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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
26	June 17, 2013	June 28, 2013
27	June 24, 2013	July 5, 2013
28	July 1, 2013	July 12, 2013
29	July 8, 2013	July 19, 2013
30	July 15, 2013	July 26, 2013
31	July 22, 2013	August 2, 2013
32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 1st through **Monday, July 1st, 2013.**

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Injurious Species
- 2) Code Citation: 17 Ill. Adm. Code 805
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
805.10	Amendment
805.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-125, 1-150, 5-10, 10-100, 20-90 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 1-150, 5-10, 10-100, 20-90, and 20-100] and Sections 1.4, 1.10, 2.2, 2.3 and 3.22 of the Wildlife Code [520 ILCS 5/1.4, 1.10, 2.2, 2.3 and 3.22]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to include a list of injurious plants to further safeguard natural resources within Illinois. Adding these injurious plants clarifies the rules and regulations and empowers enforcement to prevent the spread of the most dangerous plants into and within the State.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62702-1271

217/782-1395

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on the January 2013 Regulatory Agenda because the determination to amend this rulemaking was made after the Agenda was published.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 805
INJURIOUS SPECIES

Section	
805.10	Definition
805.20	Listing of Injurious Species
805.30	Unlawful Acts
805.40	Permits
805.50	Penalties

AUTHORITY: Implementing and authorized by Sections 1-125, 1-150, 5-10, 10-100 and 20-90, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 1-150, 5-10, 10-100, 20-90, and 20-100], and Sections 1.4, 1.10, 2.2, 2.3 and 3.22 of the Wildlife Code [520 ILCS 5/1.4, 1.10, 2.2, 2.3 and 3.22].

SOURCE: Adopted by emergency rulemaking at 26 Ill. Reg. 14878, effective September 26, 2002, for a maximum of 150 days; adopted at 27 Ill. Reg. 3369, effective February 14, 2003; amended at 29 Ill. Reg. 2280, effective May 1, 2005; amended at 37 Ill. Reg. _____, effective _____.

Section 805.10 Definition

Injurious Species are defined as those species listed in 50 CFR 16.11-15; except fish, eggs, or gametes of the family Salmonidae; and any other species as listed in this Part, based upon the potential threat to indigenous wildlife, aquatic life, or the habitat. For the purposes of this Part, Injurious Species shall include any live specimens, progeny thereof, viable eggs, ~~or~~ gametes, seeds, reproductive structures (e.g., turions/tubers), or plant fragments.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 805.20 Listing of Injurious Species

- a) Wild Mammals

*Flying fox or fruit bat of the genus Pteropus

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

*Mongoose or meerkat of the genera *Atilax*, *Cynictis*, *Helogale*, *Heroestes*

**Ichneumia*, *Munzos*, and *Suricata*

*Any species of European rabbit of the genus *Oryctolagus*

*Any species of Indian wild dog, red dog, or dhole of the genus *Cuon*

*Any species of multimammate rat or mouse of the genus *Mastomys*

*Raccoon dog, *Nyctereutes procyonoides*

b) Wild Birds

*Pink starling or rosy pastor, *Sturnus roseus*

**Dioch*, *Quelea quelea*, including its black-fronted, red-billed or Sudan subspecies

*Java sparrow, *Padda oryzivora*

*Red-whiskered bul-bul, *Pycnonotus jocosus*

*Eggs of wild nongame birds

c) Fish, Mollusks and Crustaceans

*Snakeheads (including, but not limited to, all fishes of the genera *Channa* and *Parachanna*, and others of the family *Channidae*)

*Fish or viable eggs of the walking catfish, *Clariidae* family

*Mollusks, veligers or viable eggs of zebra mussels, genus *Dreissena*

*Crustaceans or viable eggs of mitten crabs, genus *Eriocheir*

River ruffe (*Gymnocephalus cernuus*)

Silver carp (*Hypophthalmichthys molitrix*)

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Bighead carp (*Hypophthalmichthys nobilis*)

*Black carp (*Mylopharyngodon piceus*)

Gobies (round, tubenose) (*Neogobius melanostomus*, *Proterorhinus marmoratus*)

Rusty crayfish (*Orconectes rusticus*). Possession of living rusty crayfish is prohibited for all except the holders of an approved aquaculture permit with a letter of authorization to import/possess this species.

Rudd (*Scardinius erythrophthalmus*)

d) Plants

Mosquito fern (*Azolla pinnata*)

Flowering rush (*Butomus umbellatus*)

Caulerpa or Mediterranean killer algae (*Caulerpa taxifolia*)

Brazilian elodea, Brazilian waterweed, Anacharis or Egeria (*Egeria densa*)

Anchored water hyacinth (*Eichhornia azurea*)

Hydrilla or water thyme (*Hydrilla verticillata*)

European frogbit or common frogbit (*Hydrocharis morsus-ranae*)

Miramar weed, Indiana swampweed or hygromyces (*Hygrophilia polysperma*)

Chinese waterspinach or swamp morning-glory (*Ipomoea aquatica*)

Yellow flag iris or tall yellow iris (*Iris pseudacorus*)

Oxygen weed or African elodea (*Lagarosiphon major*)

Asian marshweed or ambulia (*Limnophila sessiliflora*)

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Monochoria, arrowleaf, or false pickerelweed (Monochoria hastata)

Heartshape or false pickerelweed (Monochoria vaginalis)

Parrot feather or parrot feather watermilfoil (Myriophyllum aquaticum)

Eurasian watermilfoil (Myriophyllum spicatum)

Brittle naiad or brittle water nymph (Najas minor)

Yellow floating heart (Nymphoides peltata)

Duck lettuce (Ottelia alismoides)

Curlyleaf pondweed (Potamogeton crispus)

Arrowhead (Sagittaria sagittifolia)

Giant salvinia (Salvinia auriculata)

Giant salvinia (Salvinia biloba)

Giant salvinia (Salvinia herzogii)

Giant salvinia (Salvinia molesta)

Exotic bur-reed (Sparganium erectum)

Water chestnut (Trapa natans)

e) Amphibians

None

fe) Reptiles

*Specimens or eggs of the brown tree snake, *Boiga irregularis*

NOTE: Species noted by an asterisk (*) are federally listed.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hearing Instrument Consumer Protection Code
- 2) Code Citation: 77 Ill. Adm. Code 682
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
682.100	Amend
682.420	Amend
- 4) Statutory Authority: Implementing and authorized by the Hearing Instrument Consumer Protection Act [225 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: The amendment clarifies that the Illinois Department of Public Health will accept for licensing in Illinois persons who hold a valid current hearing instrument dispensing license from another state that has an examination that is substantially similar to the examination required by the Act.

The amendment clarifies that the written and practical examination offered candidates seeking licensure as a hearing instrument dispenser may be an examination approved, developed or sanctioned by the Department. The minimum passing grade for each section of the written and practical examinations is set at 70 percent.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this Notice in the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses that employ persons required to be licensed as hearing instrument dispensers.
 - B) Reporting, bookkeeping or other procedures required for compliance: Affected businesses must ensure that hearing instrument dispensers are properly licensed. No new reporting, bookkeeping or other procedures are required for compliance.
 - C) Types of Professional skills necessary for compliance: Hearing instrument dispensers must meet the requirements in the Act and in Section 682.200 to apply for the written and practical tests.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not contemplated by the Department at the time the Regulatory Agendas were published.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER IV: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER j: VISION AND HEARING

PART 682
HEARING INSTRUMENT CONSUMER PROTECTION CODE

SUBPART A: GENERAL PROVISIONS

Section	
682.100	Definitions
682.105	Incorporated and Referenced Materials
682.110	Information Required for Hearing Instrument Users
682.115	Thirty-Business-Day Return Privilege
682.120	Description of Hearing Instruments
682.130	Consumer Complaint Notification Cards
682.140	Consumer Records
682.150	Information to be Submitted by a Corporation, Partnership, Trust, Association or Other Entity
682.160	Inspections
682.170	Audiometer Calibrations
682.180	Mail Order Sales
682.185	In-Office Sales Promotions
682.190	Liability Insurance
682.195	Required Forms

SUBPART B: HEARING INSTRUMENT DISPENSER LICENSE

Section	
682.200	Application Procedures
682.210	Issuance of a Temporary License (Repealed)
682.215	Supervision of Students
682.220	Duplication of a License
682.230	Place of Business
682.240	Display of License
682.250	Expiration of Licenses and License Renewals
682.260	Inactive Status Request

SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING INSTRUMENTS

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Section

- 682.300 Established Test Procedures
- 682.310 Period of Time Tests Are Valid
- 682.320 Tests Performed by Others
- 682.330 Hearing Instrument Selection: Persons Eligible to Recommend
- 682.340 Audiometric Tests for Children, Developmentally Delayed Persons and Physically Disabled Persons
- 682.350 Audiometric Tests for Replacement Hearing Instrument
- 682.360 Equipment Needed

SUBPART D: HEARING INSTRUMENT DISPENSER EXAMINATION

Section

- 682.400 Administration of the Examination
- 682.410 Identification Needed to Take the Examination
- 682.420 Examination: Written and Practical
- 682.430 Notification of Examination Results
- 682.440 Temporary License Expiration (Repealed)
- 682.450 Examination Due Process

SUBPART E: ETHICAL PRACTICE

Section

- 682.500 Dishonest, Unethical, and Unprofessional Conduct
- 682.510 Advertising or Promotion

SUBPART F: DISCIPLINARY ACTIONS

Section

- 682.600 Administrative Hearings
- 682.610 Disciplinary Action
- 682.620 Restoration of Revoked or Suspended Licenses

SUBPART G: CONTINUING EDUCATION

Section

- 682.700 Continuing Education

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

682.APPENDIX A	Application Form (Repealed)
682.APPENDIX B	Supervision and Training Agreement Form (Repealed)
682.APPENDIX C	License Authorization Form (Repealed)
682.APPENDIX D	Certificate of Insurance (Repealed)
682.APPENDIX E	Surety Penal Bond (Repealed)
682.APPENDIX F	Inactive Status Request (Repealed)
682.APPENDIX G	Registration of Hearing Aid Dispensers Employed by a Hearing Aid Corporation, Partnership, Trust, Association or Other Entity (Repealed)
682.APPENDIX H	License Renewal Form (Repealed)
682.APPENDIX I	Audiometer Calibration Form (Repealed)
682.APPENDIX J	License Correction Form (Repealed)

AUTHORITY: Implementing and authorized by the Hearing Instrument Consumer Protection Act [225 ILCS 50].

SOURCE: Adopted at 11 Ill. Reg. 7690, effective April 15, 1987; amended at 12 Ill. Reg. 4720, effective February 22, 1988; amended at 14 Ill. Reg. 10447, effective June 18, 1990; amended at 17 Ill. Reg. 8825, effective June 10, 1993; amended at 21 Ill. Reg. 4799, effective April 1, 1997; amended at 26 Ill. Reg. 11995, effective July 22, 2002; amended at 35 Ill. Reg. 10312, effective June 17, 2011; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 682.100 Definitions

"Abuse" means any physical or mental injury or sexual assault, inflicted on a consumer other than by accidental means.

"Act" means the Hearing Instrument Consumer Protection Act [225 ILCS 50].

"Advertisement" means any printed or spoken information that is provided to the public group, pursuant to the practice of fitting, dispensing or servicing hearing instruments or by persons engaged in these activities.

"Audiometric Test" means any test, using calibrated audiometric equipment, to determine the status of the hearing system.

"Authorized Designee" means any organization that is approved by the Department to offer and conduct a written or practical examination in accordance

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

with Department guidelines.

"Board" means the Hearing Instrument Consumer Protection Board. (Section 3 of the Act)

"Cost" means any expense resulting from activities mandated by the Hearing Instrument Consumer Protection Act or this Part.

"Decibel" or "dB" means a numerical expression of the relative intensity of a sound.

"Department" means the Department of Public Health. (Section 3(a) of the Act)

"Direct Supervision" means that the licensed hearing instrument dispenser/audiologist designated as supervisor of a licensed trainee shall give final approval to all work performed by the trainee, shall sign off on all progress notes and contracts, and shall be physically present 100 percent of the time while the trainee has contact with the client. (Section 9.5 of the Act)

"Director" means the Director of the Department of Public Health. (Section 3(b) of the Act)

"Disposable Hearing Instrument" or "Disposable Hearing Aid" means any instrument or device designed, intended, or offered for the purpose of improving a person's hearing that uses a self-contained, non-renewable, non-replaceable battery of limited life span.

"Entity" means a person or group of persons engaged in dispensing activities.

"Fund" means the Hearing Instrument Dispenser Examining and Disciplinary Fund. (Section 3 of the Act)

"Hearing Care Professional" means a person who is a licensed audiologist, a licensed hearing instrument dispenser, or a licensed physician. (Section 3 of the Act)

"Hearing Instrument" or "Hearing Aid" means any instrument or device designed, intended, or offered for the purpose of improving a person's hearing and any parts, attachments, or accessories, including earmold. Batteries, cords, and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

individual or group auditory training devices and any instrument or device used by a public utility in providing telephone or other communication services are excluded. (Section 3(i) of the Act)

"Hearing Instrument Dispenser" or "Dispenser" means a person who is a hearing care professional that engages in the selling, practice of fitting, selecting, recommending, dispensing, or servicing of hearing instruments or the testing for means of hearing instrument selection or who advertises or displays a sign or represents himself or herself as a person who practices the testing, fitting, selecting, servicing, dispensing, or selling of hearing instruments. (Section 3 of the Act)

~~"IHS" means the International Hearing Society.~~

~~"IHHS" means the International Institute of Hearing Instrument Studies, a part of IHS.~~

"Liability Insurance" means malpractice insurance in the minimum amount of \$200,000.

"License" means a license issued by the State under the Act to a hearing instrument dispenser. (Section 3 of the Act)

"Licensed Audiologist" means a person licensed as an audiologist under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] (Section 3 of the Act)

"Licensed Hearing Instrument Dispenser" or "Licensee" means a hearing instrument dispenser who has met the educational requirements, has passed the Department's required Hearing Instrument Dispenser Examinations, and has paid the appropriate fees for the license.

"Licensed Physician" or "Physician" means a physician licensed in Illinois to practice medicine in all of its branches, pursuant to the Medical Practice Act of 1987 [225 ILCS 60]. (Section 3 of the Act)

"Masking" means the process by which a second sound stimulus is introduced to the non-test ear to isolate the response of the test ear from that of the non-test ear.

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"Medical Evaluation" means *a written statement, signed by a licensed physician, which states that the patient's hearing loss has been medically evaluated and the patient is considered a candidate for a hearing instrument. The medical evaluation must have taken place within 6 months immediately preceding the date of the sale of the hearing instrument to the prospective hearing instrument user.* (Section 4 of the Act)

"Most Comfortable Loudness" or "MCL" means a level at which sound is most comfortable for the client, that is, loudness of sound sufficient and adequate to be easily heard by the listener without the sound being painful or having disturbing features.

"National Board Certified Hearing Instrument Specialist" means *a person who has had at least 2 years in practice as a hearing instrument dispenser and has been certified after qualification by examination by the National Board for Certification in Hearing Instruments Sciences.* (Section 3 of the Act)

"Observer" means a licensed hearing instrument dispenser/audiologist who directly observes students or licensed trainees engaged in dispensing activities described in Section 682.215(d).

"Place of Business" means a location where hearing instruments are exhibited or the services are offered for sale or lease on a continuing basis; where the hearing instrument purchaser can have personal contact and counsel with the licensed hearing instrument dispenser/audiologist and obtain service during the firm's business hours; where the licensed hearing instrument dispenser/audiologist maintains a depository of all client records; where the licensee normally conducts business; and that is the address given for the purpose of retail sales tax to the Illinois Department of Revenue.

"Practice of Fitting, Dispensing or Servicing of Hearing Instruments" means *the measurement of human hearing with an audiometer, calibrated to the current American National Standard Institute standards, for the purpose of making selections, recommendations, adaptations, services, or sales of hearing instruments including the making of earmolds as part of the hearing instrument.* (Section 3 of the Act)

"Reciprocity" means the licensing of a dispenser who holds a current license in another State that determines competency through the International Institute for

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NOTICE OF PROPOSED AMENDMENTS

Hearing Instrument Studies (IIHIS) International Licensing Examination (ILE) or who holds a valid current license from another state that has an examination substantially similar to the examination required under the Act, as determined by the Department.

"Reciprocity Fee" means a fee equivalent to the fee for one entire administration of the licensing competency examination (see Section 682.200(a)(3)).

"Sell" or "Sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers. (Section 3 of the Act)

"Speech Reception Threshold" means the lowest hearing level in decibels at which the client can respond correctly to at least 50% of the two-syllable words (spondaic words) presented via recording or live voice.

"Spondaic Words" means words containing two syllables that are pronounced with equal emphasis.

"Student" means any non-licensed individual, involved in supervised hearing instrument dispensing activities, who is enrolled full-time in a graduate *program of audiology in an accredited college or university.* (Section 11 of the Act)

"Supervisor" means the licensed hearing instrument dispenser or audiologist, with at least two years of practice dispensing hearing aids, who is responsible for the hearing instrument dispensing activities of a student or trainee. The licensed hearing instrument dispenser/audiologist is responsible for all of the work that is performed by the trainee or student.

"Trainee" means a person who is licensed to perform the functions of a hearing instrument dispenser in accordance with this Part and only under the direct supervision of a hearing instrument dispenser or audiologist who is licensed in this State. (Section 3 of the Act)

"Uncomfortable Loudness Level" or "UCL" means the level at which the client indicates that sound is uncomfortably loud.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: HEARING AID DISPENSER EXAMINATION

Section 682.420 Examination: Written and Practical

The examination shall consist of written and practical tests administered by the Department or its authorized designee. The examinations given, both written and practical, shall be the Uniform Written and Practical Examinations for Hearing Instrument Dispensers from the International Institute for Hearing Instrument Studies, International Hearing Society (IIHS, IHS), or an examination approved, developed or sanctioned by the Department that meets the criteria in subsections (a) and (b). These tests shall be administered at least four times during a calendar year~~once every two months~~.

- a) The written examination shall cover those areas of knowledge specified in Section 9 of the Act. A minimum passing grade, for the written examination, shall be 70 percent on each section of the written examination~~that recommended by IIHS~~.
 - 1) An applicant who fails the written examination may retake the examination. The examination fee shall be paid for each administration of the examination.
 - 2) An individual candidate may take the written examination no more than twice in any consecutive 12-month period.
 - 3) The fee for the written examination shall be \$200 per candidate per administration of the examination.
- b) The practical examination shall cover those areas of knowledge specified in Section 9 of the Act. A minimum passing grade for the practical examination shall be 70 percent on each section of the practical examination~~that recommended by IIHS~~.
 - 1) There is no limit on the number of times that the practicum may be taken. The examination fee shall be paid for each administration of the examination.
 - 2) The fee for the full practical examination shall be \$300. The fee for retaking each failed area of the examination shall be \$75 per area. The fee shall be paid for each administration of the examination.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

| ~~c)3~~ The written and practical examinations will be scored independently of each other.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aviation Safety
- 2) Code Citation: 92 Ill. Adm. Code 14
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
14.210	Amend
14.220	Amend
14.620	Amend
14.APPENDIX. B, TABLE A	Amend
14.APPENDIX. H, TABLE B	Amend
- 4) Statutory Authority: Implementing and authorized by the Illinois Aeronautics Act [620 ILCS 5]
- 5) A Complete Description of the Subjects and Issues Involved: Following are summaries of the changes being made to this Part.

At Sections 14.210 and 14.220, the Department is removing references to the decal requirement for aircraft registration because the decal is no longer needed. In the past, Department personnel conducted ramp inspections at various airports to make certain aircraft owners had registered their aircraft with the State. In light of personnel challenges, the Department has found a more efficient means of confirming aircraft registration. In lieu of ramp inspections, the Division of Aeronautics is using Federal Aviation Administration records to confirm aircraft registration. These records are available via the internet and can be cross referenced to the Department's database to verify that aircraft have been properly registered. Removal of the decal requirement will save the State approximately \$5,000 (cost of decal plus mailing costs) for each renewal period.

At Section 14.620, the Department is removing references to the accessible telephone requirement. Pay phones are becoming increasingly difficult to obtain and expensive to keep since telephone companies often require a minimum amount of use. A telephone company will remove the pay phone if the usage requirement is not met. Additionally, local airports may be required to pay a significant fee to keep a pay phone in place. Finally, pay phones are prone to vandalism. Since cellular service has expanded to the point of being available at nearly every airport, pay phones, and land line phones that are also prone to vandalism and misuse, are no longer necessary.

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At Section 14. Appendix B, Table A and Appendix H, Table B, the Department is removing references to the 24-hour telephone access requirement because it has become a financial burden for many airports, heliports and vertiports to provide 24-hour telephone access. Since cellular service has expanded to the point of being available at nearly every airport, pay phones, and land line phones that are also prone to vandalism and misuse, are no longer necessary.

- 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 Objectives: This rulemaking does not affect, create or expand a State mandate under the State Mandates Act.
- 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 rulemaking. Written submissions shall be filed with:

Ms. Linda Schumm, Bureau Chief
Illinois Department of Transportation
Aviation Safety, Division of Aeronautics
1 Langhorne Bond Dr.
Springfield, IL 62707

217/785-4215

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

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

DEPARTMENT OF TRANSPORTATION

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Springfield, Illinois 62764

217/524-3838

Comments received within forty-five 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, small municipalities and not for profit corporations affected: The Department purchases the decals from small businesses so a loss of \$2,500 every two years will occur for those businesses once this rulemaking is adopted. Small businesses and small municipalities will be positively impacted by the elimination of the pay phone or land line phone requirement since it will result in a cost savings for them.
 - 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: These proposed amendments were not included on either of the two most recent agendas because the Department could not anticipate the need for the amendments when the Agendas were published.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 14
AVIATION SAFETY

SUBPART A: GENERAL PROVISIONS

Section	
14.100	Purpose and Applicability
14.105	Definitions
14.110	Operation Without Certificate of Approval Unlawful
14.115	Application Process for Original Certificate of Approval
14.120	Transfer/Modification/Rescission of Certificate of Approval
14.130	Waivers

SUBPART B: AIRCRAFT REGISTRATION

Section	
14.200	Registration of Aircraft
14.210	Time and Manner of Registration
14.220	Exhibition of Certificates and Decal
14.230	Exceptions to Registration Requirements

SUBPART C: AIRMAN REGISTRATION

Section	
14.300	Registration of Airman
14.310	Time and Manner of Registration
14.320	Exhibition of Certificates
14.330	Exceptions to Registration Requirements

SUBPART D: AIR SAFETY

Section	
14.400	Applicability
14.410	Responsibility and Authority of Pilot
14.420	Use of Liquor, Narcotics and Drugs
14.430	Transportation of Explosives, Dangerous Articles or Illegal Substances
14.440	Dropping Objects from Aircraft
14.450	Fuel Requirements for Flight in VFR Conditions
14.460	Fuel Requirements for Flight in IFR Conditions

DEPARTMENT OF TRANSPORTATION

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SUBPART E: AIRPORTS

Section

- 14.500 Airport Classification
- 14.510 Application for Certificate of Approval
- 14.520 Design and Layout Requirements
- 14.530 Obstructions
- 14.540 Airport Marking
- 14.550 Facilities
- 14.560 Responsibility of a Public-Use Airport Certificate Holder
- 14.570 Responsibility of a Private-Use Airport Certificate Holder
- 14.580 Restrictions on Use

SUBPART F: AIRPORTS FOR NON-CONVENTIONAL AIRCRAFT

Section

- 14.600 Airport Classification
- 14.610 Application for Certificate of Approval
- 14.620 Public-Use of Airports for Non-Conventional Aircraft
- 14.630 Private-Use of Airports for Non-Conventional Aircraft
- 14.640 Restrictions on Use

SUBPART G: RESTRICTED LANDING AREAS

Section

- 14.700 Restricted Landing Area Classification
- 14.710 Application for Certificate of Approval
- 14.720 Design and Layout Requirements
- 14.730 Obstructions
- 14.740 Facilities
- 14.750 Responsibility of a Restricted Landing Area Certificate Holder
- 14.760 Fly-In Events, Prevention of Accidents Due to Overcrowding of Landing Areas
- 14.770 Restrictions on Use

SUBPART H: HELIPORTS/VERTIPOINTS

Section

- 14.800 Heliport/Vertiport Classification
- 14.810 Application for Certificate of Approval
- 14.820 Design and Layout Requirements
- 14.830 Obstructions

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- 14.840 Heliport Marking
- 14.850 Facilities
- 14.860 Responsibility of a Public-Use Heliport Certificate Holder
- 14.870 Responsibility of a Private-Use Heliport, Restricted Landing Area Heliport,
and Hospital Heliport Certificate Holder
- 14.880 Restrictions on Use

SUBPART I: SPECIAL PURPOSE AIRCRAFT

Section

- 14.900 Special Purpose Aircraft Designation
- 14.910 Registration of Special Purpose Aircraft
- 14.920 Exemption from Registration
- 14.930 Compliance with Aircraft Registration
- 14.940 Liability
- 14.950 Special Purpose Aircraft Operations
- 14.960 Saving Clause

SUBPART J: ULTRALIGHTS AND ULTRALIGHT TRAINERS

Section

- 14.1000 Registration for Ultralights and Ultralight Trainers
- 14.1010 Liability
- 14.1020 Ultralight/Ultralight Trainer Operations
- 14.1030 Saving Clause

SUBPART K: PRACTICE AND PROCEDURE

Section

- 14.1100 Purpose and Applicability
- 14.1105 Filing of Documents
- 14.1110 Formal Specifications
- 14.1115 Copies
- 14.1120 Verification of Documents
- 14.1125 Identity of Filer
- 14.1130 Amendment of Documents
- 14.1135 Responsive Documents
- 14.1140 Service of Documents
- 14.1145 Appearances
- 14.1150 Informal Participation in Hearing Cases
- 14.1155 Formal Participation
- 14.1160 Computation of Time

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- 14.1165 Extensions of Time
 - 14.1170 Motions
 - 14.1175 Answers to Motions
 - 14.1180 Subpoenas
 - 14.1185 Administrative Law Judge (ALJ)
 - 14.1190 Hearings
 - 14.1195 Petition for Rehearing
 - 14.1196 Administrative Review
- 14.APPENDIX A Airport Standards
- 14.ILLUSTRATION A Airports (Public- or Private-Use) Minimum Dimensional Standards
 - 14.ILLUSTRATION B Airports (Public- or Private-Use) Minimum Separation & Gradient Standards
 - 14.ILLUSTRATION C Ultralight/STOL Airports (Public- or Private-Use) Minimum Dimensional Standards
 - 14.ILLUSTRATION D Ultralight/STOL Airports (Public- or Private-Use) Minimum Separation & Gradient Standards
 - 14.ILLUSTRATION E Airports (Public- or Private-Use) Line of Sight
 - 14.ILLUSTRATION F Airports (Public- or Private-Use) Visual Runway Markings
 - 14.ILLUSTRATION G Airports (Public- or Private-Use) Numerals Detail
 - 14.ILLUSTRATION H Airports with Non-Standard Traffic Patterns (Public- or Private-Use) Segmented Circle Detail
 - 14.ILLUSTRATION I Airports (Public- or Private-Use) Displaced Threshold Markings
 - 14.ILLUSTRATION J Airports (Public- or Private-Use) Closed Airport and Closed Runway Marker
- 14.APPENDIX B Airport Facility Requirements and Restrictions on Use
- 14.TABLE A Facility Requirements
 - 14.TABLE B Restrictions on Use
- 14.APPENDIX C Airports for Non-Conventional Aircraft Standards
- 14.ILLUSTRATION A Airports for Non-Conventional Aircraft Minimum Dimensional Standards
- 14.APPENDIX D Airports for Non-Conventional Aircraft Restrictions on Use
- 14.TABLE A Restrictions on Use
- 14.APPENDIX E Restricted Landing Areas Standards
- 14.ILLUSTRATION A Restricted Landing Areas Minimum Dimensional Standards

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14.ILLUSTRATION B	Restricted Landing Areas Minimum Separation & Gradient Standards
14.ILLUSTRATION C	Restricted Landing Areas Displaced Threshold Markings
14.ILLUSTRATION D	Restricted Landing Areas Closed RLA & Closed Runway Marker
14.APPENDIX F	Restricted Landing Areas Restrictions on Use
14.TABLE A	Restrictions on Use
14.APPENDIX G	Heliport/Vertiport Standards
14.ILLUSTRATION A	Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards
14.ILLUSTRATION B	Restricted Landing Area Heliport Minimum Dimensional Standards
14.ILLUSTRATION C	Hospital Heliport Minimum Dimensional Standards
14.ILLUSTRATION D	Heliports Sample Obstruction Clearance Slope Calculations
14.ILLUSTRATION E	Public or Private Heliport (Non-Hospital) Typical Heliport Marking
14.ILLUSTRATION F	Rooftop or Elevated Hospital Heliport Typical Heliport Marking
14.ILLUSTRATION G	Surface Hospital Heliport Typical Heliport Marking
14.APPENDIX H	Heliport/Vertiport Standards, Facility Requirements and Restrictions on Use
14.TABLE A	Heliport Standards
14.TABLE B	Facility Requirements
14.TABLE C	Restrictions on Use

AUTHORITY: Implementing and authorized by the Illinois Aeronautics Act [620 ILCS 5].

SOURCE: Part repealed at 28 Ill. Reg. 2298, effective January 26, 2004; new Part adopted at 28 Ill. Reg. 2302, effective January 26, 2004; amended at 37 Ill. Reg. _____, effective _____.

SUBPART B: AIRCRAFT REGISTRATION

Section 14.210 Time and Manner of Registration

All forms referenced in this Section may be obtained from the Division at the address noted in Section 14.100(d).

- a) Except as provided in Section 14.230, all holders of Federal Aircraft Certificates for aircraft engaged in air navigation in Illinois shall complete an Application for

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Registration of Federal Aircraft Certificate form (Form AER 2048) within 30 days after establishing residency in Illinois or within 30 days after purchasing an aircraft. Each completed application shall contain at least the same information that is shown on the Federal Aircraft Certificate.

- b) The fee for the registration or transfer of registration of each Federal Aircraft Certificate is \$20-00 when paid within the first year of the current biennial registration cycle. Persons who register within the second year of the current biennial cycle must pay \$10-00. Remittance shall be payable to the State Treasurer of Illinois and shall be included at the time the application for registration is submitted to the Division. (See Section 42 of the Act.)
- c) The Division will then issue a biennial Certificate of Registration ~~and a Decal~~ that ~~is~~are required to be carried at all times in ~~or on~~an aircraft engaged in air navigation in Illinois (see Section 14.220) and that will automatically expire upon transfer of ownership of the aircraft or on the date indicated on the Certificate of Registration. The Certificate of Registration ~~and Decal~~will be mailed to the registrant as early as Division priorities allow. Each biennial registration cycle begins January 1 of all even-numbered years and expires December 31 of the following odd-numbered year. Renewal notices are mailed at the beginning of each cycle.
- d) No formal hearing will be held concerning an application for a Certificate of Registration. If additional information is needed, the Division may inquire about or investigate an application.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 14.220 Exhibition of Certificates ~~and Decal~~

- a) Each Federal Aircraft Certificate and the Certificate of Registration ~~and Decal~~ issued by the Division shall be carried at all times in ~~or on~~the aircraft engaged in air navigation in Illinois. Each certificate must be posted where it may be readily seen by passengers or inspectors (i.e., on the pocket of the kick panel) and must be presented for inspection upon demand by any passenger, any peace officer of this ~~State~~state, any officer or authorized employee or designee of the Division, or any official, manager or person in charge of any airport or RLA in Illinois upon which the aircraft lands. ~~The Decal issued by the Division shall be affixed to the~~

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~~aircraft as prescribed in the instructions (above or near the “N” number on the right side of the aircraft) included with the Decal.~~ (See Section 45 of the Act.)

- b) In the event of loss, mutilation, correction (i.e., name change) or destruction of a Certificate of Registration ~~or Decal~~, the owner of a registered aircraft may obtain a duplicate from the Division upon notifying the Division in writing and submitting a payment of \$5.00 made payable to the State Treasurer of Illinois.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART F: AIRPORTS FOR NON-CONVENTIONAL AIRCRAFT

Section 14.620 Public-Use of Airports for Non-Conventional Aircraft

- a) Balloon Port:
- 1) Physical Standards. The diameter of the launch circle shall be a minimum of 300 feet, as shown in ~~Section 14~~ Appendix C, Illustration A.
 - 2) Minimum Departure Slope. A balloon port must provide a 1:1 departure slope as measured from the nearest edge of the circle throughout its entire 360° circumference. All public utility lines, towers of all types, and inhabited buildings or dwellings must be cleared by at least 5:1 as measured from the nearest edge of the circle.
 - 3) Facilities. Every balloon port shall provide:
 - A) Wind direction/velocity indicator (must be lighted for night use).
 - B) Adequate fire protection equipment.
 - ~~C) Accessible telephone.~~
 - ~~CD) Potable water during business hours.~~
 - ~~DE) Sanitary restroom facilities.~~
 - ~~EF) First-aid kit.~~

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NOTICE OF PROPOSED AMENDMENTS

- 4) Responsibility of a Public-Use Balloon Port Certificate Holder-
- A) Supervise or cause the supervision of all aeronautical activity in connection with the balloon port in the interest of public safety, except activity that may be controlled by an authorized air traffic control facility.
 - B) Have authorized personnel in attendance at the balloon port at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his or her agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
 - C) Ensure that the balloon port has a phone number by which Division personnel can reach the Certificate Holder or his or her designee. In the event that the Certificate Holder or ~~his~~ designee is not available at this number, an answering device at the balloon port number shall provide a message identifying a reliable secondary number where the Certificate Holder or ~~his~~ designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or by e-mail at the address provided for in Section 14.115(a), within 10 days ~~after~~ the change.
 - D) Prescribe local balloon port rules that will be reviewed and approved, prior to their adoption, by the Division.
 - E) Develop and follow, on the property subject to the Certificate Holder's control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
 - F) Furnish the Division, upon request, ~~with~~ information concerning aircraft using the balloon port as an operating base, persons exercising managerial or supervisory functions at the balloon port, accidents, and the nature and extent of aeronautical activity occurring at the balloon port.

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- b) Seaplane Base-
- 1) Physical Standards for Water Lane. Water landing and departure surfaces must be a minimum of 400 feet in width, as shown in [Section 14](#). ~~Appendix C, Illustration A.~~
 - 2) Water Lane Length and Minimum Clearances. The water lane length for all approaches to and takeoff from the water shall be sufficient to allow for a 100' clearance over all structures on land and water.
 - 3) Facilities. Every seaplane base shall provide:
 - A) Wind direction/velocity indicator (must be lighted for night use).
 - B) One 20# fire extinguisher (two with sale of fuel).
 - ~~C) Accessible telephone.~~
 - ~~CD) Docking or beaching facility.~~
 - ~~DE) Accessible emergency personal flotation device (life ring or preserver).~~
 - ~~EF) Potable water.~~
 - ~~EG) Sanitary restrooms.~~
 - ~~GH) First-aid kit.~~
 - ~~HI) Segmented circle with arms where a non-standard traffic pattern is used.~~
 - ~~IJ) Fuel.~~
 - 4) Responsibility of a Public-Use Seaplane Base Certificate Holder-
 - A) Notify the appropriate FAA-FSS of hazardous conditions.

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NOTICE OF PROPOSED AMENDMENTS

- B) Supervise or cause the supervision of all aeronautical activity in connection with the seaplane base in the interest of public safety, except activity that may be controlled by an authorized air traffic control facility.
- C) Have authorized personnel in attendance at the seaplane base at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his or her agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
- D) Ensure that the seaplane base has a phone number by which Division personnel can reach the Certificate Holder or his or her designee. In the event that the Certificate Holder or his designee is not available at this number, an answering device at the seaplane base number shall provide a message identifying a reliable secondary number where the Certificate Holder or ~~his~~ designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or by e-mail at the address provided for in Section 14.115(a); within 10 days after the change.
- E) Prescribe local seaplane base rules that will be reviewed and approved, prior to their adoption, by the Division.
- F) Develop and follow, on the property subject to the Certificate Holder's~~his~~ control, operational maintenance and repair practices; that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- G) Furnish the Division, upon request, ~~with~~ information concerning aircraft using the seaplane base as an operating base, persons exercising managerial or supervisory functions at the seaplane base, accidents, and the nature and extent of aeronautical activity occurring at the seaplane base.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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Section 14.APPENDIX B Airport Facility Requirements and Restrictions on Use**Section 14.TABLE A Facility Requirements**

Item	Airports Public-Use	Airports Private-Use	Ultralight/STOL Airports Public-Use	Ultralight/STOL Airports Private-Use
24-Hour Phone	Required	Recommended	Required	Not Required
Access Control a) Spectator b) Vehicular c) Perimeter	Required Required Not Required (Encouraged)	Recommended Recommended Recommended	Required Required Not Required (Encouraged)	Recommended Recommended Recommended
Segmented Circle Marker where a non- standard traffic pattern is used.	Required	Required	Required	Required
Fire Protection	Required – one 20# extinguisher two where fueling is present.	Recommended	Required	Recommended
First-Aid Kit	Required	Recommended	Required	Recommended
Fuel Sales	Required during normal business hours. Available by phone after business hours.	Not Required	Recommended during normal business hours.	Not Required
Hangar/Office Access	Required during normal business hours.	Not Required	Recommended during normal business hours.	Not Required
Potable Water	Required	Recommended	Required	Recommended
Runway Lights	Required for night use.	Required for night use.	Required for night use.	Required for night use.
Sanitary Restroom	Required during normal business	Recommended	Required during normal business	Recommended

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	hours- Available by phone after business hours-		hours- Available by phone after business hours-	
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Item	Airports Public-Use	Airports Private-Use	Ultralight/STOL Airports Public-Use	Ultralight/STOL Airports Private-Use
Tie-Down Facilities	Required	Recommended	Required	Recommended
Wind Direction/ Velocity Indicator (must be lighted for night use). ²	Required	Required	Required	Required

¹ Not required where 24-hour tower is in operation.

² Lighting required if runway lights are available.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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Section 14.APPENDIX H Heliport/Vertiport Standards, Facility Requirements and Restrictions on Use**Section 14.TABLE B Facility Requirements**

Item	Heliport/ Helistop Vertiport/ Vertistop Public-Use	Heliport/ Helistop Vertiport/ Vertistop Private-Use	Heliport/ Helistop Vertiport/ Vertistop Restricted Landing Area	Hospital Heliport/ Helistop Vertiport/ Vertistop
24-Hour Phone	Required for heliport only.	Not Required	Not Required	Not Required
Access Control a) Spectator b) Vehicular c) Perimeter	Required Required Required	Recommended Recommended Recommended	Recommended Recommended Recommended	Required Required Required Security and access may be controlled by hospital.
Fire Protection	Required for heliports – one 20# extinguisher (two where fueling is present).	Required for heliports – one 20# extinguisher (two where fueling is present).	Recommended	Required – one 20# extinguisher (two where fueling is present).
First-Aid Kit	Required for heliport only.	Recommended for heliport.	Not Required	Not Required
Fuel & Oil Sales	Required for heliport during normal business hours. Available by phone after business hours.	Not Required	Not Required	Not Required
Hangar/Office	Required for heliport only.	Not Required	Not Required	Not Required

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Identification Beacons	Required for heliports:	Recommended	Not Required	Recommended and required for all Trauma Centers:
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Item	Heliport/ Helistop Vertiport/ Vertistop Public-Use	Heliport/ Helistop Vertiport/ Vertistop Private-Use	Heliport/ Helistop Vertiport/ Vertistop Restricted Landing Area	Hospital Heliport/ Helistop Vertiport/ Vertistop
Lead-in Lights and Arrows	Required for heliports:	Recommended	Not Required	Recommended
Marked FATO and/or TLOF Identifiable from 500' AGL	Required	Required	Required	Required
Paved TLOF	Recommended	Recommended	Not Required	Recommended
Perimeter/Flood Lighting	Required for night use:	Required for night use:	Recommended for night use:	Required for night use:
Potable Water	Required for heliport during normal business hours: Available by phone after business hours:	Not Required	Not Required	Not Required
Horizontal Safety Fence for Heliports Elevated 30" or Higher	Required	Required	Required	Required
Sanitary Restroom	Required for heliport during normal business hours: Available by phone after	Not Required	Not Required	Not Required

DEPARTMENT OF TRANSPORTATION

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	business hours-			
Wind Direction / Velocity Indicator (must be lighted for night use)	Required	Required	Required	Required

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Auto Liability
- 2) Code Citation: 80 Ill. Adm. Code 3100
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3100.200	Amendment
3100.300	Amendment
3100.500	Amendment
3100.600	Amendment
3100.1000	Amendment
3100.1100	Amendment
3100.1200	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 405-105 of the Civil Administrative Code of Illinois [20 ILCS 405/405-105]
- 5) Effective Date of Amendments: May 23, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: 37 Ill. Reg. 2525; March 1, 2013
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes were made.
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: Update the Authority to reflect the current Illinois Compiled Statute citation. Amend several Sections to change DCMS to CMS, as well as other minor administrative changes.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Mary Matheny
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/557-5404

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE I: GENERAL TRAVEL CONTROL

CHAPTER V: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 3100

AUTO LIABILITY

Section

3100.100	Summary and Purpose
3100.200	Review of Accidents
3100.300	Standards to be Used by Claims Adjustors
3100.400	Monitoring Reports (Repealed)
3100.500	Notice of Multiple At-Fault Accidents – Warning Status
3100.600	Probation
3100.700	Revocation of Coverage
3100.800	Gross Negligence
3100.900	Willful and Wanton Misconduct
3100.1000	Unacceptable Risk
3100.1100	Review Prior to Revocation of Coverage
3100.1200	Appeal

AUTHORITY: Implementing and authorized by Section 405-105 of the Civil Administrative Code of Illinois [20 ILCS 405/405-105].

SOURCE: Adopted at 12 Ill. Reg. 9487, effective May 24, 1988; amended at 21 Ill. Reg. 10036, effective July 15, 1997; amended at 37 Ill. Reg. 7742, effective May 23, 2013.

Section 3100.200 Review of Accidents

- a) Claims adjustors in the Department of Central Management Services (~~CMSDCMS~~), ~~Bureau of Benefits~~~~Division of Risk Management (DRM)~~ Auto Liability Unit (Unit) shall investigate all motor vehicle accidents involving State employees who were driving State vehicles or who were engaged in State business at the time the accident occurred.
- b) After reviewing all relevant evidence, the claims adjustor shall determine whether the employee involved in the accident was "at fault." This determination will be apart from the determination of liability.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 37 Ill. Reg. 7742, effective May 23, 2013)

Section 3100.300 Standards to be Used by Claims Adjustors

- a) For the purposes of this Part, an employee shall be "at fault" when:
 - 1) the accident is caused by the failure of the employee to operate the motor vehicle with the degree of care that would normally be exercised by an ordinary reasonable person; and
 - 2) the failure of the employee to exercise due care is more than 50% responsible for the resulting accident.
- b) In determining an employee to be at fault, the claims adjustor shall consider:
 - 1) any mitigating factors present, such as an employee's being required to drive under adverse weather conditions or, on congested roadways, ~~or being required to drive a greater than average amount of miles per year based on figures maintained for the DCMS State garage fleet;~~
 - 2) special requirements of the employee's assignment or standing departmental orders or policies, including the needs of law enforcement, public safety and emergency personnel.
- c) The determination of "at fault" made by the claims adjustor is a determination of insurability and shall not under any circumstances be interpreted as an admission of liability. All findings shall be treated as confidential information. The Such records shall not be available for non-official inspection and use or subject to release under a Freedom of Information Act [5 ILCS 140] request without the prior permission of the affected employee.

(Source: Amended at 37 Ill. Reg. 7742, effective May 23, 2013)

Section 3100.500 Notice of Multiple At-Fault Accidents – Warning Status

- a) If an employee is involved in two at-fault accidents within two years in which damages exceed \$500 per occurrence, that employee will be sent a letter via certified mail from the UnitDRM placing them in warning status. Employees placed on warningsuch status will be encouraged to complete a remedial driver's

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training course approved by CMSDCMS. For purposes of damage calculation, property damages to third parties or to the State vehicle or other State property will be based on the lesser of two repair estimates or on the estimate by the State's damage appraisal vendor. Bodily injury damages will be calculated based on medical evidence. Where primary coverage is provided by the State employee's personal insurance carrier, damage will be as documented by the private carrier.

- b) The letter shall notify the employee that an additional at-fault accident within one year ~~after~~ receipt of the letter will place the employee's coverage under the Plan on probation.

(Source: Amended at 37 Ill. Reg. 7742, effective May 23, 2013)

Section 3100.600 Probation

- a) Should a State employee be involved in an additional at-fault accident in which damages exceed \$500 within one year after receiving the notice specified in Section 3100.500, that employee's coverage under the Plan shall be placed on probation for one year.
- b) An employee whose coverage is placed on probation shall be notified by the UnitDRM via certified mail that if he or she/he/she is involved in an additional at-fault accident for which damages exceed \$500, as defined in 80 Ill. Adm. 3100.500, within one year after the date of the notice, the employee shall be deemed an unacceptable risk and coverage under the plan may be revoked.
- c) Upon receiving written evidence from the provider of the course that an employee whose coverage is placed on probation has satisfactorily completed a remedial driver's training course approved by CMSDCMS, that employee shall be removed from probation. If one year has not expired since receipt of the warning status letter, the individual will be returned to warning status until the expiration of one year from the receipt of the warning status letter. CMSDCMS will reimburse employees successfully completing an approved course of remedial training. The criteria for approval of a remedial training course shall include:
- 1) a curriculum based on teaching recognized defensive driving techniques and accident prevention;
 - 2) course length sufficient to teach these skills, not in excess of 2 weeks or

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shorter than 8 hours; and

- 3) a reasonable fee for instruction, not in excess of \$100.

(Source: Amended at 37 Ill. Reg. 7742, effective May 23, 2013)

Section 3100.1000 Unacceptable Risk

For the purposes of this Part, an employee is deemed an unacceptable risk when:

- a) An employee has an at-fault accident within the probationary period and damages exceed \$500 as defined in 80 Ill. Adm. Code 3100.500;~~or~~
- b) An at-fault accident results in property damage liability reserved by the UnitDRM claims adjustor and verified by the claims supervisor in the amount of \$1 million or more;~~or~~
- c) An at-fault accident results in bodily injuries and damages are reserved by the UnitDRM claims adjustor and verified by the claims supervisor in the amount of \$1 million or more;~~or~~
- d) An at-fault accident results in the wrongful death of a person; or
- e) An at-fault accident results in bodily injury or property damage to a third party and the employee is subsequently convicted as driving under the influence as defined in Article V of the Illinois Rules of the Road [625 ILCS 5/Ch. 11, Art. V]. For purposes of this Subpart, court supervision or revocation of license for failure to submit to a breath test shall not constitute conviction.

(Source: Amended at 37 Ill. Reg. 7742, effective May 23, 2013)

Section 3100.1100 Review Prior to Revocation of Coverage

- a) Prior to revoking the coverage of any employee under the Plan, the Director of CMSDCMS shall convene a special committee to review all accidents leading to the revocation.
- b) This committee shall be composed of three employees of CMSDCMS and one representative of the employing agency chosen by the Director of that agency. If

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the employee whose coverage is to be revoked is represented by a collective bargaining unit, then a representative of that collective bargaining unit chosen by the unit shall also be appointed to the committee.

- c) The committee shall hear all relevant evidence, including evidence or statements presented by the affected employee. The purpose of the committee's review is to verify that the record supports that the requirements of ~~Section 80-III. Adm. Code 3100.1000~~ were present and support the revocation of coverage.
- d) The committee shall also consider any mitigating factors, including but not limited to length of service, prior driving record, the employee's position and the type of driving engaged in. The purpose of this review is to determine ~~that the~~ mitigating factors, such as ~~those are~~ defined in ~~Section 80-III. Adm. Code 3100.300~~, are sufficient to support the continuation of probationary status or dictate that revocation be for a limited time.
- e) The committee shall recommend to the Director that the employee's coverage either be revoked or that the employee remain on probationary status.
- f) If the committee recommends that coverage be revoked, it shall also recommend the length of the revocation period. Coverage may be revoked for between one and five years. The basis for this recommendation shall be the standards incorporated in subsections (c) and (d) ~~of this Section~~.
- g) The Director of ~~CMSDCMS~~ will then determine whether coverage should be revoked and the length of the revocation. ~~This~~ ~~The basis of this~~ decision shall be based on the standards incorporated in subsections (c), (d) and (f) ~~of this Section~~.
- h) The employee shall be notified of the Director's decision by letter sent by certified mail. Revocation shall be effective ~~10~~ ~~ten~~ days from the date of mailing.

(Source: Amended at 37 Ill. Reg. 7742, effective May 23, 2013)

Section 3100.1200 Appeal

- a) The employee shall have ~~the~~ right to appeal the Director's decision.
- b) ~~An~~ ~~Such~~ appeal shall be filed with ~~CMSDCMS~~ within 30 days ~~after~~ ~~of~~ the effective date of the revocation. The revocation shall remain in full force and effect during

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the appeal.

- c) Any appeal shall be conducted as an administrative hearing pursuant to the requirements of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10].
- d) The decision of the hearing officer shall be final and binding and shall constitute the employee's final administrative relief.

(Source: Amended at 37 Ill. Reg. 7742, effective May 23, 2013)

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1800.110	Amendment
1800.230	Amendment
1800.240	Amendment
1800.250	Amendment
1800.260	Amendment
1800.420	Amendment
1800.560	Amendment
1800.590	New Section
- 4) Statutory Authority: Authorized by the Video Gaming Act [230 ILCS 40], specifically Section 78(a)(3) of that Act [230 ILCS 40/78(a)(3)]
- 5) Effective Date of Rulemaking: May 23, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 2410; February 22, 2013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The final version incorporates several Second Notice changes of a technical nature, agreed to by the Illinois Gaming Board and the Joint Committee on Administrative Rules.
- 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
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The rulemaking contains the following provisions:

New definition of "place of worship under the Religious Corporation Act": Paragraph (h) of Section 25 of the Video Gaming Act [230 ILCS 40/25(h)] requires licensed locations to be located at least 100 feet away from "a place of worship under the Religious Corporation Act [805 ILCS 110]." Many religious entities in Illinois, however, are not incorporated under the Religious Corporation Act, instead either incorporating under the General Not for Profit Corporation Act of 1986 [805 ILCS 105] or retaining an unincorporated status.

A logical reading of the underlying statute implies that enforcement of the 100-foot limitation for places of worship should not depend on the particular method of incorporation (or non-incorporation) of the religious entity with which the place of worship is affiliated. What is clearly significant is the nearby presence of the place of worship, not its method of incorporation. Accordingly, the proposed rulemaking adds a new definition of the term "place of worship under the Religious Corporation Act." (Amendment to Section 1800.110, "Definitions"). Under this definition, the place of worship must *qualify* for incorporation under the Religious Corporation Act but need not be actually incorporated under that Act.

Additionally, the new definition provides that to qualify as a "place of worship," a structure must be primarily used for religious and other related purposes. A structure whose primary use is non-religious (for example, a residence or retail establishment) will not qualify as a "place of worship" simply because religious activities are occasionally conducted there.

Service, repair, and maintenance of video gaming terminals ("VGTs") shall be performed only by licensed technicians and licensed terminal handlers: The duties of licensed technicians and licensed terminal handlers with respect to the service, repair, and maintenance of VGTs are currently set forth in Section 1800.260. Nowhere in the video gaming rules is there an explicit requirement, however, that *only* licensed technicians and licensed terminal handlers shall perform service, repair, and maintenance functions after the VGTs have been placed at licensed locations. The proposed rulemaking adds such a requirement by inserting new language into Section 1800.230 ("Duties of Licensed Manufacturers"), Section 1800.240 ("Duties of Licensed Distributors"), and Section 1800.250 ("Duties of Licensed Video Terminal Operators"). In each amended section, the inserted language provides that a covered licensee "has an ongoing duty to...service,

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maintain or repair video gaming terminals at licensed video gaming locations only by licensed technicians and licensed terminal handlers."

Adoption of the new language will enhance security in connection with the service, maintenance, and repair of VGTs because of the existing requirement in Section 1800.260(e) that each licensed terminal handler and licensed technician shall "carry and display identification issued by the Board when working on video gaming terminals and associated video gaming equipment."

Replacement fee for identification badges: The rulemaking amends Section 1800.260 ("Duties of Licensed Technicians and Licensed Terminal Handlers") to provide a \$10 replacement fee for lost badges issued by the Board to licensed terminal handlers and licensed technicians, and adds a requirement that licensed technicians and licensed terminal handlers shall return their identification to the Board upon resignation or termination of employment. The new provision is modeled after analogous language contained in Section 245(i) of the riverboat gambling rules [86 Ill. Admin. Code 3000.245(i)].

The Board has discretion to reject applications on the basis that the applicant or certain persons affiliated with the applicant have enrolled in the Self-Exclusion Program for problem gamblers: The rulemaking amends Section 1800.420 ("Qualifications for Licensure") by adding a new subsection (d) providing that the Board shall have discretion to deny a license application on the basis that one of the following persons has placed himself or herself on the Self-Exclusion List:

- The applicant;
- A person With Significant Influence or Control over the applicant;
- A person with ownership interest in the applicant of 5% or more; or
- A person involved in the operation or management of the applicant's business related to video gaming.

Applicant may not reapply for a license for a one-year period following denial: The rulemaking amends Section 1800.560 ("Issuance of License") to prohibit an applicant who has been denied a license from reapplying for one year following the date of denial, unless granted leave to reapply by the Board.

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Changes of ownership in licensed location: The rulemaking adds a new Section 1800.590, Death and Change of Ownership of Video Gaming Licensee, pertaining to changes of ownership of licensed locations. Subsection (a) provides that licenses issued by the Board are not alienable or transferable, nor are they subject to attachment. It further provides that location licenses do not descend by the laws of testate or intestate devolution. This subsection specifically provides the circumstances under which a licensed location can continue to operate when an owner of the location dies.

Subsection b) establishes detailed requirements pertaining to changes of ownership in locations and the ability of a new owner to operate VGTs in an already licensed location. Specifically, the subsection provides for notice to the Board when changes in ownership occur and the steps that a licensed location must take in order to continue to operate VGTs.

- 16) Information and questions regarding this adopted rulemaking may be addressed to:

Emily Mattison
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Fax No. 312/814-7253

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

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

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Violations
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

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

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control

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SUBPART E: LICENSING PROCEDURES

Section

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

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

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

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

1800.710	Coverage of Subpart
1800.715	Notice of Proposed Disciplinary Action Against Licensees
1800.720	Hearings in Disciplinary Actions
1800.725	Appearances
1800.730	Appointment of Administrative Law Judge

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- 1800.735 Discovery
- 1800.740 Subpoenas
- 1800.745 Motions for Summary Judgment
- 1800.750 Proceedings
- 1800.760 Evidence
- 1800.770 Prohibition on Ex Parte Communication
- 1800.780 Sanctions and Penalties
- 1800.790 Transmittal of Record and Recommendation to the Board

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

Section

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

SUBPART I: SECURITY INTERESTS

Section

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

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

Section

- 1800.1010 Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
- 1800.1020 Transportation of Video Gaming Terminals into the State
- 1800.1030 Receipt of Video Gaming Terminals in the State
- 1800.1040 Transportation of Video Gaming Terminals Between Locations in the State
- 1800.1050 Approval to Transport Video Gaming Terminals Outside of the State
- 1800.1060 Placement of Video Gaming Terminals
- 1800.1065 Registration of Video Gaming Terminals
- 1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

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Section
1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

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

SUBPART M: PUBLIC ACCESS TO INFORMATION

Section
1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

Section
1800.1410 Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

Section
1800.1510 Non-Payment of Taxes

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

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36

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Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013.

SUBPART A: GENERAL PROVISIONS

Section 1800.110 Definitions

For purposes of this Part the following terms shall have the following meanings:

"Act": The Video Gaming Act [230 ILCS 40].

"Administrator": The chief executive officer responsible for day-to-day operations of the Illinois Gaming Board.

"Affiliate": An "affiliate of", or person "affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Affiliated entity": An "affiliated entity" of a person is any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person.

"Applicant": A person applying for any license under the ~~Video Gaming~~ Act.

"Application": All material submitted, including the instructions, definitions, forms and other documents issued by the Illinois Gaming Board, comprising the video gaming license application submitted to the Illinois Gaming Board.

"Associated video gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with:

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Illinois laws, regulations, and requirements as codified or otherwise set forth; and

Board-approved video gaming industry standards.

"Attributed interest": A direct or indirect interest in an enterprise deemed to be held by an individual not through the individual's actual holdings but either through the holdings of the individual's relatives or through a third party or parties on behalf of the individual pursuant to a plan, arrangement, agreement or contract.

"Board": The Illinois Gaming Board.

"Business entity" or "Business": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chi-square test": A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

"Control": The possession, direct or indirect, of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Convenience store": A retail store that is open long hours and sells motor fuel and a limited selection of snacks and general goods.

"Credit": One, five, 10 or 25 cents.

"Distributor": An individual, partnership, corporation or limited liability company licensed under the Act to buy, sell, lease or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

"Enforce a security interest": To transfer possession of ownership or title pursuant to a security interest.

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"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a game on a video gaming terminal.

"Facility-pay" or "facility payment" means a manual payment of currency by an authorized employee of a licensed video gaming location or an authorized employee of a terminal operator for amounts owed to a patron by a video gaming terminal when a video gaming terminal or ticket payout device has malfunctioned and is unable to produce or redeem a ticket.

"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code [\(26 USC 501\(c\)\(8\) or \(c\)\(10\)\)](#).

"Game": A gambling activity that is played for money, property or anything of value, including without limitation those played with cards, chips, tokens, vouchers, dice, implements, or electronic, electrical or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any game.

"Gaming operation": The conducting of gaming or the providing or servicing of gaming equipment.

"Gaming property collateral": Video gaming equipment subject to a security interest.

"Illinois resident":

With respect to an individual, an individual who is either:

domiciled in Illinois or maintains a bona fide place of abode in Illinois; or

is required to file an Illinois tax return during the taxable year.

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With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.

With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.

With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time the trust became irrevocable.

"Institutional investor":

A retirement fund administered by a public agency for the exclusive benefit of federal, state or local public employees;

An investment company registered under section 8 of the Investment Company Act of 1940 (15 USC 80a-8);

A collective investment trust organized by a bank under Part 9 of the Rules of the Comptroller of the Currency (12 CFR 9.18);

A closed end investment trust registered with the United States Securities and Exchange Commission;

A chartered or licensed life insurance company or property and casualty insurance company;

A federal or state bank;

An investment advisor registered under the Investment Advisors Act of 1940 (15 USC 80b-1 through 80b-21); or

Such other person as the Illinois Gaming Board may determine for reasons consistent with the Act and this Part.

"License": Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

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"Licensed establishment": Any retail establishment licensed under the Act where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 [\[230 ILCS 5\]](#) or a riverboat licensed under the Riverboat Gambling Act [\[230 ILCS 10\]](#).

"Licensed fraternal establishment": The location licensed under the Act where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed technician": An individual who is licensed under the Act to repair, service and maintain video gaming terminals.

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician or terminal operator, who is licensed under the Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, corporation or limited liability company defined as a manufacturer, distributor, supplier, technician or terminal operator under Section 5 of the ~~Video Gaming~~ Act.

"Licensed truck stop establishment": A facility licensed under the Act that is at least a 3-acre facility with a convenience store, that has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and that has parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code [\[625 ILCS 5/18b-101\]](#). The 10,000 gallon requirement may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

"Licensed veterans establishment": The location licensed under the Act where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

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"Licensed video gaming location": A licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the ~~Video Gaming~~ Act and this Part.

"Liquor license": A license issued by a governmental body authorizing the holder to sell and offer for sale at retail alcoholic liquor for use or consumption.

"Major components or parts": Components or parts that comprise the inner workings and peripherals of a video gaming terminal, including but not limited to the device's hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component that affects or could affect the result of a game played on the device.

"Manufacturer": An individual, partnership, corporation or limited liability company that is licensed under the Act and that manufactures or assembles video gaming terminals.

"Net terminal income": Money put into a video gaming terminal minus credits paid out to players.

"Nominee": Any individual or business entity that holds as owner of record the legal title to tangible or intangible personal or real property, including without limitation any stock, bond, debenture, note, investment contract or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her or its behalf with respect to the property.

"Ownership interest": Includes, but is not limited to, direct, indirect, beneficial or attributed interest, or holder of stock options, convertible debt, warrants or stock appreciation rights, or holder of any beneficial ownership or leasehold interest in a business entity.

"Payout device": A device, approved by the Board and provided by a supplier or distributor, that redeems for cash tickets dispensed by a video gaming terminal in exchange for credits accumulated on a video gaming terminal.

"Person": Includes both individuals and business entities.

"Person with significant interest or control": Any of the following:

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Each person in whose name the liquor license is maintained for each licensed video gaming location;

Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee, or elect a majority of its board of directors, other than a bank or licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;

Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation.

"Place of worship under the Religious Corporation Act": A structure belonging to, or operated by, a church, congregation or society formed for the purpose of religious worship and eligible for incorporation under the Religious Corporation Act [805 ILCS 110], provided that the structure is used primarily for purposes of religious worship and related activities.

"Redemption period": The one-year period, starting on the date of issuance, during which a ticket dispensed by a video gaming terminal may be redeemed for cash.

"Secured party": A person who is a lender, seller or other person who holds a valid security interest.

"Security": An ownership right or creditor relationship.

"Security agreement": An agreement that creates or provides a security interest, including but not limited to a use agreement.

"Security interest": An interest in property that secures the payment or performance of an obligation or judgment.

"Sole proprietor": An individual who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Substantial interest": With respect to a partnership, a corporation, an organization, an association, a business or a limited liability company means:

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When, with respect to a sole proprietorship, an individual or his or her spouse owns, operates, manages, or conducts, directly or indirectly, the organization, association or business, or any part thereof; or

When, with respect to a partnership, the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities; or

When, with respect to a corporation, an individual or his or her spouse is an officer or director or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of any class of stock of the corporation; or

When, with respect to a limited liability company, an individual or his or her spouse is a member, or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of the membership interest of the limited liability company; or

When, with respect to any other organization not covered in the preceding four paragraphs, an individual or his or her spouse is an officer or manages the business affairs, or the individual or his or her spouse is the owner of, or otherwise controls, 10% or more of the assets of the organization; or

When an individual or his or her spouse furnishes 5% or more of the capital, whether in cash, goods or services, for the operation of any business, association or organization during any calendar year.

For purposes of this definition, "individual" includes all individuals or their spouses whose combined interest would qualify as a substantial interest under this definition and whose activities with respect to an organization, association, or business are so closely aligned or coordinated as to constitute the activities of a single entity.

"Supplier": An individual, partnership, corporation or limited liability company that is licensed under the Act to supply major components or parts to video gaming terminals to licensed terminal operators.

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"Terminal operator": An individual, partnership, corporation or limited liability company that is licensed under the Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments or licensed veterans establishments.

"Use agreement": A contractual agreement between a licensed terminal operator and a licensed video gaming location establishing terms and conditions for placement and operation of video gaming terminals by the licensed terminal operator within the premises of the licensed video gaming location.

"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code (26 USC 501(c)(19)).

"Video gaming equipment": Video gaming terminals, associated video gaming equipment and major components or parts.

"Video gaming operation": As the context requires, the conducting of video gaming and all related activities.

"Video gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Source: Amended at 37 Ill. Reg. 7750, effective May 23, 2013)

SUBPART B: DUTIES OF LICENSEES

Section 1800.230 Duties of Licensed Manufacturers

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

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- a) Manufacture video gaming terminals and associated video gaming equipment for placement in the State in accordance with the specifications and procedures set forth in the Act, this Part and the technical standards adopted by the Board;
- b) Make available the odds of winning for each video gaming terminal on the terminal's video monitor, accessible from a clear and conspicuous help button or touch screen icon. The odds of winning, the manner in which they are calculated, and the allowable payout percentages shall be in accordance with the Act and the technical standards adopted by the Board;
- c) Maintain and provide inventory of associated video gaming equipment for certified video gaming terminals sold by the manufacturer for use in Illinois to ensure the timely repair and continued, approved operation and play of those video gaming terminals;
- d) Provide technical assistance and training in accordance with the Act and this Part;
- e) Comply with the provisions of the Gaming Device Act of 1962 (15 USC 1173);
- f) Obtain all approvals and certifications required by the ~~Video Gaming~~ Act and this Part or as required by the Board; ~~and~~
- g) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment; ~~and-~~
- h) Service, maintain or repair video gaming terminals at licensed video gaming locations only by licensed technicians or licensed terminal handlers.

(Source: Amended at 37 Ill. Reg. 7750, effective May 23, 2013)

Section 1800.240 Duties of Licensed Distributors

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

- a) Buy, sell, distribute, lease or market in Illinois only video gaming terminals that have been tested and certified for use in Illinois;

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- b) Provide technical assistance and training in accordance with the Act and this Part;
~~and~~
- c) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment;
~~and-~~
- d) Service, maintain or repair video gaming terminals at licensed video gaming locations only by licensed technicians or licensed terminal handlers.

(Source: Amended at 37 Ill. Reg. 7750, effective May 23, 2013)

Section 1800.250 Duties of Licensed Video Terminal Operators

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

- a) Assume the primary responsibility for the operation and maintenance of video gaming terminals and for payment of tax remittance to the State as required by the Act;
- b) Maintain and provide, either directly or through a licensed manufacturer, distributor, supplier, licensed technician, or licensed terminal handler, an inventory of associated video gaming equipment to ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- c) Ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- d) Assume responsibility for the payment of valid receipt tickets issued by video gaming terminals it operates;
- e) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;
- f) Assume responsibility for terminal and associated video gaming equipment malfunctions, including any claim for the payment of credits arising from malfunctions;

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- g) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- h) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal;
- i) Maintain a single bank account for all licensed video gaming locations with which it contracts for deposit of aggregate revenues generated from the play of video gaming terminals and allow for electronic fund transfers for tax payments;
- j) Enter into written use agreements with licensed video gaming locations that comply with the Act and this Part;
- k) Obtain and install, at no cost to the State and as required by the Board, all hardware, software and related accessories necessary to connect video gaming terminals to a central communications system;
- l) Offer or provide nothing of value to any licensed video gaming location or any agent or representative of any licensed video gaming location as an incentive or inducement to locate, keep or maintain video gaming terminals at the licensed video gaming location;
- m) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment;
- n) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- o) Respond to service calls within a reasonable time from the time of notification by the video gaming location;
- p) Immediately remove all video gaming terminals from the restricted area of play:
 - 1) upon order of the Board or an agent of the Board, or
 - 2) that have been out of service or otherwise inoperable for more than 72 hours;

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- q) Provide the Board with a current list of video gaming terminals acquired for use in Illinois;
- r) Not install, remove or relocate any video gaming terminal without prior notification and approval of the Administrator or his designee; ~~and~~
- s) Maintain a video gaming terminal access log for each video gaming terminal, which must be kept inside the video gaming terminal at all times, documenting all access to the video gaming terminal. The log format shall provide for the time and date of access, the persons who had access, the license number when applicable and the nature of the service or repair made during the access; ~~and-~~
- t) Service, maintain or repair video gaming terminals at licensed video gaming locations only by licensed technicians or licensed terminal handlers.

(Source: Amended at 37 Ill. Reg. 7750, effective May 23, 2013)

Section 1800.260 Duties of Licensed Technicians and Licensed Terminal Handlers

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

- a) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- b) Promptly notify the Board of any unauthorized or illegal video gaming location or any video gaming terminal that is in violation of Section 35 of the ~~Video Gaming Act~~;
- c) Ensure that every video gaming terminal is licensed by the Board before any service, maintenance or repair is performed;
- d) Comply with all specifications and technical requirements issued by the Board;
- e) Carry and display identification issued by the Board when working on video gaming terminals and associated video gaming equipment; ~~and~~

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- f) For each video gaming terminal accessed by a licensed terminal handler, record in each video gaming terminal access log the time and date of access, the person, and his or her license number, who had access, and the nature of the service or repair made during the access;
- g) Pay a fee of \$10 to the Board for any necessary replacement of identification; and
- h) Return identification to the Board upon resignation or termination of employment.

(Source: Amended at 37 Ill. Reg. 7750, effective May 23, 2013)

SUBPART D: LICENSING QUALIFICATIONS

Section 1800.420 Qualifications for Licensure

- a) In addition to the qualifications required in the Act, the Board may not grant any video gaming license until the Board is satisfied that the applicant is:
 - 1) A person of good character, honesty and integrity;
 - 2) A person whose background, including criminal record, reputation and associations, is not injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois;
 - 3) A person whose background, including criminal record, reputation and associations, does not discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
 - 4) A person whose background, including criminal record, reputation, habits, social or business associations does not adversely affect public confidence and trust in gaming or pose a threat to the public interests of the State or to the security and integrity of video gaming;
 - 5) A person who does not create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of video gaming;
 - 6) A person who does not present questionable business practices and financial arrangements incidental to the conduct of video gaming activities or otherwise;

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- 7) A person who, either individually or through employees, demonstrates business ability and experience to establish, operate and maintain a business for the type of license for which application is made;
 - 8) A person who does not associate with, either socially or in business affairs, or employ persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body; and
 - 9) A person who has not had a gaming license revoked in any other jurisdiction.
- b) In addition to all other qualifications required in the Act and this Part, the Board may not grant a video terminal operator license until the Board is satisfied that the applicant:
- 1) Is a person who demonstrates adequate financing for the business proposed. The Board shall consider whether any financing is from a source that meets the qualifications in subsections (a)(1) through (9) of this Section and is in an amount sufficient to ensure the likelihood of success in the performance of the licensee's duties and responsibilities pursuant to the Act and this Part; and
 - 2) Has disclosed all persons with significant influence or control over the applicant or licensee.
- c) Past Participation in Video Gaming
- 1) The Board shall not grant a license to a person who has facilitated, enabled or participated in the use of coin-operated amusement devices for gambling purposes on or after December 16, 2009, or who is under the significant influence or control of such a person.
 - 2) The Board has discretion not to grant a license to a person who, before December 16, 2009, has facilitated, enabled or participated in the use of coin-operated amusement devices for gambling purposes, or who is under the significant influence or control of such a person.

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- d) The Board shall have discretion to deny a license application on the basis that one of the following persons has placed himself or herself on the Self-Exclusion List established by 86 Ill. Adm. Code 3000.750:
- 1) The applicant;
 - 2) A person with significant influence or control over the applicant;
 - 3) A person with an ownership interest in the applicant of 5% or more; or
 - 4) A person involved in the operation or management of the applicant's business related to video gaming.

(Source: Amended at 37 Ill. Reg. 7750, effective May 23, 2013)

SUBPART E: LICENSING PROCEDURES

Section 1800.560 Issuance of License

- a) The Board may only issue a license after the background investigation is complete, the Board determines the applicant is suitable for licensure and the applicant has paid the required application fee.
- b) If an applicant is denied a license, the applicant may not reapply for a license within one year from the date on which the final order of denial was voted upon by the Board, without leave of the Board.

(Source: Amended at 37 Ill. Reg. 7750, effective May 23, 2013)

Section 1800.590 Death and Change of Ownership of Video Gaming Licensee

- a) Licenses granted by the Board do not constitute property, shall not be subject to attachment, and shall not be alienable or transferable. Licenses granted by the Board shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, may continue the video gaming location operation under order of the appropriate court and the approval of the Administrator of the Illinois Gaming Board, and may exercise the privileges of the deceased or insolvent or bankrupt

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licensee after the death or the decent, or the insolvency or bankruptcy until the expiration of the license, but no longer than six months after the death, bankruptcy or insolvency of the licensee. Approval of the Administrator to continue the video gaming location operation may only be granted following the approval of a designated video gaming manager for the video gaming location.

b) Change of Ownership of Licensed Video Gaming Location

- 1) In addition to the disclosure requirements set forth in Section 1800.210(c) and (i), each video gaming location licensee shall notify the Board in writing prior to a proposed sale or transfer of a licensed video gaming location.
- 2) When a licensed video gaming location is sold or transferred, the video gaming terminals may be allowed to continue to operate under the old license if:
 - A) the new owner has submitted all required and applicable application materials for a new or amended video gaming location license application, and included copies of all sale or transfer documentation;
 - B) the new owner has completed the required criminal record check via fingerprint examination;
 - C) the new owner is issued all required liquor licenses to draw, pour, mix or otherwise serve alcohol for consumption on the premises; and
 - D) the selling or transferring license holder agrees to be bound to all obligations and duties imposed upon it for operating a licensed video gaming location by the Act and this Part until the Board approves the sale or transfer and until the consummation of the closing of the sale or transfer.
- 3) When a licensed video gaming location is sold or transferred, the video gaming terminals may be allowed to continue to operate under the old license only until:

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- A) The issuance of a video gaming location license in the name of the new owner;
- B) A determination by the Board that the new applicant, new owner and/or new person with significant interest or control is unsuitable;
or
- C) Denial of the new license application.

(Source: Added at 37 Ill. Reg. 7750, effective May 23, 2013)

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1030.91	Amendment
1030.92	Amendment
1030.94	Amendment
1030.115	Amendment
1030.APPENDIX B	Amendment
- 4) Statutory Authority: 15 ILCS 305/6b; 15 ILCS 335/14(a-10); 625 ILCS 5/6-110(a) & (a-5)
- 5) Effective Date of Amendment: May 22, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
- 9) Notices of Proposed Published in *Illinois Register*: 37 Ill. Reg. 2450; February 22, 2013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1030.Appendix A	Amendment	37 Ill. Reg. 6630; May 17, 2013

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- 15) Summary and Purpose of Rulemaking: This rulemaking implements several recent Public Acts. Public Act 97-1127 allows the Secretary of State to place an informational restriction on a driver's license to indicate a medical condition of the driver's license holder. The proposed revision to 1030.92 will allow the Secretary of State to add a restriction to designate aphasia, a medical condition.

Public Act 97-1064 changed nomenclature related to disabled persons and the revisions to 1030.91 reflect this change. In addition, unrelated to Public Act 97-1064, the Secretary of State took this opportunity to add the requirement that a medical report submitted to obtain a Person with a Disability Identification Card must be completed by the physician within the last three months.

The revision to 1030.94 implements Public Act 97-835, which allows the Secretary of State to waive fees for a duplicate identification card or driver's license, when the applicant lives in an area that has been declared a disaster area by the Governor of Illinois. The waiver applies only for a period of 30 days from the date of the declaration.

Revisions to 1030.115 and 1030 Appendix B implement Public Act 97-847, the Judicial Privacy Act, which allows a member of the judiciary to suppress personal information associated with a driver's license or identification card and further allows the judicial officer to have his or her business address appear on the driver's license or identification card (in lieu of a home address).

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

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

217/557-4462

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CDL Holders
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits

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- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 ~~Disabled~~ Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Instruction Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

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

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11,

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1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19,

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2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013.

Section 1030.91 ~~Disabled Person~~ with a Disability Identification Card

- a) If a person wishes to obtain an Illinois ~~Disabled Person~~ with a Disability Identification Card pursuant to Section 4(b) of the Illinois Identification Card Act [15 ILCS 335/4(b)], the individual shall complete an application form provided by the Department.
- b) The ~~Disabled Person~~ with a Disability Identification Card application shall include the person's legal name, address, social security number, gender, height, weight, hair color, eye color and date of birth. The applicant's medical professional shall certify in priority order the type of disability that the person has as physical, developmental, visual, hearing or mental and the classification of the disability to be Class 1, Class 1a, Class 2, or Class 2a as defined in Section 4(a) of the Illinois Identification Card Act. The medical professional shall sign the application and also print or type his/her name, business address and business phone number.
- c) The application forms shall not be accepted by the Department unless all portions of the form are completely filled out. Failure to complete the application properly

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shall result in the applicant's request being denied. The application is valid for a period of three months from the date of signature of the medical professional.

- d) If an applicant for a ~~Disabled~~ Person with a Disability Identification Card indicates on the application that the individual has a disability so severe that it precludes the applicant from obtaining an Illinois driver's license, and it is determined that the applicant has a valid Illinois driver's license, a ~~Disabled~~ Person with a Disability Identification Card shall be issued. The case shall be forwarded by the facility to the Driver Analysis Division of the Department for review and possible cancellation of the driver's license pursuant to 92 Ill. Adm. Code 1040.80.

(Source: Amended at 37 Ill. Reg. 7776, effective May 22, 2013)

Section 1030.92 Restrictions

- a) A driver services facility representative shall have the authority to determine license restrictions. No restriction shall be added until the driving test, if required, is given unless the restriction is due to a vision or hearing defect.
- b) If a change in a person's physical and/or visual condition is discovered by a facility representative, the representative has the authority to add, delete or change the restrictions.
- c) A Type B restriction requires corrective eye lenses. This restriction is added when a person needs corrective eye lenses to meet visual acuity standards as provided in Section 1030.70. This restriction includes eye glasses and contact lenses in one or both eyes, pursuant to Section 1030.75.
- d) A Type C restriction requires the driver to use one or more mechanical aids (e.g., hand operated brake, gearshift extension, shoulder harness, or foot operated steering wheel) to assist with the proper and safe operation of the vehicle.
- e) A Type D restriction requires the driver to use one or more prosthetic aids (e.g., artificial legs, artificial hands, hook on right or left arm, or brace on each leg) while operating a motor vehicle.
- f) A Type E restriction requires automatic transmission. An automatic transmission restriction is added when a driver is unable to operate a standard shift vehicle due

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to the minimal use of one or both arms and/or legs.

- g) A Type F restriction requires left and right outside rearview mirrors when a driver is hearing impaired, has a monocular visual acuity reading of 20/100 or worse in either eye, requires a right outside rearview mirror because of problems turning the head while backing, cannot meet the peripheral vision requirements of Section 1030.70(a), and/or takes the road test in a right hand-driven vehicle with the steering wheel on the right side. A driver may be restricted to both left and right rearview mirrors if minimum peripheral standards are met by the use of only one eye in accordance with Sections 1030.70 and 1030.75.
- h) A Type G restriction requires the driver to drive only in the daylight. This restriction is added when a driver has binocular visual acuity that does not meet the 20/40 minimum in accordance with Section 1030.70(a), but is not worse than 20/70. People who want to drive utilizing a non-standard lens arrangement pursuant to Section 1030.75 are restricted to daylight driving only.
- i) A Type J restriction with appropriate numerical indicators includes other restrictions not listed in this Section. These Type J restrictions and numerical indicators are as follows:
- 1) J01 Driver has been issued an Illinois Medical Restriction Card, which must be carried in addition to a valid Illinois driver's license/permit.
 - 2) J02 Driver authorized to operate a religious organization bus within classification, as provided in IVC Section 6-106.2.
 - 3) J03 Driver authorized to operate a religious organization bus or van within Class D only. The driver took the religious organization bus test in a Class D vehicle, but may hold a Class A, B or C license.
 - 4) J04 Driver authorized to operate a religious organization bus or van within Class C or a lesser classification vehicle only. The driver took the religious organization bus test in a Class C vehicle, but may hold a Class A or B license.
 - 5) J05 Driver authorized to operate a senior citizen transportation vehicle

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within classification. The driver operates a vehicle that is utilized solely for the purpose of providing transportation for senior citizens, as provided in IVC Section 6-106.3.

- 6) J06 Driver authorized to operate a senior citizen transportation vehicle within Class D only. The driver took the senior citizen transportation vehicle test in a Class D vehicle, but may hold a Class A, B or C license.
- 7) J07 Driver authorized to operate a senior citizen transportation vehicle within written Class C vehicle, or a lesser classification vehicle only. The driver took the senior citizen transportation vehicle test in a Class C vehicle, but may hold a Class A or B license.
- 8) J08 Driver authorized to operate a commuter van in a for-profit ridesharing arrangement within classification, as provided in IVC Section 6-106.4.
- 9) J09 Driver who is 16 or 17 years of age authorized to operate either Class L motor-driven cycles or Class M motorcycles, as provided in IVC Section 6-103(2).
- 10) J10 Driver restricted to the operation of a vehicle with a GVWR of 16,000 pounds or less.
- 11) J11 Indicates the driver took the road test on a three-wheel motorcycle (Class M) or three-wheel motor-driven cycle (Class L) and is restricted to a three-wheel cycle of the proper class.
- 12) J14 Restricted to the use of a non-standard lens arrangement pursuant to Section 1030.75 when operating a motor vehicle. (Lens arrangement may be designed for monocular or binocular vision.)
- 13) J15 Special Restrictions – An applicant may have special restrictions applied specifically to the vehicle the applicant is operating at the time a road test is being administered by a facility examiner. These special restrictions may apply only when the applicant is operating that particular motor vehicle. This J15 restriction only applies to variations of C, D or E restrictions. To remove a special restriction

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or to operate another motor vehicle would require the applicant to be administered another road test in the new vehicle.

- 14) J16 Moped Only – Authorizes an applicant holding a Class L license to operate a moped only.
- 15) J17 Authorizes a person holding a Class L or M license to operate a motorcycle or motor driven cycle with rear wheel extensions while maintaining a single front wheel.
- 16) J33 Driver authorized to operate a Class D vehicle using a non-standard lens arrangement, pursuant to Section 1030.75, during nighttime hours.
- 17) J50 Farm waived non-CDL (Class A only) – Allows farmers or a member of the farmer's family who is 21 years of age or older and has completed all of the applicable exams (core, combination, air brake, and all three parts of the road test) to drive a farm waived non-CDL (Class A only) vehicle. Those eligible may operate the truck/tractor semi-trailer to transport farm products, equipment or supplies to or from a farm, if used within 150 air miles of the farm, and not used in the operations of a common or contract carrier.
- 18) J71 No photo or signature – out of state at renewal – license issued to driver who is temporarily absent from State of Illinois at expiration date of his/her driver's license.
- 19) J72 No photo or signature – out of country at renewal – license issued to driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license.
- 20) J73 No photo or signature – military or military dependent – license issued at the expiration of the driver's license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.
- 21) J74 Military deferral card issued at the expiration of the driver's license to extend the expiration while in the military of the licensee, spouse

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and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

22) J75 No photo or signature – administrative approval license to driver who having his/her photograph taken is against his/her religious convictions or has a serious facial disfigurement.

23) J88 Deaf/Hard of Hearing – requires alternative forms of communication.

24) J89 Aphasia – an impairment of language ability.

25)24) J99 Indicates This restriction appears on the license if more than two J restrictions have been placed on the license are placed on the driver.

- j) A Type K restriction indicates the driver is authorized to operate a commercial motor vehicle intrastate only.
- k) A Type L restriction indicates that the person is not authorized to operate vehicles equipped with air brakes.
- l) A Type M restriction indicates P endorsement only valid in a Class B or lesser classification vehicle.
- m) A Type N restriction indicates P endorsement only valid in a Class C or lesser classification vehicle.
- n) A type V restriction indicates FMCSA has granted a medical variance to operate a CMV within the boundaries of the United States in accordance with 49 CFR 391.41 (2011).
- o) An applicant who wants to appeal a type of restriction that has been added to a driver's license, depending on the type of restriction, shall:
 - 1) For Type B, C, D, E, F, G, J01, or any other medical restriction that has been added to the driver's license pursuant to the restrictions contained in subsection (i), follow the manner prescribed by this Part.

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- 2) For any other types of restrictions that have been added to the driver's license pursuant to this Section, appeal to the Department of Administrative Hearings pursuant to IVC Section 2-118.
- 3) Further review of all restrictions shall be conducted by the courts pursuant to the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 37 Ill. Reg. 7776, effective May 22, 2013)

Section 1030.94 Duplicate or Corrected Driver's License or Instruction Permit

- a) A duplicate driver's license or instruction permit shall be issued by the Department when a driver's license or instruction permit has been lost, stolen, or mutilated.
- b) Upon an applicant's request or the Department's determination that an error was made or the license or permit was mutilated, a corrected driver's license or instruction permit shall be issued by the Department if a change of information is necessary on a driver's license or instruction permit that is being surrendered. The license or permit shall indicate that it has been corrected by displaying "COR" as the type of license.
- c) When there is no driver's license or instruction permit to be surrendered to the Department, the license or permit issued shall be a duplicate. This shall be indicated on the license or permit by displaying "DUP" as the type of license.
- d) The applicant shall pay a fee in accordance with IVC Section 6-118 for a duplicate driver's license, corrected driver's license or instruction permit. For a six month period after the issuance of a driver's license or permit, there shall be no fee charged to correct an error made by personnel at the Driver Services Facility. There shall be no fee charged for a duplicate if the license or permit was lost by the Department. If a license or permit is lost by a state, local or federal law enforcement agency or state or federal court, there shall be no fee charged for a duplicate upon written notification from that agency or court.
- e) The fee for a duplicate driver's license or identification card shall be waived if the applicant resides in a declared disaster area, as proclaimed by the Governor of Illinois, if the applicant submits the Secretary of State's Waiver of Fees for

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Disaster Victims form. This waiver shall only apply for a period of 30 days after the Governor files the disaster proclamation.

- f)e) In order to obtain a duplicate or corrected license or permit, an application form provided by the Department as described in IVC Section 6-106(b) shall be completed by a Driver Services Facility employee. The Non-CDL applicant shall answer the first 3 questions on the application and the CDL applicant shall answer the first 3 questions, in addition to questions 8, 9 and 10 on the application (see Appendix A). After the form has been completed and the fee paid, the applicant, if necessary, shall have a photograph taken as provided in Section 1030.90.

(Source: Amended at 37 Ill. Reg. 7776, effective May 22, 2013)

Section 1030.115 Change-of-Address

- a) Pursuant to IVC Section 6-116, a person who changes address must inform the Secretary of State in writing within 10 days after the change. After proper notification of change of address, the address shall be changed on the driver's license file.
- b) To notify the Department of an address change, an individual may go to a Driver Services Facility and the address change will be made to the driver's license file at that time. Address changes may also be completed electronically on the Secretary of State's official website.
- c) Certain documents will be considered acceptable for notification of an address change if mailed to the Department. Correspondence from the person, the individual's attorney, or an immediate family member will be acceptable documentation. The Department shall also change the address on the driver's license file if one of the following is received: post office change-of-address card, Secretary of State change-of-address card, Secretary of State Judicial Request to Suppress Personal Information form, court documents with "new address" written on them, certificates of insurance with a different address, Illinois Environmental Protection Agency Auto Emission postcards, a monitoring device driving permit order, or money orders reflecting new address.
- d) Documents not acceptable as notification to the Department of an address change include the following: conviction reports; failure to appear notices; statutory summary suspension sworn reports (unless there is an out-of-state address

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indicated on the statutory summary suspension sworn report that corresponds with the out-of-state address reported to the Department when the driver's license was surrendered out-of-state and returned to Illinois); court transcripts (unless "new address" is written on documents); accident reports; or addresses on checks unless "new address" is specified.

(Source: Amended at 37 Ill. Reg. 7776, effective May 22, 2013)

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Section 1030.APPENDIX B Acceptable Identification Documents

- a) Except as provided for in subsections (m) and (n), an applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B and C and two documents from Group D as outlined in subsection (f).
- b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying social security numbers. Instead, they shall submit a letter on Social Security Administration letterhead, issued within 90 days prior to the date of application for a temporary visitor's driver's license, verifying ineligibility for a social security number. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.
- c) Except as provided for in subsections (m), ~~and (n)~~, and (o), an applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A and at least one form from Group B and C or two from Group D if requesting an address change to appear on the documents, as outlined in subsection (f). An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.
- d) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. An applicant requesting an address change to appear on the document must provide two forms of acceptable documents from Group D. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.
- e) Applicants renewing a current Illinois driver's license or identification card need

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only present a current valid license or ID card. If they do not have a current driver's license or ID card, they must present one form of identification from Group A and at least one form from Group B, C or D, as outlined in subsection (f). Except as provided for in subsections (m) and (n), applicants who are requesting an address change to appear on the documents are required to provide two documents from Group D as outlined in subsection (f).

- f) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed by group. Photocopies will not be accepted. **All acceptable documents presented for verification or proof must be valid (current and not expired).** Photocopies will not be accepted.

1) GROUP A (Written Signature)

Canceled Check (dated within 90 days prior to application)

Cooperative Driver Training Program (CDTP) Certification Form

Court Order

Credit Card/Debit Card – Major Brand

Driver Education Certificate

Government Driver's License

Government Identification Card

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS)
forms:

I-551 (Alien Registration Card)

I-766 (Employment Authorization Card)

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I-94 (Arrival/Departure Record) with Valid Passport

Medicare Card – with suffix A, J, H, M or T

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-state Driver's License/ID Card – current

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Certified Grade/High School/College/University Transcript

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

I-571 (Refugee Travel Document)

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I-766 (Employment Authorization Card)

I-797 (Notice of Action Status Change)

I-94 (Arrival/Departure Record) with Valid Passport

U.S. Visa

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

U.S. Passport Card – Valid with Complete Date of Birth

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record

Illinois Identification Card Record

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

4) GROUP D (Residency)

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Affidavit – Certificate of Residency

Bank Statement (dated within 90 days prior to application)

Canceled Check (dated within 90 days prior to application)

Certified Grade/High School/College/University Transcript

Credit Report issued by Experian, Equifax or TransUnion – dated within 12 months prior to application

Deed/Title, Mortgage, Rental/Lease Agreement

Insurance Policy (Homeowner's or Renter's)

Letter on Official School Letterhead – dated within 90 days prior to application

Medical claim or statement of benefits from private insurance company or public (government) agency, dated within 90 days prior to application

Official mail received from a State, County, City or Village or a Federal Government agency that includes first and last name of the applicant and complete current address. This may include, but is not limited to:

Homestead Exemption Receipt

Illinois FOID Card

Jury Duty Notice issued within 90 days prior to application

Selective Service Card

Social Security Annual Statement

Social Security Disability Insurance (SSDI) Statement

Supplemental Security Income (SSI) Benefits Statement

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Voter Registration Card

Pay Stub or Electronic Deposit Receipt

Pension or Retirement Statement

Phone book, current, produced by a phone book publisher

Report Card from Grade/High School or College/University

Tuition invoice or other official mail from a college or university dated within the 12 months prior to application

Vehicle Registration Card

Utility Bill – Electric, water, refuse, telephone (land or cell), cable or gas, issued within 90 days prior to application

- g) Documents listed in Group A, B or C, as outlined in subsection (f), that contains the full residence address may also be used for Group D, as outlined in subsection (f).
- h) For a name change, the identification must be a document that provides a link to the established driver's license/ID Card file.
- i) Group B documents, as outlined in subsection (f), must contain the applicant's full name and complete date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign passports and foreign birth certificates are accepted as "proof" if accompanied by any other item listed in Group B.
- j) Group C documents, as outlined in subsection (f), must contain the applicant's name and full social security number.

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- k) Group D documents, as outlined in subsection (f), must contain the applicant's full residence address.
- l) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.
- m) An applicant applying for a no-fee identification card who is homeless must present one document from each of Group A, B and C, as outlined in subsection (f), and a homeless status certification, as described in Section 1030.12, to satisfy the requirements for Group D, as outlined in subsection (f).
- n) An applicant for an identification card who is under the age of five years old must present one document from each of Group A, B and C, as outlined in subsection (f), and one document from Group D, as outlined in subsection (f).
- o) A judicial officer who wishes to change his or her residence address or mailing address to his or her business address, pursuant to the Judicial Privacy Act [705 ILCS 90], is required to present only a Secretary of State Request to Suppress Personal Information form as proof of residency.
- p)⊕) Unacceptable identification documents are:
- Bond Receipt or Bail/Bond Card
 - Business Cards
 - Check Cashing Cards
 - Club or Fraternal Membership Cards
 - College or University Identification Cards
 - Commercially Produced (non-State or unofficial) ID Cards
 - Fishing License
 - HFS (Healthcare and Family Services) Cards

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Handwritten ID or Employment Cards

Hunting License

Instruction Permit/Receipts

Insurance

Library Card

Personal Mail

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

(Source: Amended at 37 Ill. Reg. 7776, effective May 22, 2013)

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- 1) Heading of the Part: State Records Commission
- 2) Code Citation: 44 Ill. Adm. Code 4400
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
4400.20	Amendment
4400.22	Amendment
4400.70	Amendment
4400.80	New Section
- 4) Statutory Authority: Implementing and authorized by the State Records Act [5 ILCS 160]
- 5) Effective Date of Amendment: May 22, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: January 25, 2013, 37 Ill. Reg. 706
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between Proposal and Final Version: In Section 4400.70(e), (g)(1) and (g)(2), examples of acceptable technology and procedures for various technical requirements for record storage were added. In Section 440.80(c), (d) and (f), examples of acceptable methods for record storage were added. All technical changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: Implements statutory changes governing the management and retention of records, deletes outdated references and methods and implements new guidelines and regulations regarding management of technologies which were not previously considered in the rule.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:
- Brenda Glahn
Assistant General Counsel
298 Howlett Building
Springfield, Illinois 62756
217/785-3094
or
bglahn@ilsos.net
- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE C: GOVERNMENTAL RECORDS
CHAPTER IV: STATE RECORDS COMMISSIONPART 4400
STATE RECORDS COMMISSION

Section

4400.10	General
4400.20	Definitions
4400.22	Incorporations by Reference
4400.25	Record Management
4400.30	Procedures for Compiling and Submitting Lists and Schedules of Records for Disposal
4400.40	Procedures for the Physical Destruction or Other Disposition of Records Proposed for Disposal
4400.50	Standards for the Reproduction of Records by Microphotographic and Electronic Microimaging Processes with a View to the Disposal of the Original Records
4400.60	Minimum Standards of Quality for Permanent Record Photographic Original Microfilm Intended for Retention Periods in Excess of 10 Years
4400.70	Digital Reproduction
4400.80	Management of Electronic Records
4400.APPENDIX A	Inventory Work Sheet
4400.APPENDIX B	Records Retention Schedule (Application for Authority to Dispose of State Records)
4400.APPENDIX C	Records Disposal Certificate
4400.APPENDIX D	Archives Records Transfer Sheet

AUTHORITY: Implementing and authorized by the State Records Act [5 ILCS 160].

SOURCE: Amended May 28, 1976; codified at 8 Ill. Reg. 8927; recodified from 44 Ill. Adm. Code 4100 (Secretary of State) to 44 Ill. Adm. Code 4400 (State Records Commission) at 9 Ill. Reg. 15547; amended at 10 Ill. Reg. 1965, effective January 8, 1986; amended at 13 Ill. Reg. 7444, effective May 1, 1989; amended at 31 Ill. Reg. 8572, effective June 4, 2007; amended at 32 Ill. Reg. 17976, effective November 6, 2008; amended at 37 Ill. Reg. 7798, effective May 22, 2013.

Section 4400.20 Definitions

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Act – The State Records Act [5 ILCS 160].

Administrative Value – Those aspects of records containing facts concerning an agency's administrative decisions that an agency needs for its immediate day-to-day function. This value almost always diminishes and is lost over time.

Analog Records – Records created and maintained on a physical medium. Examples include, but are not limited to, paper documents, analog motion picture film, analog photographs and analog audio tape.

Authentic Copy – A reproduction of a record that duplicates the content of the original record and that has been certified as authentic by the creating agency so that it may be submitted as legal evidence.

Born-Digital Records – Records created in a digital format, as opposed to those created in other media and then converted to digital surrogates. Examples include, but are not limited to, word processing documents, electronic spreadsheets and digital photographs.

Commission or SRC – The State Records Commission created by Section 16 of the State Records Act to determine what State agency records no longer have any administrative, fiscal, legal, research or historical value and should no longer be retained.

Database – A collection of information organized in such a way that a computer program can select desired pieces of data. A database is typically used as an electronic filing system through which users can quickly sort and retrieve data as necessary.

Digital Surrogate – A reproduction of ~~content on analog media which the original record when the record~~ has been scanned, photographed, encoded, or otherwise converted to a digital ~~file~~ photocopy that, when printed, viewed or played, ~~replicates/retains the look, sound or feel of~~ the original ~~content~~ record.

Digitization Process – The methods, tools and procedures by which a digital surrogate is created for an original record. Examples include scanning and encoding of audio/video signals into digital data.

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Electronic Microimaging – Any process in which digital documents or images (scanned or born-digital) are converted to permanent record microfilm~~Any process in which source documents are scanned into a digital format and then converted to permanent record microfilm.~~

Electronic Record – A record generated, communicated, received or stored by electronic means. Both born-digital records and digital surrogates of analog records are considered electronic records. Databases or components of databases may or may not be considered records, depending upon their function and contents. Electronic records ~~can be~~ contained in various storage media.

~~Electronic Storage Media – Storage devices in computers (hard drives) and any removable/transportable digital storage medium, such as magnetic tape or disk, optical disk, or digital storage device.~~

Field Representative – A representative in the State Records Unit of the Office of the Secretary of State.

Fiscal Value – Those aspects of records containing monetary information that accounts for the receipt or expenditure of funds.

Geographic Redundancy – The practice of replicating business data at two or more geographically distinct sites in order to protect against catastrophic data loss. Geographic redundancy can be provided through duplicate storage systems in different locations, or through contracting with vendors for remote or "cloud" storage.

Illinois State Archives – Department of the Archives and Records, Office of the Secretary of State, established pursuant to the State Records Act [5 ILCS 160].

Legal Value – Records that contain evidence of legally enforceable rights or obligations of the State, such as legal decisions and opinions; fiscal documents representing agreements, such as leases, titles and contracts; and records of actions in particular cases, such as claim papers and legal dockets.

Metadata – Commonly referred to as "data about data," metadata is structured data that describes, explains, locates or otherwise makes it easier to retrieve, use or manage an information resource. Metadata is typically organized into distinct categories, such as administrative, descriptive, preservation or structural.

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Non-record Material –

Material not filed as evidence of administrative activity or for its informational content.

Extra copies of documents preserved only for convenience of reference.

Stocks of printed or reproduced documents kept for supply purposes, where file copies have been retained for record purposes.

Books, periodicals, newspapers, posters, and other library and museum materials made or acquired and preserved solely for reference or exhibition purposes.

Private materials neither made nor received by a State agency pursuant to State law or in connection with the transaction of public business.

Perforated, magnetized and photographically coded cards and tapes, provided that documents containing the same information have been filed in the same office and such cards and tapes were not prepared as evidence of administrative decisions or transactions subject to audit.

Transitory messages, consisting of material that is created primarily to communicate information of short-term value. These can include messages sent via email, instant messaging (IM), text messaging (SMS) or paper correspondence. Examples of transitory messages include, but are not limited to, reminders to employees about scheduled meetings or appointments; most telephone messages (whether in paper, voicemail or other electronic form); announcements of office events such as holiday parties or group lunches; and recipient copies of announcements of agency-sponsored events such as exhibits, lectures, workshops, etc. Transitory messages are not intended to formalize or perpetuate knowledge and do not set policy, establish guidelines or procedures, certify a transaction or become a receipt.

Whenever doubt arises whether certain documentspapers are non-record materials, it should be presumed that they are records. Non-record materials may be destroyed at any time by the agency in possession of the materials

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without the prior approval of the State Records Commission.

~~Open Format – A published specification for storing digital data, usually maintained by a non-proprietary standards organization and free of legal restrictions on use. A non-exclusive list of open formats includes txt, rtf, tiff, jpeg and PDF-A.~~

Permanent – To be retained forever.

Permanent Record Film – A photographic camera original, or an exact copy of an original film, so composed and treated that the image and support will have maximum keeping quality under archival room storage conditions of 65-70° F and 30-40% humidity.

Raw Stock – Sensitized photographic material that has not undergone the process of development.

Records – All books, papers, digitized electronic material, maps, photographs, databases, or other official documentary materials, regardless of physical form or characteristics, made, produced, executed, or received by any agency in the State in pursuance of State law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the State or of the State Government, or because of the informational data contained therein. [5 ILCS 160/2]

Records Retention Schedule – [Formally known as the Application for the Authority to Dispose of Records, the](#) document stating the official retention, maintenance and disposition requirements for a record series, or type of record, based on administrative, fiscal, legal or archival values for the scheduled records. The schedule is of no force unless approved by the State Records Commission (see Section 17 of the State Records Act).

Records Series – A group of identical or related documents (either as to form or content) that is arranged under a single filing system or kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity, or have certain common physical characteristics (i.e., maps, blueprints, etc.). A series may contain both forms and correspondence.

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Research, Historical or Archival Value – Records that document a specific State program, a unique program, a departure from previous State policy, formation of public policy, the activities of an important government official, or a trend or movement by the citizenry.

Secretary – The Illinois Secretary of State.

[System Decommissioning – The removal of a system from service, such as when a system used to manage business records is shut down when it is no longer being utilized or is being replaced by a new system.](#)

(Source: Amended at 37 Ill. Reg. 7798, effective May 22, 2013)

Section 4400.22 Incorporations by Reference

- a) No incorporation by reference in this Part includes any amendment or edition later than the date specified.
- b) The following materials are incorporated in this Part:
The American National Standards Institute/Association for Information and Image Management

1819 L Street, NW
Suite 600
Washington, DC 20036

- 1) ANSI/AIIM MS23 (1998) – Standard Recommended Practice – Production, Inspection, and Quality Assurance of First-Generation, Silver Microforms of Documents
- 2) ~~ANSI/AIIM MS44 (1993) – Recommended Practice for Quality Control of Image Scanners~~
- 3) ~~ANSI/AIIM MS49 (1993) – Recommended Practice for Monitoring Image Quality of Roll Microfilm and Microfiche Scanners~~
- 2)4) ANSI/AIIM MS62 (1999) – Recommended Practice for COM Recording System Having an Internal Electronic Forms Generating System – Operational Practices for Inspection & Quality Control

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- 5) ~~ANSI/AIIM TR34 (1996) – Sampling Procedures for Inspection by Attributes of Images in Electronic Image Management (EIM) & Micrographics Systems~~

(Source: Amended at 37 Ill. Reg. 7798, effective May 22, 2013)

Section 4400.70 Digital Reproduction

- a) ~~Analog records~~Original records may not be destroyed in favor of digital surrogates unless the digital surrogates are produced in compliance with this Section and unless done pursuant to a ~~list or~~ retention schedule approved by the Commission.
- b) In submitting ~~lists or~~ schedules of ~~analog records~~original records for which digital surrogates are to be substituted, the head of each agency shall certify that the copies will be made in accordance with the standards of the Commission and will be authentic copies of~~adequate substitutes for~~ the ~~analog~~original records.
- c) Analog records scheduled for permanent retention may not be destroyed in favor of digital surrogates unless those surrogates are maintained in compliance with Section 4400.80 of this Part. If the requirements of Section 4400.80 are not met, records must be additionally maintained either in original format or in a microfilm format that complies with Sections 4400.50 and 4400.60.
- d)e) File Integrity – The integrity and authenticity of the ~~analog~~original records shall be preserved through the digitization process so that the images or surrogates will be authentic copies of~~adequate substitutes for~~ the ~~analog~~original records. They must serve the purposes for which the original records were created or maintained and the copies must contain all significant record detail needed for probable future reference.
- e)d) Digital surrogates of analog records must be created and stored in file formats approved by the Commission.

File formats

- 1) ~~Digital surrogates must be created in an open file format.~~

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- 2) ~~Meta-data or indexing information for digital surrogates must be stored in SQL (structured query language) compliant databases or in XML (extensible markup language) format.~~
- f) Access – The digital surrogates shall be prepared, arranged, classified and indexed to readily permit ~~their~~ subsequent location, examination, and reproduction of individual records. Hardware, software and documentation must be maintained to allow ready access to each file.
- g) Technical ~~Standards~~standards for Creation of Digital Surrogates~~digital surrogates~~:
- 1) Quality Control – Prior to production, an agency shall assemble a sample set of source documents or records equivalent in characteristics to the source documents for the purposes of evaluating scanner results. Scanner quality must be evaluated in accordance with current industry best practices at the time of production. If agencies are uncertain as to whether they are following appropriate best practices they should consult with the Illinois State Archives.~~Scanner quality must be evaluated based on the standard procedures in ANSI/AIIM MS44 and MS49.~~
 - 2) Quality Assurance – Before production, an agency shall develop written quality assurance procedures based upon the results of the pre-production quality sample. Before the original documents are destroyed, quality assurance must be conducted in accordance with current industry best practices at the time of production. If agencies are uncertain as to whether they are following appropriate best practices they should consult with the Illinois State Archives.~~ANSI/AIIM TR34.~~
 - 3) Scanning Resolution – Scanning resolution must be adequate to ensure that no information is lost. A scanning resolution with a minimum of 200 dots per inch is required for recording documents that contain no type font smaller than six point. A ~~scanning density with a~~ minimum scanning resolution of 300 dots per inch is required for engineering drawings, maps and other documents with a type font smaller than six point or with background detail. The selected scanning ~~resolution~~density must be validated with tests on actual source documents.
- g) ~~External Vendors—Contracts for the storage of digital surrogates by external vendors must allow for the return of all electronic data files and indexing~~

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~~information to the agency at the expiration of the contract, in a format complying with the requirements of subsections (h) through (n).~~

- ~~h) Media—Digital surrogates may be stored on a hard disk, networked server, magnetic tapes, or optical disks. Floppy disks may not be used. Data maintained on magnetic tape must be recopied onto a new tape a minimum of once every five years.~~
- ~~i) Backup copies—All digital surrogates of original records must be stored in duplicate copy on a second hard disk, magnetic tape, optical disk, or storage network. If possible, the second copy must be stored in a different building than the first copy.~~
- ~~j) Access—Each digital surrogate must be individually accessible. System tapes used for data backup or disaster recovery, unless indexed for individual accessibility, do not satisfy records retention requirements.~~
- ~~k) Additions, Deletions, Erasure—Systems used to store and access digital surrogates must not permit additions, deletions, or changes to the digital images or surrogates substituting for the original record.~~
- ~~l) Labeling—External labels for magnetic tapes or optical disks used to store digital images or surrogates shall provide unique identification of each reel/cartridge or disk, including the name of the office responsible for the data, system title, and security classification, if applicable.~~
- ~~m) Maintenance
 - ~~1) Each agency shall ensure that hardware, software, and documentation (including maintenance documentation) required to retrieve and read the digital surrogate are retained for the entire period mandated under the approved retention period for the digital surrogates.~~
 - ~~2) If hardware, software, and/or documentation are replaced, or if the digital surrogates are migrated to a new information system, the agency must ensure that the replacement hardware, software and/or documentation meets all requirements mandated in the approved records schedule and in this Section.~~~~

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- n) ~~Long Term Retention – Whenever a record series proposed for conversion to a digital surrogate has been scheduled for a retention period in excess of 10 years, it must be maintained additionally either in its original format or in a microfilm format that complies with Sections 4400.50 and 4400.60 of this Part.~~

(Source: Amended at 37 Ill. Reg. 7798, effective May 22, 2013)

Section 4400.80 Management of Electronic Records

- a) Born-digital Records – Born-digital records shall be subject to the same records schedules as those records originally created in other media.
- b) Databases – Databases or components of databases may or may not be considered records, depending upon their function and contents. An agency's Records Retention Schedule, as approved by the Commission, will be used to make such a determination.
- c) Permanent Records – Records scheduled for permanent retention must be stored in file formats approved by the State Records Commission at the time the records are permanently removed from the active system, at the time of active system decommissioning or at the request of the Commission.
- d) Storage Media – Electronic records may be stored on a hard disk, networked server, magnetic tape or other media approved by the Commission. Stored records must be regularly migrated to new media in accordance with current industry best practices. If agencies are uncertain as to whether they are following appropriate best practices they should consult with the Illinois State Archives.
- e) Access – Electronic records must be maintained in such a way that each record is individually accessible for the length of the scheduled retention.
- f) Backup Copies – A minimum of two copies of all electronic records must be preserved for the length of scheduled retention. Copies must be stored according to current industry best practices for geographic redundancy. If agencies are uncertain as to whether they are following appropriate best practices they should consult with the Illinois State Archives.
- g) External Vendors – Contracts for the storage of electronic records by external vendors must allow for the return of all electronic data files and indexing

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information to the agency at the expiration of the contract or, in the case of vendor failure, in a format complying with the requirements of subsections (c) and (e).

- h) Identification – Media used to store electronic records must provide unique identification of each physical unit. Each electronic record must have a unique identifier to allow for ongoing management of that record.
- i) System Requirements for the Management of Permanent Records
- 1) Electronic Records Scheduled for Permanent Retention – These records must be stored and managed in accordance with subsections (d) through (j). If those requirements are not or cannot be met, then an additional microfilm or print copy must be created for permanent preservation. Microfilm copies must be created in accordance with Sections 4400.50 and 4400.60. Certain record types that are unsuitable for print or microfilm reproduction, such as audio or video files, are exempt from this requirement.
 - 2) Classification – Systems used to store and access electronic records must allow records to maintain their relationships to one another.
 - 3) Security – Systems used to store and access electronic records must not permit unauthorized additions, deletions or changes to the records. Access to the system must be limited and strictly controlled.
 - 4) Access – Systems used to store and access electronic records must allow for the retrieval of individual records and their associated metadata in a timely manner.
 - 5) Metadata – Systems used to store and access electronic records must capture relevant structural, descriptive and administrative metadata at the time a record enters the system. The system must generate additional metadata whenever a record is moved within the system or migrated to another format or storage medium.
 - 6) Format Migration – Systems used to store and access electronic records must allow for the migration of stored records, and their associated metadata, notes and attachments, from one file format to another.

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- 7) System Maintenance – Each agency shall ensure that hardware, software and documentation (including maintenance documentation) used to store and access electronic records are retained for the entire life of that system.
- 8) System Changes – If hardware, software and/or documentation used to store and access electronic records is replaced, or if the electronic records are migrated to a new system, the agency must ensure that the replacement hardware, software and/or documentation meets all requirements mandated in the approved records schedule and in this Section.

(Source: Added at 37 Ill. Reg. 7798, effective May 22, 2013)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

SCHEDULED MEETING:

MICHAEL A. BILANDIC BUILDING
ROOM 600C
CHICAGO, ILLINOIS
JUNE 11, 2013
11:00 A.M.

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Illinois Register* submittal deadlines, the agenda below may be incomplete. Other items not contained in this published agenda may be considered by the Committee at the meeting, and items from the list may be postponed to future meetings.

RULEMAKINGS CURRENTLY BEFORE JCAR

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

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254*

PROPOSED RULEMAKINGSCentral Management Services

1. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 37 Ill. Reg. 3462 – 3/29/13
 - Expiration of Second Notice: 6/28/13

Children and Family Services

2. Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. Code 431)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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- First Notice Published: 36 Ill. Reg. 17289 – 12/14/12
- Expiration of Second Notice: 6/23/13

Commerce Commission

3. Utility Service of Military Personnel in Military Service (83 Ill. Adm. Code 281)
 - First Notice Published: 37 Ill. Reg. 1835 – 2/15/13
 - Expiration of Second Notice: 6/23/13
4. Certification for the Installation, Maintenance or Repair of Electric Vehicle Charging Stations (83 Ill. Adm. Code 469)
 - First Notice Published: 36 Ill. Reg. 16421 – 11/26/12
 - Expiration of Second Notice: 6/13/13
5. Telephone Assistance Programs (83 Ill. Adm. Code 757)
 - First Notice Published: 36 Ill. Reg. 13749 – 9/7/12
 - Expiration of Second Notice: 6/26/13

Comptroller

6. Illinois Funeral or Burial Funds Act (38 Ill. Adm. Code 610)
 - First Notice Published: 37 Ill. Reg. 2382 – 2/22/13
 - Expiration of Second Notice: 7/3/13
7. Claim Eligible to be Offset (74 Ill. Adm. Code 285)
 - First Notice Published: 37 Ill. Reg. 2393 – 2/22/13
 - Expiration of Second Notice: 7/3/13

Education

8. Mentoring Program for New Principals (23 Ill. Adm. Code 35)
 - First Notice Published: 37 Ill. Reg. 1550 – 2/8/13
 - Expiration of Second Notice: 6/29/13
9. Student Records (23 Ill. Adm. Code 375)
 - First Notice Published: 37 Ill. Reg. 1556 – 2/8/13
 - Expiration of Second Notice: 6/29/13
10. Voluntary Registration and Recognition of Nonpublic Schools (23 Ill. Adm. Code 425)
 - First Notice Published: 37 Ill. Reg. 1 – 1/4/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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-Expiration of Second Notice: 7/3/13

Financial and Professional Regulation

11. Nurse Practice Act (68 Ill. Adm. Code 1300)
-First Notice Published: 37 Ill. Reg. 12 – 1/4/13
-Expiration of Second Notice: 7/4/13

Gaming Board

12. Riverboat Gambling (86 Ill. Adm. Code 3000)
-First Notice Published: 37 Ill. Reg. 1837 – 2/15/13
-Expiration of Second Notice: 7/3/13

Healthcare and Family Services

13. General Provisions (89 Ill. Adm. Code 101)
-First Notice Published: 37 Ill. Reg. 903 – 2/1/13
-Expiration of Second Notice: 7/4/13
14. Practice in Administrative Hearings (89 Ill. Adm. Code 104)
-First Notice Published: 37 Ill. Reg. 922 – 2/1/13
-Expiration of Second Notice: 7/4/13
15. Application Process (89 Ill. Adm. Code 110)
-First Notice Published: 36 Ill. Reg. 9886 – 7/13/12
-Expiration of Second Notice: 7/5/13
16. Illinois Cares Rx Program (Repealer) (89 Ill. Adm. Code 119)
-First Notice Published: 36 Ill. Reg. 9890 – 7/13/12
-Expiration of Second Notice: 7/5/13
17. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 37 Ill. Reg. 1390 – 2/8/13
-Expiration of Second Notice: 7/6/13
18. Hospital Reimbursement Changes (89 Ill. Adm. Code 152)
-First Notice Published: 37 Ill. Reg. 1102 – 2/1/13
-Expiration of Second Notice: 7/5/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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19. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)
 - First Notice Published: 37 Ill. Reg. 1112 – 2/1/13
 - Expiration of Second Notice: 7/5/13
20. Special Eligibility Groups (89 Ill. Adm. Code 118)
 - First Notice Published: 36 Ill. Reg. 9888 – 7/13/12
 - Expiration of Second Notice: 7/4/13
21. Medical Assistance Programs (89 Ill. Adm. Code 120)
 - First Notice Published: 37 Ill. Reg. 947– 2/1/13
 - Expiration of Second Notice: 7/4/13
22. Children's Health Insurance Program (89 Ill. Adm. Code 125)
 - First Notice Published: 37 Ill. Reg. 992 – 2/1/13
 - Expiration of Second Notice: 7/4/13
23. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 37 Ill. Reg. 1018 – 2/1/13
 - Expiration of Second Notice: 6/15/13

Housing Development Authority

24. Abandoned Residential Property Municipality Relief Program (47 Ill. Adm. Code 381)
 - First Notice Published: 37 Ill. Reg. 1537 – 2/8/13
 - Expiration of Second Notice: 7/9/13

Insurance

25. Insurance Oversight Data Collection (50 Ill. Adm. Code 2907)
 - First Notice Published: 36 Ill. Reg. 9749 – 7/6/12
 - Expiration of Second Notice: 7/4/13

Natural Resources

26. Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas (17 Ill. Adm. Code 1075)
 - First Notice Published: 37 Ill. Reg. 3390 – 3/22/13
 - Expiration of Second Notice: 6/29/13
27. Designation of Restricted Waters in the State of Illinois (17 Ill. Adm. Code 2030)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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- First Notice Published: 37 Ill. Reg. 3397 – 3/22/13
- Expiration of Second Notice: 6/29/13

Public Health

28. Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
 - First Notice Published: 36 Ill. Reg. 10584 – 7/20/12
 - Expiration of Second Notice: 7/5/13
29. Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
 - First Notice Published: 37 Ill. Reg. 1850 – 2/15/13
 - Expiration of Second Notice: 6/15/13
30. Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - First Notice Published: 36 Ill. Reg. 15918 – 11/9/12
 - Expiration of Second Notice: 6/14/13
31. AIDS Drug Assistance Program (77 Ill. Adm. Code 692)
 - First Notice Published: 37 Ill. Reg. 3624 – 3/29/13
 - Expiration of Second Notice: 7/4/13

Secretary of State

32. Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)
 - First Notice Published: 37 Ill. Reg. 4213 – 4/5/13
 - Expiration of Second Notice: 7/5/13
33. Cancellation, Revocation or Suspension of License or Permits (92 Ill. Adm. Code 1040)
 - First Notice Published: 37 Ill. Reg. 3635 – 3/29/13
 - Expiration of Second Notice: 7/3/13

Veterans' Affairs

34. Payment of Maintenance Charges and Income Management at the Illinois Veterans' Homes (95 Ill. Adm. Code 108)
 - First Notice Published: 37 Ill. Reg. 2471 – 2/22/13
 - Expiration of Second Notice: 6/27/13
35. MIA/POW Scholarship (95 Ill. Adm. Code 116)
 - First Notice Published: 37 Ill. Reg. 1591 – 2/8/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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-Expiration of Second Notice: 6/27/13

36. Veterans' Scratch-Off Lottery Grant Program (95 Ill. Adm. Code 125)
-First Notice Published: 37 Ill. Reg. 1184 – 2/1/13
-Expiration of Second Notice: 6/27/13

EMERGENCY RULEMAKINGS

Commerce and Economic Opportunity

37. Enterprise Zone and High Impact Business Programs (14 Ill. Adm. Code 520)
-Notice Published: 37 Ill. Reg. 5006 – 4/12/13

Healthcare and Family Services

38. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 37 Ill. Reg. 5170 – 4/19/13

PEREMPTORY RULEMAKING

Agriculture

39. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)
-Notice Published: 37 Ill. Reg. 6870 – 5/17/13

AGENCY RESPONSE

Public Health

40. AIDS Drug Assistance Program (77 Ill. Adm. Code 692; 37 Ill. Reg. 2563)

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 May 21, 2013 through May 28, 2013. The rulemakings are scheduled for review at the Committee's June 11, 2013 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>
7/3/13	<u>State Board of Education</u> , Voluntary Registration and Recognition of Nonpublic Schools (23 Ill. Adm. Code 425)	1/4/13 37 Ill. Reg. 1	6/11/13
7/4/13	<u>Department of Healthcare and Family Services</u> , General Provisions (89 Ill. Adm. Code 101)	2/1/13 37 Ill. Reg. 903	6/11/13
7/4/13	<u>Department of Healthcare and Family Services</u> , Practice in Administrative Hearings (89 Ill. Adm. Code 104)	2/1/13 37 Ill. Reg. 922	6/11/13
7/4/13	<u>Department of Healthcare and Family Services</u> , Medical Assistance Programs (89 Ill. Adm. Code 120)	2/1/13 37 Ill. Reg. 947	6/11/13
7/4/13	<u>Department of Healthcare and Family Services</u> , Special Eligibility Groups (89 Ill. Adm. Code 118)	7/13/12 36 Ill. Reg. 9888	6/11/13
7/4/13	<u>Department of Healthcare and Family Services</u> , Children's Health Insurance Program (89 Ill. Adm. Code 125)	2/1/13 37 Ill. Reg. 992	6/11/13
7/4/13	<u>Department of Public Health</u> , AIDS Drug Assistance Program (77 Ill. Adm. Code 692)	3/29/13 37 Ill. Reg. 3624	6/11/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

7/4/13	<u>Department of Financial and Professional Regulation</u> , Nurse Practice Act (68 Ill. Adm. Code 1300)	1/4/13 37 Ill. Reg. 12	6/11/13
7/4/13	<u>Department of Insurance</u> , Insurance Oversight Data Collection (50 Ill. Adm. Code 2907)	7/6/12 36 Ill. Reg. 9729	6/11/13
7/5/13	<u>Secretary of State</u> , Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	4/5/13 37 Ill. Reg. 4213	6/11/13
7/5/13	<u>Department of Public Health</u> , Long-Term Care Assistants and Aids Training Programs Code (77 Ill. Adm. Code 395)	7/20/12 36 Ill. Reg. 10584	6/11/13
7/5/13	<u>Department of Healthcare and Family Services</u> , Application Process (89 Ill. Adm. Cod 110)	7/13/12 36 Ill. Reg. 9886	6/11/13
7/5/13	<u>Department of Healthcare and Family Services</u> , Illinois Cares Rx Program (Repealer) (89 Ill. Adm. Cod 119)	7/13/12 36 Ill. Reg. 9890	6/11/13
7/5/13	<u>Department of Healthcare and Family Services</u> , Hospital Reimbursement Changes (89 Ill. Adm. Cod 152)	2/1/13 37 Ill. Reg. 1102	6/11/13
7/5/13	<u>Department of Healthcare and Family Services</u> , Long Term Care Reimbursement Changes (89 Ill. Adm. Cod 153)	2/1/13 37 Ill. Reg. 1112	6/11/13
7/6/13	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	2/8/13 37 Ill. Reg. 1390	6/11/13

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 37, Issue 23 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

17 - 805	7706
77 - 682	7713
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ADOPTED RULES

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92 - 1030	5/22/2013	7776
44 - 4400	5/22/2013	7798

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