u>1100.120</u>	<u>Oral Argument</u>

AUTHORITY: Implementing and authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]

SOURCE: Emergency rules adopted at 8 Ill. Reg. 8638, effective June 6, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 22548, effective November 5, 1984; amended at 14 Ill. Reg. 1270, effective January 5, 1990; amended at 26 Ill. Reg. 11472, effective July 23, 2002; emergency amendment at 28 Ill. Reg. 971, effective January 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7932, effective May 28, 2004; amended at 35 Ill. Reg. 14438, effective August 12, 2011.

Section 1100.70 Subpoenas

- a) ~~All subpoenas~~ ~~Subpoenas, including subpoenas duces tecum,~~ shall be issued by the Board upon written application of a party to the Administrative Law Judge or hearing officer, or, in the event that an Administrative Law Judge or hearing officer has not been named, to the Chief Administrative Law Judge. The application shall contain the name and address of the party and its representative,

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

and the name of the person to be subpoenaed, and, ~~when~~where applicable, a description of any documents to be produced.

- b) A person objecting to the subpoena may file a motion to revoke the subpoena. ~~Any Prior to the opening of a hearing, any motion to revoke a subpoena shall be filed with the Chief Administrative Law Judge. After the opening of a hearing,~~ any motion to revoke a subpoena shall be filed with the hearing officer or Administrative Law Judge, or, in the event that a hearing officer or Administrative Law Judge has not been named, with the Chief Administrative Law Judge. The motion must be filed by the date on which the person is required to appear or the documents are to be produced, and, in any event, no later than five days after service of the subpoena. Grounds for revocations of subpoenas shall include such factors as irrelevance, burdensomeness of compliance or privilege.
- c) Witnesses appearing at a hearing pursuant to subpoenas are entitled to the same fees and mileage as are allowed witnesses in civil cases in the courts of the State of Illinois, pursuant to Section 4.3 of the Circuit Courts Act [705 ILCS 35/4.3]. Witness fees and mileage shall be paid by the party at whose request the subpoena was issued.
- d) A subpoena duces tecum shall specify the date for production of the documents. If the date so specified is other than at the hearing, the date specified for production shall be a date in advance of the hearing, which shall be no less than 10 days after the receipt of the subpoena by the person or entity to whom it is directed.

(Source: Amended at 35 Ill. Reg. 14438, effective August 12, 2011)

Section 1100.120 Oral Argument

Oral argument shall be allowed only at the discretion of the Board. The Board shall direct oral argument when it determines that oral argument will assist determination of the issues.

(Source: Added at 35 Ill. Reg. 14438, effective August 12, 2011)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hearing Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1105
- 3) Section Number: 1105.80 Adopted Action:
Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) Effective Date of Amendment: August 12, 2011
- 6) Does this amendment 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 at the Board's Chicago and Springfield offices and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 15, 2010; 34 Ill. Reg. 15620
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this amendment replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This amendment corrects a citation to the rule stating time limits for issuing hearing officer's decisions in representation cases.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Susan J. Willenborg

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

312/793-3288
Susan.Willenborg@illinois.gov

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1105
HEARING PROCEDURES

SUBPART A: NON-ADVERSARIAL PROCEEDINGS

Section	
1105.10	General Statement of Purpose
1105.20	Setting of Representation Hearing
1105.30	Authority of Hearing Officer
1105.40	Rights of Parties
1105.50	Conduct of Hearing
1105.60	Admissible Evidence
1105.70	Official Notice
1105.80	Decisions and Exceptions

SUBPART B: CONTESTED CASES

Section	
1105.90	General Statement of Purpose
1105.100	Setting of Contested Case Hearing
1105.110	Parties
1105.120	Authority of Hearing Officer
1105.130	Requests for Documents (Repealed)
1105.140	Pre-Hearing Memorandum
1105.150	Rights of Parties
1105.160	Order of Hearing
1105.170	Conduct of Hearing
1105.180	Confidentiality
1105.190	Admissible Evidence
1105.200	Official Notice
1105.210	Examination of Hostile Party or Adverse Witness
1105.220	Decisions and Exceptions
1105.230	Motions for Production of Documents

AUTHORITY: Implementing and authorized by Section 5(i) of the Illinois Educational Labor

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

Relations Act [115 ILCS 5/5(i)].

SOURCE: Adopted at 9 Ill. Reg. 9491, effective June 11, 1985; amended at 14 Ill. Reg. 1278, effective January 5, 1990; amended at 28 Ill. Reg. 8710, effective June 6, 2004; amended at 35 Ill. Reg. 14442, effective August 12, 2011.

SUBPART A: NON-ADVERSARIAL PROCEEDINGS

Section 1105.80 Decisions and Exceptions

- a) The hearing officer shall issue a decision and give reasons for that decision in writing pursuant to the time limits established in 80 Ill. Adm. Code 1110.100 ~~(g)(h) of the rules of the Board~~. Any findings of fact in this decision must be based exclusively upon the evidence in the record and on matters of which official notice has been taken.
- b) The parties may file exceptions to the hearing officer's recommended decisions and briefs in support of those exceptions no later than ~~14~~fourteen days after receipt of the recommended decision. Those exceptions and briefs shall be filed with the General Counsel. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. The other parties shall have ~~14~~fourteen days from receipt of the exceptions and supporting brief to file a response with the General Counsel. ~~The Such~~ response shall be served on all parties and a certificate of service shall be attached. A party may also file cross-exceptions and a supporting brief no later than 14 days from receipt of another party's exceptions and supporting brief. Those cross-exceptions and supporting brief shall be filed with the General Counsel. Copies of the cross-exceptions and supporting brief shall be served upon all other parties and a certificate of service shall be attached. The other parties shall have 14 days from receipt of the cross-exceptions and supporting brief to file a response with the General Counsel. ~~The Such~~ response shall be served upon all parties and a certificate of service shall be attached. Parties shall file the original and seven copies of their exceptions, cross-exceptions and supporting brief or response with the General Counsel. The General Counsel shall provide the Board with copies of the exceptions, cross-exceptions, briefs, and ~~the~~ recommended decision.
- c) The Board shall review the hearing officer's decision and any exceptions pursuant

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

to 80 Ill. Adm. Code 1110.100(j) and will issue and serve upon all parties a written decision giving the Board's reasons for its determination. *An order of the Board dismissing a representation petition, determining and certifying that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate bargaining unit, determining and certifying that a labor organization has not been fairly and freely chosen by a majority of employees in the bargaining unit or certifying a labor organization as the exclusive representative of employees in an appropriate bargaining unit because of a determination by the Board that the labor organization is the historical bargaining representative of employees in the bargaining unit, is a final order* (Section 7(d) of the Act). An order of the Board dismissing or granting a petition for clarification of an existing bargaining unit, or dismissing or granting an amendment of certification, is a final order.

- d) If no exceptions have been filed within 14 days after the parties' receipt of the Hearing Officer's decision, the parties will be deemed to have waived their exceptions.
- e) In cases removed to the Board pursuant to 80 Ill. Adm. Code 1110.100(e) ~~of the Rules of the Board~~, the Board shall review the record and briefs submitted by the parties and shall issue and serve upon all parties a written decision and order. This decision and order shall include the Board's reasons for its decision.

(Source: Amended at 35 Ill. Reg. 14442, effective August 12, 2011)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Representation Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1110
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1110.40	Amendment
1110.70	Amendment
1110.90	Amendment
1110.100	Amendment
1110.105	Amendment
1110.140	Amendment
1110.160	Amendment
- 4) Statutory Authority: Authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i), 9]
- 5) Effective Date of Amendments: August 12, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Board's Chicago and Springfield offices and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 15, 2010; 34 Ill. Reg. 15625
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1110.90, a reference to seasonal breaks or other periods when a substantial number of bargaining unit members are not working has been added to the language concerning alternative means of posting. Language has been added requiring the Executive Director or Board agent to determine the alternative means of posting if the parties and the Executive Director or Board agent are unable to agree. In Section 1110.100(b), language has been added to the provision authorizing the Executive Director or hearing officer to issue an order directing an election when the only remaining issues are logistical stating that this is the case unless the parties are able to enter into a consent agreement resolving those issues. In Section

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

1110.105(x), language has been added clarifying that when a party may invoke the Board's unit clarification procedures in a majority interest case, it is with respect to the contested positions or employees. The language concerning procedures in majority interest cases involving both professional and nonprofessional employees or both craft and non-craft employees has been clarified. A grammatical change has been made, also.

- 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 these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments create the same window period during collective bargaining agreements for petitions containing and not containing professional instructional personnel. These amendments provide for notice to be provided to bargaining unit members through alternative means if the posting would occur during a period when a substantial number of bargaining unit members are not working. These amendments provide that voluntary recognition procedures may not be used when another employee organization has lawfully attained representation rights. These amendments provide that the Executive Director or hearing officer may direct an election when the only issues remaining between the parties are logistical. These amendments add the new statutory deadlines for ruling on unit clarification and majority interest petitions, but delete the requirements that the Board issue decisions within 45 days. These amendments also make the following changes to majority interest procedures: that a hearing will not be conducted on unit appropriateness or exclusion issues if no issues of material fact are raised; procedures in cases where the proposed unit includes both professional and nonprofessional or both craft and non-craft employees are clarified; procedures in self-determination majority interest cases are added; and a provision is added stating that, when there is a vote on whether there should be unit combining professional and nonprofessional or craft and non-craft employees, the Board is not required to certify the exclusive representative within 30 days after service of the petition. In addition, there is a spelling correction.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan J. Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

312/793-3288
Susan.Willenborg@illinois.gov

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1110
REPRESENTATION PROCEDURES

Section

1110.10	General Statement of Purpose
1110.15	Investigations
1110.20	Employee Organizations Seeking Recognition
1110.30	Employer Responses to Recognition Requests
1110.40	Voluntary Recognition Procedures
1110.50	Representation Petitions
1110.60	Decertification Petitions
1110.70	Timeliness of Petitions and Bars to Elections
1110.80	Showing of Interest
1110.90	Posting of Notice
1110.100	Processing of Petitions Seeking an Election
1110.105	Processing of Majority Interest Petitions
1110.110	Consent Elections
1110.120	Bargaining Unit Determinations
1110.130	Eligibility of Voters
1110.140	Conduct of the Election
1110.150	Objections to the Election
1110.160	Petitions for Clarification of the Bargaining Unit
1110.170	Petitions to Amend Certification
1110.180	Petitions for Self-Determination
1110.APPENDIX A	Model Authorization Card

AUTHORITY: Implementing and authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i), 9].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 4526, effective March 26, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16300, effective August 27, 1984; amended at 14 Ill. Reg. 1297, effective January 5, 1990; emergency amendment at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7938, effective May 28, 2004; amended at 35 Ill. Reg. 14447, effective August 12, 2011.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 1110.40 Voluntary Recognition Procedures

- a) Voluntary recognition procedures may not be used under the following circumstances:
- 1) whenever ~~another~~ employee organization has lawfully attained representation rights as the exclusive representative of the employees in the bargaining unit;
 - 2) whenever there has been a valid representation election or a majority interest petition has been dismissed within the preceding 12 months;
 - 3) whenever the proposed bargaining unit would include both professional and nonprofessional employees.
- b) An employee organization is not required to follow voluntary recognition procedures prior to employing majority interest procedures.
- c) Whenever a party intends to use the voluntary recognition procedures, the party shall notify the Board of its intent. The notification shall be on a form developed by the Board and shall include:
- 1) the name and address of the employer;
 - 2) the name, address, and affiliation, if any, of the employee organization to be recognized;
 - 3) a description of the proposed bargaining unit;
 - 4) the approximate number of employees in the proposed bargaining unit;
 - 5) the reasons why the employee organization appears to represent a majority of the employees;
 - 6) the date on which the employer posted or intends to post the voluntary recognition notice; and
 - 7) a copy of the voluntary recognition notice that has been or will be posted.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- d) The employer must post the voluntary recognition notice on the date specified in the notification filed with the Board on bulletin boards and other places where notices for employees in the bargaining unit are customarily placed. The notice must be on a form developed by the Board, and must contain the following:
- 1) a statement that, subject to Board certification, the employer intends to recognize the employee organization if no competing claims of representation are filed with the Board;
 - 2) the name and affiliation, if any, of the employee organization to be recognized;
 - 3) a description of the proposed bargaining unit;
 - 4) the date of posting; and
 - 5) the date by which a competing claim of representation must be filed with the Board, which is the date that the posting period is scheduled to terminate.
- e) The notice shall remain posted for a period of at least 20 school days. For purposes of computing the 20-day period, a school day shall not include weekends, days on which holidays are recognized, or any day on which a significant portion of the regularly scheduled work force in the bargaining unit is not scheduled to work. The employer shall attempt to ~~ensure~~insure that the notice is not removed or defaced and shall replace any notice ~~that~~which is removed or defaced.
- f) During the posting period, any competing employee organization may file a petition with the Board. Prior to, or simultaneously with, its filing with the Board, the petition shall also be served on the employer and the employee organization that was to have been voluntarily recognized. The petition shall be on a form developed by the Board and shall contain:
- 1) the name, address, and affiliation, if any, of the employee organization;
 - 2) the names of the employer and employee organization that the employer intends to voluntarily recognize;

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) a description of the proposed bargaining unit;
 - 4) the date the voluntary recognition notice was posted; and
 - 5) the date the posting period is scheduled to terminate.
- g) A competing employee organization's petition must be supported by a showing of interest by *at least 15 percent of the employees in an appropriate bargaining unit which includes all or some of the employees in the unit intended to be recognized* (Section 7(b) of the Act).
- h) Upon the filing of a competing employee organization's petition, the Board shall treat the notification of intent to use the voluntary recognition proceedings as a representation proceeding. The Board shall proceed in accordance with Section 7(c) of the Act and Sections 1110.90 through 1110.150 ~~of this Part~~.
- i) If no competing employee organization petitions have been filed with the Board by the termination of the posting period, the employee organization shall file with the Board a request for voluntary recognition certification. In the alternative, the employer may file such a request. The request shall be on a form developed by the Board. The request shall be signed and shall contain the following:
- 1) the name and address of the employer;
 - 2) the name, address, and affiliation, if any, of the employee organization;
 - 3) a description of the proposed bargaining unit;
 - 4) the number of employees in the proposed bargaining unit;
 - 5) the dates and locations of the posting of the voluntary recognition notice;
 - 6) a statement that the notice was not removed or defaced during the posting period; and
 - 7) a statement describing why the employee organization represents the majority of the employees in the bargaining unit.
- j) The petition must be supported by objective evidence that a majority of the

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

employees in the bargaining unit wish to be represented by the employee organization.

- 1) If authorization cards are offered as evidence, those cards that would not qualify as evidence in support of a representation petition, pursuant to Section 1110.80(c) and (d) ~~of this Part~~, will not be considered sufficient evidence of majority status.
 - 2) If employees signing such authorization cards have also signed cards authorizing other employee organizations to represent them, those cards will not be considered sufficient evidence of majority status.
- k) The Board will investigate the voluntary recognition request:
- 1) If the Board concludes that the employee organization represents a majority of the employees in the bargaining unit, and that the petition is otherwise consistent with the Act and this Part, the Board shall certify the employee organization as the exclusive representative of the employees.
 - 2) If the Board determines that there is insufficient evidence to support the claim of majority status, or that the petition otherwise contravenes the Act or this Part, the Board shall dismiss the petition without prejudice to the filing of a representation petition by either the employer or the employee organization.

(Source: Amended at 35 Ill. Reg. 14447, effective August 12, 2011)

Section 1110.70 Timeliness of Petitions and Bars to Elections

- a) Election bar: With respect to any bargaining unit, *no election may be conducted in a bargaining unit, or subdivision thereof, in which a valid election has been held within the preceding 12 month period* (Section 7(d) of the Act). The Board will dismiss majority interest petitions for a bargaining unit, or subdivision thereof, in which a valid election has been held within the preceding 12 month period. However, petitions seeking an election filed within the last three months of the 12 month period will be processed, and any resulting election will be conducted after the 12 month period has elapsed. Petitions seeking an election filed in the first 9 months of the 12 month period will be dismissed.
- b) Certification bar: With respect to any bargaining unit, absent unusual

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

circumstances the Board will dismiss a representation or decertification petition filed within 12 months following the date of Board certification of an exclusive representative for all or some of the employees in the bargaining unit, as a result of voluntary certification, majority interest proceeding or representation election. Unusual circumstances include when the exclusive representative dissolves or becomes defunct; when as a result of a schism, substantially all of the members and officers of the exclusive representative transfer their affiliation to a new local or international; or the size of the bargaining unit fluctuates radically within a short time.

- c) ~~Representation~~ With respect to petitions with proposed bargaining units containing professional instructional personnel, representation and decertification petitions may not be filed whenever there is in effect a collective bargaining agreement of three years or shorter duration covering all or some of the employees in the bargaining unit. Collective bargaining agreements of longer than three years duration shall serve as a bar for the first three years of their existence. In all cases, representation and decertification petitions may be filed between January 15 and March 1 of the year in which the collective bargaining agreement is due to expire or in the third year of an agreement of more than three years duration. However, no such petition may be filed if it would otherwise be barred by subsection (a) or (b) ~~of this Section.~~
- d) ~~With respect to petitions with proposed bargaining units not containing professional instructional personnel, representation and decertification petitions may not be filed whenever there is in effect a collective bargaining agreement of three years or shorter duration covering all or some of the employees in the bargaining unit. Collective bargaining agreements of longer than three years duration shall serve as a bar for the first three years of their existence. In all cases, representation and decertification petitions may be filed between 90 days and 45 days prior to the expiration date of a collective bargaining agreement of three years duration or less, or any time after 90 days prior to the end of the third year of an agreement of more than three years duration.~~
- d)e) A collective bargaining agreement shall not bar the filing of a representation or decertification petition if the agreement is between an employer and an employee organization recognized by the employer after the effective date of this Part without having used the voluntary recognition, majority interest or representation election procedures specified in the Act and this Part.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 14447, effective August 12, 2011)

Section 1110.90 Posting of Notice

Following the filing of a representation or decertification petition, the Board shall provide the employer with a notice that shall be posted, by the day after the employer receives the notice, on bulletin boards and other places where notices for employees in the bargaining unit are customarily posted, or in conspicuous places in the absence of a customary posting location. If the posting would occur during a seasonal break or other period when a substantial number of bargaining unit members are not working, notice shall be provided to bargaining unit members through alternative means agreed to by the parties and the Executive Director or Board agent. If the parties and the Executive Director or Board agent are not able to agree on the alternative means of posting, the Executive Director or Board agent shall determine the alternative means of posting.

(Source: Amended at 35 Ill. Reg. 14447, effective August 12, 2011)

Section 1110.100 Processing of Petitions Seeking an Election

- a) All parties served with a representation petition seeking an election or a decertification petition shall respond to the petition within seven days after service. The response shall set forth the party's position with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit. A party that fails to file a timely response without good cause shall be deemed to have waived its right to a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely response.
- b) Upon receipt of the petition, the Board or its agent shall investigate the petition. If the investigation discloses that *there is no reasonable cause to suspect that a question of representation exists*, as defined in Section 7(c)(1) or (2) of the Act, the petition will be dismissed; provided that, the dismissal may be appealed within 14 days to the Board. If the investigation discloses that *there is reasonable cause to suspect that a question of representation exists*, as defined in Section 7(c)(1) or (2) of the Act, the matter will be set for hearing before a hearing officer. All parties shall be given a minimum of seven days notice of the hearing. However, if the only issues remaining between the parties are logistical, e.g., the date of the election, the Executive Director or hearing officer may issue an order directing an election, unless the parties are able to enter into a consent agreement

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

[resolving those issues, as provided for in Section 1110.110.](#)

- c) Petitions to intervene may be filed with the Board no later than 14 days prior to the date set for the election. Any intervenor who files after the date set for hearing, or if no hearing is held, after the approval of a consent election agreement or the direction of an election pursuant to subsection (j) ~~of this Section~~, shall have waived objections to the bargaining unit.
- d) Interested persons who wish to participate in the hearing shall direct such requests to the hearing officer. The request shall be in writing and shall state the grounds for participation. In determining whether to grant the request, the hearing officer shall base his [or her](#) decision on the timeliness of the request, the degree to which the person requesting participation has a real interest at stake, the ability of the parties to represent the interests of the person requesting participation and the complexity of the proceeding.
- e) The hearing officer shall obtain a full and complete record by inquiring into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within seven days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his [or her](#) own motion within seven days after the close of the record. If the hearing officer orders a case removed, he shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision.
- f) Within seven days after removal, a party may move the Board to remand the case to the hearing officer, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 14 days, the motion will be deemed denied; the General Counsel will set a briefing schedule for briefs to be submitted to the Board. In cases removed to the Board, the Board shall remand the case if, at any time, it determines that the case presents issues of material fact requiring a hearing officer's recommended decision.
- g) In cases not removed to the Board and in cases remanded to the hearing officer, the hearing officer shall file and serve on the parties a recommended decision within 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time is

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

required due to the length of the record and the complexity of the issues involved. [TheSueh](#) additional time shall not exceed 90 days.

- h) Parties may file exceptions to the hearing officer's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. [TheSueh](#) response shall be filed with the Board and served on all parties. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions. A party may also file cross-exceptions and a supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Copies of the cross-exceptions and supporting brief shall be filed with the Board and served on all parties. Any other party may file a response to the cross-exceptions and supporting brief within 14 days from receipt of the cross-exceptions and supporting brief. [TheSueh](#) response shall be filed with the Board and served upon all parties. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.
- i) The Board will review the hearing officer's recommendation upon request by a party or on its own motion. If the Board determines that a question concerning representation exists, as defined in Section 7(c)(1) or (2) of the Act, the Board shall direct that an election be held and a notice of election be posted. An election shall not be held on a date on which a substantial portion of the regularly scheduled work force in the bargaining unit is not scheduled to work.
- j) Within seven days following the direction of an election, the employer shall furnish all other parties and the Executive Director with a list of the names and addresses of the employees eligible to vote in the election.

(Source: Amended at 35 Ill. Reg. 14447, effective August 12, 2011)

Section 1110.105 Processing of Majority Interest Petitions

- a) Majority interest procedures may not be used when another employee organization has lawfully attained representation rights as the exclusive representative of the employees in the bargaining unit.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) The employer shall provide to the Board and the employee organization a list of employees as of the date of the petition within seven days after receipt of the petition, unless more time, not to exceed 14 days, is granted by the Board due to the size of the unit.
- c) Upon request of the Board, the employer shall provide to the Board and to the employee organization examples of the employees' signatures within 14 days after the Board's request, unless more time, not to exceed 21 days, is granted by the Board due to the size of the unit. If the employer does not provide the list of employees or the signature examples within the allotted time, the Board shall administratively determine the adequacy of the showing of interest, based upon the evidence submitted by the employee organization. A grant of more time to provide a list of employees or signature examples shall, if necessary, extend the time limitation for certifying an employee organization as exclusive representative.
- d) Within 21 days after receipt of the petition, parties served with the petition shall file a written response to the petition. The response shall set forth the party's position with respect to the appropriateness of the unit, any proposed exclusions from the unit, any allegations of fraud or coercion in obtaining the showing of interest, and any other issues raised by the petition. A party that fails to file a timely response without good cause shall be deemed to have waived its right to a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely response.
- e) Upon receipt of the petition, the Board or its agent shall investigate the petition. The Board shall certify the employee organization as the exclusive representative within 30 days after service of the petition if:
- 1) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
 - 2) there are no issues of fraud or coercion in obtaining the showing of interest;
 - 3) the petition is otherwise consistent with the Act and with this Part; and

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) either there are no unit appropriateness or exclusion issues or the number of contested positions or employees is not sufficient to affect the determination of majority status.
- f) Where fraud or coercion in obtaining the showing of interest is alleged, the party or employee alleging fraud or coercion must provide its evidence of fraud or coercion to the Board and to the other parties, including a synopsis of any affidavits submitted to the Board, within 21 days after receipt of the petition or the posting of notice, unless additional time is granted by the Executive Director for good cause shown, such as a joint request, an emergency or whenever the Executive Director believes that it would further the purposes of the Act. The petitioner may file a response no later than seven days following the receipt of that evidence, unless additional time is granted by the Executive Director for good cause shown. The Executive Director shall issue his or her decision within 21 days following the receipt of the petitioner's response.
- g) The employee who alleges fraud or coercion or the parties may file exceptions to the Executive Director's decision and briefs supporting those exceptions no later than seven days after receipt of that decision, and a response to those exceptions may be filed no later than seven days after receipt of thesuch exceptions and briefs. ~~The Board shall issue its decision no later than 45 days from the date that the last brief must be filed pursuant to this subsection.~~ If no exceptions are filed within the seven-day period, the parties and any employee who alleges fraud or coercion will be deemed to have waived their exceptions. The filing of exceptions shall not stay the certification if the alleged fraud or coercion is not sufficient to affect the majority status of the petition.
- h) If the Executive Director determines that there is clear and convincing evidence of fraud or coercion sufficient to affect the majority status of the petition and no exceptions are filed to that determination, or if the Board makes such a determination, an election will be conducted according to the procedures set forth in this Part. The election shall be conducted within 45 days after the Executive Director's or the Board's determination, unless proceedings concerning the appropriateness of the unit, exclusions from the unit sufficient to affect majority status, or the timeliness of the petition are pending.
- i) If the Executive Director determines that there is not clear and convincing evidence of fraud or coercion sufficient to affect the majority status of the petition and no exceptions are filed to that determination, or if the Board makes such a

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

determination, the Board shall certify the employee organization as the exclusive representative immediately after the Board's determination or within 10 days after service of an unappealed Executive Director's decision if:

- 1) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
 - 2) the petition is otherwise consistent with the Act and with this Part; and
 - 3) there are no unit appropriateness or exclusion issues, those issues have been resolved, or the number of contested positions or employees is not sufficient to affect the determination of majority status.
- j) If there are unit appropriateness or exclusion issues, but the number of contested positions or employees is not sufficient to affect the determination of majority status, a party may invoke the Board's unit clarification procedures [with respect to the contested positions or employees](#). Invocation of the Board's unit clarification procedures shall not stay the issuance of a certification.
- k) If there are unit appropriateness or exclusion issues, and the number of contested positions or employees is sufficient to affect the determination of majority status, a hearing shall be conducted to resolve these issues. [However, no hearing shall be conducted if no issues of material fact are raised, and the employee organization shall be certified as the exclusive representative if otherwise proper](#). A hearing shall also be conducted when there are issues of material fact concerning the timeliness of the petition under Section 1110.70 of this Part. The hearing shall commence no later than 30 days from service of the petition. The Board shall proceed in accordance with 80 Ill. Adm. Code 1105.10 [through](#) 1105.80, except that:
- 1) The hearing officer's recommended decision shall be issued not later than 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time (not to exceed 21 days) is required due to the length of the record or the complexity of the issues involved.
 - 2) The parties may file exceptions to the recommended decision and briefs in support of those exceptions no later than seven days after receipt of the decision. Any party to the proceeding may file a response to any

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

exceptions and supporting briefs within seven days from receipt of a party's exceptions and supporting brief. Exceptions and briefs shall be simultaneously filed with the Board and served on the parties. A party may also file cross-exceptions and a supporting brief within seven days from receipt of another party's exceptions and supporting brief. Any other party may file a response to the cross-exceptions and supporting brief within seven days from receipt of the cross-exceptions and supporting brief. Cross-exceptions and briefs shall be simultaneously filed with the Board and served on the parties. ~~The Board shall issue its decision no later than 45 days from the date that the last brief must be filed.~~ If no exceptions have been filed within seven days after service of the hearing officer's recommended decision, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within seven days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.

- l) Interested persons who wish to participate in the hearing shall direct ~~those such~~ requests to the hearing officer. The request shall be in writing and shall state the grounds for participation. In determining whether to grant the request, the hearing officer shall base his ~~or her~~ decision on the timeliness of the request, the degree to which the person requesting participation has a real interest at stake, the ability of the parties to represent the interests of the person requesting participation and the complexity of the proceeding.
- m) The hearing officer shall obtain a full and complete record by inquiring into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within seven days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his ~~or her~~ own motion within seven days after the close of the record. If the hearing officer orders a case removed, he ~~or she~~ shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision.
- n) Within seven days after removal, a party may move the Board to remand the case to the hearing officer, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 14 days, the motion will be deemed denied; the General Counsel will set a briefing schedule for briefs to be submitted

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

to the Board. In cases removed to the Board, the Board shall remand the case if, at any time, it determines that the case presents issues of material fact requiring a hearing officer's recommended decision.

- o) The Board shall certify the employee organization as exclusive representative immediately upon issuance of the Board's opinion and order, or upon expiration of the time for filing exceptions to the hearing officer's recommended decision, if:
 - 1) the bargaining unit found to be appropriate by the Board is sufficiently similar to the petitioned for bargaining unit that the showing of majority interest remains sufficient;
 - 2) the employee organization agrees to represent the bargaining unit found to be appropriate;
 - 3) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
 - 4) there is not clear and convincing evidence of fraud or coercion in obtaining the showing of interest; and
 - 5) the petition is otherwise consistent with the Act and this Part.
- p) If the bargaining unit approved by the Board is not sufficiently similar to the petitioned for bargaining unit that the showing of majority interest remains sufficient, the petitioner may submit a supplemental showing of interest within seven days after receipt of the Board's ruling, may participate in an election according to subsection (r), or may withdraw the petition.
- q) Petitions to intervene may be filed no later than 14 days after the notice is posted. Intervention shall only be allowed when, as a result of the evidence submitted by the intervenor in support of its showing of interest, the original petitioner no longer has a valid showing of majority interest.
- r) If the valid evidence presented by the employee organization to support its claim of majority status does not constitute a majority showing of interest, but demonstrates that at least 30 percent of the employees in the unit found appropriate desire to be represented for collective bargaining by the employee

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

organization, the Board shall conduct an election in the unit found appropriate if the petition is otherwise consistent with the Act and this Part.

- s) Upon the filing of a petition or at any time thereafter that the case is pending, a party may allege that the dues deduction authorizations and other evidence submitted in support of a designation of representative without an election were subsequently changed, altered, withdrawn, or withheld as a result of employer fraud, coercion, or any other unfair labor practice by the employer (Section 7(c-5) of the Act). The party must submit its evidence in support of the allegation at the time that it makes the allegation, unless additional time is granted by the Executive Director for good cause shown. Any other party may submit its response to the allegation no later than seven days from receipt of the submission of the party making the allegation, unless additional time is granted by the Executive Director for good cause shown. The Board or its agent shall investigate the allegation. If the Executive Director finds that there is an issue of law or fact that such conduct occurred, the matter shall be set for hearing. The hearing shall be conducted according to the Board's procedures for contested case hearings (80 Ill. Adm. Code 1105.90 [through](#) 1105.220), except that:
- 1) The Administrative Law Judge's recommended decision shall be issued no later than 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time (not to exceed 21 days) is required due to the length of the record or the complexity of the issues involved.
 - 2) The parties may file exceptions to the recommended decision and briefs in support of those exceptions no later than seven days after receipt of the decision. Any other party may file a response to the exceptions and briefs no later than seven days after receipt of those exceptions and briefs. Exceptions and briefs shall be simultaneously filed with the Board and served on the parties. A party may also file cross-exceptions and a supporting brief within seven days from receipt of another party's exceptions and supporting brief. Any other party may file a response to the cross-exceptions and supporting brief no later than seven days from receipt of the cross-exceptions and supporting brief. Cross-exceptions and briefs shall be simultaneously filed with the Board and served on the parties. ~~The Board shall issue its decision within 45 days from the date that the last brief was due.~~

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- t) If the Administrative Law Judge, or the Board on *review*, *determines that a labor organization would have had a majority interest but for an employer's fraud, coercion, or unfair labor practice, it shall designate the labor organization as an exclusive representative without conducting an election* (Section 7(c-5) of the Act).
- u) In order for an employee's dues deduction authorization, authorization card, signature on a petition or other evidence to be counted in determining whether an employee organization has demonstrated a majority interest, the employee must be in the bargaining unit on the date the petition was filed.
- v) In cases in which~~where~~ the proposed unit includes professional and nonprofessional employees, the Board will determine majority status separately for each group. If the employee organization has demonstrated majority status for each group, the Board will conduct a vote to determine whether a majority of each group desires a combined unit. If the majority does not vote for a combined unit, the Board will issue separate certifications for the resulting units. If the employee organization has not demonstrated majority status in each group but has demonstrated majority status in a combined unit, the Board will conduct a vote to determine whether a majority of each group desire a combined unit. If the majority in one of the groups does not vote for a combined unit, but the other group does, the Board will issue a separate certification for the group with majority status.
- w) In cases in which~~where~~ the proposed unit includes craft and non-craft employees, the Board will determine majority status separately for each group. If the employee organization has demonstrated majority status for each group, the Board will conduct a vote to determine whether a majority of the craft employees desire a combined unit. If the majority of the craft employees does not vote for a combined unit, the Board will issue separate certifications for the resulting units. If the employee organization has not demonstrated majority status in each group but has demonstrated majority status in a combined unit, the Board will conduct a vote to determine whether a majority of the craft employees desire a combined unit. If the majority of craft employees do not vote for a combined unit, the Board will issue a separate certification for the group with majority status.
- x) If a majority interest self-determination petition seeks to accrete employees into an existing unit, the employee organization must demonstrate majority status only among the petitioned-for employees (the employees sought to be added to the

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

existing unit). Assuming that majority status has been demonstrated, the Board will conduct a vote to determine whether a majority of the petitioned-for employees and a majority of the existing bargaining unit desire a unit combining professional and nonprofessional employees if the existing unit contains only professional employees and the petitioned-for employees include, in whole or part, nonprofessional employees, or if the existing unit contains only nonprofessional employees and the petitioned-for employees include, in whole or part, professional employees. If a majority of both groups do not vote for a unit combining professional and nonprofessional employees, the Board will issue a separate certification for a stand-alone unit or units of the petitioned-for employees, ensuring that no certification is issued for a unit when the employee organization has not demonstrated majority status.

- y) When a vote on whether there should be a combined unit is conducted pursuant to subsection (v), (w) or (x), the Board shall not be required to certify the employee organization as the exclusive representative within 30 days after service of the petition.
- z) When a hearing is necessary, the Board shall conclude the hearing process and issue a certification of the entire appropriate unit, if the employee organization has demonstrated majority status in that unit, no later than 120 days after the petition was filed. However, this 120-day period may be extended one or more times by agreement of all the parties to a date certain. In other cases, the Board shall ascertain the employees' choice within 120 days after the petition was filed. However, the Board may extend this 120-day period by 60 days on its own motion or on the motion of a party to the proceeding.

(Source: Amended at 35 Ill. Reg. 14447, effective August 12, 2011)

Section 1110.140 Conduct of the Election

- a) The election shall be conducted under the supervision of the Board. Voting shall be by secret ballot.
- b) Absentee ballots will be allowed only where an individual submits a written request to the Board no later than 10 days prior to the election and demonstrates in that request that he or she is not able to be physically present at the polling place at the time for which the election is scheduled and therefore would be unable to cast a ballot. The request must set forth the factual basis for the claim.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Mere inconvenience to the individual shall not be cause for the issuance of an absentee ballot.

- c) Each party shall be entitled to an equal number of observers as determined by the Board or its agent. The number of observers allowed shall be based on the number of polling locations and the number of eligible voters. The identity and conduct of observers are subject to such limitations as the Board or its agent shall prescribe in order to ~~ensure~~^{insure} that voters are free from interference, coercion, or intimidation.
- d) The Board's agent is authorized to prescribe the area in proximity to the polling place in which electioneering shall be prohibited. The specified area shall be based on the size and nature of the specific polling place.
- e) Ballots shall list all employee organizations that properly petitioned or intervened in the election, the incumbent exclusive representative, and the choice of "No Representative".
- f) Where an election involves a bargaining unit that includes craft employees, and there has been a proper petition for a separate craft unit, craft employees shall be given two ballots: one to vote for or against craft severance and a second to vote on choice of representative. Noncraft employees shall only be given ballots for voting on choice of representative.
- g) Where an election involves a bargaining unit containing professional and nonprofessional employees, all employees shall be given two ballots: one for indicating whether they desire a combined professional-nonprofessional unit and a second for indicating choice of representative, except as provided for in Section 1110.105(v) ~~of this Part~~.
- h) Ballot boxes shall be examined in the presence of the observers immediately prior to the opening of the polls and shall be sealed at the opening of the polls. The seal shall allow for one opening on the top of the ballot box for voters to insert their ballots.
- i) The Board's agent or any authorized observer may question the identity of any voter. A voter whose identity has been questioned may establish his identity by showing a driver's license or any other equally reliable piece of identification. Challenged voters shall be permitted to vote in secret with their ballots set aside

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

by the Board's agent with appropriate markings.

- j) A voter shall mark a cross (X) or check (√) in the circle or block designating his or her choice in the election. The intent of the voter shall be followed in the marking of the ballot. If the ballot is defaced, torn, marked in such a manner that it is not understandable, or identifies the voter, the ballot shall be declared void. If the voter inadvertently spoils a ballot, he or she may return it to the Board's agent, who shall give the voter another ballot and shall preserve the spoiled ballot.
- k) A voter shall fold his or her ballot so that no part of its face is exposed and, on leaving the voting booth, shall deposit the ballot in the ballot box. If the election is continued for more than one period, the ballot box shall be sealed until the subsequent opening of the polls and shall remain in the custody of the Board's agent until the counting of the ballots.
- l) The Board's agent may privately assist any voter who, due to physical or other disability, is unable to mark his or her ballot.
- m) Prior to the close of the polls, each party shall designate a representative to observe the tallying of the ballots.
- n) Immediately upon the conclusion of the polling, the votes shall be tallied as follows:
 - 1) The Board's agent shall attempt to achieve a voluntary resolution of all ballot challenges before the ballots are counted.
 - 2) If there was only one polling location, the Board's agent shall tally the votes in the presence of a representative designated by each party and shall serve a written tally on each of the representatives.
 - 3) If there was more than one polling location, the Board's agent shall seal the ballot boxes and bring them to a predetermined central location. When all the ballot boxes have arrived, they shall be opened, the ballots shall be commingled, and the votes shall be tallied in the presence of a representative designated by each party. The Board's agent shall serve a written tally on each of the representatives.
 - 4) The Board's agent shall count the number of challenged ballots separately.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

If the challenged ballots cannot affect the outcome of the election, the challenges will not be resolved. If the challenged ballots could affect the outcome of the election, the Board's agent shall again attempt to achieve a voluntary resolution of all the challenges.

- 5) If challenges to ballots have not been resolved, and if the challenges could affect the outcome of the election, the challenged ballots shall be investigated by the Executive Director, who shall issue a recommended decision concerning the application of Sections 2, 7, 8 and 9 of the Act and this Part to the challenged ballots. Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. ~~The Such~~ response shall be filed with the Board and served on all parties. If no exceptions have been filed within the 14 day period, the parties will be deemed to have waived their exceptions. The Board will review the Executive Director's recommendation upon request by a party or on its own motion.
- 6) When the election includes a vote on craft severance, the craft employee ballots on craft severance shall be tallied first. If a majority of the craft employees casting valid ballots choose craft severance, the craft and noncraft ballots on choice of representative shall be tallied separately. If a majority of the craft employees casting valid ballots do not choose craft severance, the ballots on choice of representative shall be tallied together.
- 7) When the election includes a vote on a combined professional-nonprofessional unit, the ballots on unit preference shall be tallied first. Separate tallies shall be made for professional and nonprofessional employees.
- 8) If a majority of the employees casting valid ballots in each group vote for a combined unit, the ballots on choice of representative shall be tallied together. If a combined unit fails to receive a majority vote in either or both groups, the ballots on choice of representative shall be tallied separately.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- o) In all cases, the recipient of a majority of the valid ballots cast by those voting shall prevail.
- p) When there are three or more choices on the ballot (two or more employee organizations and "No Representative") and no choice receives a majority, the Board shall conduct a runoff election between the two choices that received the most votes. The results of votes taken during the first election on craft severance and combined professional-nonprofessional units shall be binding on the runoff election.
- q) Where there are three or more choices on the ballot, and either the vote is split equally among all of the choices, or there is a tie for second place, the Board shall declare the election inconclusive and shall order a new election. The results of the craft severance and combined professional-nonprofessional unit votes in the first election shall be binding on the rerun election.
- r) The Board shall preserve all ballots until such time as any objections to the election have been resolved and the results have been certified and served on the parties.

(Source: Amended at 35 Ill. Reg. 14447, effective August 12, 2011)

Section 1110.160 Petitions for Clarification of the Bargaining Unit

- a) An exclusive representative or an employer may file a petition to clarify an existing bargaining unit. The Board shall serve the petition on the other party. The petition shall be signed and shall contain the following:
 - 1) the name and address of the employer;
 - 2) the name, address, and affiliation, if any, of the exclusive representative;
 - 3) a description of the existing bargaining unit; and
 - 4) the nature of the proposed clarification and the reasons [for the clarification](#)~~therefor~~.
- b) The exclusive representative or employer may file an answer to the petition within

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

14 days following service of the petition. Failure to answer without good cause shall be deemed a waiver of objections to the petition and a waiver of a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely answer.

- c) The Executive Director or his or her agent shall investigate the petition and, if the petition does not present unresolved questions of material fact, the Executive Director shall then issue a Recommended Decision and Order. Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. TheSuch response shall be filed with the Board and served on all parties. If no exceptions have been filed within the 14 day period, the parties will be deemed to have waived their exceptions. The Board will review the Executive Director's recommendation upon request by a party or on its own motion. If the petition presents unresolved questions of material fact, the Executive Director shall set it for a hearing.
- 1) Interested persons desiring to intervene in the hearing shall submit a written request to the hearing officer. The hearing officer shall base his or her decision on whether to allow intervention upon the timeliness of the request, the degree to which the person requesting intervention has a real interest at stake, the ability of the parties to represent the interests of the person requesting intervention, and the complexity of the proceeding.
 - 2) The hearing officer shall inquire into all matters in dispute and shall obtain a full and complete record. The hearing officer shall file and serve upon the parties a recommended disposition of the matter.
 - 3) Parties may file exceptions to the hearing officer's recommendations and briefs in support of their exceptions within 14 days after receipt of the recommendation. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. TheSuch response shall be filed with the Board and served on all parties. A party may also file cross-exceptions and a

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Copies of all cross-exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. Any other party may file a response to any cross-exceptions and supporting briefs within 14 days from receipt of a party's cross-exceptions and supporting brief. ~~The Such~~ response shall be filed with the Board and served on all parties. If no exceptions have been filed within 14 days after service of the hearing officer's recommended decision, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.

- 4) The Board will review the hearing officer's recommendation if a party has filed exceptions pursuant to Section 1105.80(b), or on the Board's own motion. The Board will issue its decision in accordance with 80 Ill. Adm. Code 1105.80(c) and (e).
- d) The parties may clarify the composition of the bargaining unit by stipulation. The stipulation shall be filed with the Board. A notice of the stipulation shall be posted on bulletin boards and at other places where notices for employees in the bargaining unit are customarily posted. The notice shall advise employees of the terms of the stipulation and direct persons objecting to the stipulation to file objections with the Board. The notice shall remain posted for at least 20 school days. The employer shall attempt to insure that the notice is not removed or defaced during the posting period and shall replace any notice ~~thatwhich~~ is removed or defaced.
- e) During the posting period, interested persons may file objections with the Board. Objections shall be served on the employer and the exclusive representative prior to, or simultaneously with, their filing with the Board.
- f) Following the posting period, if no objections have been filed, the Board shall approve or disapprove the clarification depending upon whether the clarification is consistent with the Act. If objections have been filed, the Board shall proceed in accordance with subsection (c).

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- g) The Board will issue a certification of the clarified unit or dismiss the petition no later than 120 days after the petition was filed. However, if all parties agree, this 120-day period may be extended one or more times to a date certain.

(Source: Amended at 35 Ill. Reg. 14447, effective August 12, 2011)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Unfair Labor Practice Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1120
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1120.50	Amendment
1120.70	Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) Effective Date of the Amendments: August 12, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Board's Chicago and Springfield offices and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 15, 2010; 34 Ill. Reg. 15651
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1120.70(c), the compliance procedures have been changed so that, if there are no issues of law or material fact as to whether compliance has occurred, the Executive Director shall issue a Recommended Decision and Order determining whether compliance has occurred. The compliance procedures have been changed so that a compliance hearing shall be conducted only if there is an issue of law or material fact as to whether compliance has occurred and not if the investigation discloses that compliance has not occurred without there being issues of law or material fact.

In Section 1120.70(d), a citation to the sections of the Board's Rules governing hearing procedures in contested cases has been added. Language has been added stating that the Respondent shall have the burden of proving that the backpay claimant has failed to mitigate damages or is not entitled to backpay for any other reason. Language has been added providing that a party may be awarded its costs and reasonable attorney's fees in

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

seeking enforcement of a subpoena where the noncompliant party has, in refusing to comply with the subpoena, made allegations or denials without reasonable cause and found to be untrue or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation.

In Section 1120.70(e), language has been added specifically providing that a designee of the Executive Director may issue the Recommended Decision and Order following a compliance hearing. The reference to the Executive Director issuing a Recommended Decision and Order within 30 days after a determination has been made based on an investigation that compliance has occurred has been removed.

Two stylistic changes proposed by JCAR have been made.

- 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 these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Changes are being made to the Board's rules concerning compliance procedures. These amendments provide that a compliance investigation will be conducted if a party asserts that compliance has not occurred. These amendments provide that a compliance hearing will be conducted when, and only when, there is an issue of law or material fact as to whether compliance has occurred. These amendments provide that compliance hearings will be conducted in accordance with the Board's hearing procedures in contested cases and that testimony may be presented. These amendments provide for the complainant to present a specification of the amount of backpay, but for the subpoena power to continue during compliance proceedings. As noted above, these amendments specify the burden on the respondent in compliance hearings and specify when a party may be awarded its costs and reasonable attorney's fees in seeking enforcement of a subpoena. These amendments allow the 30-day period for issuance of a Recommended Decision and Order following a compliance hearing to be extended on agreement of all parties. These amendments eliminate the exclusion of factual issues turning exclusively on witnesses' demeanor from the issues to be resolved in the Recommended Decision and Order. These amendments remove the provision on oral argument from the Part on unfair labor practice proceedings. (This provision is being transferred to Part 1100 on general procedures.)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

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

Susan J. Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

312/793-3288
Susan.Willenborg@illinois.gov

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1120
UNFAIR LABOR PRACTICE PROCEEDINGS

Section

1120.10	General Statement of Purpose
1120.20	Filing of a Charge
1120.30	Charge Processing and Investigation, Complaints and Responses
1120.40	Hearings
1120.50	Consideration by the Board
1120.60	Requests for Preliminary Relief
1120.70	Compliance Procedures
1120.80	Sanctions

AUTHORITY: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 7656, effective May 21, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 19413, effective September 28, 1984; amended at 14 Ill. Reg. 1322, effective January 5, 1990; emergency amendments at 16 Ill. Reg. 6052, effective March 30, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13500, effective August 25, 1992; amended at 28 Ill. Reg. 7973, effective May 28, 2004; amended at 35 Ill. Reg. 14474, effective August 12, 2011.

Section 1120.50 Consideration by the Board

- a) In cases in which there is a recommended decision, the parties may file exceptions to the Administrative Law Judge's recommendation and briefs in support of those exceptions. Briefs and exceptions shall be filed no later than 21 days after service of the recommendation. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 21 days from receipt of a party's exceptions and supporting brief. **TheSuch** response shall be filed with the Board and served on all parties. A party may also file cross-exceptions and a supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Copies of the cross-exceptions

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

shall be filed with the Board and served on all other parties, and a certificate of service shall be attached. Any other party may file a response to the cross-exceptions and supporting brief within 14 days from receipt of the cross-exceptions and supporting brief. ~~The Such~~ response shall be filed with the Board and served upon all parties, and a certificate of service shall be attached. If no exceptions have been filed within 21 days after service of the Administrative Law Judge's recommended decision, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.

- b) The Board will review the Administrative Law Judge's recommendation if a party has filed exceptions pursuant to 80 Ill. Adm. Code 1105.220(b) or on the Board's own motion. In cases removed to the Board, the parties will file briefs in the manner directed by the Board, the manner to include the dates on which briefs will be due and the subjects to be addressed in the briefs, as specified by the Board. In cases in which exceptions are filed and those ~~that which~~ are removed to the Board, the Board shall issue and serve on all parties its decision and order in accordance with 80 Ill. Adm. Code 1105.220(c) through (e).
- ~~e) Oral argument shall be allowed only at the discretion of the Board. The Board shall direct oral argument when it determines that oral argument will assist determination of the issues.~~

(Source: Amended at 35 Ill. Reg. 14474, effective August 12, 2011)

Section 1120.70 Compliance Procedures

- a) The compliance procedures set forth ~~in this Section herein~~ shall commence once a Respondent:
- 1) has failed to file exceptions to a Recommended Decision and Order of an Administrative Law Judge;
 - 2) has failed to appeal a final order of the Board; or
 - 3) when the appellate process initiated by a party after a final Board order has been exhausted and there remains an order requiring a Respondent to take certain affirmative action or to refrain from engaging in any action.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) If, upon the occurrence of any of the events designated in Section 1120.70(a), a party asserts that compliance has not occurred, a compliance investigation shall be conducted.
- ~~cb)~~ If the investigation discloses that there are no issues of law or material fact as to whether compliance has occurred, the Executive Director shall issue a Recommended Decision and Order determining whether compliance has occurred. If there is an issue of law or material fact as to whether compliance has occurred, ~~If, upon the occurrence of any of the events designated in Section 1120.70(a), compliance has not occurred,~~a compliance hearing shall be conducted.
- ~~de)~~ The compliance hearing shall be conducted by the Executive Director or his ~~or~~ her designee and shall be ~~conducted in accordance with the Board's Rules for hearing procedures in contested cases Section 1105.90 through 1105.230 in the nature of a fact-finding hearing, be recorded stenographically or by other appropriate means, at which~~ At the hearing, the parties to the matter shall be afforded the opportunity to present testimony, documents, affidavits, and/or any other information, in addition to their positions, on the matter of Respondent's compliance with the order. If backpay is at issue, Complainant shall present a specification of the amount due, supported by evidence if necessary. The Respondent shall have the burden of proving that the backpay claimant has failed to mitigate damages or is not entitled to backpay for any other reason. The subpoena power shall continue during compliance proceedings. A party may be awarded its costs and reasonable attorney's fees incurred in seeking enforcement of a subpoena when the noncompliant party has, in refusing to comply with the subpoena, made allegations or denials without reasonable cause that are found to be untrue or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation.
- ~~ed)~~ Within 30 days after the compliance hearing described in ~~subsection (d)Section 1120.70(e), or a determination made under Section 1120.70(b) that compliance has taken place,~~ the Executive Director or his or her designee shall cause to be served upon the parties a Recommended Decision and Order in which all issues of law and all issues of fact bearing on compliance with the order shall be resolved. The 30-day period may be extended upon agreement of the parties.
- ~~e)~~ For purposes of Section ~~1120.70(d), issues of fact are all issues bearing on the~~

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

~~question of Respondent's compliance with the order other than those factual issues turning exclusively on the demeanor of a witness or witnesses.~~

- f) Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. ~~The~~ response shall be filed with the Board and served on all parties. A party may also file cross-exceptions and a supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Copies of the cross-exceptions and supporting brief shall be served upon all other parties and a certificate of service shall be attached. Any other party may file a response to the cross-exceptions and supporting brief within 14 days from receipt of the cross-exceptions and supporting brief. ~~The~~ response shall be filed with the Board and served upon all parties, and a certificate of service shall be attached. If no exceptions have been filed within 14 days after service of the Executive Director's recommendation, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.
- ~~g)~~ The Board will review the Executive Director's recommendation upon request by a party or on its own motion.

(Source: Amended at 35 Ill. Reg. 14474, effective August 12, 2011)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Fair Share Fee Objections
- 2) Code Citations: 80 Ill. Adm. Code 1125
- 3) Section Number: 1125.80 Adopted Action: Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) Effective Date of the Amendment: August 12, 2011
- 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 at the Board's Chicago and Springfield offices and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 15, 2010; 34 Ill. Reg.15657
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Language in subsection (d) allowing the record to be held open so that an exclusive representative may provide additional evidence has been changed to allow the record to be held open so that any party may provide additional evidence.
- 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 these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This amendment makes clear when the close of the record is in fair share hearings and specifically provides for the record to be held open in such cases.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

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

Susan J. Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

312/793-3288
Susan.Willenborg@illinois.gov

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1125
FAIR SHARE FEE OBJECTIONS

Section

1125.10	General Statement of Purpose
1125.20	Notice of Fair Share Fees
1125.30	Objections to Fair Share Fees
1125.40	Escrow Accounts
1125.50	Responses to Objections (Repealed)
1125.60	Consolidation of Fair Share Fee Objections
1125.70	Investigation of Fair Share Fee Objections
1125.80	Hearings
1125.90	Consideration by the Board (Repealed)
1125.100	Internal Review Procedure

AUTHORITY: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 12873, effective August 5, 1985, for a maximum period of 150 days; adopted at 10 Ill. Reg. 206, effective December 19, 1985; emergency amendments at 12 Ill. Reg. 13707, effective August 10, 1988, for a maximum of 150 days; emergency expired January 7, 1989; amended at 13 Ill. Reg. 1784, effective January 31, 1989; emergency amendments at 13 Ill. Reg. 15469, effective September 13, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 2873, effective February 9, 1990; amended at 28 Ill. Reg. 7984, effective May 28, 2004; amended at 35 Ill. Reg. 14481, effective August 12, 2011.

Section 1125.80 Hearings

- a) Except as [otherwise](#) provided [in this Section below](#), hearings on fair share fee objections shall proceed in the same manner as hearings in both contested cases, as set forth in 80 Ill. Adm. Code 1105, Subpart B, and hearings in unfair labor practice proceedings, as set forth in 80 Ill. Adm. Code 1120.40.
- b) The Chief Administrative Law Judge shall appoint a fair share Administrative

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

Law Judge to hold an evidentiary hearing and render a Recommended Decision and Order on the fair share fee objections.

- c) The burden of proof shall be on the exclusive representative.
- d) The hearing set forth in subsection (b), shall commence no later than 60 days from the last day for filing of an objection pursuant to Section 1125.30(a)-~~of this Part~~. When objections involving two or more bargaining units are consolidated pursuant to Section 1125.60-~~of this Part~~, the hearing shall commence no later than 60 days from the last day for filing of an objection for any of the bargaining units. A Recommended Decision and Order shall be issued within 60 days ~~after~~of the close of the record, unless additional time (up to 30 days) is required due to the length of the record and/or the complexity of the issues involved. The close of the record does not occur until the Administrative Law Judge orders that it be closed, either at the hearing or after holding the record open for a period for purposes such as allowing a party to provide additional evidence or to attempt to settle objections. The Recommended Decision and Order or a summary of the Recommended Decision and Order shall be served on all parties to the proceeding. A party receiving a summary of the Recommended Decision and Order shall be entitled to receive a copy of the full Recommended Decision and Order on request.
- e) Within 21 days after receipt of the Recommended Decision and Order, any party may file exceptions and briefs in support of those exceptions with the Board. A party may also file cross-exceptions and a supporting brief within 14 days after receipt of another party's exceptions and supporting brief. If no exceptions have been filed within 21 days after service of the Recommended Decision and Order, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.
- f) If timely exceptions are filed, the Board shall issue and serve on all parties a copy or a summary of its decision and order. A party receiving a summary of the Board's decision and order shall be entitled to receive a copy of the full decision and order on request.
- g) Upon direction of the Board, the employer shall cease transmitting the fee to the Board and shall deduct, from the objector's pay, the amount determined by the Board to be appropriate and pay same to the exclusive representative. The Board

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

shall disburse the amount held in escrow to the employee and the exclusive representative in accordance with its determination in the case. Interest earned by disputed fees during the time they were held in escrow shall be apportioned pro rata between the employee and the exclusive representative.

(Source: Amended at 35 Ill. Reg. 14481, effective August 12, 2011)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rights and Responsibilities
- 2) Code Citation: 89 Ill. Adm. Code 102
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
102.80	Amendment
102.210	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: August 12, 2011
- 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) Notice of Proposal Published in Illinois Register: August 13, 2010; 34 Ill. Reg. 11655
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
102.210	Amendment	35 Ill. Reg. 11094; July 15, 2011
- 15) Summary and Purpose of Amendments: In conjunction with the rulemaking affecting Part 120, these amendments implement the provisions of the Deficit Reduction Act of 2005 (PL 109-171, 2006 S 1932) (DRA).

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

| CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES~~PUBLIC AID~~
SUBCHAPTER a: GENERAL PROVISIONS

PART 102

RIGHTS AND RESPONSIBILITIES

Section

102.1	Incorporation by Reference
102.10	Rights of Clients
102.20	Nondiscrimination
102.21	Voter Registration
102.25	Grievance Rights of Clients
102.30	Confidentiality of Case Information
102.35	Case Records
102.40	Freedom of Choice
102.50	Reporting Change of Circumstances
102.60	Referral Requirements
102.63	Reporting Child Abuse/Neglect
102.66	Suitability of Home
102.70	Notice to Client
102.80	Right to Appeal
102.81	Continuation of Assistance Pending Appeal
102.82	Time Limit for Filing an Appeal
102.83	Examining Department Records
102.84	Child Care
102.90	Voluntary Repayment of Assistance
102.100	Excess Assistance (Recodified)
102.110	Recoupment of Overpayments (Recodified)
102.120	Correction of Underpayments
102.200	Recovery of Assistance
102.210	Estate Claims
102.220	Real Property Liens
102.230	Filing and Renewal of Liens
102.235	Liens on Property of Institutionalized Recipients
102.240	Foreclosure of Liens
102.250	Release of Liens
102.260	Personal Injury Claims
102.270	Convictions of Fraud – Eligibility

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

102.280 Single Conviction of Fraud – Administrative Review Board

AUTHORITY: Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. XI and 12-13].

SOURCE: Filed and effective December 31, 1977; peremptory rule at 2 Ill. Reg. 52, p. 449, effective December 13, 1978; amended at 2 Ill. Reg. 52, p. 462, December 23, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 39, effective March 1, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; amended at 5 Ill. Reg. 8035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 327, effective December 31, 1984; amended at 9 Ill. Reg. 3730, effective March 13, 1985; amended at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 7162, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 16, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 15912, effective October 4, 1985; amended at 10 Ill. Reg. 3981, effective February 22, 1986; amended at 10 Ill. Reg. 14795, effective August 29, 1986; amended at 10 Ill. Reg. 19088, effective October 24, 1986; Sections 102.100 and 102.110 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 14067, effective August 10, 1987; amended at 11 Ill. Reg. 18239, effective October 30, 1987; amended at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 13 Ill. Reg. 3940, effective March 10, 1989; amended at 14 Ill. Reg. 13279, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 20078, effective December 3, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 7202, effective April 30, 1991; amended at 18 Ill. Reg. 273, effective December 28, 1993; amended at 18 Ill. Reg. 8938, effective June 3, 1994; amended at 19 Ill. Reg. 1108, effective January 26, 1995; emergency amendment at 19 Ill. Reg. 12320, effective August 14, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 883, effective December 29, 1995; amended at 21 Ill. Reg. 619, effective January 1, 1997; emergency amendment at 21 Ill. Reg. 4037, effective March 14, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7438, effective June 1, 1997; amended at 21 Ill. Reg. 11955, effective August 13, 1997; amended at 24 Ill. Reg. 10294, effective July 1, 2000; amended at 25 Ill. Reg. 16111, effective December 1, 2001; amended at 35 Ill. Reg. 14486, effective August 12, 2011.

Section 102.80 Right to Appeal

- a) Any individual who applies for or receives financial or medical assistance, social services or food stamps benefits shall have the right to appeal any of the following:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Refusal to accept an application or reapplication;
 - 2) Failure to act on an application within the mandated time period;
 - 3) A decision to deny an application;
 - 4) A decision to reduce, suspend, terminate or in any way change the amount of assistance/food stamps or manner in which it is provided;
 - 5) Failure to make a decision or take appropriate action on any request which the client makes;
 - 6) A decision affecting the basis of issuance of food stamps with which the client disagrees;
 - 7) A decision to deny the payment for a medical service or item that requires prior approval;
 - 8) A decision granting prior approval request for a lesser or different medical service or item than was originally requested;
 - 9) An issue of Department policy, if the client is aggrieved by its application;
~~or~~
 - 10) The determination of the amount of a premium that may be charged to a client under any medical assistance program. The Department's determination of the amount of a premium shall remain in force during the appeal process.;
 - 11) [Imposition of a penalty period under 89 Ill. Adm. Code 120.387 or 120.388; or](#)
 - 12) [A denial of a request for a hardship waiver under 89 Ill. Adm. Code 120.379\(i\), 120.385\(c\)\(3\) or 120.388\(r\).](#)
- b) The appeal may be filed by the client or the client's authorized representative. For food stamp clients, the request for a hearing may be made orally or in writing, and the appeal process is initiated effective with the date of the request.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 14486, effective August 12, 2011)

Section 102.210 Estate Claims

- a) Definitions in this Section are as follows:
 - 1) "Estate" – all real and personal property within an individual's estate as provided in Illinois probate law. For a decedent who received benefits under a qualified long term care insurance policy in connection with which assets were disregarded (see subsection (f)), the term "estate" includes all real and personal property in which the individual had legal title or interest at the time of death (to the extent of such interest), including assets conveyed to a survivor, heir or assignee of the deceased person through joint tenancy, tenancy in common, survivorship, life estate, living trust or other arrangement.
 - 2) "Beneficiary" – any person nominated in a will to receive an interest in property other than in a fiduciary capacity.
 - 3) "Heir" – any person entitled under the statutes to an interest in property of a decedent.
- b) The Department's claim against the estate of a deceased recipient or against the estate of the recipient's deceased spouse, regardless of the order of death, shall encompass:
 - 1) All income maintenance assistance paid out at any time; and
 - 2) All medical assistance paid out:
 - A) at any time for a permanently institutionalized recipient whose real property is subject to the Department's lien; or
 - B) except the costs of Community Care Program (CCP) services, prior to October 1, 1993, for a recipient while 65 years of age or older; or
 - C) on or after October 1, 1993, for a recipient while 55 years of age or

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

older; or

D) for Medicare cost sharing expenses of a Qualified Medicare Beneficiary (QMB).

c) The claim shall apply to assistance provided to or in behalf of a recipient on or after the following dates:

Assistance Program	Effective Date
1) AABD (Aged) (AABD(A))	1) 1963
2) AABD (Blind) and (Disabled) (AABD(B) and (D))	2) November 1963
3) MANG (Aged), (Blind), and (Disabled) (MANG(A),(B), and (D))	3) January 1, 1966

d) The Department shall not enforce a claim for medical assistance against any property, real or personal, of a deceased recipient while one or more of the following relatives survives: spouse of decedent, child under 21, or child over 21 who is blind or permanently and totally disabled.

e) The Department shall not enforce a claim for income maintenance assistance against homestead property of a deceased recipient while the homestead is occupied by one or more of the surviving relatives previously specified.

f) The Department shall not enforce a claim against the estate of a decedent to the extent assets were disregarded because the person was covered under a qualified long term care policy as provided under Section 120.382(c) of this Part.

gf) To avoid undue hardship, the Department will waive its right to recover from a decedent's estate if pursuing recovery would cause an heir or beneficiary of the estate to become or remain eligible for a public benefit program, such as SSI, TANF or Food Stamps. The Department may limit the scope of its waiver to that portion of the estate that the heir or beneficiary would receive and pursue

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

recovery against the balance of the estate, if any. The Department will not waive recovery despite undue hardship if payment of the claims of other estate creditors that are equal or inferior in priority to the Department's claim will exhaust the estate and defeat the purpose of the waiver. The Department will provide written notice to heirs and beneficiaries known to the Department of the opportunity, time frame and method to request a waiver of estate recovery based on undue hardship.

hg) The Department may defer or waive enforcement of its claim for income maintenance assistance if it determines that:

- 1) The deceased recipient is survived by a dependent spouse and minor child or children; or
- 2) Rehabilitative training for employment or other means of self-support for the surviving spouse or children is feasible, and deferment or waiver will facilitate achievement of self-support status and prevent or reduce the likelihood of return to dependency on public assistance of the spouse or children.

(Source: Amended at 35 Ill. Reg. 14486, effective August 12, 2011)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Certification and Operation of Environmental Laboratories
- 2) Code Citation: 77 Ill. Adm. Code 465
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
465.100	Repealed
465.120	Amended
465.125	Amended
465.130	Amended
465.140	Amended
465.170	Amended
465.180	Amended
465.200	Amended
465.210	Amended
465.310	Amended
465.320	Amended
465.330	Amended
465.340	Amended
465.350	Amended
465.360	Amended
465.370	Amended
465.380	Amended
465.390	Amended
465.400	Amended
465.420	Amended
465.430	Amended
- 4) Statutory Authority: Authorized by and implementing Section 1401(1)(D) of the Safe Drinking Water Act (42 U.S.C. 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30), the Illinois Environmental Protection Act [415 ILCS 5] and the Civil Administrative Code of Illinois [20 ILCS 5], and authorized by Sections 4(o) and (p) of the Illinois Environmental Protection Act [415 ILCS 5/4(o) and (p)] and Sections 2310-575, 2310-580, and 2310-30 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-575, 2310/2310-580, and 2310/2310-30]
- 5) Effective Date of Rulemaking: August 12, 2011
- 6) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: 34 Ill. Reg. 12325; August 27, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 465.125(a)(5), after "Presence/Absence Test", insert "and Fluorocult LMX."
2. Delete Section 465.125(b)(1) and re-label remaining subsections accordingly.
3. In Section 465.125(b)(3), after "Waters," strike "November 2000," and after "Version", add "1.1 2007, available from" and strike "(an affiliate"; strike "of Merck KGaA, Darmstadt, Germany".
4. In Section 465.330(g), after "35° ± 0.5° C", insert "or 36° ± 1° C".
5. In Section 465.330(k)(1), after "35°", insert "or 36°".
6. In Section 465.330(k)(4), strike "on 35°" and insert "in 35 or 36°".
7. In Section 465.330(o), after "autoclavable plastic." insert "Disposable single-use equipment made of plastic is also acceptable.".
8. In Section 465.340(h), after "space.", insert "Reusable" and change "Sample" to "sample".
9. In Section 465.330(h), after "Presterilized", insert "containers including".

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

10. In Section 465.350(d)(8), strike "Commercially prepared media may be used."; in line 4, after "The laboratory using", strike "the" and insert "commercially manufactured prepared".
11. In Section 465.350(d)(9), strike "dehydrated"; after "checked before use", insert "with positive and negative culture controls. Additionally each batch of prepared media (whether commercially prepared or laboratory prepared) shall be checked."; after "sterility", insert "₂" and strike "and" and "with"; strike "positive and negative" and "culture controls."
12. In Section 465.350(d)(10), replace "Klebsiella pneumoniae ATCC 13883 (thermotolerant)" with "Klebsiella pneumoniae (thermotolerant) ATCC 13883".
13. In Section 465.360(a), in "Methods Reference" chart, Escherichia coli section, column "GWR² (Detect)", row "Readycult® or Fluorocult LMX®", insert "X"; row "Colitag®", insert "X"; row "Chromocult®", insert "X".
14. In Section 465.360(i)(4), after "fluorescence, the laboratory", insert "shall".
15. In Section 465.360(i)(7), located in chart, "Readycult Coliforms/Fluorocult LMX, after "35 ± 0.5° C, insert "or 36 ± 1° C"; insert "Modified" before "Colitag" in the next portion of the chart.
16. In Section 465.360(i)(10), delete "culture", and after "coliform-positive", insert "result that was obtained."
17. In Section 465.360(i)(18), after "at 35° ± 0.5° C", insert "or 36 ± 1° C".
18. In Section 465.360(k)(4), delete the sentence "Check...types.".
19. In Section 465.370(f), strike the existing language, delete the new language, and add: "When sample containers are prepared within the laboratory, the dechlorinating agent, 0.1 mL of a 3% solution of sodium thiosulfate shall be added to a 120 mL bottle to neutralize up to 5 mG/L. Adjust volume added to larger bottles to provide the same level of neutralization.".
20. In Section 465.400(m), after "of the medium", insert "at 25° C".

The following changes were made in response to comments and suggestions of JCAR:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1. In Section 465.125(b)(2), delete "1.0".
2. In Section 465.125(b)(6), delete the comma after "DC" and change the zip code to "20465".
3. In Section 465.330(k)(4), add a degree symbol after "35".
4. In Section 465.350(d)(9), delete the superscript numeral "1" in the first row of the second and third columns of the table.
5. In Section 465.360(i)(18), add a degree symbol after "36".

In addition, various typographical, grammatical, and form changes were made in response to the comments from 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 rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments to the rules establish new analytical methods and update versions of previously adopted analytical methods for testing microbiological contaminants in drinking water that are regulated pursuant to the federal Safe Drinking Water Act ("SDWA") (42 U.S.C. 300f) and the Illinois Environmental Protection Act [415 ILCS 5/1]. The amendments to the rules reflect the changes to analytical methods for drinking water that were adopted by the U.S. Environmental Protection Agency. The rules have been reorganized in an effort to enhance readability.

The requirement that all certified laboratories must be certified for the heterotrophic plate count procedure has been dropped. In its place are more detailed criteria for facility requirements. Changes have been made to reflect the requirements in the USEPA *Manual for the Certification of Laboratories Analyzing Drinking Water*, 5th edition, January 2005.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER d: LABORATORIES AND BLOOD BANKSPART 465
CERTIFICATION AND OPERATION OF ENVIRONMENTAL LABORATORIES

SUBPART A: GENERAL PROVISIONS

Section

465.100	Authority (Repealed)
465.110	Scope and Applicability
465.120	Definitions
465.125	Incorporated and Referenced Materials
465.130	Certification Procedure
465.140	Conditions Governing the Use of Certificates
465.150	Provisional Certification
465.170	Changes in Ownership or Operations
465.180	Revocation of Certification
465.190	Subcontracting by Certified Laboratories
465.200	Proficiency Testing Samples (PTs) Performance Evaluation Samples/Quality Assurance Samples
465.210	Authority of Certification Officers
465.220	Hearing, Decision and Appeal
465.230	Liability
465.240	Reciprocity Agreements

SUBPART B: MICROBIOLOGICAL ANALYSES
OF PUBLIC WATER SUPPLY SAMPLES

Section

465.300	Scope and Applicability
465.310	Personnel Requirements
465.320	Laboratory Facilities
465.330	Laboratory Equipment
465.340	Laboratory Glassware, Plastic Ware and Metal Utensils
465.350	General Laboratory Practices
465.360	Methodology
465.370	Sample Collection, Handling and Preservation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

465.380	Standards for Laboratory Pure Water
465.390	General Quality Control Procedures
465.400	Quality Controls for Media, Equipment and Supplies
465.410	Data Handling
465.420	Record Maintenance
465.430	Action Response to Laboratory Results
465.APPENDIX A	Colisure P/A and Colisure Multiple Tube P/A

AUTHORITY: Implementing Section 1401(1)(D) of the Safe Drinking Water Act (42 U.S.C. 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), the Illinois Environmental Protection Act [415 ILCS 5] and the Civil Administrative Code of Illinois [20 ILCS 5], and authorized by Sections 4(o) and (p) of the Illinois Environmental Protection Act [415 ILCS 5/4(o) and (p)] and Sections 2310-575, 2310-580, and 2310-30 of the Civil Administrative Code of Illinois [20 ILCS 2310].

SOURCE: Adopted at 22 Ill. Reg. 14294, effective July 15, 1998; amended at 35 Ill. Reg. 14494, effective August 12, 2011.

SUBPART A: GENERAL PROVISIONS

Section 465.100 Authority ~~(Repealed)~~

~~Pursuant to the authority contained in 20 ILCS 2310/55.10 through 55.12 and 20 ILCS 2005/71(D) that authorizes the Illinois Department of Public Health to establish and enforce minimum standards and establish certification procedures for laboratories making examinations in connection with the diagnosis of disease or tests for the evaluation of health hazards, and also to enter into contracts with other public agencies for the exchange of health services that may benefit the health of the people; and pursuant to the authority contained in Section 4(o) and (p) of the Illinois Environmental Protection Act.~~

(Source: Repealed at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.120 Definitions

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

"Act" means Sections 4(o) and (p) of the Environmental Protection Act [415 ILCS 5/4(o) and (p)].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Analyst" means any person who performs analyses for certain or all parameters on samples submitted to the environmental laboratory and who meets the qualifications set forth in Section 465.310(b).

"ASTM" means the American Society for Testing and Materials, West Conshohocken PA, a not-for-profit, voluntary standards development system.

"Certification" means a status of approval granted to an environmental laboratory that meets the criteria established by this Part or in accordance with a reciprocity agreement entered into pursuant to Section 465.240. Certification is not a guarantee of the validity of the data generated.

"Certification Officer" means any person who is designated by the Department to inspect and evaluate environmental laboratories for compliance in meeting the criteria set forth in this Part. Certification officers shall meet the educational and experience qualifications for laboratory supervisors as set forth in Section 465.310(a).

"Department" means the Illinois Department of Public Health.

"Deficiency" means a failure of an environmental laboratory to meet any requirement of this Part.

"Environmental Laboratory" means any facility that performs analyses on environmental samples in order to determine the quality of food, milk, public water supplies, surface water, ground water, recreational waters, wastewater, air, or land.

"Laboratory Pure Water" means water meeting the standards set forth in Section 465.380.

"Laboratory Supervisor" means a person who supervises the performance of the analytical procedures within an environmental laboratory and who meets the qualifications set forth in Section 465.310(a).

"Major Remodeling" means any remodeling of the laboratory facility ~~that~~which requires the acquisition of a local building permit.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"MUG" means 4-methyl-umbelliferyl-beta-d-glucuronide.

"NIST" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (formerly National Bureau of Standards).

"P-A Coliform Test" means "Presence-Absence Coliform Test".

~~"Parameter" means a microbiological organism.~~

~~"Performance Evaluation Sample (PES)" means a sample used to determine accuracy, prepared either by the Department or an authority recognized by the certifying agency, in which the true value and acceptance limits are unknown to the laboratory at the time of analysis.~~

"Proficiency Testing Samples or "PTs" means samples provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within acceptance limits specified in 40 CFR 141.2 . The qualitative and/or quantitative composition of the reference material is unknown to the laboratory at the time of the analysis.

"Provisional Certification" means a certification status granted to an environmental laboratory in order to allow time for the correction of a deficiency. Failure to correct a deficiency during the provisional certification period allows the Department to revoke certification as specified in Section 465.180. While on provisional certification, an environmental laboratory remains approved for the analyses covered by its certification.

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and ~~thatwhich~~ serve at least 15 service connections or ~~thatwhich~~ regularly serve at least 25 persons at least 60 days per year.

"Quality Assurance" means an integrated system of management activities involving planning, quality control, quality assessment, reporting and quality improvement to ensure that a product or service meets defined standards of quality with a stated level of confidence.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Quality Assurance Plan" means a comprehensive plan detailing the aspects of quality assurance needed to adequately fulfill the data needs of a program. This document is required before the laboratory is certified.

"Quality Control" means the overall system of technical activities whose purpose is to measure and control the quality of a product or service so that it meets the needs of the users; operational techniques and activities that are used to fulfill requirements for quality.

"Readily Accessible" means the referenced item is located upon the premises.

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005, American Public Health Association, 1015 Fifteenth Street, NW, Washington DC 20001, 202-628-8303.

"Standard Operating Procedure" means a written document that details the method of an operation, analysis or action, the techniques and procedures of which are thoroughly prescribed and that is officially approved as the method for performing certain routine or repetitive tasks.

"State" means the Illinois Environmental Protection Agency for Community Public Water Supply samples and Illinois Department of Public Health for Non-Community Public Water Supply samples.

"TNTC" means "too numerous to count" or greater than 200 colonies on the membrane filter in the absence of detectable coliforms when analyzing drinking water for total coliforms.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.125 Incorporated and Referenced Materials

a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

1) "Colitag[®] Test" means "Colitag[®] Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Source Water as Required in National Primary Drinking Water Regulations," 2004, available from CPI International, 5580 Skylane Boulevard, Santa Rosa CA 95403, 707-525-5788.

- 2) "Membrane Filter Technique using Chromocult Coliform Agar" means Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters, November 2000. Version 1.0, available from EMD Chemicals Incorporated, 480 South Democrat Road, Gibbstown NJ 08027, 800-222-0342.
- 3) "ONPG-Mug Test" (meaning "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl-beta-d-glucuronide test"), also called the "Autoanalysis Colilert System," is Method 9223, available in "Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005, from American Public Health Association, 1015 Fifteenth Street, NW, Washington DC 20001, 202-628-8303.
- 4) "New medium for the simultaneous detection of total coliform and Escherichia Coli in water" by Brenner, K.P., et al., 1993, Applied and Environmental Microbiology 59:3534-3544. EPA Method 1604, which can be found online at www.epa.gov/microbes, is identical.
- 5) "Readycult Coliforms 100 Presence/Absence Test" and "Fluorocult LMX" means "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," Version 1.1, 2007, available from EMD Chemicals Incorporated, 480 South Democrat Road, Gibbstown NJ 08027, 800-222-0342.
- 6) "SimPlate Method" means "IDEXX SimPlate™ HPC Test Method for Heterotrophs in Water," approved under USEPA 40 CFR 141.74, Vol. 97, No. 209, Oct. 29, 2002, and as included in Standard Methods for Water and Wastewater, On-Line Edition, Section 9215E, available from IDEXX Laboratories, Incorporated, One IDEXX Drive, Westbrook ME 04092, 800-321-0207 www.idexx.com.
- 7) "Standard Methods" means "Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005 (referred to as "Standard

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Methods"). American Public Health Association, 1015 Fifteenth Street, NW, Washington DC 20001, 202-628-8303.

- a) The following document is incorporated by reference in this Part: "Standard Methods for the Examination of Water and Wastewater" (18th Edition), American Public Health Association, Washington, D.C., 1992.
- b) The following publications and federal regulations are incorporated by reference:
- 1) "Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," November 2000, Version 1.0. EMD Chemicals Inc. (an affiliate of Merck KGaA, Darmstadt, Germany), 480 S. Democrat Road, Gibbstown NJ 08027-1297. Telephone: 800-222-0342. www.emdchemicals.com.
 - 2) "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," Version 1.1 2007, available from EMD Chemicals Inc., 480 S. Democrat Road, Gibbstown NJ 08027-1297. Telephone: 800-222-0342. www.emdchemicals.com.
 - 3) "IDEXX SimPlate™ HPC Test Method for Heterotrophs in Water," November 2000. IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, Maine 04092. Telephone: 800-321-0207.
 - 4) United States Environmental Protection Agency - Manual for the Certification of Laboratories Analyzing Drinking Water, 5th edition, January 2005, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, 202-272-0167.
 - 5) Method 1604: Total Coliforms and Escherichia coli in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium), September 2002, known as EPA 821-R-02-024, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC, 20460, 202-272-0167.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 6) Manual for the Certification of Laboratories Analyzing Drinking Water," USEPA 570/9-90/008A, 5th Edition (January 2005). A copy of this manual can be obtained by contacting the U.S. Environmental Protection Agency, Washington DC 20465.
- 7) United States Environmental Protection Agency National Primary Drinking Water Regulations (40 CFR 141), July 2006, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, 202-272-0167.
- 8) Occupational Safety and Health Standards (29 CFR 1910), July 2007, U.S. Department of Labor, Occupational Safety & Health Administration, 200 Constitution Avenue, NW, Washington DC 20210.
- 9) 40 CFR 141, 142, National Primary Drinking Water Regulations; Total Coliforms (Including Fecal Coliforms and E. coli) (June 29, 1989).
- 10) 40 CFR 9, 141, 142, National Primary Drinking Water Regulations; Interim Enhanced Surface Water Treatment (December 16, 1998).
- 11) 40 CFR 9, 141, 142 National Primary Drinking Water Regulations; Ground Water Rule (November 8, 2006).
- 12) Good Automated Laboratory Practices, EPA 2185, Office of Information Management, Research Triangle Park NC 27711, August 10, 1995.
- cb) ~~These incorporations~~This incorporation by reference ~~refer~~refers to the edition of the document on the date specified and ~~does~~ not include any subsequent amendments or editions. ~~A copy of this publication is available for public inspection at the Department's central office.~~
- d) The following laws and rules are referenced in this Part:
- 1) Safe Drinking Water Act (42 USC 300f(1)(D))
 - 2) Civil Administrative Code of Illinois [20 ILCS 5]
 - 3) Illinois Environmental Protection Act [415 ILCS 5]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 4) [Illinois Plumbing Code, Illinois Department of Public Health \(77 Ill. Adm. Code 890\)](#)
- 5) [Primary Drinking Water Standards, Pollution Control Board \(35 Ill. Adm. Code 611\)](#)
- 6) [Electronic Commerce Security Act \[5 ILCS 175\]](#)
- 7) [Local Records Act \[50 ILCS 205\]](#)

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.130 Certification Procedure

- a) An environmental laboratory that meets or exceeds the minimum criteria for certification may receive certification from the Department for any microbiological parameter for which a methodology has been specified in this Part or for which an alternative methodology has been approved in accordance with the provisions of this Part.
- b) The operational aspects of an environmental laboratory that will be evaluated in considering a request for certification are:
 - 1) laboratory facilities,
 - 2) personnel,
 - 3) methodology and instrumentation,
 - 4) data handling, and
 - 5) quality assurance program.
- c) In seeking certification, the petitioning environmental laboratory shall:
 - 1) Submit a formal request for certification to the Department;
 - 2) File with the Department on the applicable administrative questionnaires furnished by the Department, if available, or otherwise in a form

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

approved by the Department, ~~providing~~ complete information on the ~~five~~ categories listed in subsection (b) ~~above~~;

- 3) Analyze all ~~proficiency testing samples (PTs)~~ ~~performance evaluation samples/quality assurance samples~~ required in accordance with the applicable Sections of this Part and report the results of ~~those~~ ~~such~~ analyses to the Department; and
- 4) Permit and cooperate in an on-site visit by Department-authorized certification officers. Certification officers shall provide the environmental laboratory with official identification and credentials. The initial visit will be arranged at the mutual convenience of both parties. The Department reserves the right to make subsequent visits without prior notice during regular working hours.
- d) Approval or denial of certification may be made only after the procedure described in subsection (c) of this Section has been completed. If all requirements of subsection (c) of this Section are satisfactory, approval will be granted. Denial of certification shall be in the form of a narrative, giving information as to how deficiencies may be corrected, along with a completed survey form on which all deficiencies are clearly identified.
- e) Environmental laboratories in jurisdictions not having reciprocal agreements with the Department under Section 465.240 may receive certification from the Department under this Part and shall pay all of the expenses to be incurred by the Department, including travel expenses, prior to evaluation.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.140 Conditions Governing the Use of Certificates

- a) Certification of environmental laboratories shall be effective for a ~~two-2~~-year period from the date of issue, unless modified or revoked by the Department. Application for timely renewal of certification shall be made to the Department no later than 90 days prior to the applicable expiration date. Approval of a renewal application shall be contingent upon the environmental laboratory meeting all of the factors considered in granting the original certification, including acceptable results on ~~proficiency testing samples (PTs)~~ ~~performance evaluation samples/quality assurance samples~~ required under this Part. When a certified

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

environmental laboratory has made timely and sufficient application for renewal of certification or certification for additional parameters, the existing certification shall, unless otherwise modified or revoked in accordance with this Part, continue in full force and effect until the final decision of the Department on the application has been made.

- b) Certification shall be limited to those parameters for which an environmental laboratory has been approved and ~~that~~~~which~~ are listed on the certificate of approval.
- c) The certificate of approval shall be posted or displayed in a prominent place in the laboratory facility.
- d) Information related to the certification of an environmental laboratory shall be accurately represented if used in any advertising and shall prominently include the statement that, "Certification by the State of Illinois is not an endorsement or a guarantee of the validity of the data generated." ~~This~~~~Such~~ information shall also specify the parameters for which the environmental laboratory has been certified. The advertising shall not include any representation that the environmental laboratory is certified to perform a type of analysis for which it lacks proper certification.
- e) An environmental laboratory may surrender its certification voluntarily by notifying the Department in writing and returning the certificate.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.170 Changes in Ownership or Operations

- a) Certification shall not be transferable. In the event of a change of ownership, director, supervisor, or analyst, or relocation or major remodeling of the physical plant of an environmental laboratory, the Department shall be notified in writing within 15 days and shall be provided with the resumes of any new owners, directors, supervisors, and analysts and a description of any relocation or remodeling of the physical plant.
- b) After receiving notification of any of the changes listed in subsection (a) ~~above~~, unless otherwise specified in this Part for a specific parameter, the Department may, as applicable, review the resume of any new owner, director, supervisor, or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

analyst, require the analysis of ~~PTs performance evaluation samples/quality assurance samples~~ by any new analyst, or make an on-site visit. However, the Department may waive any of these actions if it finds ~~thesuch~~ actions to be unwarranted in a specific case. Examples of when ~~thesuch~~ waivers would be appropriate include the following circumstances:

- 1) Waiver of submittal of a summary of education and experience when personnel transferring from one certified laboratory to another are responsible for dealing with the same analytical methods and equivalent equipment; and
- 2) Waiver of an on-site visit if the pertinent test procedures involve simple techniques and equipment.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.180 Revocation of Certification

- a) The Department may revoke all or any part of an environmental laboratory's certification. Any of the following shall be cause for partial or total revocation of certification:
 - 1) Expiration of a period of provisional certification, provided the laboratory has not corrected the deficiencies after being placed on provisional certification in accordance with the provisions of Section 465.150;
 - 2) Unsatisfactory analyses of ~~PTs performance evaluation samples/quality assurance samples~~ as specified in Section 465.200;
 - 3) Failure to notify the Department within 15 days after any of the changes listed in Section 465.170 have occurred;
 - 4) Failure to comply with the requirements regarding advertising as specified in Section 465.140(d);
 - 5) Failure to use the analytical methodology specified in this Part or approved in accordance with this Part;
 - 6) Failure to provide notice in accordance with Section 465.150(b) of its

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

status as a provisionally certified environmental laboratory;

- 7) Falsification of results of testing ~~PTs of performance evaluation samples/quality assurance samples~~ or any other information material to the certification; or
 - 8) When conducting ~~PTs performance evaluation sample~~ analysis in accordance with Section 465.200, failure to provide results proving satisfactory precision and accuracy in ~~two~~ successive samples shall be cause for revocation of certification for the parameter or method ~~that is~~ not within satisfactory limits.
- b) ~~The Department shall take the~~The following factors ~~shall be taken~~into account ~~by the Department~~ in determining what action should be taken against a certified environmental laboratory for failing to comply with the requirements of this Section:
- 1) The length of time during which the failure has existed;
 - 2) The laboratory's prior record of failures and response in correcting failures noted by the Department;
 - 3) Whether the laboratory knowingly caused or allowed the failure; and
 - 4) The potential effect of the failure on the quality of analytical data generated by the laboratory.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.200 Proficiency Testing Samples (PTs)~~Performance Evaluation Samples/Quality Assurance Samples~~

- a) An environmental laboratory is required to participate in proficiency testing samples (PTs)~~performance evaluation sample~~ analyses for each analytical parameter or method for which it seeks or wishes to maintain certification in accordance with the certification procedures of Section 465.130(c), the certification renewal procedures of Section 465.140(a), and the quality assurance requirements contained in Subpart B of this Part.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- b) PT samples shall be analyzed annually (every 12 months). PT samples shall be analyzed in the same manner as routine samples. The laboratory shall be able to provide documentation that the analyst analyzing any PT sample is a laboratory employee who routinely analyzes drinking water compliance samples.
- c) Laboratories shall acquire the PT sample from a supplier acceptable to the Department.
- d) For methods used to test the presence or absence of an organism in a sample, each set shall contain ten samples, all shipped at the same time in either a lyophilized, dehydrated, or aqueous state. The set shall include samples, in various combinations, that contain total coliforms, fecal coliforms, E. coli, non-coliforms, and at least one blank. Each set shall be used only with a single analytical method. To be acceptable, a laboratory shall correctly analyze a minimum of nine of ten samples, with no false negative result (i.e., a single false positive result may be acceptable). For quantitative methods, one PT sample may be analyzed.
- e) Unless otherwise specified in Subpart B of this Part, within 60 days after receipt of a PT sample ~~performance evaluation sample~~, the environmental laboratory shall analyze ~~thesueh~~ sample and report the test results to the Department. ~~No~~ There shall be no fee shall be charged to the Department for ~~thesueh~~ analyses.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.210 Authority of Certification Officers

Certification officers shall have all of the following authority with regard to environmental laboratories:

- a) To inspect such laboratories in on-site visits and unannounced on-site visits;
- b) To require the laboratory to provide information regarding the technical operation of ~~thesueh~~ laboratory relevant to certification;
- c) To inspect quality assurance records and any other records pertinent to certification;
- d) To observe and question analysts at work on parameters or methods for which certification is sought; and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- e) To grant or deny certification based upon the completion of the evaluation process.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

SUBPART B: MICROBIOLOGICAL ANALYSES
OF PUBLIC WATER SUPPLY SAMPLES**Section 465.310 Personnel Requirements**

- a) The laboratory supervisor shall be a person holding a minimum of a bachelor's degree in microbiology, biology, chemistry, or related natural or physical science field, shall have completed a training course conducted or approved by the Department, and shall have received Department approval to serve as laboratory supervisor. In addition, the laboratory supervisor shall have had a minimum of 80 hours of on-the-job training in water microbiology at a certified laboratory. ~~of one year of bench experience in an environmental laboratory in the area of analytical responsibility and~~ The supervisor shall demonstrate the ability to properly perform representative test procedures under his or her supervision while under observation by the certification officer. A laboratory supervisor shall be a full-time employee who is on-site at the certified laboratory. If the laboratory supervisor position becomes vacant, then a replacement supervisor shall be in place within 60 days.
- b) An analyst is a person who performs microbiological analyses on water, has a minimum of a high school diploma in academic or laboratory oriented vocational courses, and has had a minimum of three~~6~~ months bench experience in a microbiological analytical laboratory. The analyst shall have a minimum of 30 days of on-the-job training in drinking water microbiology under an experienced analyst. In addition, an analyst shall demonstrate ability to properly perform representative test procedures with which he or she is involved while under observation of the certification officer. Analysts shall be under the direct supervision of the laboratory supervisor. Before analyzing compliance samples, the analyst shall demonstrate acceptable results on samples spiked with known culture controls.
- c) The Department may waive the need for the academic training required by this Section, on a case-by-case basis, for highly experienced analysts. The Department

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

may also waive the need for the above-specified training, on a case-by-case basis, for supervisors of laboratories that analyze only samples from drinking water systems with which the laboratory is associated. If a waiver for supervisor is granted, the Department will prepare a written and signed justification for the waiver.

- e) ~~A person who is serving in the laboratory as an approved supervisor or an approved analyst on July 15, 1998 shall be considered to be in compliance with the personnel requirements, respectively, of subsection (a) or (b) of this Section.~~

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.320 Laboratory Facilities

The laboratory's physical facilities shall meet the following specifications:

- a) A minimum of 150 square feet of floor space shall be provided for each analyst.
- b) Floors shall be covered with asphalt tile, vinyl, concrete, or other impervious, washable surface ~~that~~which, can be easily maintained.
- c) Floor space shall be available for stationary equipment such as autoclaves, incubators, and hot-air sterilization ovens. Storage space that is free of dust and insects shall be provided for the protection of glassware, media, and portable equipment.
- d) Laboratories analyzing potable water, non-potable source water and recreation water, and sewage by microbiological methods shall have at least ~~two~~² separate rooms (a room for potable water, non-potable source water and recreation water, and a room for sewage).
- e) A separate bench for preparation and sterilization of media, glassware, and equipment shall be provided.
- f) Walls ~~and ceilings~~ shall be covered with waterproof paint, enamel, ceramic tile, or other surface material that provides a smooth finish that is easily cleaned and disinfected. Ceilings shall be maintained in good condition.
- g) A minimum of 6 linear feet of useable bench space, free of equipment, shall be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

provided for each analyst.

- h) Bench tops shall be stainless steel, epoxy plastic, or other smooth, impervious material that is inert, is corrosion resistant, has a minimum number of seams, and is level.
- i) Laboratory lighting shall be even and provide a minimum of 100 footcandle light intensity at all working surfaces.
- j) The laboratory shall include a sink with hot and cold running water. All water supply outlets shall be protected by a backflow prevention device as specified in the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- k) Laboratories shall be well ventilated and free of dusts, drafts, and extreme temperature changes. Central air-conditioning is recommended to reduce contamination, permit more stable operation of incubators, and decrease moisture problems with media and analytical balances. The temperature within the laboratory shall be maintained at between 60° and 80° F.
- l) An adequate electrical supply for operation of instruments and mechanical needs shall be provided. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets local and national electrical codes.
- m) All electrical outlets shall be properly grounded.
- n) Instruments shall be properly grounded with an internal or external regulated power supply available to each instrument.
- o) All plumbing shall comply with the Illinois Plumbing Code or any local plumbing code that is more stringent than the Illinois Plumbing Code. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets such codes.
- p) The laboratory shall include a vacuum source for use in membrane filter procedures.
- q) The laboratory shall be located in an area sufficiently free from noise and vibrations to prevent interference with its functions.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- r) The laboratory shall have a readily available source of laboratory pure water.
- s) The laboratory shall not be located within a structure that is used as a residence.
- t) No mobile laboratories shall be allowed.
- u) The laboratory shall have provisions for the disposal of microbiological waste.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.330 Laboratory Equipment

Only those instruments that are needed to analyze for the parameters for which the laboratory is being certified are required, but those instruments shall meet the following minimum specifications. A laboratory performing all the analyses described in Section 465.360 shall have, or have access to, within the same building, all of the equipment listed in this Section with the minimum specifications cited.

- a) A top loading or trip pan balance shall be clean, not corroded, and provided with standardized Class S or S-1, or equivalent ASTM 1, 2, or 3, weights, certified by the manufacturer as meeting the requirements established by NIST. The certificate of accuracy shall accompany the weights.
 - 1) A torsion or trip pan balance used for weighing materials of 2 grams or more shall detect 100 mg of weight accurately at a 150 gram load.
 - 2) An analytical balance used for weighing quantities of less than 2 grams shall be sensitive to 1 mg at a 10 gram load.
- b) A magnetic stirrer shall be capable of achieving variable speeds and shall be used with a Teflon-coated stirring bar. The magnetic stirrer may be equipped with a heating element.
- c) A pH meter shall have an accuracy of at least ± 0.1 units and a scale readability of at least ± 0.1 units. The pH meter may be either line/bench or battery/portable operated.
- d) A conductivity meter and cell combination, suitable for checking laboratory pure

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

water quality, shall be readable in ohms or mhos, and have a range capable of determining the conductivity or resistivity of laboratory pure water as described in Section 465.380(a) of up to 2.5 megohm-cm resistivity (conductivity down to 0.4 micromhos/cm) ± 1%. The conductivity meter may be either line/bench or battery/portable operated.

- e) An autoclave shall be horizontal-chambered and shall meet all of the following specifications:
- 1) When observed during the operational cycle or when time-temperature charts are read, the autoclave shall be in good operating condition;
 - 2) An operating safety valve shall be included;
 - 3) Separate temperature and pressure gauges shall be located on the exhaust side;
 - 4) The autoclave shall reach and maintain a temperature of $121^{\circ} \pm 1^{\circ} \text{C}$ during the sterilization cycle, and no more than 45 minutes shall be required for a complete cycle of carbohydrate media; ~~and~~
 - 5) Depressurization shall not produce gas bubbles in fermentation media; ~~and-~~
 - 6) Pressure cookers shall not be used.
- f) A hot-air sterilization oven shall operate at a minimum of 175°C , shall be equipped with a thermometer inserted through the top porthole or be equipped with a temperature-recording device, and shall be equipped with a thermostatic control that will not allow the temperature to deviate by more than $\pm 5^{\circ} \text{C}$ from the temperature setting.
- g) An incubation unit shall maintain an internal temperature of $35^{\circ} \pm 0.5^{\circ} \text{C}$ or $36^{\circ} \pm 1^{\circ} \text{C}$ or $44.5^{\circ} \pm 0.2^{\circ} \text{C}$ and shall be of the following type: air or water jacketed incubator, incubator room, ~~water bath~~waterbath, or aluminum block incubator. Incubation units of the aluminum block type shall have culture dishes and tubes that are snug fitting in the block. Water baths shall be circulating with covers. Laboratories that use the enzyme substrate tests with air-type incubators shall note the product incubation details indicated in Section 465.360(h)(7).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- h) An ultraviolet (UV) sterilizer shall be free from radiation leaks and shall be UV efficiency tested quarterly as described in "Standard Methods for the Examination of Water and Wastewater." Proper eye protection shall be available for users of the ultraviolet sterilizer. The ultraviolet sterilizer shall not be used as a substitute for an autoclave. The unit shall be disconnected monthly and the lamps cleaned by wiping with a soft cloth moistened with ethanol.
- i) A refrigerator shall maintain a temperature of between 1° and ~~5°~~4.4° C and shall be equipped with a thermometer located on the top shelf. The thermometer shall be graduated in not greater than 1° C increments, and the thermometer bulb shall be immersed in liquid.
- j) An agar tempering water bath shall be of appropriate size for holding melted medium and shall be thermostatically controlled at 45° ± 1° C.
- k) The following standards shall apply to temperature-monitoring devices:
- 1) Glass or electronic thermometers shall be graduated in not greater than 0.5° C units for use in 35° ~~or 36°~~ C incubators.
 - 2) Glass or electronic thermometers shall be graduated in not greater than 0.2° C units for use in 44.5° C ~~water baths~~waterbaths or aluminum block type incubators.
 - 3) Glass or electronic thermometers shall be graduated in not greater than 1.0° C units for use in 55° to 65° C incubators.
 - 4) Electronic thermometers with thermocouplings and continuous temperature-recording devices shall be sensitive to not greater than 0.5° C when used ~~in 35° or 36° or 35°~~ C incubators, shall be sensitive to not greater than 0.2° C when used for 44.5° C ~~water baths~~waterbaths or aluminum block type incubators, and shall be sensitive to not greater than 1° C when used on 55° to 65° C incubators.
 - 5) An NIST certified thermometer, or one of equivalent accuracy graduated in 0.2° C or less, shall be available for calibration use and shall be accompanied by its certification papers and procedures for use. ~~All~~Unless otherwise specified in this Subpart C, all thermometers and temperature-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

recording devices shall be calibrated annually at temperature of use against ~~thesuch~~ certified thermometer to within $\pm 1.0^{\circ}$ C. NIST thermometers shall be calibrated at least every five years at each temperature of use.

- 6) Each laboratory shall have a maximum registering thermometer in the range of ~~80°90°~~ to 200° C graduated in increments no greater than 1° C.
- 7) Each laboratory shall use separate thermometers for determining the temperatures of ~~water baths~~~~waterbaths~~, ovens, autoclaves, samples, refrigerators, storage areas, etc.
- 8) The liquid column of glass thermometers shall have no separations.
- 9) Dial thermometers are not permitted.
- l) Optical counting equipment shall include a low-power magnification device of the dissecting or stereomicroscope type with a magnification power of 10 to 15 diameters, and an external daylight fluorescent light source for sheen discernment at an angle of 60° to 80° above the colonies.
- m) A mechanical hand tally shall be available for counting colonies on membrane filters or agar pour plates.
- n) Where metal inoculation loops are used, loops shall be of 22 to 24 gauge chrome, or platinum-iridium wire, with loop diameters of at least 3 mm. Hot-air sterilized wooden applicator sticks, pre-sterilized cotton swabs or pre-sterilized plastic loops may be used.
- o) Membrane filter equipment shall be non-leaking, uncorroded, and made of stainless steel, glass, or autoclavable plastic. Disposable single-use equipment made of plastic is also acceptable. Metal plating on membrane filter equipment shall not be worn so as to expose base metal. Calibration shall be checked before first use with Class A graduated cylinders, and a record shall be maintained. Tolerance shall be $\pm 2.5\%$.
- p) Membrane filters shall be white, grid marked, 47 mm diameter, with 0.45 micron pore size, and made from cellulose ester materials. Another pore size may be used if the manufacturer gives performance data equal to or better than the 0.45

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

micron membrane filter. Membrane filters shall be autoclavable or presterilized.

- q) Absorbent pads shall be of uniform thickness to permit 1.8 to 2.2 ~~mL~~ media absorption and shall be autoclavable or presterilized. Filter paper shall be free from growth-~~inhibiting-inhibitory~~ substances.
- r) Forceps used to handle membrane filters and absorbent pads shall have a round tip without corrugations.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.340 Laboratory Glassware, Plastic Ware and Metal Utensils

- a) Except for disposable plastic ware, items shall be resistant to effects of corrosion, high temperature, and vigorous cleaning operations. Metal utensils made of stainless steel are preferred. Plastic items shall be of inert, non-toxic material and shall retain accurate graduations or calibration marks after repeated autoclaving. Glassware ~~that which~~ is used for purposes that may subject it to damage from heat or chemicals shall be of borosilicate glass. All glassware shall be free of chips, cracks, or excessive etching. All volumetric glassware shall be Class A, denoting that it meets federal specifications and is certified by the manufacturer as meeting the standards established by the American Society for Testing and Materials (ASTM).
- b) Graduated cylinders for measurement of sample volumes shall have a tolerance of 2.5% or less. Precalibrated sample containers shall have clearly marked volumes of 2.5% tolerance. The calibration of each precalibrated sample container shall be checked before first use by measuring the volume of 10 calibrated containers per lot.
- c) Media-preparation utensils shall be of borosilicate glass or stainless steel, and shall be clean and free from foreign residues or dried medium.
- d) Micropipetters (also referred to as Mechanical Pipetters or Pipetters) Pipets and pipetters shall meet the specifications set forth in "Standard Methods for the Examination of Water and Wastewater." Pipets delivering volumes of 10 mL or less shall be accurate to within a 2.5% tolerance. Micropipetters shall be fixed volume and calibrated. Micropipetters shall be used with tips that are sterile. Micropipetters shall be calibrated annually and replaced if the precision or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

accuracy is greater than 2.5% tolerance. Micropipetters shall be calibrated with 10 consecutive weighings annually (using a separate tip for each weighing), and the average of all 10 weighings shall be $\pm 2.5\%$ of specified delivery volume. For volumes ≥ 1.0 mL, check volume by using a Class A graduated cylinder.

Containers for glass pipets shall be of either stainless steel or aluminum. Opened packages of sterile disposable pipets shall be securely resealed between uses. A pipet aid shall be used when using pipets; mouth pipetting is prohibited.

- e) Culture dishes shall be sterile and shall be of the tight-lid or loose-lid plastic, or loose-lid glass, type. In addition, culture dishes shall be of 100 mm x 15 mm (for Plate Count), 50mm x 12 mm, ~~or 60 mm x 15 mm-size,~~ or other appropriate size (for membrane filter methods),; and shall be clear, flat bottomed, and free from bubbles ~~and/or scratches~~ ~~or both~~. Containers for culture dishes shall be of aluminum or stainless steel,; or culture dishes shall be wrapped in heavy aluminum foil or char-resistant paper. Open packages of sterile disposable culture dishes shall be securely resealed between uses. Loose-lid dishes shall be incubated in a tight-fitting container, e.g., a plastic vegetable crisper containing a moistened paper towel, to prevent dehydration of membrane filter and medium.
- f) Culture tubes shall be of borosilicate glass or other corrosion-resistant glass, and shall be of sufficient size to contain culture medium, as well as the sample portions employed, without being more than three-fourths full. Culture tube closures shall be loose-fitting stainless steel, or plastic caps, or aluminum caps, or plastic screw caps with non-toxic liners. Cotton plugs and foam plugs shall not be used.
- g) Dilution bottles shall be of borosilicate glass or other corrosion-resistant glass or autoclavable plastic and shall be free of chips and cracks at the lip. A graduation level shall be distinctly marked on the side of dilution bottles at 99 ~~mL~~ mL. Dilution bottle closures shall be plastic screw caps with ~~leak-proof~~ leakproof liners and shall not produce toxic substances during the sterilization process. The accuracy of dilution blank volumes shall be verified by checking one bottle for every 25 prepared or purchased. The tolerance shall be ± 2 mL for a 99-mL volume.
- h) Sample bottles shall be sterile, of plastic or hard glass, and wide mouthed, and shall have a capacity of at least 120 mL (4 oz.) to allow at least a 1-inch head space ~~capacity~~. Reusable sample ~~Sample~~ bottle closures shall be glass stoppers or screw caps (metal or plastic), capable of withstanding repeated sterilization,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

with ~~leak-proof~~ liners, and shall not produce toxic substances during the sterilization process. Glass-stoppered bottle closures shall be covered with aluminum foil or char-resistant paper for sterilization. Metal caps with exposed bare metal on the inside shall not be used. Presterilized containers including bags, with or without a dechlorinating reagent, may be used.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.350 General Laboratory Practices

- a) The following requirements~~standards~~ shall apply to sterilization procedures:
- 1) Autoclaving of the following items shall be carried out at $121^{\circ} \pm 1^{\circ} \text{C}$ for the durations specified below:

Item	Minimum duration of autoclaving at $121^{\circ} \pm 1^{\circ} \text{C}$
Membrane filters and pads	10 minutes
Carbohydrate-containing media (lauryl tryptose, brilliant green lactose bile broth, etc.)	12-15 minutes
Contaminated materials and discarded tests	30 minutes
Membrane filter assemblies (wrapped), sample collection bottles (empty), and individual glassware items	15 minutes
Rinse water volumes of 500 mL to 1000 mL	45 minutes
Rinse water volumes in excess of 1000 mL	Time adjusted for volume; check for sterility
Dilution water blanks	15 minutes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) Membrane filters and pads and all media shall be removed from the autoclave immediately after completion of the sterilization cycle.
 - 3) The maximum elapsed time for exposure of carbohydrate-containing media to any heat (from the time of closing the loaded autoclave to unloading) shall be 45 minutes.
 - 4) Membrane filter assemblies shall be autoclaved between each sample filtration series. ~~A filtration series ends when 30 minutes or more have elapsed between sample filtrations.~~ A UV sterilizer or boiling water may be used on membrane filter assemblies for at least ~~two~~2 minutes to prevent bacterial ~~carryover~~carry-over between sample filtrations, but shall not be used as a substitute for autoclaving between sample filtration series.
 - 5) Dried glassware to be sterilized in a hot-air sterilizing oven shall be kept at $175^{\circ} \pm 5^{\circ} \text{C}$ for at least 2 hours.
 - 6) Empty sample containers shall be moistened with several drops of distilled water before autoclaving to prevent an "airlock" sterilization failure.
- b) Laboratory pure water, which may be distilled ~~or~~ deionized, or other processed water, shall meet the standards set forth in Section 465.380. Only water determined to be laboratory pure water shall be used for performing bacteriological analyses.
 - c) Rinse and dilution water shall be prepared in the following manner:
 - 1) A stock phosphate buffer solution of potassium dihydrogen phosphate (KH_2PO_4) and a magnesium chloride solution shall be prepared as specified in "Standard Methods for the Examination of Water and Wastewater." The pH of stock phosphate buffer solution is 7.2 ± 0.5 .
 - 2) The phosphate buffer solution and magnesium chloride solution shall be autoclaved or filter sterilized, labeled, dated, and stored at 1° to $5^{\circ}4.4^{\circ}$ C.
 - 3) The stored stock phosphate buffer solution and magnesium chloride solution shall be free of turbidity.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 4) Rinse and dilution water shall be prepared by adding 1.25 ~~mL~~ of stock phosphate buffer solution and 5.0 ~~mL~~ of magnesium chloride solution per liter of laboratory pure water.
 - 5) ~~Alternatively, commercially prepared phosphate buffer and magnesium chloride solution may be used when preparing rinse and dilution water. The date received, expiration date, proof of sterility, and pH of phosphate buffer shall be recorded. Check each batch of prepared or each lot of commercial dilution/rinse water for sterility by adding 50 ml of water to 50 ml of double-strength, nonselective broth. Incubate at 35.0° ± 0.5° C for 24 hours and check for growth.~~
 - 6) ~~Check each batch of prepared or each lot of commercial dilution water blanks for pH; pH shall be 7.2 ± 0.2.~~
 - 7) ~~Check 1 of 25 dilution water blanks per batch of prepared or lot of commercial dilution water blanks for volume using a Class A graduated cylinder or a MacCaffrey flask. Volume must be 99 ml ± 2 ml.~~
- d) The following minimum ~~requirements~~standards shall be met for storing and preparing media:
- 1) Laboratories shall use commercial dehydrated media or commercially manufactured prepared media for routine bacteriological procedures.
 - 2) All media shall be prepared according to the media specifications of "Standard Methods for the Examination of Water and Wastewater."
 - 3) Dehydrated media containers shall be kept tightly closed and stored in a cool, dry location. Discolored or caked dehydrated media shall not be used.
 - 4) All water used shall be laboratory pure water.
 - 5) Dissolution of the media shall be completed before dispensing to culture tubes or bottles.
 - 6) ~~Membrane filter broths and agar media shall be heated in a boiling water bath or, if constantly attended, a hot plate with a stir bar, until completely~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- ~~dissolved. The medium shall not be boiled. Denatured ethanol shall not be used.~~
- ~~7) Membrane filter broths shall be stored and refrigerated no longer than 96 hours prior to use. Membrane filter agar media shall be stored in a refrigerator, and used within 2 weeks after preparation. Prepared plates shall be stored in sealed plastic bags or containers to minimize evaporation.~~
- ~~68)~~ Multiple Tube Fermentation (MTF) media, when prepared in tubes with loose-fitting caps, shall be used within one week after preparation. If MTF media are refrigerated after sterilization, they shall be incubated overnight at 35° C to confirm usability. Tubes of MTF media showing growth or gas bubbles shall be discarded. Refrigerated M Endo agar LES shall be used within ~~two~~2 weeks after refrigeration or discarded.
- ~~79)~~ MTF media in screw cap containers may be held up to ~~three~~3 months, provided the media are stored in the dark and evaporation does not exceed 1.0 ~~mL/ml~~ per 10 ~~mL/ml~~ total volume.
- ~~10)~~ ~~Heterotrophic plate count agar in screw cap containers shall be stored and refrigerated no longer than 3 months.~~
- ~~81)~~ ~~Commercially prepared media may be used, provided the media has been prepared in a microbiological water laboratory certified by the regulatory agency having responsibility for laboratory certification in the states where media is manufactured.~~The laboratory using ~~commercially manufactured prepared~~the media shall record the date received, type of medium, lot number, sample performance when checked against cultures known to give positive and negative results, and pH verification. ~~Media~~Medium shall be discarded by ~~the~~ manufacturer's expiration date.
- ~~912)~~ Each new lot of ~~dehydrated-prepared commercial~~ medium ~~and each batch of laboratory prepared medium~~ shall be checked before use ~~with positive and negative culture controls.~~ Additionally, each batch of prepared media (whether commercially prepared or laboratory prepared) shall be checked for sterility against a lot that has previously tested to be acceptable with positive and negative samples or culture controls. Control organisms (total coliform, fecal coliform, and/or E. coli, as appropriate) shall be either known stock cultures (periodically checked for purity) or commercially

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~available cultures impregnated with the organism. Results shall be recorded. The following table identifies a few positive and negative culture controls that laboratories might consider. In addition, each batch of laboratory prepared medium shall include positive and negative culture controls. These control organisms shall be either stock cultures (periodically checked for purity) or commercially available disks impregnated with the organism. Results shall be recorded.~~

<u>Group</u>	<u>Positive Culture Control</u>	<u>Negative Culture Control</u>
<u>Total Coliforms</u>	<u>Escherichia coli</u> <u>Enterobacter aerogenes</u>	<u>Staphylococcus aureus</u> <u>Proteus vulgaris</u> <u>Pseudomonas aeruginosa</u>
<u>Fecal Coliforms</u>	<u>Escherichia coli</u> <u>Klebsiella pneumoniae</u> <u>(thermotolerant)</u>	<u>Enterobacter aerogenes</u>
<u>E. coli</u>	<u>Escherichia coli</u> <u>(MUG-positive strain)</u>	<u>Enterobacter aerogenes</u> <u>Klebsiella pneumoniae</u> <u>(thermotolerant)</u>
<u>Enterococci</u>	<u>Enterococcus faecalis</u> <u>Enterococcus faecium</u>	<u>Staphylococcus aureus</u> <u>E. coli</u> <u>Serratia marcesens</u>

- ~~10) Examples of appropriate American Type Culture Collection strains include the following:~~

~~Enterococcus faecalis ATCC 11700
Enterococcus faecium ATCC 6057
Enterobacter aerogenes ATCC 13048
Escherichia coli ATCC 8739 or 25922
Klebsiella pneumoniae (thermotolerant) ATCC 13883
Proteus vulgaris ATCC 13315
Pseudomonas aeruginosa ATCC 27853
Serratia marcesenes ATCC 14756
Staphylococcus aureus ATCC 6538~~

- ~~13) Preparation of ONGP-MUG medium from basic ingredients by the laboratory is not permitted. Medium shall be protected from light. Ingredients and containers supplied by manufacturers are sterile and shall not be autoclaved.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- ~~14) Each lot of fluorogenic medium shall be checked before use with a 366 nm ultraviolet light with a 6-watt bulb. If the media exhibit faint fluorescence, the laboratory shall use another lot that does not fluoresce. Records shall be maintained in accordance with Section 465.420.~~
- ~~15) If the Quanti-Tray or Quanti-Tray 2000 test is used, the sealer shall be checked monthly by adding a dye (e.g., bromeresol purple) to the water. If dye is observed outside the wells another sealer shall be obtained. Records shall be maintained.~~

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.360 Methodology

~~A laboratory shall be certified for all analytical methods listed below that it uses for compliance purposes. At a minimum, the laboratory shall be certified for one total coliform method and one fecal coliform or E. coli method. In addition, for laboratories that may enumerate heterotrophic bacteria (as measured by the Heterotrophic Plate Count) for compliance with the Surface Water Treatment Rule (SWTR), the laboratory shall be certified for either the Pour Plate Method or the SimPlate method for heterotrophic bacteria. A laboratory must be certified for all analytical methods listed below that it uses. At a minimum, the laboratory must be certified for one total coliform method; one fecal coliform or E. coli method; and the pour plate method for heterotrophic bacteria.~~

- a) The following methodology, as specified in the listed references, shall be followed for individual parameters:

Method References

<u>Approved Methods</u>	<u>Media</u>	<u>Method¹ Citation</u>	<u>TCR² (Detect)</u>	<u>SWTR² (Count)</u>	<u>New Main Construction² (Detect)</u>	<u>GWR² (Detect)</u>
<u>Total Coliforms</u>						
<u>Fermentation broth method</u>	<u>LTB→BGLB Broth</u>	<u>SM¹ 9221B,C</u>	<u>X</u>	<u>X</u>	<u>X</u>	
	<u>P-A Broth → BGLB Broth</u>	<u>SM¹ 9221D</u>	<u>X</u>			

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

<u>Approved Methods</u>	<u>Media</u>	<u>Method¹ Citation</u>	<u>TCR² (Detect)</u>	<u>SWTR² (Count)</u>	<u>New Main Construction² (Detect)</u>	<u>GWR² (Detect)</u>
<u>Enzyme substrate method</u>	<u>Colilert[®], Colilert-18[®]</u>	<u>SM¹ 9223</u>	<u>X</u>	<u>X</u>		
	<u>Colisure[®]</u>	<u>SM² 9223</u>	<u>X</u>			
	<u>Readycult[®] or Fluorocult LMX[®]</u>		<u>X</u>			
	<u>E*Colite[®]</u>		<u>X</u>			
	<u>Colitag[®]</u>		<u>X</u>			
<u>Membrane filter method</u>	<u>M-Endo or LES-Endo → LTB, BGLB Broth</u>	<u>SM¹ 9222B,C</u>	<u>X</u>	<u>X</u>	<u>X</u>	
	<u>MI Medium</u>	<u>EPA Method 1604</u>	<u>X</u>	<u>X</u>		
	<u>m-ColiBlue24[®]</u>		<u>X</u>			
	<u>Chromocult[®]</u>		<u>X</u>			
	<u>Coliscan[®]</u>		<u>X</u>	<u>X</u>		
<u>Fecal Coliforms</u>						
<u>Fermentation broth method</u>	<u>LTB or P/A broth → EC broth</u>	<u>(SM¹ 9221B,D) SM¹ 9221E</u>	<u>X</u>	<u>X</u>		
	<u>A-1 broth</u>	<u>SM¹ 9221E</u>		<u>X</u>		

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

<u>Approved Methods</u>	<u>Media</u>	<u>Method¹ Citation</u>	<u>TCR² (Detect)</u>	<u>SWTR² (Count)</u>	<u>New Main Construction² (Detect)</u>	<u>GWR² (Detect)</u>
<u>Membrane filter method</u>	<u>M-Endo medium → EC broth</u>	<u>(SM¹ 9222B)</u> <u>SM¹ 9221E</u>	<u>X</u>	<u>X</u>		
	<u>mFC</u>	<u>SM¹ 9222D</u>		<u>X</u>		
<u>Escherichia coli</u>						
<u>Enzyme substrate method</u>	<u>Colilert[®] or Colilert-18[®]</u>	<u>SM¹ 9223</u>	<u>X</u>			<u>X</u>
	<u>Colisure[®]</u>	<u>SM² 9223</u>	<u>X</u>			<u>X</u>
	<u>E*Colite[®]</u>		<u>X</u>			<u>X</u>
	<u>Readycult[®] or Fluorocult LMX[®]</u>		<u>X</u>			<u>X</u>
	<u>LTB, P/A broth, M-Endo → EC-MUG</u>	<u>(SM¹ 9221B,D; SM¹ 9222B) SM¹ 9221F</u>	<u>X</u>			<u>X</u>
	<u>Colitag[®]</u>		<u>X</u>			<u>X</u>
<u>Membrane filter method</u>	<u>MI Medium</u>	<u>EPA Method 1604</u>	<u>X</u>			<u>X</u>
	<u>m-ColiBlue24[®]</u>		<u>X</u>			<u>X</u>
	<u>Chromocult[®]</u>		<u>X</u>			<u>X</u>
	<u>Coliscan[®]</u>		<u>X</u>			

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

<u>Approved Methods</u>	<u>Media</u>	<u>Method¹ Citation</u>	<u>TCR² (Detect)</u>	<u>SWTR² (Count)</u>	<u>New Main Construction² (Detect)</u>	<u>GWR² (Detect)</u>
	<u>M-Endo or LES Endo → NA-MUG</u>	<u>(SM¹ 9222B)</u> <u>SM¹ 9222G</u>	<u>X</u>			<u>X</u>
<u>Heterotrophic Bacteria</u>						
<u>Pour plate method</u>	<u>Plate count agar</u>	<u>SM¹ 9215B</u>		<u>X</u>		
<u>Multiple enzyme substrate</u>	<u>SimPlate[®]</u>			<u>X</u>		
<u>Pour plate, spread plate, or membrane filter methods</u>	<u>R2A</u>		<u>X³</u>			

¹ SM = Standard Methods for the Examination of Water and Wastewater, 18th, 19th or 20th edition.

MC = "Manual for the Certification of Laboratories Analyzing Drinking Water," USEPA 570/9-90/008A, 5th Edition (January 2005). A copy of this manual can be obtained by contacting the U.S. Environmental Protection Agency, Washington DC 20465. This manual as published and dated is exclusive of subsequent amendments or editions.

² TCR = Total Coliform Rule (40 CFR 141.21(f)), SWTR=Surface Water Treatment Rule (40 CFR 141.74(a)), New Main Construction (see 35 Ill. Adm. Code 652.203(b)). GWR = Ground Water Rule (40 CFR 141.402).

³ For possible use if system operates under a variance to the TCR.

Method References

<u>Type of water</u>	<u>Parameter</u>	<u>Methodology</u>	<u>Reference [a]</u>
----------------------	------------------	--------------------	----------------------

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Potable	Total Coliforms	Standard total coliform MTF & PA tests [b]	a
Potable	Total Coliforms	Standard total coliform membrane filter procedure	a
Potable	Fecal Coliforms	EC verification	a
Potable or Non-potable	Fecal Coliforms	Fecal coliform MTF procedure	a
Non-potable	Fecal Coliforms	Fecal coliform membrane filter procedure	a
Potable and Non-potable	Bacterial Total Count	Heterotrophic plate count	a
Potable and Non-potable	Total fecal Coliform and E. coli	ONPG-MUG	a & e
Potable and Non-potable	Total fecal Coliform and E. coli	Colisure	See Appendix A

NOTES:

- a. ~~"Standard Methods for the Examination of Water and Wastewater."~~
- b. ~~Excluding the gram stain technique.~~
- e. ~~"Manual for the Certification of Laboratories Analyzing Drinking Water," USEPA 570/9-90/008A, 4th Edition (March 1997). A copy of this manual can be obtained by contacting the U.S. Environmental Protection Agency, Washington, D.C. 20465. This manual as published and dated is exclusive of subsequent amendments or editions.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- b) Laboratories shall perform parallel testing between a newly approved test and another EPA-approved procedure for enumerating total coliforms. The laboratory shall conduct at least 25 parallel tests between methods using waters normally tested. Results between methods shall vary by less than 10%.~~The membrane filter procedure is preferred for the analysis of potable waters, because it permits analysis of large sample volumes in reduced analysis time. The membranes should show good colony development over the entire surface. The golden green metallic sheen colonies should be counted and recorded as the coliform density per 100 ml of water sample.~~
- c) Water samples shall be shaken vigorously at least 25 times in a complete up and down or back and forth movement.~~The following requirements for reporting any problems with public water supply sample results shall be observed:~~
- 1) ~~Invalidate all samples resulting in confluent growth or TNTC (too numerous to count). Record as "confluent growth" or "TNTC" and request an additional sample from the same sampling site. Confluent growth is defined as a continuous bacterial growth, without evidence of total coliforms, covering the entire membrane filter. TNTC is defined as greater than 200 colonies on the membrane filter in the absence of detectable coliforms. A sample shall not be invalidated when the membrane filter contains at least one total coliform colony.~~
 - 2) ~~A laboratory that has elected to use the MTF or PA procedures must invalidate samples that produce turbid cultures in the absence of gas production (MTF) or an acid reaction (PA). A sample shall not be invalidated if coliform is indicated.~~
- d) Sample volume analyzed for total coliforms in drinking water shall be 100 mL.
- e) Fermentation broth methods. The water level of the water bath shall be above the upper level of the medium in the culture tubes.
- f) Multiple tube fermentation technique (for detecting total coliforms in drinking water and enumerating total coliforms in source water)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) For drinking water samples: Various testing configurations can be used (Standard Methods 9221B), as long as a total sample volume of 100 mL is examined for each test.
 - 2) For source water samples: Laboratories shall use at least three series of five tubes each with appropriate sample dilutions of source water (e.g., 0.1 mL, 0.01 mL, 0.001 mL).
- g) Media
- 1) Lauryl tryptose broth (LTB) (also known as lauryl sulfate broth) shall be used in the presumptive test and 2% brilliant green lactose bile broth (BGLBB) in the confirmed test. Lactose broth (LB) may be used in lieu of LTB (40 CFR 141.21(O)(3)) if the laboratory conducts at least 25 parallel tests between this medium and LTB using the waters normally tested, and if this comparison demonstrates that the false positive rate and false negative rate for total coliforms, using LB, is less than 10%. This comparison shall be documented and the records retained. The final pH shall be 6.8 ± 0.2 for LTB, and 7.2 ± 0.2 for 2% BGLBB.
 - 2) The test medium concentration shall be adjusted to compensate for the sample volume so that the resulting medium after sample addition is single strength. Optionally, if a single 100-mL sample volume is used, the inverted vial shall be replaced with an acid indicator (bromocresol purple) to prevent problems associated with gas bubbles in large inverted tubes. The media shall be autoclaved at 121° C for 12 to 15 minutes.
 - 3) Sterile medium in tubes shall be examined to ensure that the inverted vials, if used, are free of air bubbles and are at least one-half to two-thirds covered after the water sample is added.
 - 4) After the medium is inoculated, it shall be incubated at $35^\circ \pm 0.5^\circ$ C for 24 ± 2 hours. If no gas or acid is detected, it shall be incubated for another 24 hours (total incubation time 48 ± 3 hours).
 - 5) Each 24- and 48-hour tube that contains growth, acid, or gas shall be confirmed using 2% BGLBB. A completed test is not required.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 6) For drinking water samples: Each total coliform positive sample shall be tested for the presence of either fecal coliforms or E. coli.
- h) Invalidation of total coliform-negative samples
- 1) For drinking water samples: All samples that produce a turbid culture (i.e., heavy growth) in the absence of gas/acid production, in LTB or LB, shall be invalidated. The laboratory shall collect, or request that the system collect, another sample from the same location as the original invalidated sample within 24 hours. (Before invalidation, the laboratory may perform a confirmed test and/or a fecal coliform/E. coli test on the total coliform-negative culture to check for coliform suppression. If the confirmed test is coliform positive or fecal coliforms/E. coli are detected, the sample shall be reported as such. A fecal coliform/E. coli-positive result is considered a total coliform positive, fecal coliform/E. coli-positive sample, even if the presumptive or confirmed total coliform test is negative. If the follow-up test or tests are negative, the sample shall be invalidated because high levels of non-coliform bacteria in the presumptive tubes may have injured, killed, or suppressed the growth of any coliforms in the sample.)
- 2) For source water samples: All samples that produce a turbid culture (i.e., heavy growth) in the absence of gas/acid production, in LTB or LB, shall be invalidated. The laboratory shall collect, or request that the system collect, another sample from the same location as the original invalidated sample. (Before invalidation, the laboratory may perform a confirmed test on the total coliform-negative culture. If the confirmed test is total coliform positive, the MPN shall be reported. If the test is total coliform negative, the sample shall be invalidated.)
- i) Enzyme (chromogenic/fluorogenic) substrate tests
- 1) For detecting total coliforms and E. coli in drinking water samples, a laboratory may use the MMO-MUG test (Colilert), Colisure test, E*Colite test, ReadyCult Coliforms 100 Presence/Absence Test (or Fluorocult LMX Broth test), or Colitag test. These tests, known as enzyme substrate tests, may be available in various configurations. For enumerating total coliforms in source water, a laboratory may use the Colilert test. If a laboratory uses a fermentation method to detect total coliforms in drinking water, and the sample is total coliform positive, the laboratory may

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

transfer the positive culture to the EC+MUG test to detect E. coli, but not to any other enzyme substrate test medium in this Section.

- 2) Media shall not be prepared from basic ingredients, but rather from a commercially available source.
- 3) Media shall be protected from light.
- 4) Some lots of enzyme substrate media have been known to fluoresce. Each lot of medium shall be checked before use with a 365-366 nm ultraviolet (UV) light with a 6-watt bulb. For checking Colilert, Colilert-18, Colisure, ReadyCult/Fluorocult LMX, and Colitag media, a packet of medium shall be dissolved in sterile water in a non-fluorescing vessel. If the medium exhibits faint fluorescence, the laboratory shall use another lot that does not fluoresce.
- 5) If the samples plus the medium exhibit an inappropriate color change before incubation, they shall be discarded and another lot of medium used. The laboratory shall notify the medium vendor and request another water sample from the water system. Before incubation, Colilert, Colilert-18, and Colitag shall appear colorless to a slight tinge of color, while Colisure and E*Colite are yellow and ReadyCult/Fluorocult shall appear slightly yellow.
- 6) Glass and plastic sample bottles and test tubes shall be tested before use with a 365-366 nm UV light source with a 6-watt bulb to ensure that they do not fluoresce. If they fluoresce, another lot of containers that do not fluoresce shall be used.
- 7) Incubators, especially small low-wattage air-type incubators, may not bring a cold 100 mL water sample or samples to the specified incubation temperature for several hours. The problem may cause false negative results with the enzyme substrate tests and possibly other tests as well. Laboratories with air-type incubators shall observe the following instructions for chromogenic/fluorogenic substrate test:

Test	Pre-incubation sample instructions^{1,2}
<u>Colilert (Presence/Absence)</u>	<u>Specified 24-hour incubation time includes time it takes to bring sample</u>

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

	<u>temperature up to 35° ± 0.5° C¹</u>
<u>Colilert Quanti-Tray</u>	<u>Specified 24-hour incubation time includes time it takes to bring sample temperature up to 35° ± 0.5° C</u>
<u>Colilert-18 (Presence/Absence)</u>	<u>Prewarm sample in 35° ± 0.5° C water bath for 20 minutes or 44.5° C for 7-10 minutes</u>
<u>Colilert-18 Quanti-Tray</u>	<u>Allow sample to equilibrate to room temperature (20-30° C) before beginning 18-hour incubation time</u>
<u>Colisure</u>	<u>Allow sample to equilibrate to room temperature (20-30° C) before beginning 24-hour incubation time</u>
<u>Readycult Coliforms/ Fluorocult LMX</u>	<u>Specified 24-hour incubation time includes time it takes to bring sample temperature up to 35° ± 0.5° C or 36° ± 1° C</u>
<u>Modified Colitag</u>	<u>Specified 24-hour incubation time includes time it takes to bring sample temperature up to 35° ± 0.5° C</u>

¹ If the laboratory plans to put a large load into a small incubator, samples shall be brought to room temperature before incubation.

² Information based on manufacturer's instructions.

- 8) If a water bath is used, the water level shall be above the upper level of the medium.
- 9) For E. coli testing, the laboratory shall place all total coliform-positive samples under an ultraviolet lamp (365-366 nm, 6-watt) in a darkened area. If E. coli is present, the medium will emit a blue fluorescence.
- 10) The enzyme substrate tests shall not be used to confirm a presumptive total coliform-positive result that was obtained in fermentation broth (e.g., LTB, LB) or on a membrane filter.
- 11) Any sample that produces an atypical color change (e.g., greenish black or black) in the absence of a yellow color shall be invalidated.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 12) Any reference comparator provided by the manufacturer shall be discarded by the manufacturer's expiration date.
- 13) For the Colilert test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 24 hours. A yellow color in the medium equal to or greater than the reference comparator indicates that the sample is total coliform positive. If the sample is yellow, but lighter than the comparator, it shall be incubated for another four hours (do not incubate more than 28 hours total). If the color is still lighter than the reference comparator at 28 hours, the sample shall be reported as negative. A coliform-positive sample that fluoresces under an ultraviolet (UV) light indicates the presence of E. coli. Laboratories that use the Colilert-18 test shall incubate samples for 18 hours (up to 22 hours if sample after 18 hours is yellow, but is lighter than the comparator).
- 14) For enumerating total coliforms in source water with the Colilert test, a 5- or 10-tube configuration, Quanti-Tray, or Quanti-Tray 2000 may be used for each sample dilution tested. Dilution water (if used) may be sterile deionized or sterile distilled water, but not buffered water.
- 15) If the Quanti-Tray or Quanti-Tray 2000 test is used, the sealer shall be checked monthly by adding a dye (e.g., bromcresol purple) to the water. If dye is observed outside the wells, maintenance shall be performed or another sealer shall be used.
- 16) For the Colisure test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 24 hours. If an examination of the results at 24 hours is not convenient, then results may be examined at any time up to 48 hours. If the medium changes from a yellow color to a red/magenta color, the sample is total coliform positive. A coliform positive sample that fluoresces under a UV light indicates the presence of E. coli.
- 17) For the E*Colite test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 28 hours. If total coliforms are present, the medium changes from a yellow color to a blue or blue-green color, or a blue color in the corners of the bag. If E. coli is present, medium will fluoresce under a UV light. If no fluorescence is observed, the sample shall be re-incubated for an additional 20 hours (for a total incubation time of 48 hours) and again checked for fluorescence. If medium becomes red in color, it shall be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

assumed that a faulty seal has allowed the bactericide (in the third compartment of the bag) to leak into the compartment containing the medium. In this case, the sample shall be discarded and another sample shall be requested.

- 18) For the ReadyCult Coliforms 100 Presence/Absence test, the contents of a snap pack shall be added to a 100-mL water sample, followed by incubation at $35^{\circ} \pm 0.5^{\circ} \text{C}$ or $36^{\circ} \pm 1^{\circ} \text{C}$ for 24 ± 1 hours. If coliforms are present, the medium changes color from a slightly yellow color to blue-green. In addition, if E. coli is present, the medium will emit a bright light-blue fluorescence when subjected to a long wave (365-366 nm) UV light. If confirmation of E. coli is desired, Kovac's indole reagent shall be added to the broth; the immediate formation of a red ring confirms the presence of E. coli.
 - 19) Fluorocult LMX broth is identical to ReadyCult, except that it is a dehydrated culture medium in granulated form packed primarily in a 500 g plastic bottle. For testing a 100-mL water sample, 34 g of Fluorocult LMX shall be suspended in 1 L purified water and boiled to dissolve completely. Transfer 100-mL aliquots to 250-mL bottles and autoclave for 15 minutes at 121°C . Cool to room temperature, add the 100-mL water sample, and incubate. Do not add E. coli/Coliform Supplement to the medium.
 - 20) For the Colitag test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ} \text{C}$ for 24 ± 2 hours. During incubation, trimethylamine-N-oxide in the Colitag medium causes the pH of the medium to increase from 6.2 to 6.8-7.2. A yellow color in the medium indicates the presence of total coliforms. A coliform-positive sample that fluoresces under a UV light indicates the presence of E. coli.
- j) Membrane filter (MF) methods
- 1) For source water samples (SWTR): To optimize counting, appropriate sample dilutions shall be used to yield 20 to 80 total coliform colonies or 20 to 60 fecal coliform colonies for at least one dilution or volume.
 - 2) At least one membrane filter and filtration unit sterility check shall be conducted at the beginning and the end of each filtration series by filtering 20 to 30 mL of dilution water through the membrane filter and testing for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

growth. If the control indicates contamination, all data from affected samples shall be rejected and an immediate resampling shall be requested. A filtration series ends when 30 minutes or more elapse between sample filtrations.

3) Each filtration funnel shall be rinsed after each sample filtration with two or three 20 to 30 mL portions of sterile rinse water to ensure that the entire sample is rinsed off the funnel before the filter is removed. After the filter is removed, the funnel may be rinsed again with two or three 20 to 30 mL portions of sterile rinse water or exposed to UV light with a 254-nm wavelength for at least two minutes to prevent carryover between samples, especially for surface water samples.

4) Absorbent pads shall be saturated with a liquid medium (at least 2 mL of broth) and excess medium removed by decanting the plate.

k) Media used for total coliforms, fecal coliforms, and E. coli by MF method for detecting total coliforms and E. coli in drinking water, enumerating total coliforms or fecal coliforms in source water, and detecting E. coli in ground water.

1) Using M-Endo medium agar or broth (also known as M-Endo broth MF and M-Coliform broth) or LES Endo agar (also known as M-Endo agar LES) for detecting total coliforms in drinking water or enumerating total coliforms in source water: Medium may be used in the single step or enrichment techniques. Ensure that ethanol used in the rehydration procedure is not denatured. Medium shall be prepared in a sterile flask and brought just to the boiling point with a boiling water bath or, if constantly attended, a hot plate with a stir bar. The medium shall not be boiled. Final pH shall be 7.2 ± 0.2 for M-Endo Agar LES and 7.2 ± 0.1 for M-Endo medium.

2) Using m-ColiBlue24 medium for detecting total coliforms and E. coli in drinking water: Ampules of broth shall be inverted 2 to 3 times to mix contents before breaking. Then, contents shall be poured evenly over absorbent pad. Unopened refrigerated ampules may be stored in the dark until the expiration date, but shall be discarded earlier if growth is observed. The final pH of the medium shall be 7.0 ± 0.2 .

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 3) Using MI medium (with or without agar) for detecting total coliforms and E. coli in drinking water or enumerating total coliforms in source water: Do not autoclave commercially-made pre-sterilized bottled MI agar or broth. Melt bottled agar in a boiling water bath (or by other processes recommended by the manufacturer). As soon as complete melting has occurred, cool slightly and pour immediately into sterile plates. Care shall be taken to prevent overheating the agar, as excessive heat destroys the effectiveness of the antibiotic cefsulodin. If dehydrated culture medium is used, it shall be prepared and autoclaved according to the manufacturer's instructions. Cool the agar, add freshly prepared filter-sterilized cefsulodin, and pour immediately into sterile plates. The final pH of MI agar shall be 6.95 ± 0.2 ; the final pH of MI broth shall be 7.05 ± 0.2 . The preparation and use of MI agar and MI broth are referenced in Section 465.125(a)(4). EPA Method 1604, which can be found online at www.epa.gov/microbes, is identical.
- 4) Using Chromocult[®] Coliform agar for detecting total coliforms and E. coli in drinking water: Do not autoclave or overheat. The final pH shall be 6.8 ± 0.2 . If a heavy background of heterotrophic bacteria is expected (especially Pseudomonas and Aeromonas species), add cefsulodin solution to the cooled (45° to 50° C) medium (dissolve 10 mg cefsulodin in 2 mL deionized or distilled water, and add solution to 1 L of medium).
- 5) Using Coliscan[®] for detecting total coliforms and E. coli in drinking water or enumerating total coliforms in source water: Coliscan is available as a dry powder agar mix or as a presterilized bottled agar. For reconstitution and antibiotic addition, follow the protocol of the manufacturer (Micrology Laboratories, LLC). Do not overheat the antibiotic cefsulodin. The final pH of Coliscan agar shall be 7.00 ± 0.2 .
- 6) Using m-FC broth (with or without agar) for enumerating fecal coliforms in source water: Do not autoclave. Bring medium just to the boiling point. The final pH shall be 7.4 ± 0.2 .
- 7) When stored, prepared medium shall be refrigerated. Petri dishes containing medium shall be stored in a plastic bag or tightly closed container, and used within two weeks. Before use, refrigerated sterilized medium shall be brought to room temperature. Plates with laboratory-prepared broth medium shall be discarded after 96 hours, poured MF agar

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

plates discarded after two weeks, and ampuled M-Endo broth and other prepared media discarded in accordance with the manufacturer's expiration date. Broth, plates, or ampules shall be discarded earlier if growth or (for M-Endo agar) surface sheen is observed. Record date and time prepared.

8) Incubation conditions and colony color of inoculated medium

<u>Medium</u>	<u>Incubation</u>	<u>Total coliforms¹</u>	<u>E. coli</u>
<u>M-Endo medium or M-Endo agar LES</u>	<u>35° ± 0.5° C for 22-24 hrs</u>	<u>Metallic (golden) sheen colonies (presumptive)</u>	<u>N/A</u>
<u>m-ColiBlue24</u>	<u>35° ± 0.5° C for 24 hrs</u>	<u>Red colonies</u>	<u>Blue to purple colonies</u>
<u>MI</u>	<u>35° ± 0.5° C for 24 ± 2 hrs</u>	<u>Fluorescent colonies under UV light</u>	<u>Blue colonies under normal light</u>
<u>Chromocult</u>	<u>36° ± 1° C for 24 ± 1 hrs</u>	<u>Salmon to red colonies</u>	<u>Dark-blue to violet colonies²</u>
<u>Coliscan</u>	<u>32°-37° C for 24-28 hrs</u>	<u>Pink to magenta colonies</u>	<u>Purple-blue colonies</u>
<u>m-FC</u>	<u>44.5° ± 0.2° C for 24 ± 2 hrs</u>	<u>N/A</u>	<u>Blue colonies (fecal coliforms)</u>

¹ Without the presence of E. coli. If an E. coli colony is present, as indicated by the last column, it shall be counted as a total coliform-positive colony.

² If confirmation of E. coli is desired, add one drop of Kovac's reagent to each dark blue to violet colony; the formation of a cherry-red color within seconds confirms the presence of E. coli.

- 1) Invalidation of a total coliform-negative drinking water sample: All samples resulting in confluent or TNTC (too numerous to count) growth shall be invalidated unless total coliforms are detected. If no total coliforms are detected, record as "confluent growth" or "TNTC" and request an additional sample from the same sampling site. Confluent growth is defined as a continuous bacterial growth covering the entire membrane filter without evidence of total coliform type colonies. TNTC is defined as greater than 200 colonies on the membrane

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

filter in the absence of detectable coliforms. Laboratories shall not invalidate samples when the membrane filter contains at least one coliform type colony (i.e., sheen colony for M-Endo medium, red or blue colony for m-ColiBlue24 agar, fluorescent or blue colony for MI agar, salmon to red or dark blue to violet colonies for Chromocult Coliform agar, pink-magenta or blue-purple colony for Coliscan). (Before invalidation, the laboratory may perform a verification test on the total coliform negative culture, i.e., on confluent or TNTC growth, and a fecal coliform/E. coli test. If the verification test is total coliform positive, the sample shall be reported as total coliform positive. If the test is total coliform negative, the sample shall be invalidated. A fecal coliform/E. coli positive result is considered a total coliform-positive, fecal coliform/E. coli positive sample, even if the initial and/or verification total coliform test is negative.)

- m) Invalidation of source water samples (SWTR): Laboratories shall invalidate any sample that results in confluent growth or TNTC, even when total coliform or fecal coliform colonies are present, because coliform density shall be determined.
- n) For drinking water samples (to verify colonies on Endo-type medium): At least five typical sheen colonies and five nontypical colonies shall be verified using either single strength lactose broth (LB) or lauryl tryptose broth (LTB) and then single strength 2% brilliant green lactose bile broth (BGLBB). Alternatively, sheen colonies may be verified using a cytochrome oxidase and b-galactosidase procedure. Individual colonies can be transferred with a sterile needle or loop, or applicator stick. If no sheen colonies are observed, verify up to five red questionable sheen colonies and/or red non-sheen colonies representing different morphological types. Alternatively, wipe the entire surface of the membrane filter with a sterile cotton swab, and inoculate the verification media (LTB, then BGLBB).
- o) For drinking water samples: Total coliform-positive colonies shall be tested for E. coli or fecal coliforms. The membrane filter tests approved by USEPA do not require additional media for such a test, except for those using Endo-type medium (M-Endo medium or M-Endo agar LES). EPA has approved several options for testing a total coliform-positive colony on Endo-type medium for E. coli or fecal coliforms. When EC Medium (for fecal coliforms) or EC Medium + MUG (for E. coli) is used, the colonies shall be transferred by employing one of the options specified by the Total Coliform Rule at 40 CFR 141.21(f)(5) (see Appendix G of the USEPA Manual for the Certification of Laboratories Analyzing Drinking Water). For the swab technique, a single swab can be used to inoculate a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

presumptive total coliform-positive culture into up to three different media (e.g., EC or EC-MUG Medium, LTB, and BGLBB, in that order). If Nutrient Agar + MUG is used, refer to Nutrient Agar + MUG section.

- p) For source water samples: Initial total coliform counts shall be adjusted based upon verified data, as in Standard Methods, Section 9222B(5).
- q) For source water samples (SWTR): If two or more analysts are certified, each analyst shall count total coliforms or fecal coliform colonies on the same membrane monthly. Colony counts shall agree within 10%.
- r) Nutrient Agar + MUG Test (for detection of E. coli in drinking water or ground water)
- 1) Medium shall be autoclaved at 121° C for 15 minutes. MUG may be added to Nutrient Agar before autoclaving. Nutrient Agar + MUG is also available commercially. The final MUG concentration shall be 100 µg/mL. The final pH shall be 6.8 ± 0.2.
 - 2) Positive and negative controls shall be tested as stated in Section 465.350(d)(9). Filter or spot-inoculate control cultures onto a membrane filter on M-Endo agar LES or M-Endo broth or agar, and incubate at 35° ± 0.5° C for 24 hours. Then transfer the filter to Nutrient Agar + MUG and incubate at 35° C for another 4 hours. The results shall be read and recorded.
 - 3) The membrane filter containing a coliform colony or colonies shall be transferred from the total coliform medium to the surface of Nutrient Agar + MUG medium. Each sheen colony shall be marked with a permanent marker on the lid. Also, the lid and the base shall be marked with a line to realign the lid should it be removed. (A portion of the colony may be transferred with a needle to the total coliform verification test before transfer to Nutrient Agar + MUG or after the 4-hour incubation time. Another method is to swab the entire membrane filter surface with a sterile cotton swab after the 4-hour incubation time on Nutrient Agar + MUG medium, and transfer to a total coliform verification test.)
 - 4) Inoculated medium shall be incubated at 35° ± 0.5 C° for 4 hours.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 5) Check the fluorescence using an ultraviolet lamp (365-366 nm) with a 6-watt bulb in a darkened area. Any amount of fluorescence in a halo around a sheen colony shall be considered positive for E. coli.
- s) MF method for detecting enterococci/fecal streptococci in ground water
- 1) For mE agar (SM 9230C) for the detection of enterococci: Prepare basal mE agar. Then autoclave and cool in a 44°-46° C water bath. Dissolve 0.48 g nalidixic acid and 0.4 mL 10 N NaOH into 10 mL of reagent-grade distilled water and mix. Filter-sterilize the solution, and add 5.2 mL per liter of basal mE agar. For triphenyl tetrazolium chloride (TTC), add 0.25 g of TTC to 25 mL of reagent-grade water, and warm to dissolve. Filter sterilize the solution, and add 15 mL per liter of basal mE agar. Final pH shall be 7.1 ± 0.2.
- 2) For m-Enterococcus agar (SM 9230C) for the detection of fecal streptococci (not enterococci): Heat to dissolve ingredients, but do not autoclave. Dispense into sterile petri plates (9 X 50 mm) (about 4 mL) and allow to solidify. Final pH shall be 7.2 ± 0.2.
- 3) For mEI agar (EPA Method 1600) for the detection of enterococci: Add 0.75 g indoxyl-b-D-glucoside to 1L of basal mE agar, and proceed according to subsection (s)(1), except that the preparation of TTC is as follows: Add 0.1 g of TTC to 10 mL of reagent-grade distilled water, and warm to dissolve. Filter-sterilize the solution, and add 2 mL per liter of medium. Final pH shall be 7.1 ± 0.2.
- 4) After filtering a 100-mL sample, place membrane in a petri dish on one of the agar media listed in subsection (s)(1), (s)(2) or (s)(3). Serial dilutions should not normally be necessary for detecting enterococci in ground water.
- 5) If m-Enterococcus agar is used, incubate inverted plate at 35° ± 0.5° C for 48 hours and, using magnification and a fluorescent lamp, count all light and dark red colonies as fecal streptococci.
- 6) If mE agar is used, incubate inverted plate for 48 hours at 41° ± 0.5° C, and then transfer filter to EIA medium. Incubate at 41° ± 0.5° C for 20-30 minutes and, using magnification and a fluorescent lamp, examine the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

colonies. Pink to red colonies on mE agar with a black or reddish brown precipitate on the underside of filter on EIA indicates the presence of enterococci.

7) If mEI agar is used, incubate inverted plate for 24 hours at $41^{\circ} \pm 0.5^{\circ} \text{C}$. Using magnification and a small fluorescent lamp, examine both the top and bottom of the plate for colonies with a blue halo. A colony with a blue halo, regardless of colony color, indicates the presence of enterococci.

t) Heterotrophic Plate Count (for enumerating heterotrophic bacteria in drinking water)

1) The Pour Plate Method (Standard Methods 9215B) or the SimPlate Method shall be used for determining compliance with 40 CFR 141.74(a)(1) and shall also be used for testing reagent grade water. For systems that have been granted a variance from the Total Coliform Rule's maximum contaminant level (see variance criteria in 40 CFR 141.4), any method in Standard Methods, Section 9215, Heterotrophic Plate Count, may be used with R2A medium for enumerating heterotrophic bacteria in drinking water.

2) Media

<u>Method</u>	<u>Medium</u>	<u>Final pH</u>
<u>Pour Plate</u>	<u>Plate count agar, also known as tryptone glucose yeast agar</u>	<u>7.0 ± 0.2</u>
<u>Pour Plate</u>	<u>R2A agar</u>	<u>7.2 ± 0.2</u>
<u>Spread Plate</u>	<u>R2A agar</u>	<u>7.2 ± 0.2</u>
<u>Membrane Filter</u>	<u>R2A agar</u>	<u>7.2 ± 0.2</u>
<u>SimPlate</u>	<u>Multiple enzyme substrate</u>	<u>7.2 ± 0.2</u>

3) (For Pour Plate Method) Melted agar shall be tempered at 44° - 46°C in a water bath before pouring. Melted agar shall be held no longer than three hours. Sterile agar medium shall not be melted more than once.

4) (For Spread Plate Method) 15 mL of R2A agar medium (or other medium) shall be poured into a petri dish (100 x 15 mm or 90 x 15 mm) and allowed to solidify.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 5) Refrigerated medium may be stored in bottles or in screw-capped tubes for up to three months, or in petri dishes for up to two weeks. Prepared petri dishes with R2A medium may be stored for up to one week.
- 6) For most potable water samples, countable plates can be obtained by plating 1.0 mL and/or 0.1 mL volumes of the undiluted sample (dilutions may not be necessary for SimPlate, which has a counting range up to 738/mL). At least duplicate plates per dilution shall be used.
- 7) (For Pour Plate Method) The sample shall be aseptically pipetted onto the bottom of a sterile petri dish. Then at least 10-12 mL of tempered melted (44°-46° C) agar shall be added to each petri dish. The sample and melted agar shall be mixed carefully to avoid spillage. After agar plates have solidified on a level surface, the plates shall be inverted and incubated at 35° ± 0.5° C for 48 ± 3 hours. Plates shall be stacked no more than four high and arranged in the incubator to allow proper air circulation and to maintain uniform incubation temperature. Avoid excessive humidity in the incubator to reduce the possibility of spreader formation on the agar medium. Also avoid excessive drying of the agar medium; agar medium in plates should not lose more than 15% by weight during 48 hours of incubation.
- 8) (For Spread Plate Method) 0.1 or 0.5 mL of the sample (or dilution) shall be pipetted onto the surface of the pre-dried agar in the plate, and then spread over the entire surface of the agar using a sterile bent-glass rod. The inoculum shall be absorbed completely by the agar before the plate is inverted and incubated. The plate shall be incubated at 20°-28° C for 5-7 days.
- 9) (For Membrane Filter Technique) The volume to be filtered shall yield between 20-200 colonies. The filter is transferred to a petri dish containing 5 mL of solidified R2A medium, and incubated at 20°-28° C for 5-7 days. If plates with loose-fitting lids are used, plates shall be placed in a plastic box with a close fitting lid containing moistened paper towels. Paper towels shall be rewetted as necessary to maintain moisture. Colonies shall be counted using a stereoscopic microscope at 10-15X magnification.
- 10) (For SimPlate Method) Unit Dose (for a single sample): A 10-mL volume of test sample is added to a test tube containing dehydrated SimPlate

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

medium. Then the dissolved medium shall be poured onto the center of a plate containing 84 small wells (provided by the manufacturer, IDEXX Laboratories, Inc.). Alternatively, 9 mL of sterile diluent (D.I. water, distilled water, or buffered water (Standard Methods, 9050C, 1 a)) can be added to the tube, followed by a 1-mL sample. Then follow the procedure as indicated above for the 10-mL sample. The mixture shall be distributed evenly to the 84 wells on the plate, and the excess liquid drained into an absorbent pad on the plate. The plate shall then be inverted (the fluid in each well is held in place by surface tension), and incubated for 45-72 hours at $35^{\circ} \pm 0.5^{\circ}$ C. Bacterial density is determined by counting the number of wells that fluoresce under a 365-366 nm UV light, and converting this value to a Most Probable Number using the Unit Dose MPN table provided by the manufacturer. If a 10-mL sample is used, read the Unit Dose MPN/mL directly. If a 1-mL sample is used, then correct the MPN/mL value by multiplying it by 10.

- 11) (For SimPlate Method) Multiple Dose (for 10 samples of 1 mL each): A 100-mL sterile diluent shall be added to the dehydrated SimPlate medium to reconstitute, and shaken to dissolve. Then a 1.0-mL test sample shall be pipetted to the center of a plate containing 84 small wells, followed by 9 mL of the reconstituted medium. Gently swirl plate to mix the sample and medium, and distribute the mixture evenly to the 84 wells on the plate. Then continue with the procedure indicated in subsection (t)(10), except that the Multi-Dose table supplied by the manufacturer shall be used to determine the MPN/mL. If a dilution is made during sample preparation, then multiply the MPN/mL value by the dilution factor.
- 12) (For Pour Plate and Spread Plate Techniques) Colonies shall be counted manually using a dark-field colony counter. In determining sample count, laboratories shall count only plates having 30 to 300 colonies, except for plates inoculated with 1.0 mL of undiluted sample. Counts less than 30 for such plates are acceptable. (Fully automatic colony counters are not suitable because of the size and small number of colonies observed when potable water is analyzed for heterotrophic bacteria.)
- 13) Each batch or flask of agar shall be checked for sterility by pouring a final control plate. Data shall be rejected if control is contaminated.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 465.370 Sample Collection, Handling and Preservation

When the laboratory has been delegated responsibility for sample collection, handling, and preservation, there shall be strict adherence to correct sampling procedures, complete identification of the sample, and prompt transfer of the sample to the laboratory as specified in "Standard Methods for the Examination of Water and Wastewater." In addition, the following standards for sample collection, handling, and preservation of potable water samples shall be met:

- a) In order for the sample to be representative of the potable water system, the sampling program shall include examination of the finished water at selected sites that systematically cover the distribution network.
- b) Minimum sampling frequency shall be as specified in 35 Ill. Adm. Code 611, Subpart L (Microbiological Monitoring and Analytical Requirements).
- c) Water shall be sampled from cold water taps that are free of aerators, strainers, hose attachments, and water purification devices. Prior to sampling, a steady flow of water shall be maintained from the tap for ~~two~~2 to ~~three~~3 minutes to clear the service line.
- d) The sample bottle shall be filled allowing at least $\frac{1}{4}$ inch of air space from the top to provide space for mixing. A minimum sample volume of 100 ~~mL~~ mL shall be collected. If a sample bottle is filled too full to allow for proper mixing, do not pour off and discard a portion of the sample. Rather, pour the entire sample into a larger sterile container, mix properly, and proceed with the analysis.
- e) The sample report form shall be completed in indelible ink immediately after collecting the sample and shall contain the following information: name of system (public water system site identification number, if available); sample identification (if any); date and time of collection; sample site location; sample collector's name and organization (if not the water system); persons transporting the samples from the system to the laboratory (if not the sampler); transportation condition (e.g., $<10^{\circ}$ C, protection from sunlight); sample type (e.g., routine, repeat); and total chlorine residual (if applicable).
- f) When sample containers are prepared within the laboratory, the dechlorinating agent, 0.1 mL of a 3% solution of sodium thiosulfate shall be added to a 120 mL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~bottle to neutralize up to 5 mg/L. Adjust volume added to larger bottles to provide the same level of neutralization. Sample bottles shall be of at least 120 ml capacity, of sterile plastic or hard glass, wide mouthed with glass stopper or screw cap (metal or plastic), and capable of withstanding repeated sterilization. Presterilized plastic bags, with or without a dechlorinating agent, may be used. Metal caps with exposed bare metal on the inside shall not be used. When samples are to be collected from chlorinated water supplies, sodium thiosulfate shall be added to the sample bottles in an amount sufficient to provide an approximate concentration of 100 mg per liter of sample prior to sterilization of the sample bottles. As an example, 0.1 ml of a 10% sodium thiosulfate solution is required for a 120 ml sample bottle.~~

- g) When the sample is delivered to the laboratory:
- 1) The following information shall be added to the sample report form:
 - A) Date and time of sample arrival;
 - B) Name of carrier; and
 - C) Name of the person receiving the sample for the laboratory; and
 - 2) Each sample shall be assigned a laboratory number. In the event of a repeat or replacement sample, the number assigned to the original sample shall also be recorded.
- h) Records necessary to establish chain-of-custody of the samples shall be maintained.
- i) ~~For the analysis of total coliform in drinking water, the time between sample collection and the placement of the sample in the incubator shall not exceed 30 hours. All samples received in the laboratory shall be analyzed on the day of receipt, unless the laboratory receives the sample late in the day (in which case, the sample shall be refrigerated overnight), as long as analysis begins within 30 hours after sample collection. Samples shall be analyzed on the day of arrival in the laboratory, preferably within 30 hours after collection. If a sample is run after the 30 hour limit, the laboratory must indicate on the report form that the results may be invalid due to excessive delay before processing. Without exception, samples arriving more than 48 hours after collection shall be refused and a new~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~sample requested.~~

- j) The time from sample collection to placement of sample in the incubator (i.e., the holding time) for total coliforms and fecal coliforms in surface water sources and heterotrophic bacteria in drinking water shall not exceed eight hours for samples being analyzed in compliance with the Surface Water Treatment Rule (40 CFR 141.74(a)(1)). Per 40 CFR 141.704, for surface water E. coli samples being analyzed in compliance with the Long Term 2 (LT2) rule, the holding time for the sample shall not exceed 30 hours, unless an exception is granted by the State. The State may approve, on a case-by-case basis, the holding of an LT2 E. coli sample for up to 48 hours if the State determines that analyzing the sample within 30 hours is not feasible.
- kj) Samples of potable water for heterotrophic plate count analysis shall be refrigerated and delivered to the laboratory within ~~six~~6 hours after collection, and analyzed within ~~two~~2 hours after receipt in the laboratory.
- lk) Source water samples shall be held at <10° C and time of initiation of analyses shall not exceed ~~eight~~8 hours from time of collection.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.380 Standards for Laboratory Pure Water

The following standards shall apply to all laboratory pure water:

- a) Laboratory pure water shall have these characteristics:

<u>Parameter</u>	<u>Limits</u>	<u>Frequency</u>
<u>Conductivity</u>	<u>>0.5 megohms resistance or <2 micromhos/cm at 25° C</u>	<u>Monthly</u>
<u>Cd, Cr, Cu, Pb, Ni, Zn</u>	<u>Not greater than 0.05 mg/L per contaminant. Collectively, no greater than 0.1 mg/L</u>	<u>Annually</u>
<u>Total Chlorine Residual¹</u>	<u><0.1 mg/L</u>	<u>Monthly</u>
<u>Heterotrophic Plate Count²</u>	<u><500 CFU/mL</u>	<u>Monthly</u>
<u>Bacteriological Quality of Reagent Water³</u>	<u>Ratio of growth rate 0.8 to 3.0</u>	<u>Annually</u>

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- ¹ DPD Method shall be used. Not required if source water is not chlorinated.
- ² Pour Plate Method. See Standard Methods 9215B. SimPlate method allowed with satisfactory comparison testing.
- ³ See Standard Methods, Section 9020B, under Laboratory Supplies. This bacteriological quality test is not needed for type II water or better, as defined in Standard Methods. If Type II or medium quality water or better is not available, and a glass still is used for reagent water, a silicon test that meets the specifications of Standard Methods, Section 1080C shall also be accomplished. The bacteriological quality test is not needed for water with a conductivity <1 micromhos/cm at 25° C or resistivity >1 megohms. Users of purchased bottled water are not exempt from the suitability test.

<u>Property</u>	<u>Value</u>
Conductivity	Less than 2.0 micromhos/cm resistivity greater than 0.5 megohm-cm) ± 1% at 25° C
Trace metals:	
Individual metals (Cd, Cr, Cu, Ni, Pb, Zn)	Less than or equal to 0.05 mg/l
Total metals	Less than or equal to 0.1 mg/l
Test for bactericidal properties of distilled water	Ratio of 0.8 to 3.0
Free chlorine residual	None
Heterotrophic plate count	Less than 500/ml

- b) Laboratory pure water shall be analyzed initially and annually (every 12 months) thereafter by the test for bacteriological quality of distilled water as specified in "Standard Methods for the Examination of Water and Wastewater." Purchased laboratory pure water shall be sampled in-house; manufacturer's test results shall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

not be used to establish compliance. Only satisfactorily tested water shall be used in preparing media, reagents, rinse, and dilution water. If the water tested does not meet the testing requirements, the water shall not be used until corrective action has been taken and retesting determines that the testing requirements have been met.

- c) Laboratory pure water shall be analyzed monthly for conductance, chlorine residual, and heterotrophic plate count. Heterotrophic plate counts shall be performed as specified in "Standard Methods for the Examination of Water and Wastewater." If the water tested exceeds requirements for these properties, the water shall not be used until corrective action has been taken and retesting determines that the testing requirements have been met.
- d) Laboratory pure water shall not be in contact with heavy metals, and shall be analyzed initially and annually (every 12 months) thereafter for trace metals (especially Pb, Cd, Cr, Cu, Ni, and Zn) in the quantities specified in subsection (a) of this Section. If the water tested exceeds requirements for trace metals, the water shall not be used until corrective action has been taken and retesting determines that the testing requirements have been met.
- e) ~~The following quality control tests for heterotrophic plate count shall be utilized:~~
- ~~1) Sterility controls shall be poured for each bottle of sterile, melted, tempered medium used.~~
 - ~~2) Sterility of pipets and petri dishes shall be determined.~~
 - ~~3) Microbial density of the air during plating procedures shall be determined for each series of samples plated. When 15 or more colonies appear on an exposed plate after a 15 minute exposure period and 48 hours of incubation at 35° C, corrective action shall be taken.~~
 - ~~4) The sterility of dilution water, if used, shall be determined.~~
 - ~~5) Records of all sterility test results shall be maintained.~~

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.390 General Quality Control Procedures

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- a) A written description of the current laboratory quality control and quality assurance program shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place. The quality assurance plan shall be reviewed annually and updated as necessary. A record of analytical quality control tests and quality control checks on media, materials, and equipment shall be prepared and retained for five years.
- b) A laboratory manual containing complete written instructions for each parameter for which the laboratory is certified shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place.
- c) The following minimum requirements shall apply to analytical quality control tests for general laboratory practices and methodology:
- ~~1) Verify all coliform colonies. However, if the number of colonies exceeds 10/100 ml, then randomly pick 10 colonies for verification. An acceptable alternative method is to swab the entire membrane surface and transfer the swab to the verification test media in the following order: lauryl tryptose broth, EC medium, brilliant green lactose broth.~~
 - ~~2) A start and finish membrane filtration control test of rinse water, media, and supplies shall be conducted for each filtration series. If sterile controls indicate contamination, all data on samples affected shall be rejected and a request made for immediate resampling of those waters involved in the laboratory error.~~
 - 13) Each laboratory shall successfully analyze at least one set of proficiency testing (PT) samples once every 12 months, for each method for which it is certified. When unknown performance evaluation samples are available, each approved analyst shall analyze at least one per year for the parameters measured. When PT performance evaluation sample results indicate technical error, the Department will provide appropriate technical assistance to determine the cause and make suggestions for correction of the problem.
 - 24) Each analyst approved for the total coliform presence/absence procedure by the membrane filter technique shall verify quarterly total coliform analyses by swabbing three plates from a known positive sample and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

inoculating lauryl tryptose broth and brilliant green lactose bile broth from each plate. The lauryl tryptose broth and brilliant green lactose bile broth shall be incubated at $35.0^{\circ} \pm 0.5^{\circ}$ C for 24 to 48 hours. Turbid growth with gas production indicates a positive result.

- 3) Each analyst approved for the total coliform count procedure by the membrane filter technique shall verify quarterly 10 colonies, including each type of atypical colony observed.
 - 45) Each analyst approved for EC verification shall inoculate quarterly ~~three~~3 tubes of EC medium with the same swabs used to perform the quarterly total coliform verification. EC medium shall be incubated at $44.5^{\circ} \pm 0.2^{\circ}$ C for 24 hours.
 - 56) Each analyst approved for the fecal coliform procedure by the membrane filter technique shall verify quarterly fecal coliform analyses by picking at least 10 isolated colonies from membranes containing typical blue colonies and transferring to lauryl tryptose broth and EC medium. The lauryl tryptose broth shall be incubated at $35.0^{\circ} \pm 0.5^{\circ}$ C for 24 to 48 hours. The EC medium shall be incubated at $44.5^{\circ} \pm 0.2^{\circ}$ C for 24 hours. Turbid growth with gas production indicates a positive result.
 - 67) If there is more than one analyst in the laboratory, at least once each ~~month~~quarter each analyst shall count the same heterotrophic plate count plate, total coliform membrane, and fecal coliform membrane (per certified method if appropriate). Colony counts between analysts shall agree within 10 percent.
 - 78) The standards for laboratory pure water specified in Section 465.380 shall be met.
- d) The following quality control tests for heterotrophic plate count shall be utilized:
- 1) Sterility controls shall be poured for each bottle of sterile melted, tempered medium used.
 - 2) Sterility of pipets and petri dishes shall be determined.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 3) Microbial density of the air during plating procedures shall be determined for each series of samples plated. When 15 or more colonies appear on an exposed plate after a 15-minute exposure period and 48 hours of incubation at 35° C, corrective action shall be taken.
- 4) The sterility of dilution water, if used, shall be determined.
- 5) Records of all sterility test results shall be maintained.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.400 Quality Controls for Media, Equipment and Supplies

The following minimum requirements shall apply to quality control checks of laboratory media, equipment, and supplies:

- a) The pH ~~meter or meters~~meter(s) shall be standardized before each use period with pH 7.0 and either pH 4.0 or pH 10.0 standard buffers, whichever range covers the desired pH of the media or reagent. A record of the standardization, including the percent slope, shall be maintained. ~~clean and calibrated each day of use with pH 4, pH 7 and pH 10 standard buffers. The reading shall be within 0.1 unit for the pH of the third buffer. Alternatively pH 7 and either pH 4 or pH 10 buffers shall be used with percent slope determined.~~ Percent slope shall be 95 to ~~105~~102%. If the pH meter does not have a feature to automatically calculate the slope, but can provide the pH in millivolts, the following formula shall be used: Slope (as %) = mV at pH 7 – mV at pH 4 or pH 10 X 1000/77. Each buffer aliquot shall be used only once. Commercial buffer solutions shall be dated ~~on initial use~~. Do not use past the expiration date. Maintain electrodes according to manufacturer's recommendations.
- b) Balances shall be calibrated monthly using NIST standardized Class "S" or "S-1", or equivalent ASTM 1, 2, or 3~~;~~ weights. A minimum of ~~three~~3 weights ~~that~~which bracket the weighing requirements of the laboratory shall be used, and these weights shall be recertified every ~~five~~5 years. A certificate listing correction data shall accompany the weights. Electronic balances shall be calibrated annually by a qualified service representative who is not affiliated with the laboratory. A certificate of calibration from the service representative ~~shall~~should be available for inspection.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

c) Glass and electronic thermometers and temperature-recording devices shall be calibrated annually at temperature of use against an NIST certified thermometer to within $\pm 1.0^{\circ}$ C. NIST-certified thermometers shall be checked at the ice point annually and recalibrated at least every five years at each temperature of use. The calibration factor, date calibrated, temperature of calibration, and analyst's initials shall be tagged on each thermometer. In addition, the laboratory shall record the following information in a Quality Control (QC) record book:

- 1) Serial number or unique identifier of laboratory thermometer;
- 2) Serial number of NIST-traceable thermometer;
- 3) Temperature of laboratory thermometer;
- 4) Temperature of NIST-traceable thermometer;
- 5) Correction (or calibration) factor;
- 6) Date of calibration; and
- 7) Analyst's initials.

~~Glass thermometers or continuous temperature recording devices for incubators shall be checked at least annually for accuracy and metal thermometers shall be checked at least quarterly for accuracy against an NIST certified thermometer, or one of equivalent accuracy.~~

d) Temperature in incubation equipment shall be recorded continuously by a temperature-recording device or recorded twice daily (at times separated by at least ~~four~~4 hours) from in-place thermometers immersed in liquid and placed on the top and bottom shelves of the use area. Documentation shall include the date and time of reading, temperature (as determined using the correction factor of the thermometer in use), and analyst's initials. Temperature readings from walk-in incubators with a continuous temperature reading device shall be supplemented by readings from in-place thermometers placed on various shelves other than where the recorder probe is located.

e) Date, contents, sterilization time and temperature, total time in autoclave, and analyst's initials shall be recorded each time the autoclave is used.~~Date, time,~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~duration, and temperature of autoclaving shall be recorded continuously or recorded for each sterilization cycle. A list of materials sterilized in each cycle shall also be maintained and shall be initialed by the person(s) involved.~~ Charts, if used, are to accompany written records.

- f) Hot air ~~oven~~oven(s) shall be equipped with a thermometer registering up to at least 180° C, or with a temperature-recording device. The oven thermometer shall be graduated in 10° C increments or less, with the bulb placed in sand during use. ~~Date, contents, sterilization time and temperature, total time in oven, and analyst's initials shall be recorded each time the hot air oven is used. Date, time, duration, and temperature shall be recorded for each sterilization cycle. A list of materials sterilized in each cycle shall also be maintained and shall be initialed by the person(s) involved in the sterilization process.~~
- g) Only membrane filters recommended for water analysis by the manufacturer shall be utilized. Manufacturer data sheets containing information as to lot number, ink toxicity, recovery, retention, and absence of growth-promoting substances for membrane filters shall be entered into the laboratory's record system. Membrane filters with new lot numbers shall be compared with membrane filters previously found acceptable using ~~student's~~Student's t test as specified in Standard Methods. Unacceptable membranes shall be returned to the vendor. The lot numbers of membrane filters and date received shall be recorded.
- h) Washing processes shall provide clean glassware with no stains or spotting. Use distilled or deionized water for final rinse. Laboratory glassware shall be washed with a detergent designed for laboratory use. A glassware inhibitory residue test (Standard Methods, Section 9020B, under Laboratory Supplies) shall be performed, and acceptable results obtained, before the initial use of a detergent and whenever a different formulation, lot number, container or washing procedure is used. Results shall be recorded. With initial use of a detergent or washing product and annually thereafter, the rinsing process with distilled or deionized water shall be demonstrated to provide glassware free of toxic material based on the Inhibitory Residue Test as specified in "Standard Methods for the Examination of Water and Wastewater."
- i) A representative piece of each type of glassware or plastic ware from each batch of clean, dried glassware or plastic ware shall be tested for residual alkaline or acid residue using bromothymol blue indicator. If the result of the indicator test is not green, corrective action shall be taken by re-rinsing, then air drying and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

retesting.

- j) At least one bottle per batch of sterilized sample bottles shall be checked for sterility by adding approximately 25 ml of sterile non-selective broth media to each bottle. The bottle shall be capped and rotated so that the broth comes in contact with all surfaces and shall be incubated at $35^{\circ} \pm 0.5^{\circ} \text{C}$ and checked after 24 and 48 hours for growth, for 24 hours prior to checking for growth. Prepared sample bottles from each batch shall not be used unless satisfactory results are obtained from the tested bottle.
- k) At least one bottle per batch of sterilized sample bottles prepared with sodium thiosulfate shall be checked for sufficient amount of the dechlorinating reagent by collecting a potable sample at the laboratory tap, then checking for residual chlorine ~~in compliance with the Sample Collector's Handbook, Illinois Environmental Protection Agency, April 1989.~~ Corrective action shall be taken if there is any residual chlorine, and bottles from the batch checked shall not be used until corrective action has been completed.
- l) Current service contracts or in-house protocols shall be maintained on balances, autoclaves, hot-air sterilization ovens, water stills, deionizers, reverse osmosis apparatus, water baths, incubators, etc. Service records on such equipment shall include the date, name of the servicing person, and a description of the service provided.
- m) Records shall be available for inspection on all batches of sterilized media showing type of medium, lot numbers, date, sterilization time and temperatures, final pH, and name of the ~~persons~~ person(s) responsible for all or any part of the recorded data. The final pH of the medium at 25° C shall be:

Media	pH
M-Endo broth	7.2 ± 0.2
M-Endo agar	7.2 ± 0.2
M-Endo LES agar	7.2 ± 0.2
brilliant green lactose bile broth	7.2 ± 0.2
P-A coliform test medium	6.8 ± 0.2
EC Medium	6.9 ± 0.2
plate count agar	7.0 ± 0.2

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

M-FC broth/agar	7.4 ± 0.2
lauryl tryptose broth	
single strength	6.8 ± 0.2
double strength	6.7 ± 0.2

- n) ~~Lactose broth may be used in lieu of LTB if the laboratory conducts at least 25 parallel tests between this medium and LTB using water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10%. Positive and negative cultures, or a natural water of known pollution, shall be used on each new lot of medium to determine performance compared to a previous acceptable lot of medium. For media which give actual colonies to count, use Student's t test determining acceptability. For all other media check a minimum total of 10 tubes each of old and new lot numbers. The results shall differ by no more than 10%.~~
- o) A maximum registering thermometer shall be used during each autoclave and hot air oven cycle weekly to verify sterilization temperatures. ~~within autoclaves and hot air sterilizing ovens.~~ The oven maximum registering thermometer shall be placed in sand. The autoclave maximum registering temperature shall be placed in a container of water. Use spore strips or ampules on a monthly weekly basis, including a positive control. Spore strips shall be used monthly to confirm sterilization for the hot air oven. Do not use ampules because they may explode or melt. A record of these results shall be maintained to include the date, material sterilized, and the initials of the analyst involved. Check automatic timing mechanisms on autoclaves quarterly with a stopwatch. For a 15-minute sterilization period, the autoclave time shall be within 60 seconds of the clock time.
- p) When a media-dispensing apparatus is used, the media preparer shall check and maintain a record of the accuracy of the dispenser with a graduated cylinder at the start of each volume change and periodically throughout extended runs.
- q) The refrigerator temperature shall be determined daily by an accurate thermometer immersed in liquid and placed on the top shelf. The refrigerator unit shall be visibly cleaned at least monthly. Outdated materials in the refrigerator and freezer compartments shall be discarded.
- r) Ultraviolet sterilization lamps shall be tested quarterly by exposing agar spread plates containing 200 to 250 microorganisms to the light for two minutes. If such

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

irradiation does not reduce the count of control plates by 99 percent, the lamps shall be replaced. Alternatively, replace lamps if they emit less than 70% of the initial output. Cleaning of ultraviolet sterilization lamps shall be done at least monthly by disconnecting the unit and cleaning the lamps with a soft cloth moistened with ethanol. Use protective eye wear when checking the operation of a 254 nm lamp.

- s) Water baths shall be cleaned at least monthly. The use of distilled or deionized water for water baths is recommended.
- t) Media shall be used on a first in, first out basis. Records shall be kept of the kind, amount, date received, and date opened for bottles of media. The date opened and the date received shall be written on the bottles. Bottles of dehydrated media shall be used within six months after opening, except that media stored in a desiccator may be used up to one year after opening. It is recommended that media be ordered in quantities to last no longer than one year, and that media be ordered in quarter pound multiples rather than one pound bottles in order to keep the supply sealed and protected as long as possible. Any media that have passed the manufacturer's expiration date shall be discarded.
- u) Calibrate the conductivity meter at least monthly, following the manufacturer's recommendations, using a certified and traceable low level standard of 20 micromhos or less. Conductivity meters shall be calibrated monthly with a 0.01 M KCl solution or lower concentration if desired. The meter reading shall be within 21% of the value of the standard. If an in-line unit cannot be calibrated, it shall not be used to check reagent-grade water. Calibration is not required for in-line conductivity meters, unless used to determine compliance with quality control requirements.
- v) A spectrophotometer or colorimeter (if used) shall have wavelengths in the visible range. A calibration standard and method specific blank shall be analyzed every day that the instrument is used prior to sample analysis. The calibration standard shall give a reading in the desired absorbance range and shall be obtained from an outside source.
- w) Check each batch of prepared or each lot of commercial dilution/rinse water for sterility by adding 50 mL of water to 50 mL of double-strength, nonselective broth. Incubate at $35^{\circ} \pm 0.5^{\circ}$ C, and check for growth after 24 and 48 hours. Discard batch if growth is detected.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- x) Check each batch of prepared or each lot of commercial dilution water blanks for pH; pH shall be 7.2 ± 0.2 .
- y) Check one of 25 dilution water blanks per batch of prepared lot of commercial dilution water blanks for volume using a Class A graduated cylinder or a MacCaffrey flask. Volume shall be $99 \text{ mL} \pm 2 \text{ mL}$.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.420 Record Maintenance

- a) All records that the laboratory is required to maintain shall be recorded in indelible ink with any changes lined through so that the original entry is visible. Changes shall be initialed and dated. Documentation supporting all corrections on records shall be maintained. Electronic records and signatures are allowed. See General Provisions, Electronic Commerce Security Act [5 ILCS 175].
- b) A copy of the sample report form shall be maintained by the laboratory for at least 5 years. If results are entered into a computer storage system, a printout of the data shall be returned to the laboratory for verification with bench sheets. Electronic records shall be made available in hard copy for on-site evaluation. Electronic data shall always be backed up by protected tape, disk, or hard copy. If the laboratory changes its computer hardware or software, it shall make a provision for transferring old data to the new system so that it remains retrievable within the time frames specified. See Good Automated Laboratory Practices, EPA 2185, Office of Information Management, Research Triangle Park NC 27711, August 10, 1995.
- c) Records of bacteriological analyses shall be kept for at least 5 years. Actual laboratory reports may be kept. However, data may be transferred to tabular summaries, which shall include the following information:
 - 1) Date, place, and time of sampling;
 - 2) Name of person who collected the sample;
 - 3) Identification of the sample origin, such as routine distribution sample, resample, construction sample, raw or process water sample, surface or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ground water sample, or other special purpose sample;

- 4) Date and time of receipt of sample in the laboratory;
 - 5) Records necessary to establish chain-of-custody of the sample;
 - 6) Date and time of sample analysis;
 - 7) Name of the persons and designation of the laboratory responsible for performing the analysis;
 - 8) Designation of the analytical techniques or methods used; and
 - 9) Results of the analysis.
- d) The disposal of all records subject to the Local Records Act [50 ILCS 205] shall~~must~~ be in accordance with the provisions of that Act and Section 465.430.

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

Section 465.430 Action Response to Laboratory Results

- a) For laboratory results concerning samples from public water supplies and their sources, presumptive positive microbiological test results are to be reported to the Illinois Environmental Protection Agency and the community public water supply system as preliminary without waiting for membrane filter verification or multiple tube fermentation (MTF) completion. After membrane filter verification or MFT completion or both, the adjusted results shall be reported. The Illinois Environmental Protection Agency and the public water supply shall be notified when results indicate that non-coliforms may have interfered with the total coliform analysis, as described in 40 CFR 141.21(c)(2).
- b) If any sample is fecal coliform- or E. coli-positive, the system shall notify the State by the end of the day when the public water supply system is notified of the test result, unless the public water supply system is notified of the result after the State office is closed, in which case the system shall notify the State before the end of the next business day (see 40 CFR 141.21(e)(1)).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- c) A total coliform-positive result is based on the confirmed phase if the Multiple Tube Fermentation Technique or Presence/Absence (P/A) Coliform Test is used, or the verified test for the Membrane Filter Technique if M-Endo medium or LES Endo agar is used. No requirement exists to confirm a total coliform-positive result using Colilert, Colisure, MI agar, E*Colite, m-ColiBlue24, Chromocult, ReadyCult/Fluorocult, Coliscan, or Colitag test. Also, no requirement exists to confirm and/or verify as such, but if found to be fecal coliform or E. coli-positive, the sample is considered total coliform-positive and fecal coliform/E. coli-positive.

~~For laboratory results concerning samples from public water supplies and their sources, presumptive positive microbiological test results are to be reported to the Illinois Environmental Protection Agency and the public water supply as preliminary without waiting for membrane filter verification or MTF completion. After membrane filter verification or MTF completion or both, the adjusted results shall be reported. The Illinois Environmental Protection Agency and the public water supply shall be notified when results indicate that noncoliforms may have interfered with the total coliform analysis.~~

(Source: Amended at 35 Ill. Reg. 14494, effective August 12, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3) Section Number: 1285.305 Emergency Action: Amendment
- 4) Statutory Authority: Medical Practice Act of 1987 [225 ILCS 60] and the Patients' Right to Know Act (Public Act 97-280)
- 5) Effective Date of Amendment: August 12, 2011
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it will expire: This emergency amendment will expire at the end of 150 days or when permanent replacement rules are adopted, whichever comes sooner.
- 7) Date Filed in Index Department: August 12, 2011
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Public Act 97-280, effective August 9, 2011, creates the Patients' Right to Know Act, requiring the Department to make available to the public a profile of each physician licensed in Illinois. Physician profiles were originally required under the Medical Practice Act of 1987 by Public Act 94-677, the so-called Med Mal bill which also included caps on medical malpractice; when those caps were held unconstitutional, the entire Public Act was struck down and the profiles removed. Section 1285.305, added to this Part to implement the profile requirement, has remained on the books but has not been enforced or utilized since its statutory authority was stricken. This emergency amendment, which updates Section 1285.305, will allow the Department to quickly obtain the necessary updates to information necessary to reactivate the profiles for the public.
- 10) A Complete Description of the Subjects and Issues Involved: As mentioned above, Public Act 97-280 directs the Department to make available to the public a profile of each physician licensed in Illinois; this emergency rulemaking implements this requirement by updating Section 1285.305 to allow the Department to obtain correct, complete, and accurate information on the physicians for inclusion in the public profiles.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENT

- 11) Are there any proposed rulemakings to this Part pending: This emergency amendment will expire at the end of 150 days or when permanent replacement rules are adopted, whichever comes sooner.
- 12) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 13) Information and questions regarding this emergency amendment shall be directed to:

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285

MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL
AND RESTORATION PROCEDURE

Section

1285.20	Six Year Post-Secondary Programs of Medical Education
1285.30	Programs of Chiropractic Education
1285.40	Approved Postgraduate Clinical Training Programs
1285.50	Application for Examination
1285.60	Examinations
1285.70	Application for a License on the Basis of Examination
1285.80	Licensure by Endorsement
1285.90	Temporary Licenses
1285.91	Visiting Resident Permits
1285.95	Professional Capacity Standards for Applicants Having Graduated More Than 2 Years Prior to Application
1285.100	Visiting Professor Permits
1285.101	Visiting Physician Permits
1285.105	Chiropractic Physician Preceptorship (Repealed)
1285.110	Continuing Medical Education (CME)
1285.120	Renewals
1285.130	Restoration and Inactive Status
1285.140	Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section

1285.200	Medical Disciplinary Board
1285.205	Complaint Committee
1285.210	The Medical Coordinator
1285.215	Complaint Handling Procedure
1285.220	Informal Conferences
1285.225	Consent Orders

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENT

1285.230	Summary Suspension
1285.235	Mandatory Reporting of Impaired Physicians by Health Care Institutions
1285.240	Standards
1285.245	Advertising
1285.250	Monitoring of Probation and Other Discipline and Notification
1285.255	Rehabilitation
1285.260	Fines
1285.265	Subpoena Process of Medical and Hospital Records
1285.270	Inspection of Physical Premises
1285.275	Failing to Furnish Information

SUBPART C: GENERAL INFORMATION

Section

1285.305	Physician Profiles
EMERGENCY	
1285.310	Public Access to Records and Meetings
1285.320	Response to Hospital Inquiries
1285.330	Rules of Evidence
1285.335	Physician Delegation of Authority
1285.336	Use of Lasers
1285.340	Anesthesia Services in an Office Setting

AUTHORITY: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. 7888, effective May 30, 1996; amended at 22 Ill. Reg. 6985, effective April 6, 1998; amended at 22 Ill. Reg. 10580, effective June 1, 1998; amended at 24 Ill. Reg. 3620, effective February 15, 2000; amended at 24 Ill. Reg. 8348, effective June 5, 2000; amended at 26 Ill. Reg. 7243, effective April 26, 2002; amended at 28 Ill. Reg. 5857, effective March 29, 2004; amended at 29 Ill. Reg. 18823, effective November 4, 2005; amended at 31 Ill. Reg. 14069, effective September 24, 2007; amended at 33 Ill. Reg. 4971, effective March 19,

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENT

2009; emergency amendment at 35 Ill. Reg. 14564, effective August 12, 2011, for a maximum of 150 days.

SUBPART C: GENERAL INFORMATION

Section 1285.305 Physician Profiles**EMERGENCY**

- a) The Division shall make available to all physicians as defined in Section [5 of the Patients' Right to Know Act \[225 ILCS 61/5\]](#)~~24.1 of the Act~~ a copy of their physician profile on or before [August 15, 2011](#)~~October 1, 2007~~. Notification and instructions concerning their profile shall be sent to the physician's address of record with the Division. Physicians shall review their profile as it appears on the Division's website, confirm the listed information and input all additional information required as indicated on the website. Any questions or corrections regarding information contained in the profile shall be sent to the Division in writing by the physician.
- b) It is the responsibility of the physician to assure that the information the physician enters into the profile is accurate. Delegation of this task to an employee or designee shall not waive this responsibility.
- c) All physicians shall verify and complete their profile on or before [October 15, 2011](#)~~January 1, 2008~~. Failure to comply with this Section shall be considered a violation of the Act and shall subject the physician to disciplinary proceedings pursuant to Subpart B and a fine of \$500.
- d) On or about [October 19, 2011](#)~~January 1, 2008~~, the Division shall make available to the public all physician profiles regardless of whether the physician has provided verification of the profile content. The Division shall include the following statement in boldface type on any profiles when a physician has failed to verify his or her profile: "This physician has not verified the information in this profile."
- e) All physicians shall be required to have a completed physician profile in accordance with this Section. No renewal application shall be processed without a completed profile.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENT

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 14564, effective August 12, 2011, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

POLLUTION CONTROL BOARD

- 1) Heading of the Part: Solid Waste
- 2) Code Citation: 35 Ill. Adm. Code 807
- 3) Register citation of proposed rulemaking and other pertinent action: This rulemaking was proposed at 35 Ill. Reg. 3199; February 25, 2011 and subsequently adopted at 35 Ill. Reg. 10784; July 8, 2011.
- 4) Explanation: As filed with the Secretary of State by the Pollution Control Board, at 1st Notice and for adoption, Section 807.661(d), the "where" statements, stated that "CV" in a formula means "current value of the trust". This information was inadvertently printed in the *Illinois Register* with the "CV" missing from the text. This occurred at both 1st Notice and adoption. JCAR regrets this printing error.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

ENVIRONMENTAL PROTECTION AGENCY

- 1) Heading of the Part: Permit Fees for National Pollutant Discharge Elimination System Permits and Domestic Sewage Sludge Generator or Sludge User Permits
- 2) Code Citation: 35 Ill. Adm. Code 325
- 3) Register citation of proposed rulemaking and other pertinent action: February 19, 2010; 34 Ill. Reg. 2608. This rulemaking was subsequently adopted on June 29, 2010 at 34 Ill. Reg. 10056.
- 4) Explanation: The Agency proposed the following language in Section 410(d):

"In the event the Agency inadvertently sends a fee notice to a permit holder whose NPDES, sludge generator or sludge user permit has expired and is not lawfully administratively continued because the NPDES permit holder did not apply for renewal within 180 days of the permit expiration date or the sludge generator or sludge user permit holder did not apply for renewal within 90 days of the permit expiration date, payment of a fee by the recipient of the notice will not be construed as indicia of possession of a valid NDPEs or sludge generator or sludge user permit."

The same text was filed with the Secretary of State for adoption. However, the rulemaking text published in the *Illinois Register* changed "180 days of" to "180 days after" and changed "90 days of" to "90 days after". The Agency's intended meaning is "prior to" not "after". It will clarify this in a future rulemaking. JCAR regrets this error.

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 August 9, 2011 through August 15, 2011 and have been scheduled for review by the Committee at its September 13, 2011 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
9/22/11	<u>Illinois Health Facilities and Services Review Board</u> , Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)	5/13/11 35 Ill. Reg. 7474	9/13/11
9/22/11	<u>Illinois Health Facilities and Services Review Board</u> , Narrative and Planning Policies (77 Ill. Adm. Code 1100)	5/13/11 35 Ill. Reg. 7463	9/13/11
9/23/11	<u>Illinois Racing Board</u> , Starting (11 Ill. Adm. Code 1415)	6/24/11 35 Ill. Reg. 9996	9/13/11
9/23/11	<u>Department of Financial and Professional Regulation</u> , Community Association Manager Licensing and Disciplinary Act (68 Ill. Adm. Code 1445)	5/6/11 35 Ill. Reg. 7258	9/13/11
9/25/11	<u>Department of Public Health</u> , Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)	5/6/11 35 Ill. Reg. 7271	9/13/11

PROCLAMATIONS

2011-266**GUBERNATORIAL PROCLAMATION**

Severe storms with high wind and torrential rain moved through northwest Illinois on July 27, 2011. The extreme rainfall resulted in flash flooding in both the rural areas and in many communities in the far northwest corner of the State. Local officials are reporting damage to hundreds of homes and businesses as a result of flash flooding. The damage to roads, bridges, sewers, flood control facilities and other public infrastructure is resulting in a disruption of essential services and is a threat to public health and safety.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Carroll, Jo Daviess and Stephenson Counties as a disaster area.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Date: August 10, 2011

Filed: August 10, 2011

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 35, Issue 35 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

68 - 1285	.....	14233
68 - 1455	.....	14235
89 - 123	.....	14244
80 - 1650	.....	14259
92 - 435	.....	14271
92 - 436	.....	14321

ADOPTED RULES

83 - 590	8/15/2011	14414
2 - 2675	8/12/2011	14418
2 - 2676	8/12/2011	14426
80 - 1100	8/12/2011	14438
80 - 1105	8/12/2011	14442
80 - 1110	8/12/2011	14447
80 - 1120	8/12/2011	14474
80 - 1125	8/12/2011	14481
89 - 102	8/12/2011	14486
77 - 465	8/12/2011	14494

EMERGENCY RULES

68 - 1285	8/12/2011	14564
-----------	-----------------	-------

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

11 - 266	8/10/2011	14573
----------	-----------------	-------

ORDER FORM

<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2009 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 2003 - 2006 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

--	--

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com