

TABLE OF CONTENTS

February 20, 2015 Volume 39, Issue 8

PROPOSED RULES

EMPLOYMENT SECURITY, DEPARTMENT OF	
Notices, Records, Reports	
56 Ill. Adm. Code 2760.....	2464
Payment of Unemployment Contributions, Interest and Penalties	
56 Ill. Adm. Code 2765.....	2477
NATURAL RESOURCES, DEPARTMENT OF	
Outfitter Regulations	
17 Ill. Adm. Code 640.....	2487
Illinois List of Endangered and Threatened Fauna	
17 Ill. Adm. Code 1010.....	2501
Illinois List of Endangered and Threatened Flora	
17 Ill. Adm. Code 1050.....	2517
STATE EMPLOYEES' RETIREMENT SYSTEM	
The Administration and Operation of the State Employees'	
Retirement System of Illinois	
80 Ill. Adm. Code 1540.....	2538
STATE POLICE, DEPARTMENT OF	
Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and	
Intoxicating Compounds	
20 Ill. Adm. Code 1286.....	2540
STATE UNIVERSITIES RETIREMENT SYSTEM	
Universities Retirement	
80 Ill. Adm. Code 1600.....	2557
ADOPTED RULES	
ILLINOIS LAW ENFORCEMENT TRAINING AND	
STANDARDS BOARD	
Illinois Police Training Act	
20 Ill. Adm. Code 1720.....	2578
INSURANCE, DEPARTMENT OF	
Required Procedure for Filing and Securing Approval of Policy Forms	
50 Ill. Adm. Code 916.....	2590
Insurance Data Reporting Requirements	
50 Ill. Adm. Code 4203.....	2603
RACING BOARD, ILLINOIS	
Claiming Races	
11 Ill. Adm. Code 510.....	2648
SECRETARY OF STATE	
Local Records Commission	
44 Ill. Adm. Code 4000.....	2652

Public Building Construction	
71 Ill. Adm. Code 2000.....	2703
Public Use of the Capitol Complex and Springfield Facilities	
71 Ill. Adm. Code 2005.....	2710
Procedures and Standards	
92 Ill. Adm. Code 1001.....	2718
STATE BOARD OF EDUCATION	
Public Schools Evaluation, Recognition and Supervision	
23 Ill. Adm. Code 1.....	2773
EMERGENCY RULES	
STATE EMPLOYEES' RETIREMENT SYSTEM	
The Administration and Operation of the State Employees'	
Retirement System of Illinois	
80 Ill. Adm. Code 1540.....	2792
NOTICE OF CODIFICATION CHANGES	
INSURANCE, DEPARTMENT OF	
Accumulation of Guaranty Fund or Guaranty Capital – Reporting and	
Accounting or Such Indebtedness	
50 Ill. Adm. Code 301.....	2799
Custody Agreements	
50 Ill. Adm. Code 807.....	2801
Registration of Insurers	
50 Ill. Adm. Code 852.....	2802
Accident and Health Reserves	
50 Ill. Adm. Code 2004.....	2804
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER	
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Notice of Public Information.....	2806
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	2809

INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2015

Issue#	Rules Due Date	Date of Issue
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015
11	March 2, 2015	March 13, 2015
12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015
19	April 27, 2015	May 8, 2015

20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015
22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
25	June 8, 2015	June 19, 2015
26	June 15, 2015	June 26, 2015
27	June 22, 2015	July 6, 2015
28	June 29, 2015	July 10, 2015
29	July 6, 2015	July 17, 2015
30	July 13, 2015	July 24, 2015
31	July 20, 2015	July 31, 2015
32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
44	October 19, 2015	October 30, 2015
45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Notices, Records, Reports
- 2) Code Citation: 56 Ill. Adm. Code 2760
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2760.140	Amendment
2760.141	New Section
2760.150	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208 of the Unemployment Insurance Act [820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208
- 5) A Complete Description of the Subjects and Issues Involved: The Medicaid reform law required that employers submit wage reports monthly if the Department's rules required them to submit those reports electronically. Shortly after enactment of the law, the Department adopted rulemaking to lower the threshold for mandatory electronic reporting. The rulemaking also phased in the monthly reporting requirement through July 2014, based on the size of the employer's workforce, but did not phase in the expansion of the electronic reporting requirement. Despite the Department's outreach efforts, a number of employers and payroll services were operating under an honest misunderstanding that the monthly reporting requirement and expansion of the electronic reporting requirement were being phased in on the same schedule. Additionally, some employers and payroll services operating in good faith experienced challenges transitioning to monthly reporting. Employers incurred penalties as a result of those issues. The Department believes those penalties would be unnecessarily punitive for employers who were proceeding in good faith.

The rule changes to Part 2760 would:

Retroactively establish the same phase-in for electronic reporting that existed for monthly reporting.

Apply the electronic/monthly reporting requirement on a state fiscal year basis rather than a calendar year basis – e.g., if an employer's 2014 headcount equaled or exceeded 25, the employer will be required to report electronically/monthly for the period from July 1, 2015, through June 30, 2016. This change will ensure that, when an employer's

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

headcount for a calendar year brings it within the scope of the electronic/monthly reporting requirement, there will be sufficient opportunity for the employer to be notified before the requirement applies.

Clarify that any employer credit resulting from the changes to this Part or the accompanying changes to Part 2765 will only be refunded if it cannot be applied as an adjustment against other liabilities by January 31, 2016.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does the rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The changes to Part 2760 would provide employers subject to the expanded electronic reporting requirement relief from penalties incurred in transitioning to the new requirement.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago IL 60603

312/793-4240
fax: 312/793-5645
e-mail: Gregory.Ramel@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

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

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposed rulemaking will impact employers that have 25 or more employees.
- B) Reporting, bookkeeping or other procedures required for compliance: Employers with 25 or more employees will ultimately have to submit wage reports monthly.
- C) Types of professional skills necessary for compliance: The skills necessary for compliance have not changed. Only the frequency with which reports are to be submitted and the number of employers affected have changed.

14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERSPART 2760
NOTICES, RECORDS, REPORTS

SUBPART A: GENERAL OBLIGATIONS

Section

- 2760.1 Posting And Maintaining Notices
2760.5 Identification Of Workers Covered By The Act
2760.10 Filing By Mail

SUBPART B: REPORTS AND RECORDS

Section

- 2760.100 Reports and the Report for Household Employers
2760.105 Reports Of Employing Units As To Their Status
2760.110 Employing Unit Terminating Business
2760.115 Records With Respect To Employment
2760.120 Employer's Contribution and Wage Report and Report for Household Employers
2760.125 Employer's Wage Report
2760.128 Wage Report Filing for Employers that Employ Household Workers and Elect to Report Their Wages on an Annual Basis
2760.130 Reporting "Excess" Wages
2760.135 Remittance of Contributions Due and Use of Transmittal Form
2760.140 Use of Electronic Data Processing Media for ~~Monthly or~~ Quarterly Reporting
2760.141 Use of Electronic Data Processing Media for Monthly or Quarterly Reporting
2760.145 Correcting the Employer's Contribution and Wage Report or Report for Household Employers
2760.150 Consequences of an Error in the Preparation of the Employer's Contribution and Wage Report or Report for Household Employers or of the Waiver or Elimination of Certain Penalties

AUTHORITY: Implementing and authorized by Sections 204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208 of the Unemployment Insurance Act [820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208].

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Department of Labor, Bureau of Employment Security Regulations 4, 7 and 8, filed as amended May 3, 1977, effective May 13, 1977; Regulation 11 filed as amended May 4, 1977, effective May 14, 1977; Regulations 5 and 32 filed as amended June 23, 1977, effective July 3, 1977; Regulations 6 and 12 filed as amended September 12, 1977, effective September 12, 1977; rules repealed by operation of law on October 1, 1984; new rules adopted at 10 Ill. Reg. 6939, effective April 15, 1986; emergency amendment at 12 Ill. Reg. 222, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 13604, effective August 4, 1988; amended at 12 Ill. Reg. 16070, effective September 23, 1988; amended at 16 Ill. Reg. 3993, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 13798, effective August 4, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 261, effective December 27, 1993; emergency amendment at 18 Ill. Reg. 2631, effective February 3, 1994, for a maximum of 150 days; emergency amendment modified at 18 Ill. Reg. 7492; emergency expired July 3, 1994; amended at 18 Ill. Reg. 14942, effective September 27, 1994; amended at 29 Ill. Reg. 1917, effective January 24, 2005; emergency amendment at 29 Ill. Reg. 6783, effective April 25, 2005, for a maximum of 150 days; emergency expired September 25, 2005; amended at 33 Ill. Reg. 9652, effective July 1, 2009; amended at 35 Ill. Reg. 6136, effective March 25, 2011; emergency amendment at 36 Ill. Reg. 18947, effective December 17, 2012 through June 30, 2013; amended at 37 Ill. Reg. 7451, effective May 14, 2013; emergency amendment at 38 Ill. Reg. 22249, effective November 17, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. _____, effective _____.

SUBPART B: REPORTS AND RECORDS

Section 2760.140 Use of Electronic Data Processing Media for ~~Monthly or~~ Quarterly Reporting

- a) Except as provided in subsections (g) and (h), ~~effective with the reports due for the first month of 2013,~~ the reports required by Sections 2760.120 and 2760.125 ~~for a quarter beginning prior to calendar year 2013~~ must be filed by the use of an electronic data processing medium that meets the approval of the Director. The Director shall approve the use of electronic data processing media for reporting if he/she finds that:
- 1) All of the data required by the Director for ~~monthly or~~ quarterly reporting, ~~as the case may be,~~ are also provided by the employer on the electronic data processing medium; and
 - 2) The employer's electronically data processed reports are compatible and

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

readable by the electronic data processing equipment used by the Director without the need for any programming adjustment by the Director.

- 3) ~~In addition to any other requirements regarding electronic filing pursuant to this Section,~~
- A) ~~reports submitted pursuant to this Section for any quarter ending after December 31, 2012, shall be submitted only through a file transfer protocol or through manual entry or a file import or upload onto an online system used by the Department; and~~
- B) ~~reports submitted pursuant to this Section for any month after December 31, 2012, shall be submitted only through a file upload onto an online system used by the Department.~~
- b) Subsection (a) shall only apply to an employer for a calendar year if the employer had ~~25025~~ or more individuals in its employ (though not necessarily at the same time) during the prior calendar year.

EXAMPLE: During ~~20112012~~, the employer has no more than ~~22520~~ individuals in its employ at any one time. However, during the year, ~~307~~ of these individuals leave the employ of the employer and are replaced by ~~307~~ other individuals. Though the employer's labor force never exceeds ~~22520~~ individuals at any one time, the employer had ~~25527~~ individuals in its employ during ~~20112012~~ and, therefore, is subject to subsection (a) for ~~20122013~~.

- c) The failure of an employer that is subject to subsection (a) to report in the manner required by that subsection shall subject the employer to the penalties set forth in Section 1402 of the Act.

EXAMPLE: ~~On October 20, 2012, an~~An employer subject to the reporting requirements of subsection (a) ~~mails beginning in 2013 files a paper version of the report due only in compliance with Section 2760.125, but not in compliance with this Section, for the third quarter of 2012 instead of filing it as required by subsection (a) July of that year on August 20, 2013.~~ On ~~November~~September 1, ~~20122013~~, if that employer has not yet complied with subsection (a), it is delinquent in the filing of its ~~July 2013~~ report ~~for the third quarter of 2012~~, the penalty set forth in Section

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

1402 of the Act shall be imposed, and any payment it ultimately submits for the third quarter of ~~2012~~2013 shall be reallocated in accordance with ~~56 Ill. Adm. Code~~Section 2765.45 to reflect the payment of the penalty and a delinquency in contributions due. If the requirements of subsection (a) have still not been complied with before ~~December~~October 1, ~~2012~~2013 and the maximum penalty has not yet been imposed, the penalty will be increased on that date and the employer's payment again reallocated to reflect payment of the increased penalty and an additional delinquency.

- d) When not required by subsection (a), the reports required by Sections 2760.120 and 2760.125 may be made by the use of an electronic data processing medium that meets the prior approval of the Director. The Director shall approve the use of an electronic data processing medium for reporting if it meets the requirements of subsection (a) ~~of this Section~~ and if the employer agrees to file both reports by the use of ~~that an~~ electronic data processing medium.
- e) Any employer that was authorized by the Director, before December 27, 1993, to submit both of its quarterly reports on an electronic data processing medium may continue to do so without further approval by the Director, on the condition that the medium continues to meet the requirements of subsection (a) ~~of this Section~~. The employer is, however, subject to the requirements of subsection (f) ~~of this Section~~.
- f) The first report submitted electronically pursuant to this Section for any calendar year must be accompanied by a certification, on a form provided for this purpose by the Director, signed by the owner, partner or authorized officer or official, that the information submitted is true and correct to the best of his ~~or her~~ knowledge and belief and that no part of the contribution reported was or is to be deducted from the worker's wages. This subsection (f) does not apply if the method of electronic submission being used includes the certification described in this subsection (f) as part of the report.
- g) ~~When The Director shall waive the reporting requirements of this Section for an employer with respect to reports covering the subsequent calendar year when the employer demonstrates that the Commissioner of the Internal Revenue Service: ↵~~ ~~has~~Has waived the electronic reporting requirements of Treasury Regulation 301.6011-2 (26 CFR 301.6011-2), as in effect on January 1, ~~2012~~2013, for the employer with respect to documents covering a calendar year, the Director shall

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

waive the reporting requirements of this Section for the employer with respect to reports covering the subsequent calendar year.~~;~~~~or~~

- 2) ~~Would have waived those requirements for the employer had they otherwise been applicable.~~

EXAMPLE: In February ~~2012~~2013, the Commissioner of the Internal Revenue Service notifies an employer that the requirements of Treasury Regulation 301.6011-2 (26 CFR 301.6011-2)~~;~~ have been waived with respect to Form W-2 data covering calendar year ~~2011~~2012, meaning that the employer will not be required to submit the data electronically in ~~2012~~2013. If the employer demonstrates the waiver to the Director, the Director will waive the requirements of subsection (a) with respect to reports covering ~~2012~~2013.

~~EXAMPLE: The electronic reporting requirements of Treasury Regulation 301.6011-2 do not apply to the employer because the employer had fewer than 250 individuals in its employ in the prior year. If the employer believes, however, that it would otherwise qualify for a waiver of the Regulation's requirements, the employer may apply for a waiver from the Director, who will grant the waiver if the Director determines that the conditions for granting a waiver under the Regulation have been met.~~

- h) When an employer was not subject to the mandatory electronic reporting requirements of this Section for any ~~month or~~ quarter of the prior calendar year, but is subject to those requirements for the current calendar year, the employer may, for any period through the second quarter of the current calendar year, file its quarterly reports by mailing paper versions of the reports in compliance with Sections 2760.120 and 2760.125.

~~EXAMPLE~~Example: The employer had, in total, 240 individuals in its employ during calendar year ~~2010~~2011. In calendar year ~~2011~~2012, the employer had, in total, 260 individuals in its employ. The employer will not be required to report electronically for any period through the second quarter of calendar year ~~2012~~2013 but will be required to report electronically for at least ~~all months during~~ the third and fourth quarters of that year.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Section 2760.141 Use of Electronic Data Processing Media for Monthly or Quarterly Reporting

- a) Electronic Data Processing
Except as otherwise provided in this subsection or subsection (g), an employer shall file the reports required by Sections 2760.120 and 2760.125 by the use of an electronic data processing medium that meets the approval of the Director (see subsection (c)) in accordance with the following schedule:
- 1) for the period of February 1, 2013 through June 30, 2015, if the employer had 250 or more individuals in its employ (though not necessarily at the same time) during calendar years 2011 and 2012;
 - 2) for the period of July 1, 2013 through June 30, 2015, if the employer had 100 or more individuals in its employ (though not necessarily at the same time) during calendar year 2012 but fewer than 250 during calendar year 2011;
 - 3) for the period of January 1, 2014 through June 30, 2015, if the employer had 50 or more, but fewer than 100, individuals in its employ (though not necessarily at the same time) during calendar year 2012;
 - 4) for the period of July 1, 2014 through June 30, 2015, if the employer had 25 or more, but fewer than 50, individuals in its employ (though not necessarily at the same time) during calendar year 2012; and
 - 5) after June 30, 2015, for any one-year period of July 1 of a calendar year through June 30 of the immediately succeeding calendar year, if the employer had 25 or more individuals in its employ (though not necessarily at the same time) during the last calendar year completed immediately prior to the July 1 on which the period commenced.
- b) Notwithstanding any other provision to the contrary, subsection (a) shall not apply for the period of January 1, 2014 through June 30, 2015 with respect to any employer that did not have at least 25 individuals in its employ (whether or not at the same time) during calendar year 2013.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- c) The Director shall approve the use of electronic data processing media for reporting if he or she finds that:
- 1) all of the data required by the Director for monthly or quarterly reporting, as the case may be, are also provided by the employer on the electronic data processing medium; and
 - 2) the employer's electronically data processed reports are compatible and readable by the electronic data processing equipment used by the Director without the need for any programming adjustment by the Director.
- d) In addition to any other requirements of this Section regarding electronic filing:
- 1) reports submitted pursuant to this Section for any quarter ending after December 31, 2012 shall be submitted only through a file transfer protocol or through manual entry or a file import or upload onto an online system used by the Department; and
 - 2) reports submitted pursuant to this Section for any month after December 31, 2012 shall be submitted only through a file upload onto an online system used by the Department.

EXAMPLE: During 2012, the employer has no more than 90 individuals in its employ at any one time. However, during the year, 11 of these individuals leave the employ of the employer and are replaced by 11 other individuals. Though the employer's labor force never exceeds 90 individuals at any one time, the employer had 101 individuals in its employ during 2012 for purposes of subsection (a).

EXAMPLE: During 2014, the employer has no more than 20 individuals in its employ at any one time. However, during the year, 7 of these individuals leave the employ of the employer and are replaced by 7 other individuals. Though the employer's labor force never exceeds 20 individuals at any one time, the employer had 27 individuals in its employ during 2014 and, therefore, is subject to subsection (a) for the one-year period of July 1, 2015 through June 30, 2016.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- e) The failure of an employer that is subject to subsection (a) to report in the manner required by that subsection shall subject the employer to the penalties set forth in Section 1402 of the Act.

EXAMPLE: On August 20, 2015, an employer subject to the reporting requirements of subsection (a) for July 2015 attempts to mail a paper version of the report due for that month instead of filing it as required by subsection (a). The Department, however, does not accept paper versions of reports covering the first 2 months of a calendar quarter. On September 1, 2015, if that employer has not yet complied with subsection (a), it is delinquent in the filing of its July 2015 report, the penalty set forth in Section 1402 of the Act shall be imposed, and any payment it ultimately submits for the third quarter of 2015 shall be reallocated in accordance with 56 Ill. Adm. Code 2765.45 to reflect the payment of the penalty and a delinquency in contributions due. If the requirements of subsection (a) have still not been complied with before October 1, 2015, and the maximum penalty has not yet been imposed, the penalty will be increased on that date and the employer's payment again reallocated to reflect payment of the increased penalty and an additional delinquency.

- f) When not required by subsection (a), the reports required by Sections 2760.120 and 2760.125 may be made by the use of an electronic data processing medium if it meets the requirements of subsection (c) and if the employer agrees to file both reports by the use of the electronic data processing medium.
- g) The Director shall waive the reporting requirements of this Section with respect to reports covering any month commencing in the subsequent calendar year when the employer demonstrates that the Commissioner of the Internal Revenue Service:
- 1) has waived the electronic reporting requirements of Treasury Regulation 301.6011-2 (26 CFR 301.6011-2), as in effect on January 1, 2014, for the employer with respect to documents covering a calendar year; or
 - 2) would have waived those requirements for the employer had they otherwise been applicable.

EXAMPLE: In February 2015, the Commissioner of the Internal Revenue Service notifies an employer that the requirements of Treasury Regulation

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

301.6011-2 have been waived with respect to Form W-2 data covering calendar year 2014, meaning that the employer will not be required to submit the data electronically in 2015. If the employer demonstrates the waiver to the Director, the Director will waive the requirements of subsection (a) with respect to reports covering any month commencing during calendar year 2015. However, unless the employer also demonstrates to the Director that the Commissioner has waived those requirements with respect to documents covering calendar year 2015, the Director will not waive the reporting requirements of this Section with respect to any month commencing during calendar year 2016.

EXAMPLE: The electronic reporting requirements of Treasury Regulation 301.6011-2 do not apply to the employer because the employer had fewer than 250 individuals in its employ in the prior year. If the employer believes, however, that it would otherwise qualify for a waiver of the Regulation's requirements, the employer may apply for a waiver from the Director, who will grant the waiver if the Director determines that the conditions for granting a waiver under this Part have been met.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 2760.150 Consequences of an Error in the Preparation of the Employer's Contribution and Wage Report or Report for Household Employers or of the Waiver or Elimination of Certain Penalties

- a) If an error in the preparation of the Employer's Contribution and Wage Report or Report for Household Employers results in an underreporting of contributions due, the employer shall be liable for any penalty and the delinquent contributions plus interest, calculated in accordance with Section 1401 of the Act [820 ILCS 405/1401], from the date that the original report was due.
- b) Except as provided in subsection (c), if an error in the preparation of the Employer's Contribution and Wage Report or Report for Household Employers resulted in an overpayment of contributions, the employer may file a claim for an adjustment or refund. The claim must be filed within the period provided in Section 2201 of the Act. The request shall be filed on a form entitled Employer's Claim for Adjustment/Refund. The forms may be obtained by writing to the Department of Employment Security, Revenue Division, 33 S. State St., 10th Floor, Chicago IL 60603 or on-line from the Agency's website,

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

www.ides.state.il.us. On the form, the employer must provide certain identifying information (name, account number, address and telephone number), its computation of the amount of its claim and the basis for its claim. This form must be signed by the owner, a partner, an officer of a corporation or its authorized agent who states that the information contained in the form is true and correct to the best knowledge and belief of the signer.

- c) Except as otherwise provided in subsection (d), in~~In~~ the event that the employer is mailed a Statement of Account that indicates the employer's account has a credit balance and the employer wishes to obtain a cash refund, the employer may file for the refund within the period provided in Section 2201 of the Act, on the form, Employer Request for Refund – Statement of Account. The form may be obtained and shall be completed in the same manner as provided in subsection (b).
- d) Except as otherwise provided in this subsection, in the event that the employer has overpaid a penalty as the result of Section 2760.141 or 56 Ill. Adm. Code 2765.62, the Department shall apply the credit as an adjustment against other liabilities of the employer under the Act. The Department shall grant a refund of any credit resulting from Section 2760.141 or 56 Ill. Adm. Code 2765.62 if the credit has not been used as an adjustment by January 31, 2016.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2765.62	Amendment
2765.68	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600 of the Unemployment Insurance Act [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600]
- 5) A Complete Description of the Subjects and Issues Involved: The Medicaid reform law required that employers submit wage reports monthly if the Department's rules required them to submit those reports electronically. Shortly after enactment of the law, the Department adopted rulemaking to lower the threshold for mandatory electronic reporting. The rulemaking also phased in the monthly reporting requirement through July 2014, based on the size of the employer's workforce, but did not phase in the expansion of the electronic reporting requirement. Despite the Department's outreach efforts, a number of employers and payroll services were operating under an honest misunderstanding that the monthly reporting requirement and expansion of the electronic reporting requirement were being phased in on the same schedule. Additionally, some employers and payroll services operating in good faith experienced challenges transitioning to monthly reporting. Employers incurred penalties as a result of those issues. The Department believes those penalties would be unnecessarily punitive for employers who were proceeding in good faith.

The changes to Part 2765 would waive the first two quarters' worth of monthly reporting penalties, through the fourth quarter of 2014, as long as the employer submitted timely reports for the quarters. A month for which a penalty was waived pursuant to the rule would not count as a month for which the employer filed late, for purposes of another penalty waiver - the current "one-in-20 waiver."
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? Yes

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do the amendments contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: To provide relief from certain penalties for failure to timely file monthly wage reports.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago IL 60603

312/793-4240
fax: 312/793-5645
e-mail: Gregory.Ramel@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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

- 13) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposed amendments will impact employers that have 25 or more employees.
 - B) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
 - C) Types of professional skills necessary for compliance: Not Applicable
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2765

PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

SUBPART A: GENERAL PROVISIONS

Section	
2765.1	Unemployment Contributions Not Deductible From Wages
2765.5	Definitions
2765.10	Payment Of Contributions
2765.11	Employers Who Employ Household Workers and Pay Contributions on an Annual Basis
2765.15	Liability For The Entire Year
2765.18	Liability Of A Third Party Purchaser Or Transferee For The Due And Unpaid Contributions, Interest And Penalties Of The Seller Or Transferor's Seller or Transferor
2765.20	Contributions Of Employers By Election
2765.25	Payments In Lieu Of Contributions
2765.30	When Payments In Lieu Of Contributions Payable
2765.35	Payments When Reimbursable Employer Becomes Contributory
2765.40	Payments When Contributory Employer Becomes Reimbursable
2765.44	Fee For Not Sufficient Funds (NSF) Checks
2765.45	Application Of Payment
2765.50	Accrual Of Interest
2765.55	Imposition Of Penalty
2765.56	Imposition of Late Reporting Penalty for Employers Who Employ Household Workers and Elect to File Reports on an Annual Basis
2765.60	Payment Or Filing By Mail
2765.61	Waiver of Interest and Penalty for Employers Who Employ Household Workers and Who File Reports and Pay Contributions on an Annual Basis (Repealed)
2765.62	Temporary Waivers of Penalty for Employers with More than 25 but Fewer than 250 Individuals in Their Employ
2765.63	When Payment Due And Consequences Of Upward Revision In Employer's Contribution Rate
2765.64	Consequences Where An Employee Leasing Company Has Erroneously Reported Wages And Paid Contributions Which Wages Should Have Been Reported And

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- Contributions Paid By Its Client
- 2765.65 Waiver Of Interest Or Penalty
- 2765.66 Waiver Of Interest Accruing Because Of Certain Types Of Employees For
Periods Prior To January 1, 1988
- 2765.67 Partial Waiver Of Interest Where An Employer Has Erroneously Reported Wages
To The Wrong State
- 2765.68 Waiver ~~of~~ Penalty ~~for~~ Certain Employers ~~for~~ 1987 ~~and~~ Thereafter
Wage Reports
- 2765.69 Partial Waiver Of Interest Where An Employer Has Erroneously Paid Its Federal
Unemployment Tax Act (FUTA) Tax In Full But Has Failed To Pay Its Illinois
Unemployment Insurance Contributions
- 2765.70 Waiver Of Interest For Certain Nonprofit Organizations or Local Governmental
Entities
- 2765.71 Waiver of Interest Accruing Due To A Delay In The Issuance Of A Decision On
A Protested Determination And Assessment
- 2765.73 Waiver Of Interest For Certain Nonprofit Hospitals
- 2765.74 Time For Paying Or Filing Delayed Payment Or Report
- 2765.75 Application for Waiver
- 2765.80 Approval Of Application For Waiver
- 2765.85 Insufficient Or Incomplete Application
- 2765.90 Disapproval Of Application Conclusive
- 2765.95 Appeal And Hearing

SUBPART B: EXPERIENCE RATING

- Section
- 2765.200 Effect Of A Successor Employing Unit's Failure To Notify The Director Of Its
Succession
- 2765.210 Prohibition On Withdrawal Of Joint Application For Partial Transfer Of
Experience Rating Record
- 2765.220 Determination Of Benefit Wage And Benefit Ratio
- 2765.225 Requirement For Privity In Order To Have A Predecessor Successor Relationship
- 2765.228 No Requirement For Continuous Operation In Order For A Predecessor Successor
Relationship To Exist
- 2765.230 Effect Of A Transfer Of Physical Assets On A Finding That A Predecessor
Successor Relationship Exists

SUBPART C: BENEFIT CHARGES

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Section

- 2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
- 2765.326 Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
- 2765.328 What Constitutes A Day For Purposes Of The "30 Day" Requirement In Section 1502.1 Of The Act
- 2765.329 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act For Benefit Years Beginning On Or After January 1, 1993
- 2765.330 Chargeability Where The Individual Is Discharged As A Result Of His Incarceration
- 2765.332 Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act
- 2765.333 Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act
- 2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act
- 2765.335 Procedural Requirements And Right Of Appeal

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600 of the Unemployment Insurance Act [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600].

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendment at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992; amended at 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 28, 1992; amended at 17 Ill. Reg. 614, effective January 4, 1993; amended at 17 Ill. Reg. 10275, effective June 29, 1993; emergency

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

amendment at 17 Ill. Reg. 13801, effective August 20, 1993, for a maximum of 150 days; emergency expired January 1, 1994; amended at 18 Ill. Reg. 14952, effective September 27, 1994; emergency amendment at 19 Ill. Reg. 16113, effective November 13, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4307, effective February 29, 1996; amended at 25 Ill. Reg. 2011, effective January 18, 2001; emergency amendment at 29 Ill. Reg. 6788, effective April 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 13988, effective September 1, 2005; amended at 33 Ill. Reg. 9658, effective July 1, 2009; emergency amendment at 36 Ill. Reg. 18968, effective December 17, 2012 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2506, effective February 11, 2013 through June 30, 2013; amended at 37 Ill. Reg. 7471, effective May 14, 2013; emergency amendment at 38 Ill. Reg. 22262, effective November 17, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2765.62 Temporary Waivers of Penalty ~~for Employers with More than 25 but Fewer than 250 Individuals in Their Employ~~

- a) Subject to the limitations set forth in subsection (b), the penalties for failure to file a report as required by 56 Ill. Adm. Code 2760.125(a) for either or both of the first 2 months of a calendar quarter in compliance with 56 Ill. Adm. Code 2760.141(a) shall be waived when the employer timely files the report required for the third month of that quarter as required by 56 Ill. Adm. Code 2760.125(a)(1), in compliance with 56 Ill. Adm. Code 2760.141.
- b) Subsection (a) shall not apply for months following the first 2 quarters that include months for which penalties have been waived pursuant to subsection (a) or for any months beginning after November 30, 2014.
- a) ~~For January and February of 2013 and for April and May of 2013, subject to subsection (d), the penalties set forth in Section 1402 of the Act shall be conditionally waived for an employer who had 25 or more but fewer than 250 individuals in its employ in 2012, as determined in accordance with 56 Ill. Adm. Code 2760.140(b).~~
- 1) ~~EXAMPLE: During 2012, the employer had 250 or more individuals in its employ, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). The employer is not eligible for a conditional waiver pursuant to this subsection (a).~~

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 2) ~~EXAMPLE: During 2012, the employer had 125 individuals in its employ, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). The penalties set forth in Section 1402 of the Act are conditionally waived for January and February of 2013 and for April and May of 2013.~~
- b) ~~For July and August of 2013 and for October and November of 2013, subject to subsection (d), the penalties set forth in Section 1402 of the Act shall be conditionally waived for an employer who had 25 or more but fewer than 100 individuals in its employ in 2012, as determined in accordance with 56 Ill Adm. Code 2760.140(b).~~
- 1) ~~EXAMPLE: During 2012, the employer had 125 individuals in its employ, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). The employer is not eligible for a conditional waiver pursuant to this subsection (b).~~
- 2) ~~EXAMPLE: During 2012, the employer had 90 individuals in its employ, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). The penalties set forth in Section 1402 of the Act are conditionally waived for July and August of 2013 and for October and November of 2013.~~
- e) ~~For January and February of 2014 and for April and May of 2014, subject to subsection (d), the penalties set forth in Section 1402 of the Act shall be conditionally waived for an employer who had 25 or more but fewer than 50 individuals in its employ in 2012, as determined in accordance with 56 Ill. Adm. Code 2760.140(b).~~
- 1) ~~EXAMPLE: During 2012, the employer had 52 individuals in its employ, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). The employer is not eligible for a conditional waiver pursuant to this subsection (e).~~
- 2) ~~EXAMPLE: During 2012, the employer had 25 individuals in its employ, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). The penalties set forth in Section 1402 of the Act are conditionally waived for January and February of 2014 and for April and May of 2014.~~

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- d) ~~The Director shall waive a penalty that has been conditionally waived for the first 2 months of a calendar quarter pursuant to subsection (a), (b) or (c), if the employer timely submits the report required pursuant to 56 Ill. Adm. Code 2760.125(a)(1) for the third month of the quarter in compliance with 56 Ill. Adm. Code 2760.140. It is not necessary for the employer to apply for a waiver pursuant to this subsection (d).~~
- 1) ~~EXAMPLE: Employer Smith had 27 individuals in its employ during 2012, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). Employer Smith fails to file its required reports for January or February 2013. Employer Smith, however, files its required report for March 2013 prior to May 1, 2013, in an electronic form approved by the Director. Employer Smith does not have to apply for a waiver of penalties for January or February 2013, and the Director shall waive all late reporting penalties for those months as long as Employer Smith's report for March 2013 is in accordance with 56 Ill. Adm. Code 2760.125(a)(1).~~
- 2) ~~EXAMPLE: Employer Jones had 27 individuals in its employ during 2012, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). Employer Jones fails to file its required reports for January or February 2013. Employer Jones fails to file its required report for March 2013 prior to May 1, 2013, in an electronic form approved by the Director. Employer Jones is subject to the penalties set forth in Section 1402 of the Act for failing to file the January, February and March 2013 reports as required. The minimum penalty for failing to file timely is \$50 for each of the 3 months.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2765.68 Waiver of Penalty ~~for~~ Certain Employers ~~for~~ 1987 ~~and~~ And Thereafter Wage Reports

- a) Notwithstanding any other provisions of this Part to the contrary, the Director shall waive the reporting penalty provided in Section 1402 of the Act for 1987 and for any reports of wages paid in calendar year 1987 and any calendar year thereafter, if the employer, within 30 working days ~~after~~ the date of mailing of the notice from the Agency that its report is delinquent, shows that:
- 1) The total amount of contributions due for the calendar quarter of ~~thesuch~~

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

report is less than \$500; and,

EXAMPLEExample: Employer A is required to file two reports for a quarter pursuant to 56 Ill. Adm. Code 2760.120. The total amount of contributions attributable to the first report is \$400. The total amount of contributions attributable to the second report is \$200. Employer A will not be entitled to waiver of penalty under this Section with respect to either report because the total amount of contributions due for the quarter is more than \$500.

- 2) This delinquent report is the employer's first such late report during the last 20 calendar quarters, including ~~such~~ quarters during which the employer was not required to file reports under the Act.
- b) The employer's application for this waiver shall be made in the form provided in Section 2765.75, except that it need not be sworn and instead of stating the "good cause applicable," the employer shall state that it met the requirements of subsections (a)(1) and (2) ~~of this Section~~. In support of its statement that it met the requirements of subsection (a)(1) ~~above~~, the employer shall attach a copy of its Contribution and Wage Report for ~~the applicable~~~~such~~ calendar quarter.
- c) If the employer is required to file two reports pursuant to 56 Ill. Adm. Code 2760.120 and both reports are filed untimely, for the purposes of subsection (a)(2) ~~above~~, both reports will be deemed to be a single delinquent report.
- d) For purposes of subsection (a), a month for which the late filing penalty has been waived pursuant to Section 2765.62 shall not be considered a month for which the employer filed a late report.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Outfitter Regulations
- 2) Code Citation: 17 Ill. Adm. Code 640
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
640.10	Amendment
640.20	Amendment
640.30	Amendment
640.40	Amendment
640.50	Amendment
640.60	Amendment
640.70	Amendment
640.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to PA 98-914, this Part is being amended to incorporate waterfowl as well as deer and turkey in the definition of outfitter; adding classes of outfitters (e.g. Waterfowl, Broker); updating definitions of Guide Services and Outfitting Services; clarifying minimum standards for all classes of outfitter; setting permit fees for all classes of outfitter; clarifying violations and changes penalty from a petty offense to a Class B Misdemeanor
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: PA 98-914
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 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:

Virginia Yang, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Deer, Turkey, Waterfowl Outfitters will be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Outfitters will maintain all records for their clients and also properties utilized in the business.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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 640
OUTFITTER REGULATIONS

Section	
640.10	Definitions
640.20	Minimum Standards
640.30	Application Requirements
640.40	Permit Fees
640.50	Acceptance or Rejection of Applications
640.60	Term of Permit and Fees
640.70	Violations
640.80	Penalty

AUTHORITY: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3].

SOURCE: Adopted at 26 Ill. Reg. 18019, effective February 1, 2003; amended at 29 Ill. Reg. 12483, effective July 28, 2005; amended at 39 Ill. Reg. _____, effective _____.

Section 640.10 Definitions

Agent/Broker – an individual or business who, for compensation, offers deer and/or turkey or waterfowl hunting outfitting services on lands owned or leased by another.

Class A Permit – permit required for deer and turkey outfitters.

Class B Permit – permit required for waterfowl outfitters.

Class C Permit – permit required for an agent/broker who offers deer or turkey hunting outfitting services.

Class D Permit – permit required for agent/broker who offers waterfowl hunting outfitting services.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Client – an individual who provides, or who has provided on his or her behalf, financial or other consideration to an outfitter in exchange for ~~outfitting the use of the outfitter's goods and~~ services.

Department – the Illinois Department of Natural Resources (IDNR).

Guide – an individual providing guide services to clients of an outfitter.

Guide Services – ~~providing~~ any of the following: providing advice to the hunter while hunting about how and/or where to conduct his/her hunt, setting decoys, calling, stalking, pursuing, tracking, retrieving game, field dressing, caring for meat, field preparation of trophies including skinning or capeing, carriage of hunters in the field, carriage of hunter's equipment in the field or carriage of waterfowl, deer or turkey harvested by hunters.

Harvest Information Program or HIP – an annual registration mandated for gamebird hunter by the National Migratory Bird Harvest Program to compile annual wildlife estimates for waterfowl, doves and other migratory game birds.

Outfitter – a person (as defined in the Wildlife Code [520 ILCS 5/1.2/]), including an officer or employee of a person, who provides or offers to provide, ~~for compensation~~, outfitting services for waterfowl, deer or wild turkey hunting.

Outfitting Services – any service that, for financial or other consideration, offers or promises waterfowl, providing deer and/or wild turkey hunting access, assistance, guidance or opportunity by way of one or more of the following ~~for compensation and~~:

~~providing~~ guides, guide services, or bringing or retrieving equipment, stands, blinds, decoys or a client ~~transportation~~ to or ~~and~~ from the field; or

access to property that the person providing access leases or rents ~~is on land leased or rented by the provider primarily for waterfowl, the purpose of~~ deer and/or wild turkey hunting; or

access to property ~~is on land~~ subleased, at least in part, for waterfowl, deer or wild turkey hunting ~~or the sublease includes deer or wild turkey hunting~~.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

The following do not, on their own, constitute outfitting services:

a(A hunting lease granted by a landowner to by a hunter or group of hunters; from a landowner does not, in itself, make the landowner an outfitter, nor does

providing transportation to or from a place of accommodation or a hub of public transportation; or→

acting as an agent/broker by soliciting or securing waterfowl, deer and/or turkey hunting clients for a landowner or tenant.

For the purpose of waterfowl hunting, landowners or waterfowl hunting clubs or organizations who: do not take compensation or fees other than annual membership and annual maintenance fees, and do not accept paying hunters on a day-to-day basis and are otherwise closed to the public, or who provide only waterfowl blinds or pits shall not be considered as an outfitting service.

Resident Corporation – for the purpose of outfitter permitting, a resident corporation ~~is shall be:~~ an Illinois corporation that has been in existence for at least 30 days prior to submitting an application for an outfitter permit; ~~and a corporation~~ in which more than 50% of the stock is owned by Illinois resident individuals.

Resident Limited Liability Company – for the purpose of outfitter permitting, a resident limited liability company (LLC) ~~is shall be:~~ an Illinois LLC that has been in existence at least 30 days prior to submitting an application for an outfitter permit; ~~and an LLC~~ in which more than 50% of the value of all unit ownership is held by Illinois resident individuals.

Waterfowl Blind or Pit – an area of concealment that is used to hide hunters from the sight of waterfowl.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 640.20 Minimum Standards

- a) An outfitter shall:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) have a current valid Illinois outfitter permit;
- 2) be at least 21 years of age; ~~if~~ (If the outfitter permit is held by a business entity, then a responsible individual who is an officer in the business entity must be designated on the application as the contact person~~);~~);
- 3) not have had his or her hunting privileges under the Wildlife Code suspended, or any of his or her hunting licenses revoked, within any period during the last 5 years. If the outfitter is a business entity, no officer, ~~or~~ employee or contact person ~~shall~~may have had hunting privileges or licenses~~been~~ suspended or revoked within any period during the past 5 years;
- 4) provide to each client, prior to commencement of outfitting services, in writing, the following: the type of service provided, the dates of service, the cost of services, and a copy of the outfitter's refund policy;
- 5) be responsible for ensuring each client has the necessary permits, stamps, Harvest Information Program (HIP) registration and licenses prior to any hunting;
- 6) indicate clearly to each client~~clients~~ the boundaries of the property on which the client is to hunt~~hunting~~ and instruct each~~the~~ client as to how to conduct the hunt (i.e., special rules, restricted areas, etc.);
- 7) make no guarantees, either oral or written, as to the success of the hunt;
- 8) not misrepresent his or her facilities, prices, equipment, services or hunting opportunities;
- 9) not take or attempt to take any wildlife on behalf of the client;
- 10) for Class A Permit only: maintain a current log, on forms provided by the Department, of all individuals who hunt on the property controlled under the outfitter permit, including the dates they hunted, their Department customer identification number~~hunting license and permit numbers~~, and harvest information (including the harvest confirmation numbers and, sex and, approximate age of the harvested animals, whether the hunter was a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

paying client or a free hunter). A copy of this~~This~~ log must be maintained by the outfitter for 5 years and the original shall be submitted to the Department within 30 days after the close of the seasons in which the Class A outfitter is operating;~~and~~

- 11) for Class B Permits: require all waterfowl hunters to register daily, on the daily registration forms provided by the Department, prior to entering the field to hunt on the area covered by his/her permit. Each hunter shall personally enter his or her name, Department customer identification number and mailing address on the daily registration form.
- A) The outfitter shall require each hunter, at the completion of each hunting day, to report the number of species (including sex for mallard ducks only) of migratory waterfowl that the hunter has taken using forms provided by the Department. The hunter must personally complete this report and certify by signature that the information is accurate.
- B) The outfitter shall make all records described in this Part available for inspection upon request by authorized employees of the Department or any federal or State law enforcement officer, and shall keep a copy of the hunter registration forms for at least 7 years after completion. Failure to comply with any required recordkeeping obligations can result in the revocation of a permit or suspension of permit privileges for a period of up to 5 years.
- C) The original hunter registration forms (waterfowl kill sheets) shall be submitted to the Department, at the address specified on the forms provided by the Department, within 30 days after the close of the latest waterfowl season;
- 12) for Class C and D Permits: keep a record, on forms provided by the Department, of all clients and landowners or tenants utilizing their services. The record must contain the client, landowner and tenant (if applicable) names, addresses, phone numbers, and both a legal description and common address of the property to be hunted. This record shall be submitted to the Department by the license holder within 30 days after completion of any agreement between a hunter and a landowner or tenant, whether through an agent/broker or otherwise; and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

~~1344~~) if he or she performs guide services in addition to outfitting services, comply with, meet the requirements of subsection (b).

b) A guide shall:

~~1~~) be at least 18 years of age;

~~12~~) not have had his or her hunting license revoked or hunting privileges suspended under the Wildlife Code for any period of time during~~within~~ the past 5 years;

~~23~~) unless exempt by law, have a current Illinois hunting license and habitat stamp (Class A Permit only) or a current hunting license, State and federal waterfowl stamp, and HIP registration (Class B Permit only);

~~34~~) have proof of successful completion of a State-approved hunter-safety course;

~~45~~) comply with, and ensure that all clients comply with, obey all State and federal wildlife and weapons laws and regulations; and

~~56~~) not take or attempt to take any wildlife on behalf of the client.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 640.30 Application Requirements

In order to obtain a permit to operate as an outfitter, the applicant must submit to the Department of Natural Resources, Outfitter Services, One Natural Resources Way, Springfield IL 62702-1271, an application containing the following information:

- a) The name, address, date of birth, phone number and Social Security Number of the applicant, if an individual; or if a business entity, the company, corporation, limited liability company or partnership name, along with a copy of the organization papers filed with the Secretary of State and/or the certification of compliance with the Assumed Business Name Act from the County Clerk, and the name, address, date of birth, phone number and Social Security Number of the contact person, with a certification the applicant is an Illinois resident or a non-

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

resident of Illinois.

- b) A listing of the county, township, range, section, acres and landowner name~~plat map showing the location~~ of the property where the outfitting services will be provided (for Class A and B Permits only).
- c) ~~A map of the property owned or leased by the applicant, which shows the acreage in various land uses/habitats (for example, crop fields, hay crop, pasture, woods, brush, etc.), delineating the number of acres owned and the number of acres leased or rented.~~ d) A description of hunting activities proposed for the current year, including the approximate number of hunters, type of hunting to occur (waterfowl, whether deer or turkey hunting), and the type of weapons to be used (for Class A and B Permits only).
- de) Class A outfitters must provide a~~A~~ management plan for each species (deer or turkey) to be hunted by providing complete~~completely~~ and accurate~~accurately~~ information as requested on the~~filling out a~~ standardized form provided by the Department.
- ef) Proof of current commercial liability insurance for property damage, personal injury and death with a minimum benefit of \$1,000,000.
- fg) For Class A or B Permits only, a~~A~~ list of any guides to be employed, and any guides who quit or whose employment was terminated, with the name, address, date of birth, and Social Security Number of each guide. This list may be modified at any time by providing the change in writing to the Office of Law Enforcement, IDNR, One Natural Resources Way, Springfield IL 67202-1271.
- g) For Class C or D Permits only, a list of each employee (including name, address, date of birth and social security number) authorized to act as a broker or agent on the permittee's behalf. This list may be modified at any time by providing the change in writing to the Office of Law Enforcement, IDNR, One Natural Resources Way, Springfield IL 62702-1271.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 640.40 Permit Fees

The annual~~permit~~ fees for an outfitter permit shall be:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- a) Class A Permit
 - 1) \$500 for a resident.
 - 2b) \$2,500 for a non-resident.
- b) Class B Permit
 - 1) \$250 for a resident.
 - 2) \$1,500 for a non-resident.
- c) Class C Permit
 - 1) \$500 for a resident.
 - 2) \$2,500 for a non-resident.
- d) Class D Permit
 - 1) \$250 for a resident.
 - 2) \$1,500 for a non-resident.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 640.50 Acceptance or Rejection of Applications

- a) Incomplete or inadequate applications shall be returned to the applicant with a summary of deficiencies.
- b) Incomplete or inadequate applications may be completed and re-submitted within 15 days, or until the end of the application period, whichever is longer.
- c) Applications for permits may be submitted as follows:
 - 1) For Class A and B Permits: Applications will be accepted ~~from~~ January 3145 through July 15 of each year, inclusive. Addendums adding acreage

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

may be added to the outfitter's permit by notifying the Department within 24 hours after gaining legal access to the property. Addendums shall include the information required under Section 640.30(b). Acceptable methods of notification to the Department will be email, fax or online as outlined in the permit provisions. Addendums for properties obtained and utilized only, during the emergency light goose season shall be exempt from reporting as required in this Section.

- 2) For Class C and D Permits: Applications will be accepted beginning January 31 through July 15 for each year inclusive. Addendums to the permit adding acreage may be made at any time, so long as they are in accordance with Section 640.20(a)(12) filed through September 30.
- d) For Class A Permits: If an outfitter allows~~Outfitters that allow~~ deer/turkey populations to increase to the point that they have an abnormal detrimental impact on crops, public safety or environmental conditions in the immediate area, the Department shall inform the outfitter ~~shall be notified of that~~ the impact or effect. If, after one year, no reasonable effort has been made to resolve the impact or effect, ~~that~~ the outfitter shall be warned that remedial action must be taken or his outfitter permit will not be renewed. If, after the warning, the outfitter does not institute a reasonable remedial action, his application for renewal shall be rejected and he shall be ineligible for an outfitter permit for a year. Eligibility for a new permit shall be dependent upon submission of a complete new application along with a management plan detailing actions or modifications to be employed to remedy the problem and responsibly manage the wildlife.
- e) Full applications shall be required every 5 years. The annual renewal shall require: consist
 - 1) payment of tender of the appropriate fee; ~~and~~
 - 2) proof of insurance;
 - 3) a new complete property listing as required by Section 640.30(b); and notice of any changes from the current application or certification that there are no changes from the previous year, as well as
 - 4) regardless of whether the hunter was a paying client or a free hunter, a report of harvest that provides:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- A) ~~the, listing~~ number of hunter days; and
- B) ~~the~~ total number of male and ~~number of~~ female deer, ~~and/or~~ turkey (Class A), ~~and/or waterfowl, with a separate listing for ducks and geese (Class B), taken, regardless of whether the hunter was a paying client or a free hunter.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 640.60 Term of Permit ~~and Fees~~

- a) The permit shall be for one year from July 1 to June 30.
- b) Applications and renewals are due at the Department by July 15 of each year. Applications or renewals received after July 15 cannot be guaranteed to be processed and a permit issued by September 1.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 640.70 Violations

- a) It shall be unlawful for an outfitter to:
- ~~1a)~~ employ any person as a guide or facilitator whose hunting license is revoked or whose privileges to hunt in Illinois are suspended, or who does not meet guide requirements (see Section 640.20(b));
- ~~2b)~~ fail to provide to the Department documentation of change of ownership, transfer of corporate shares or transfer of a limited liability company's membership within 45 days after the date of change;
- ~~3e)~~ advertise or provide outfitting services at a time the outfitter does not hold a current valid ~~outfitter~~outfitter's permit;
- ~~4d)~~ provide outfitting services on lands not included in the permit application;
- ~~5e)~~ knowingly allow or cause a client or guide to violate any provisions of the Wildlife Code or related administrative rules or federal regulations;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- ~~6f)~~ advertise that outfitting services are provided on specific land unless that land is included in the permit;
 - ~~7g)~~ advertise in an intentionally false or misleading manner;
 - ~~8h)~~ fail to allow inspection of required records ~~by~~ an authorized employee of the Department, or by an authorized State or federal law enforcement officer, during reasonable business hours; ~~or~~
 - ~~9i)~~ fail to maintain required records; ~~;~~
 - 10) provide outfitting services at any time when the commercial liability insurance required under Section 640.30(e) is not in full force and effect.
- b) It shall be unlawful for a person to represent himself or herself as, or performs work as, a guide unless that person meets the minimum standard provided in Section 640.20(b).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 640.80 Penalty

- a) Any person who violates any provision of this Part shall be guilty of ~~Violation is a Class B misdemeanor~~ petty offense (see 520 ILCS 5/3.1-3).
- b) Any person found guilty of operating as an outfitter without an outfitter's permit, or of failure to pay the appropriate permit fees, shall, in addition to any criminal penalties, be assessed a civil penalty of three times the amount that should have been paid. This penalty is payable to the Department's Conservation Police Operations Assistance Fund.
- c) The Department shall not issue an ~~Department and no~~ outfitter permit ~~shall be issued to~~ issued to:
 - 1) any person who owes ~~found owing~~ appropriate permit fees; ~~;~~
 - 2) any person who has been subjected to criminal or civil penalties, until the penalty is paid in full; and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 3) ~~nor to~~ any organization or business entity of which ~~asuch~~ person described in subsection (c)(1) or (c)(2) is an officer, agent or employee ~~until the penalty is paid in full.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois List of Endangered and Threatened Fauna
- 2) Code Citation: 17 Ill. Adm. Code 1010
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
1010.20	Repeal
1010.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7]
- 5) A Complete Description of the Subjects and Issues Involved:

This Part is being amended to add new text regarding species and subspecies designated as federally endangered or threatened to make users of the List aware of protections afforded federally designated endangered and threatened species and subspecies under the Illinois Endangered Species Protection Act [520 ILCS 10/7]. This element has not been articulated in the Adm. Rule before, which has resulted in confusion by users of the list and the additional text should help clarify. Also changes are being made to the species listed. The changes to this list were approved by the Illinois Endangered Species Protection Board, are supported by sufficient scientific evidence, and are compliant with definitions established in 520 ILCS 10/2 and criteria established in 520 ILCS 10/7, 17 Ill. Adm. Code 1010.25 and in Sections 5.1.1 of the Illinois Endangered Species Protection Board Policy and Operation Manual. Pursuant to 520 ILCS 10/6, the Board is required to review and revise the Illinois List of Endangered and Threatened Fauna at a minimum of every 5 years.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:

50 CFR Part 17, Volume 76, Number 194, Part 4 - October 6, 2011. Endangered and Threatened Wildlife and Plants; Partial 90-Day Finding on a Petition To List 404 Species in the Southeastern United States as Threatened or Endangered With Critical Habitat.

50 CFR Part 17, Volume 78, Number 157 - August 14, 2013. Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List the Rattlesnake-Master Borer Moth (*Papaipema eryngi*) as an Endangered or Threatened Species.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

50 CFR Part 17, Volume 78, Number 189, Part 2 – September 30, 2013. Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for the Rufa Red Knot (*Calidris canutus rufa*); Proposed Rule.

50 CFR Part 17, Volume 78, Number 191, Part 3 - October 2, 2013. Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List the Eastern Small-Footed Bat and the Northern Long-Eared Bat as Endangered or Threatened Species; Listing the Northern Long-Eared Bat as an Endangered Species; Proposed Rule.

50 CFR Part 17, Volume 78, Number 206, Part 2 - October 24, 2013. Endangered and Threatened Wildlife and Plants; Threatened Status for Dakota Skipper and Endangered Status for Poweshiek Skipperling; Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Dakota Skipper and Poweshiek Skipperling; Proposed Rules.

50 CFR Part 17, Volume 79, Number 125 - June 30, 2014. Endangered and Threatened Wildlife and Plants; 6-Month Extension of Final Determination on the Proposed Endangered Status for the Northern Long-Eared Bat; Proposed Rule.

50 CFR Part 17, Volume 79, Number 238 – December 11, 2014. Endangered and Threatened Wildlife and Plants; Threatened Species Status for the Rufa Red Knot; Final Rule.

520 ILCS 10/ Illinois Endangered Species Protection Act (1972 et seq.).

Bailey, SD. 2010. Field notes: the 2009 breeding season. Meadowlark: A Journal of Illinois Birds 19:14-44.

Bailey, SD. 2011. Field notes: the 2010 breeding season. Meadowlark: A Journal of Illinois Birds 20:10-40.

Bailey, SD. In press. Field notes: the 2011 breeding season. Meadowlark: A Journal of Illinois Birds 21:11-40.

Baker, F.C. A catalogue of the Mollusca of Illinois. Bulletin of the Illinois State Laboratory of Natural History 7(6):53-136. 4

Barnes, Jeannie. Illinois Natural Heritage (Biotics 4) Database, Illinois Department of Natural Resources. Personal communication, multiple dates.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Bluett, B., D. Corgiat, G. Feldhamer, J. Hofmann, J. Kath. 2009b. Status Review Criteria for De-listing the Golden Mouse from Its State Threatened Status. Illinois Endangered Species Protection Board, Springfield IL.

Bohlen, HD. 1989. The birds of Illinois. Indiana University Press.

Boschung, H. T. and R. L. Mayden. 2004. Fishes of Alabama. Smithsonian Books, Washington, D.C.

Branson, B.A. and D.L. Batch. 1987. Distribution of aquatic snails (Mollusca: Gastropoda) in Kentucky with notes on fingernail clams (Mollusca: Sphaeriidae: Corbiculidae). Transactions of the Kentucky Academy of Science 48:62-70.

Burch, J.B. 1989. North American freshwater snails. Malacological Publications, Hamburg, Michigan. viii + 365 p.

Eubanks, B.W., E.C. Hellgren, J.R. Nawrot, and B.D. Bluett. 2011. Habitat associations of the marsh rice rat (*Oryzomys palustris*) in freshwater wetlands of southern Illinois. Journal of Mammalogy, 92(3):552-560, 2011.

Goodrich, C. 1940. The Pleuroceridae of the Ohio River drainage system. Occasional Papers of the Museum of Zoology, University of Michigan 417:1-21.

Goodrich, C. and H. van der Schalie. 1944. A revision of the Mollusca of Indiana. American Midland Naturalist 32:257-326.

Hellgren, E.C., J.R. Nawrot, and B. Eubanks. 2009. Status review and recovery outline for Marsh Rice Rat. Illinois Endangered Species Protection Board, Springfield, Illinois.

ILL. ADM. CODE. Title 17: Conservation § 1010: Illinois List of Endangered and Threatened Animals (1977 et seq.).

Illinois Department of Natural Resources (IDNR). 2007. Natural resource reviews data summary 2000-2006. Impact Assessment Section, Division of Ecosystems and Environment, Office of Realty and Environmental Planning. Illinois Department of Natural Resources. Springfield, Illinois. 16 pp.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

IDNR. 2008. Incidental take authorization seven year summary. Impact Assessment Section, Division of Ecosystems and Environment, Office of Realty and Environmental Planning. Illinois Department of Natural Resources. Springfield, Illinois. 13 pp. Illinois Endangered Species Protection Board (IESPB). Meeting minutes from the 05/16/12 special meeting, and the 155th, 156th, 157th, 158th, and 161st meetings. Accessible online at <http://www.dnr.illinois.gov/ESPB/Pages/default.aspx>.

IESPB. Illinois Endangered Species Protection Board Technical Expert Consultants. Multiple individuals (see table at end of References section), personal communication regarding IESPB List review and reflected in IESPB meeting minutes from the 05/16/12 special meeting, and the 155th, 156th, 157th, and 158th meetings, multiple dates from February 2012 – November 2013.

IESPB. 2009. Reclassification goals for Peregrine Falcon (amended). Illinois Endangered Species Protection Board, Springfield IL.

IESPB. 2012. Illinois Endangered Species Protection Board Technical Expert Consultant Manual. Illinois Endangered Species Protection Board, Springfield, Illinois.

Illinois Natural Heritage (Biotics 4) Database. 2013. Illinois Natural Heritage Biotics 4 Database, Illinois Department of Natural Resources, Springfield IL. (Accessed, April, 2012; May, 2012; August, 2012; October, 2012; November 2012; February, 2013; July, 2013; December, 2013; January, 2014; and, February, 2014).

Illinois Natural History Survey. 2012. Illinois Spring Bird Count Data 1975-2011. Illinois Natural History Survey, University of Illinois, Urbana-Champaign.

Illinois Monitoring of Owls and Nightjars (MOON):
<http://www.inhs.illinois.edu/research/MOON/>

Johnson, P.D., A.E. Bogan, K.M. Brown, N.M. Burkhead, J.R. Cordeiro, J.T. Garner, P.D. Hartfield, D.A.W. Lepitzki, G.R. Mackie, E. Pip, T.A. Tarpley, J.S. Tiemann, N.V. Whelan, and E.E. Strong. In press. Conservation Status of Freshwater Snails of Canada and the United States. Fisheries. Expected May 2013.

Kieninger, Tara. Illinois Natural Heritage (Biotics 4) Database, Illinois Department of Natural Resources. Personal communication, multiple dates.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Kleen et al. 2004. The Illinois breeding bird atlas. Illinois Natural History Survey Special Publication 26.

Lah, Kristopher. United States Fish and Wildlife Service, Barrington IL. Personal communication, 03/18/2013.

Mankowski, A., editor. 2010. Endangered and Threatened Species of Illinois: Status and Distribution, Volume 4 – 2009 and 2010 Changes to the Illinois List of Endangered and Threatened Species. Illinois Endangered Species Protection Board, Springfield IL. iii + 38 pp.

Mankowski, A. 2012. The Illinois Endangered Species Protection Act at Forty: a Review of the Act's Provisions and the Illinois List of Endangered and Threatened Species. Illinois Endangered Species Protection Board, Springfield IL. 152 pp. Published online at <http://www.dnr.illinois.gov/ESPB/Pages/default.aspx>.

NatureServe. NatureServe Explorer: An online encyclopedia of life (web application). Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed, June 11, 2012; February, 13 2013; December 20, 2013; February 3, 2014).

Nielsen, C., E. Hellgren, E. Schaubert, G. Feldhamer, J. Devine, C. Gillen, D. Lesmeister, D. Stetson. 2011. Cooperative fur-bearing and nongame mammal investigations, Final Report, Federal Aid Project W-135-R-9-12. Submitted by – Cooperative Wildlife Research Laboratory and Department of Zoology, Southern Illinois University Carbondale. Presented to – Division of Wildlife Resources, Illinois Department of Natural Resources, Springfield IL. 138 pp.

Nyboer, R.W., J.R. Herkert, and J.E. Ebinger, editors. 2006. Endangered and Threatened Species of Illinois: Status and Distribution, Volume 2 - Animals. Illinois Endangered Species Protection Board, Springfield IL. 181 pp.

Page, L.M., and M.R. Jeffords, eds. 1991. Our living heritage: the biological resources of Illinois. Illinois Natural History Survey Bulletin 34(4): 357-477.

Pyron, M., J. Beugly, E. Martin, and M. Spielman. 2008. Conservation of the freshwater gastropods of Indiana. historic and current distributions. American Malacological Bulletin 26:137-151.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Sauer, J. R., J. E. Hines, J. E. Fallon, K. L. Pardieck, D. J. Ziolkowski, Jr., and W. A. Link. 2011. The North American Breeding Bird Survey, Results and Analysis 1966 - 2009. Version 3.23.2011 USGS Patuxent Wildlife Research Center, Laurel, MD.
<http://www.mbr-pwrc.usgs.gov/bbs/>

Simon, T.P. 2006. Biodiversity of fishes in the Wabash River: status, indicators, and threats. *Proceedings of the Indiana Academy of Science* 115:136-148.

Steffen, B.J, T.L. York Osborne, T.C. Carter, G.A. Feldhamer. 2006. The first record of Eastern small-footed Myotis (*Myotis leibii*) in Illinois. *Transactions of the Illinois State Academy of Science*. 99(1&2):87-89. (Occurrence information).

Stewart, J. G., V. A. Barko, D. B. Henry, D. P. Herzog, J. W. Ridings, A. F. Kelley, and J. E. Wallace. 2005. New records of the Crystal Darter (*Crystallaria asprella*) in the Middle Mississippi River. *American Midland Naturalist* 154: 471-473.

Straight, Carrie A. and Robert J. Cooper. 2000. Chuck-will's-widow (*Caprimulgus carolinensis*), *The Birds of North America Online* (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the *Birds of North America Online*:
<http://bna.birds.cornell.edu/bnaproxy.birds.cornell.edu/bna/species/499>

Tiemann, J.S., K.S. Cummings, and C.A. Mayer. 2011. Distribution of pleurocerids (Gastropoda) of Illinois. INHS Technical Report 2011(9). Final report submitted to the Illinois Department of Natural Resources. 36 pages + appendix.

Walk, J.W., A. Mankowski, T. Esker, M. Cole, and M. Alessi. 2010. Illinois Barn Owl (*Tyto alba*) Recovery Plan. Illinois Department of Natural Resources and Illinois Endangered Species Protection Board, Springfield IL.

Walk, J.W. et al. 2010. Illinois Birds: A century of Change. Illinois Natural History Survey Special Publication 31. Illinois Natural History Survey, University of Illinois, Urbana-Champaign.

Whitby, M.D., S.M. Bergeson, S.A. Rutan, T.C. Carter. 2011. Annual Report to the US Forest Service, Project USDA-FS-PA-11090800-23, Monitoring Indiana Bat Maternity Colonies in Southern Illinois, Appendix I. 36 pp.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Williams, J. E., J. E. Johnson, D. A. Hendrickson, S. Contreras-Balderas, J. D. Williams, M. Navarro, Mendoza, D. E. McAllister, and J. E. Deacon. 1989. Fishes of North America endangered, threatened, or of special concern: 1989. Fisheries 14: 2-20.

- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Shelly L. Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
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: January 2015

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER c: ENDANGERED SPECIESPART 1010
ILLINOIS LIST OF ENDANGERED AND THREATENED FAUNA

Section	
1010.10	Official List
1010.20	Definitions (Repealed)
1010.25	Criteria Used for Listing
1010.30	List
1010.40	Effective Date (Repealed)

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

SOURCE: Filed December 21, 1977, effective December 31, 1977; codified at 5 Ill. Reg. 10653; amended at 8 Ill. Reg. 13705, effective July 25, 1984; amended at 13 Ill. Reg. 4179, effective March 17, 1989; amended at 16 Ill. Reg. 103, effective December 20, 1991; amended at 18 Ill. Reg. 1134, effective January 18, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3118, effective March 3, 1997; amended at 23 Ill. Reg. 5556, effective April 26, 1999; amended at 28 Ill. Reg. 12895, effective September 1, 2004; amended at 33 Ill. Reg. 14739, effective October 30, 2009; amended at 34 Ill. Reg. 12866, effective August 20, 2010; emergency amendment at 34 Ill. Reg. 15892, effective October 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4196, effective February 22, 2011; amended at 39 Ill. Reg. _____, effective _____.

Section 1010.20 Definitions ([Repealed](#))

~~To be in compliance with the Federal and State Endangered Species Acts, the following definitions apply:~~

~~FEDERALLY ENDANGERED SPECIES~~

~~Any species which is in danger of extinction throughout all or a significant portion of its range. (Denoted by two asterisks (**)) on adopted list.)~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

FEDERALLY THREATENED SPECIES	Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. (Denoted by a single asterisk (*) on adopted list.)
STATE ENDANGERED SPECIES	Any species which is in danger of extinction as a breeding species in Illinois.
STATE THREATENED SPECIES	Any breeding species which is likely to become a state endangered species within the foreseeable future in Illinois.

(Source: Repealed at 39 Ill. Reg. _____, effective _____)

Section 1010.30 List

All federally designated endangered or threatened animal species and subspecies have been automatically placed on the Illinois List by the Board and are protected under the Illinois Endangered Species Protection Act even though their names do not appear in this Section. Only those federally designated endangered or threatened animal species and subspecies known to occur in Illinois are designated as Illinois-endangered or Illinois-threatened by the Board and their names appear in this Section. Users should refer to the US Fish and Wildlife Service website at www.fws.gov/endangered/ for a complete listing of all federally designated endangered and threatened species and subspecies.

a) ENDANGERED FISHES OF ILLINOIS

Northern Brook Lamprey	Ichthyomyzon fossor
Lake Sturgeon	Acipenser fulvescens
Pallid Sturgeon**	Scaphirhynchus albus
River Chub	Nocomis micropogon
Sturgeon Chub	Macrhybopsis gelida
Bigeye Chub	Hybopsis amblops
Pallid Shiner	Hybopsis amnis
Pugnose Shiner	Notropis anogenus
Bigeye Shiner	Notropis boops
Blacknose Shiner	Notropis heterolepis
Taillight Shiner <u>shiner</u>	Notropis maculatus

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Weed Shiner	Notropis texanus
Cypress Minnow	Hybognathus hayi
Greater Redhorse	Moxostoma valenciennesi
Northern Madtom	Noturus stigmosus
Redspotted Sunfish	Lepomis miniatus
Bluebreast Darter	Etheostoma camurum
Western Sand Darter	Ammocrypta clarum
Harlequin Darter	Etheostoma histrio

b) THREATENED FISHES OF ILLINOIS

Least Brook Lamprey	Lampetra aepyptera
American Brook Lamprey	Lethenteron appendix
American Eel	Anguilla rostrata
Brassy Minnow	Hybognathus hankinsoni
Cisco	Coregonus artedi
Gravel Chub	Erimystax x-punctatus
Ironcolor Shiner	Notropis chalybaeus
Blackchin Shiner	Notropis heterodon
River Redhorse	Moxostoma carinatum
Crystal Darter	Crystallaria asprella
Eastern Sand Darter	Ammocrypta pellucidum
Longnosed Sucker	Catostomus catostomus
Banded Killifish	Fundulus diaphanus
Starhead Topminnow	Fundulus dispar
Bantam Sunfish	Lepomis symmetricus
Iowa Darter	Etheostoma exile

c) ENDANGERED AMPHIBIANS AND REPTILES OF ILLINOIS

Salamanders

Eastern Hellbender	Cryptobranchus alleganiensis
Silvery Salamander	Ambystoma platineum
Spotted Dusky Salamander	Desmognathus conanti

Turtles

Alligator Snapping Turtle	Macrochelys temminckii
Blanding's Turtle	Emydoidea blandingii
Yellow Mud Turtle	Kinosternon flavescens

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Smooth Softshell	<i>Apalone mutica</i>
Spotted Turtle	<i>Clemmys guttata</i>
River Cooter	<i>Pseudemys concinna</i>

Snakes

Coachwhip	<i>Masticophis flagellum</i>
Broad-banded Watersnake	<i>Nerodia fasciata</i>
Great Plains Ratsnake	<i>Pantherophis emoryi</i>
Eastern Massasauga	<i>Sistrurus catenatus</i>

d) THREATENED AMPHIBIANS AND REPTILES OF ILLINOIS

Salamanders

Jefferson Salamander	<i>Ambystoma jeffersonianum</i>
Four-toed Salamander	<i>Hemidactylium scutatum</i>
Mudpuppy	<i>Necturus maculosus</i>

Frogs and Toads

Bird-voiced Treefrog	<i>Hyla avivoca</i>
Illinois Chorus Frog	<i>Pseudacris illinoensis</i>
Eastern Narrowmouth Toad	<i>Gastrophryne carolinensis</i>

Turtles

Ornate Box Turtle	<i>Terrapene ornata</i>
-------------------	-------------------------

Snakes

Lined Snake	<i>Tropidoclonion lineatum</i>
Plains Hog-Nosed Snake	<i>Heterodon nasicus</i>
Mississippi Green Watersnake	<i>Nerodia cyclopion</i>
Flathead Snake	<i>Tantilla gracilis</i>
Kirtland's Snake	<i>Clonophis kirtlandi</i>
Eastern Ribbonsnake	<i>Thamnophis sauritus</i>
Timber Rattlesnake	<i>Crotalus horridus</i>

e) ENDANGERED BIRDS OF ILLINOIS

American Bittern	<i>Botaurus lentiginosus</i>
------------------	------------------------------

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Snow Egret	<i>Egretta thula</i>
Little Blue Heron	<i>Egretta caerulea</i>
Black-crowned Night Heron	<i>Nycticorax nycticorax</i>
Yellow-crowned Night Heron	<i>Nyctanassa violacea</i>
Osprey	<i>Pandion haliaetus</i>
Northern Harrier	<i>Circus cyaneus</i>
Swainson's Hawk	<i>Buteo swainsoni</i>
Greater Prairie Chicken	<i>Tympanuchus cupido</i>
Black Rail	<i>Laterallus jamaicensis</i>
King Rail	<i>Rallus elegans</i>
Piping Plover**	<i>Charadrius melodus</i>
Upland Sandpiper	<i>Bartramia longicauda</i>
Wilson's Phalarope	<i>Phalaropus tricolor</i>
Common Gallinule Moorhen	<i>Gallinula galeatachloropus</i>
Loggerhead Shrike	<i>Lanius ludovicianus</i>
Common Tern	<i>Sterna hirundo</i>
Forster's Tern	<i>Sterna forsteri</i>
Least Tern**	<i>Sternula antillarumantillarum</i>
Black Tern	<i>Chlidonias niger</i>
Barn Owl	<i>Tyto alba</i>
Short- eared eared Owl	<i>Asio flammeus</i>
Bewick's Wren	<i>Thryomanes bewickii</i>
Swainson's Warbler	<i>Limnithlypis swainsonii</i>
Yellow-headed Blackbird	<i>Xanthocephalus</i> <i>xanthocephalus</i>

f) THREATENED BIRDS OF ILLINOIS

Least Bittern	<i>Ixobrychus exilis</i>
Peregrine Falcon	<i>Falco peregrinus</i>
Cerulean Warbler	<i>Dendroica ceruleacaerulea</i>
Mississippi Kite	<i>Ictinia mississippiensis</i>
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>
Barn Owl	<i>Tyto alba</i>
Chuck-will's-widow	<i>Caprimulgus carolinensis</i>

g) ENDANGERED MAMMALS OF ILLINOIS

Southeastern Myotis	<i>Myotis austroriparius</i>
---------------------	------------------------------

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Gray Bat**	Myotis grisescens
Indiana Bat**	Myotis sodalis
Rafinesque's Big-earned Bat	Corynorhinus rafinesquii
Eastern Wood Rat	Neotoma floridana

h) THREATENED MAMMALS OF ILLINOIS

<u>Eastern Small-footed Bat</u>	<u>Myotis leibii</u>
<u>Northern Long-eared Bat</u>	<u>Myotis septentrionalis</u>
Gray/Timber Wolf	Canis lupus
Franklin's Ground Squirrel	<u>Poliocitellus</u> Spermophilus franklinii
<u>Golden Mouse</u>	<u>Ochrotomys nuttalli</u>
<u>Rice Rat</u>	<u>Oryzomys palustris</u>

i) ENDANGERED INVERTEBRATE ANIMALS OF ILLINOIS

Snails

Iowa Pleistocene Snail**	<u>Discus</u> Diseuss macclintocki
Hydrobiid Cave Snail	Fontigens antroecetes
<u>Onyx Rocksnail</u>	<u>Leptoxis praerosa</u>
Shawnee Rocksnail	Lithasia obovata

Mussels

<u>Spectaclecase**</u>	Cumberlandia monodonta
Salamander Mussel	Simpsonia ambigua
Rabbitsfoot*	*Quadrula cylindrica
<u>Ebonysnail</u>	<u>Fusconaia ebena</u>
Orange-foot Pimpleback**	Plethobasus cooperianus
<u>Sheepnose**</u>	Plethobasus cyphus
Clubshell**	Pleurobema clava
Ohio Pigtoe	Pleurobema cordatum
<u>Elephant-ear</u>	<u>Elliptio crassidens</u>
Kidneyshell	Ptychobranhus fasciolaris
Fanshell**	Cyprogenia stegria
<u>Scaleshell**</u>	<u>Leptodea leptodon</u>
Fat Pocketbook**	Potamilus capax
Purple Lilliput	Toxolasma lividus
Rainbow	Villosa iris

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Pink Mucket**	Lampsilis abrupta
Wavy-rayed Lampmussel	Lampsilis fasciola
Higgins Eye**	Lampsilis higginsii
Snuffbox**	Epioblasma triquetra
Northern Riffleshell**	Epioblasma rangiana
Crustaceans	
Anomalous Spring Amphipod	Crangonyx anomalus
Pacard's Cave Amphipod	Crangonyx packardi
Illinois Cave Amphipod**	Gammarus acherondytes
Iowa Amphipod	Stygobromus iowae
Indiana Crayfish	Orconectes indianensis
Kentucky Crayfish	Orconectes kentuckiensis
Oxbow Crayfish	Orconectes lancifer
Crayfish	Orconectes placidus
Isopod	Caecidotea lesliei
Isopod	Caecidotea spatulata
Scorpions	
Common Striped Scorpion	Centruroides vittatus
Dragonflies	
Hine's Emerald's Dragonfly**	Somatochlora hineana
Springtails	
Madonna Cave Springtail	Pygmarrhopalites madonnensis
Stoneflies	
Robust Springfly	Diploperla robusta
Central Forestfly	Prostoia completa
Leafhoppers	
Leafhopper	Athysanella incongrua
Leafhopper	Paraphlepsius lupatus
Butterflies and Moths	
Eryngium Stem Borer	Papaipema eryngii
Arogos Skipper	Atrytone arogos
Cobweb Skipper	Hesperia metea

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Ottoo Skipper	Hesperia ottoe
Hoary Elfin	Incisalia polios
Karner Blue Butterfly**	Lycaeides melissa samuelis
Swamp Metalmark	Calephelis muticum

j) THREATENED INVERTEBRATE ANIMALS OF ILLINOIS

Mussels

Ebonyshell	Fusconaia ebena
Purple Wartyback	Cyclonaias tuberculata
Elephant-ear	Elliptio crassidens
Spike	Elliptio dilatata
Slippershell	Alasmidonta viridis
Butterfly	Ellipsaria lineolata
Black Sandshell	Ligumia recta
Little Spectaclecase	Villosa lienosa

Dragonflies

Elfin Skimmer	Nannothemis bella
---------------	-------------------

Leafhoppers

Redveined Prairie Leafhopper	Aflexia rubranura
------------------------------	-------------------

Butterflies

Eryngium Stem Borer	Papaipema eryngii
Cobweb Skipper	Hesperia metea
Regal Fritillary	Speyeria idalia

* Federally designated threatened species

** Federally designated endangered species

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois List of Endangered and Threatened Flora
- 2) Code Citation: 17 Ill. Adm. Code 1050
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1050.20	Repeal
1050.25	Amendment
1050.30	Amendment
1050.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add new text regarding species and subspecies designated as federally endangered or threatened to make users of the List aware of protections afforded federally designated endangered and threatened species and subspecies under the Illinois Endangered Species Protection Act [520 ILCS 10/7]. This element has not been articulated in the Adm. Rule before, which has resulted in confusion by users of the List and the additional text should help clarify. Also changes are being made to the species listed. The changes to this list were approved by the Illinois Endangered Species Protection Board, are supported by sufficient scientific evidence, and are compliant with definitions established in 520 ILCS 10/2 and criteria established in 520 ILCS 10/7, 17 Ill. Adm. Code 1010.25 and in Sections 5.1.1 of the Illinois Endangered Species Protection Board Policy and Operation Manual. Pursuant to 520 ILCS 10/6, the Board is required to review and revise the Illinois List of Endangered and Threatened Fauna at a minimum of every 5 years.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:

520 ILCS 10/ Illinois Endangered Species Protection Act (1972 et seq.).

Barnes, Jeannie. Illinois Natural Heritage (Biotics 4) Database, Illinois Department of Natural Resources. Personal communication, multiple dates.

Bowles, M.L., V.E. Diersing, J.E. Ebinger, and H.C. Schultz, editors. 1981. Endangered and Threatened Vertebrate Animals and Vascular Plants of Illinois. Natural Land Institute, Illinois Natural History Survey, Illinois Department of Conservation, Illinois State Museum, Illinois Endangered Species Protection Board, Illinois Nature Preserves

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Commission, U.S. Fish and Wildlife Service. Illinois Department of Conservation. Springfield, Illinois. vii + 189 pp and Appendices.

Flora of North America Editorial Committee, eds. 1993+. Account for *Andromeda glaucophylla*. Flora of North America North of Mexico. 16+ vols. New York and Oxford. (Accessed online 02/03/2014).

Herkert, J.R. and J.E. Ebinger, editors. 2002. Endangered and Threatened Species of Illinois: Status and Distribution, Volume 1 – Plants. Illinois Endangered Species Protection Board, Springfield, Illinois. 161 pp.

Ill. Adm. Code. Title 17: Conservation § 1050: Illinois List of Endangered and Threatened Flora (1980 et seq.).

Illinois Department of Natural Resources (IDNR). 2007. Natural resource reviews data summary 2000-2006. Impact Assessment Section, Division of Ecosystems and Environment, Office of Realty and Environmental Planning. Illinois Department of Natural Resources. Springfield IL. 16 pp.

IDNR. 2008. Incidental take authorization seven year summary. Impact Assessment Section, Division of Ecosystems and Environment, Office of Realty and Environmental Planning. Illinois Department of Natural Resources. Springfield IL. 13 pp

Illinois Endangered Species Protection Board (IESPB). Meeting minutes from the 158th, 159th, 160th, and 161st meetings. Accessible online at <http://www.dnr.illinois.gov/ESPB/Pages/default.aspx>.

IESPB. Illinois Endangered Species Protection Board Technical Expert Consultants. Multiple individuals (see table at end of References section), personal communication regarding IESPB List review and reflected in IESPB meeting minutes from the 158th, 159th, and 160th meetings, multiple dates from February 2012 – November 2013.

IESPB. 2012. Illinois Endangered Species Protection Board Technical Expert Consultant Manual. Illinois Endangered Species Protection Board, Springfield, Illinois.

Illinois Natural Heritage (Biotics 4) Database. Illinois Department of Natural Resources, Springfield, Illinois (Accessed, February, 2013; September, 2013; January, 2014; February, 2014).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Jones, M. 2008. Status in Illinois of *Mentzelia oligosperma* (Stickleaf). Report to the Illinois Endangered Species Protection Board, Springfield IL.
- Kieninger, Tara. Illinois Natural Heritage (Biotics 4) Database, Illinois Department of Natural Resources. Personal communication, multiple dates.
- Lake County Forest Preserve District. 2013a. *Andromeda glaucophylla*: Rediscovered in Illinois. In-house report by Lake County Forest Preserve District. June 2013.
- Lake County Forest Preserve District. 2013b. Plants of Concern Monitoring Report for *Andromeda glaucophylla* submitted to Chicago Botanic Garden on July 17, 2013.
- Mankowski, A., editor. 2010. Endangered and Threatened Species of Illinois: Status and Distribution, Volume 4 – 2009 and 2010 Changes to the Illinois List of Endangered and Threatened Species. Illinois Endangered Species Protection Board, Springfield IL. iii + 38 pp.
- Mankowski, A. 2012. The Illinois Endangered Species Protection Act at Forty: a Review of the Act's Provisions and the Illinois List of Endangered and Threatened Species. Illinois Endangered Species Protection Board, Springfield IL. 152 pp. Published online at <http://www.dnr.illinois.gov/ESPB/Pages/default.aspx>.
- Mohlenbrock, R.H. 1986. Vascular Flora of Illinois. Southern Illinois University Press, Carbondale. 508 pp.
- Mohlenbrock, R.H. 2002. Vascular Flora of Illinois. Southern Illinois University Press, Carbondale. 490 pp.
- NatureServe. NatureServe Explorer: An online encyclopedia of life (web application). Version 7.1. NatureServe, Arlington VA. Available <http://www.natureserve.org/explorer>. (Accessed February 29, 2012; March 6, 2012; January 10, 2013; and, February 3, 2014.)
- Pollack, Cathy. United States Fish and Wildlife Service, Barrington IL. Personal communication, 07/01/2013.
- Taft, J. B., and M. K. Solecki. 1990. Vascular flora of the wetland and prairie communities at Gavin Bog and Prairie Nature Preserve, Lake County, Illinois. *Rhodora* 92: 142-165.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Taylor, Jane E. 2007. *Andromeda polifolia*. In: Fire Effects Information System, [Online]. U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fire Sciences Laboratory (Producer). Available: <http://www.fs.fed.us/database/feis/> [2014, February 3].

- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Shelly L. Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
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: January 2015

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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 c: ENDANGERED SPECIES

PART 1050

ILLINOIS LIST OF ENDANGERED AND THREATENED FLORA

Section

1050.10	Official List
1050.20	Definitions (Repealed)
1050.25	Criteria Used For Listing
1050.30	Endangered Flora of Illinois
1050.40	Threatened Flora of Illinois

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 209, effective May 20, 1980 unless otherwise noted; amended at 5 Ill. Reg. 10293, effective September 30, 1981; codified at 6 Ill. Reg. 2593; amended at 8 Ill. Reg. 13713, effective July 25, 1984; amended at 13 Ill. Reg. 3755, effective March 13, 1989; amended at 14 Ill. Reg. 6123, effective April 17, 1990; amended at 17 Ill. Reg. 10781, effective July 1, 1993; amended at 18 Ill. Reg. 1142, effective January 18, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 21902, effective December 3, 1998; amended at 28 Ill. Reg. 12904, effective September 1, 2004; amended at 33 Ill. Reg. 14748, effective October 30, 2009; amended at 39 Ill. Reg. _____, effective _____.

Section 1050.20 Definitions [\(Repealed\)](#)

~~To be in compliance with the Federal and State Endangered Species Acts, the following definitions apply:~~

~~Federally Endangered Species—Any species which is in danger of extinction throughout all or a significant portion of its range. (Denoted by two asterisks (**)) on adopted list.)~~

~~Federally Threatened Species—Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. (Denoted by one asterisk (*)) on adopted list.)~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

~~State Endangered Species—Any species which is in danger of extinction in the wild in Illinois. Individual plants and plant products produced from non-wild sources or legally obtained out of state shall be exempt from the provisions of the Illinois Endangered Species Protection Act. Failure to establish proof that such plants or plant products were produced from non-wild sources or were legally obtained out of state shall be prima facie evidence that they came from the wild within Illinois and are subject to all applicable rules and regulations.~~

~~State Threatened Species—Any species which is likely to become endangered in the wild in Illinois within the foreseeable future.~~

(Source: Repealed at 39 Ill. Reg. _____, effective _____)

Section 1050.25 Criteria Used For Listing

- a) A species shall be included on the Official List when one or more of the following criteria exists:
- 1) Species or subspecies designated as federally endangered or threatened~~included in the Federal list of Endangered or Threatened species.~~
 - 2) Species proposed for Federal Endangered or Threatened status that~~which~~ occur in Illinois.
 - 3) Species that~~which~~ formerly were widespread in Illinois but have been nearly extirpated from the State due to habitat destruction, collecting, or other pressures resulting from the development of Illinois.
 - 4) Species that~~which~~ exhibit very restricted geographic ranges of which Illinois is a part.
 - 5) Species that~~which~~ exhibit restricted habitats or low populations in Illinois.
 - 6) Species that~~which~~ are significant disjuncts in Illinois, i.e., the Illinois population is far removed from the rest of the species' range.
- b) A species will be removed from the Official List if it no longer fulfills one or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

more of the criteria in subsection (a), except for a species that no longer fulfills the criteria because it no longer grows in Illinois. The determination will be made pursuant to Section 7 of the Endangered Species Protection Act [520 ILCS 10/7].

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1050.30 Endangered Flora of Illinois

All federally designated endangered or threatened plant species and subspecies have been automatically placed on the Illinois List by the Board and are protected under the Illinois Endangered Species Protection Act even though their names do not appear in this Part. Only those federally designated endangered or threatened plant species or subspecies known to occur in Illinois are designated as Illinois-endangered or Illinois-threatened by the Board and their names appear in this Part. Users should refer to the US Fish and Wildlife Services website at www.fws.gov/endangered/ for a complete listing of all federally designated endangered and threatened species and subspecies.

SCIENTIFIC NAME	COMMON NAME
EQUISETACEAE	
Equisetum scirpoides	Dwarf Scouring Rush
Equisetum sylvaticum	Woodland Horsetail
HYMENOPHYLLACEAE	
Trichomanes boschianum	Filmy fern
ISOETACEAE	
Isoetes butleri	Butler's Quillwort <u>Quillwort</u>
LYCOPODIACEAE	
Lycopodium clavatum	Running Pine
Lycopodium dendroideum	Ground Pine
Lycopodiella inundata	Bog Clubmoss
OPHIOGLOSSACEAE	
<u>Botrychium biternatum</u>	<u>Southern Grape Fern</u>
Botrychium campestre	Prairie Moonwort
Botrychium matricariifolium	Daisyleaf Grape Fern
Botrychium multifidum	Northern Grape Fern
Botrychium simplex	Dwarf Grape Fern
POLYPODIACEAE	
Asplenium bradleyi	Bradley's Spleenwort
Asplenium resiliens	Black Spleenwort
Cystopteris laurentiana	Laurentian Fragile Fern

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Dennstaedtia punctilobula	Hay-scented Fern
Dryopteris celsa	Log Fern
Gymnocarpium dryopteris	Oak Fern
Gymnocarpium robertianum	Scented Oak Fern
Phegopteris connectilis	Long Beech Fern
Thelypteris noveboracensis	New York Fern
Woodsia ilvensis	Rusty Woodsia
CUPRESSACEAE	
Juniperus horizontalis	Trailing Juniper
PINACEAE	
Pinus banksiana	Jack Pine
Pinus echinata	Shortleaf Pine
Pinus resinosa	Red Pine
ALISMATACEAE	
Echinodorus tenellus	Small Burhead
Sagittaria australis	Arrowhead
ARACEAE	
Calla palustris	Water Arum
<u>COMMELINACEAE</u>	
<u>Tradescantia bracteata</u>	<u>Prairie Spiderwort</u>
CYPERACEAE	
Carex alata	Winged Sedge
Carex arkansana	Arkansas Sedge
Carex brunnescens	Brownish Sedge
Carex canescens var. disjuncta	Silvery Sedge
Carex chordorrhiza	Cordroot Sedge
Carex crawfordii	Crawford's Sedge
Carex cryptolepis	Yellow Sedge
Carex cumulata	Sedge
Carex decomposita	Cypress-knee Sedge
Carex diandra	Sedge
Carex disperma	Shortleaf Sedge
Carex echinata	Sedge
Carex formosa	Sedge
Carex garberi	Elk Sedge
Carex gigantea	Large Sedge
Carex inops subsp. heliophila	Plains Sedge
<u>Carex intumescens</u>	<u>Swollen Sedge</u>
Carex nigromarginata	Black-edged Sedge

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Carex oligosperma	Few-seeded Sedge
Carex physorhyncha	Bellow's Beak Sedge
Carex plantaginea	Plantain-leaved Sedge
Carex reniformis	Reniform Sedge
Carex trisperma	Three-seeded Sedge
Carex tuckermanii	Tuckerman's Sedge
Eleocharis olivacea (Eleocharis flavescens var. olivacea)	Capitate Spikerush
Eleocharis pauciflora (Eleocharis quinqueflora)	Few-flowered Spikerush
Eriophorum virginicum	Rusty Cotton Grass
Fimbristylis vahlii	Vahl's Fimbristylis
Rhynchospora alba	Beaked Rush
Rhynchospora glomerata	Clustered Beak Rush
Schoenoplectus purshianus	Weak Bulrush
Schoenoplectus smithii	Smith's Bulrush
Scirpus hattorianus	Bulrush
Scirpus microcarpus	Bulrush
Scleria muhlenbergii	Muhlenberg's Nut Rush
Scleria pauciflora	Carolina Whipgrass
Trichophorum cespitosum	Tufted Bulrush
IRIDACEAE	
Sisyrinchium atlanticum	Eastern Blue-eyed Grass
Sisyrinchium montanum	Mountain Blue-eyed Grass
JUNCACEAE	
Juncus vaseyi	Vasey's Rush
Luzula acuminata	Hairy Woodrush
LILIACEAE	
Camassia angusta	Wild Hyacinth
Chamaelirium luteum	Fairy Wand
Medeola virginiana	Indian Cucumber Root
Polygonatum pubescens	Downy Solomon's Seal
Stenanthium gramineum	Grass-leaved Lily
Trillium cernuum	Nodding Trillium
Trillium erectum	Ill-scented Trillium
Trillium viride	Green Trillium
Zigadenus elegans (Zigadenus venenosus var. gramineus)	White Camass
ORCHIDACEAE	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Calopogon oklahomensis	Oklahoma Grass Pink Orchid
Calopogon tuberosus	Grass Pink Orchid
<u>Corallorhiza maculata</u>	<u>Spotted Coral-root Orchid</u>
Cypripedium acaule	Moccasin Flower
Cypripedium parviflorum var. makasin	Small Yellow Lady's Slipper
Cypripedium reginae	Showy Lady's Slipper
Hexalectris spicata	Crested Coralroot Orchid
<u>Isotria medeoloides*</u>	<u>Small Whorled Pogonia</u>
Isotria verticillata	Whorled Pogonia
Platanthera ciliaris	Orange Fringed Orchid
Platanthera clavellata	Wood Orchid
<u>Platanthera flava var. flava</u>	<u>Tubeled Orchid</u>
Platanthera leucophaea*	Eastern Prairie Fringed Orchid
Platanthera psycodes	Purple Fringed Orchid
Pogonia ophioglossoides	Snake-mouth
Spiranthes lucida	Yellow-lipped Ladies' Tresses
Spiranthes vernalis	Spring Ladies' Tresses
POACEAE	
<u>Ammophila breviligulata</u>	<u>Marram Grass</u>
Bechmannia syzigachne	American Slough Grass
Bouteloua gracilis	Blue Grama
Calamagrostis insperata	Bluejoint Grass
Deschampsia flexuosa	Hairgrass
Dichanthelium boreale	Northern Panic Grass
Dichanthelium portoricense	Hemlock Panic Grass
Dichanthelium jorii	Panic Grass
Dichanthelium ravenelii	Ravenel's Panic Grass
Dichanthelium yadkinense	Panic Grass
<u>Elymus trachycaulis</u>	<u>Bearded Wheat Grass</u>
Glyceria arkansana	Arkansas Manna Grass
Melica mutica	Two-Flowered Melic Grass
<u>Paspalum dissectum</u>	<u>Bead Grass</u>
Poa alsodes	Grove Bluegrass
Poa languida	Weak Bluegrass
Poa wolfii	Wolf's Bluegrass
Torreyochloa pallida	Pole Manna-Grass
Schizachne purpurascens	False Melic Grass
PONTERDERIACEAE	
Heteranthera reniformis	Mud Plantain

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

POTAMOGETONACEAE

Potamogeton praelongus	White-stemmed Pondweed
Potamogeton pulcher	Spotted Pondweed
Potamogeton robbinsii	Fern Pondweed
Potamogeton strictifolius	Stiff Pondweed

SPARGANIACEAE

Sparganium americanum	American Bur-reed Burreed
Sparganium emersum	Green-fruited Bur-reed Burreed

ACANTHACEAE

Justicia ovata	Water Willow
----------------	--------------

ADOXACEAE

Adoxa moschatellina	Moschatel
---------------------	-----------

AMARANTHACEAE

Iresine rhizomatosa	Bloodleaf
---------------------	-----------

APIACEAE

Conioselinum chinense	Hemlock Parsley
Cynosciadium digitatum	Cynosciadium
Eryngium prostratum	Eryngo
Ptilimnium nuttallii	Mock Bishop's Weed
Sanicula smallii	Southern Sanicula

ASCLEPIADACEAE

Asclepias lanuginosa	Woolly Milkweed
Asclepias meadii*	Mead's Milkweed
Asclepias ovalifolia	Oval Milkweed
Asclepias stenophylla	Narrow-leaved Green Milkweed
Matelea decipiens	Climbing Milkweed

ASTERACEAE

Artemisia dracunculus	Dragon Wormwood
Eupatorium hyssopifolium	Hyssop-leaved Thoroughwort
Helianthus giganteus	Tall Sunflower
Megalodonta beckii	Water Marigold
Melanthera nivea	White Melanthera
Nothocalais cuspidata	Prairie Dandelion
Tetaneuris herbacea	Lakeside Daisy

~~BERBERIDACEAE~~

Berberis canadensis	Allegheny Barberry
--------------------------------	-------------------------------

BETULACEAE

Alnus incana subsp. rugosa	Speckled Alder
Betula alleghaniensis	Yellow Birch

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

BORAGINACEAE

Hackelia deflexa var. americana	Stickseed
Heliotropium tenellum	Slender Heliotrope

BRASSICACEAE

Cardamine pratensis var. palustris	Cuckoo Flower
Draba cuneifolia	Whitlow Grass
Lesquerella ludoviciana	Silvery Bladderpod

CACTACEAE

Opuntia fragilis	Fragile Prickly Pear
------------------	----------------------

CAPPARIDACEAE

Polanisia jamesii	James' Clammyweed
-------------------	-------------------

CAPRIFOLIACEAE

Lonicera dioica var. glaucescens	Red Honeysuckle
Lonicera flava	Yellow Honeysuckle
Sambucus racemosa subsp. pubens	Red-berried Elder
Symphoricarpos albus var. albus	Snowberry

CARYOPHYLLACEAE

Silene ovata	Ovate Catchfly
Silene regia	Royal Catchfly
Stellaria pubera	Great Chickweed

~~CELASTRACEAE~~

Euonymus americanus	American Strawberry Bush
--------------------------------	-------------------------------------

CISTACEAE

Hudsonia tomentosa	False Heather
<u>Lechea intermedia</u>	<u>Pinweed</u>

CLUSIACEAE

Hypericum adpressum	Shore St. John's Wort
Hypericum kalmianum	Kalm's St. John's Wort

CONVOLVUACEAE

Stylisma <u>Stylisama</u> pickeringii	Patterson's Bindweed
--	----------------------

CORNACEAE

Cornus canadensis	Bunchberry
-------------------	------------

CORYLACEAE

Corylus cornuta	Beaked Hazelnut
-----------------	-----------------

DROSERACEAE

Drosera rotundifolia	Round-leaved Sundew
----------------------	---------------------

ELAEAGNACEAE

Shepherdia canadensis	Buffaloberry
-----------------------	--------------

ERICACEAE

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Andromeda glaucophylla	Bog Rosemary
Arctostaphylos uva-ursi	Bearberry
Vaccinium corymbosum	Highbush Blueberry
Vaccinium macrocarpon	Large Cranberry
Vaccinium oxycoccos	Small Cranberry
Vaccinium stamineum	Deerberry
EUPHORBIACEAE	
Chamaesyce polygonifolia	Seaside Spurge
Euphorbia spathulata	Spurge
FABACEAE	
Amorpha nitens	Smooth False Indigo
Astragalus crassicaupus var. trichocalyx	Large Ground Plum
Astragalus distortus	Bent Milk Vetch
Astragalus tennesseensis	Tennessee Milk Vetch
Baptisia tinctoria	Yellow Wild Indigo
Cladrastis lutea (Cladrastis kentuckea)	Yellowwood
Dalea foliosa **	Leafy Prairie Clover
Galactia mohlenbrockii	Boykin's Dioclea
Lespedeza leptostachya*	Prairie Bush Clover
FAGACEAE	
Quercus texana	Nuttall's Oak
GENTIANACEAE	
Bartonia paniculata	Screwstem
Sabatia campestris	Prairie Rose Gentian
GERANIACEAE	
Geranium bicknellii	Northern Cranesbill
HYDROPHYLLACEAE	
Hydrolea uniflora	One-flowered Hydrolea
Nemophila triloba	Baby Blue-Eyes
Phacelia gilioides	Ozark Phacelia
JUGLANDACEAE	
Carya pallida	Pale Hickory
LAMIACEAE	
Synandra hispidula	Hairy Synandra
LENTIBULARIACEAE	
Utricularia cornuta	Horned Bladderwort
Utricularia minor	Small Bladderwort
Utricularia subulata	Hair Bladderwort

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

LOASACEAEMentzelia oligospermaStickleaf

MALVACEAE

Iliamna remota

Kankakee Mallow

Malvastrum hispidum

False Mallow

MELASTOMACEAE

Rhexia mariana

Dull Meadow Beauty

MYRICACEAE

Comptonia peregrina

Sweetfern

NYCTAGINACEAE

Mirabilis hirsuta

Hairy Umbrella-wort

ONAGRACEAE

Circaea alpina

Small Enchanter's Nightshade

OROBANCHACEAE

Orobanche fasciculata

Clustered Broomrape

OXALIDACEAEOxalis illinoensisIllinois Wood Sorrel

PAPAVERACEAE

Corydalis aurea

Golden Corydalis

Corydalis halei

Hale's Corydalis

Corydalis sempervirens

Pink Corydalis

PLANTAGINACEAE

Plantago cordata

Heart-leaved Plantain

POLEMONIACEAE

Phlox pilosa subsp. sangamonensis

Sangamon Phlox

POLYGALACEAE

Polygala incarnata

Pink Milkwort

POLYGONACEAE

Polygonum arifoliumHalberd-leaved Tearthumb

Polygonum careyi

Carey's Heartsease

Tracaulon arifoliumHalberd-leaved Tearthumb

PORTULACACEAE

Talinum calycinum

Fameflower

PRIMULACEAE

Lysimachia radicans

Creeping Loosestrife

Primula mistassinica

Bird's-eye Primrose

Trientalis borealis

Star-flower

PYROLACEAE

Chimaphila maculata

Spotted Wintergreen

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Chimaphila umbellata	Pipsissewa
RANUNCULACEAE	
Cimicifuga americana	American Bugbane
Cimicifuga racemosa	False Bugbane
Cimicifuga rubifolia	Black Cohosh
Clematis crispa	Blue Jasmine
Clematis occidentalis	Mountain Clematis
Clematis viorna	Leatherflower
RHAMNACEAE	
Berchemia scandens	Supple-Jack
Ceanothus herbaceus	Redroot
Rhamnus alnifolia	Alder Buckthorn
ROSACEAE	
Amelachier sanguinea	Shadbush
Filipendula rubra	Queen of the Prairie
Malus angustifolia	Narrow-leaved Crabapple
Rosa acicularis	Bristly Rose
Rubus odoratus	Purple-flowering Raspberry
Sanguisorba canadensis	American Burnet
Sorbus americana	American Mountain Ash
RUBIACEAE	
Galium lanceolatum	Wild Licorice
Galium virgatum	Dwarf Bedstraw
SALICACEAE	
Populus balsamifera	Balsam Poplar
Salix serissima	Autumn Willow
Salix syrticola	Dune Willow
SAPOTACEAE	
Bumelia lanuginosa	Wooly Buckthorn
SARRACENIACEAE	
Sarracenia Sarracenia purpurea	Pitcher Plant
SAXIFRAGACEAE	
Ribes hirtellum	Northern Gooseberry
Saxifraga virginensis	Early Saxifrage
SCROPHULARIACEAE	
Castilleja sessiliflora	Downy Yellow Painted Cup
Collinsia violacea	Violet Collinsia
Gratiola quartermaniae	Hedge Hyssop
Mimulus glabratus	Yellow Monkey Flower

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Penstemon brevisepalus	Short-sepaed Beard Tongue
Penstemon tubaeiflorus	Tube Beards Tongue
Penstemon grandiflorus	Large-flowered Beard Tongue
Veronica americana	American Brooklime
STYRACACEAE	
Halesia carolina	Silverbell Tree
Styrax grandifolius	Bigleaf Snowbell Bush
TILLIACEAE	
Tilia heterophylla	White Basswood
ULMACEAE	
Ulmus thomasii	Rock Elm
VALERIANACEAE	
Valeriana uliginosa	Marsh Valerian
Valerianella chenopodifolia	Corn Salad
Valerianella umbilicata	Corn Salad
VIOLACEAE	
Viola blanda	Hairy White Violet
Viola canadensis	Canada Violet
Viola primulifolia	Primrose Violet

* Federally designated threatened species

** Federally designated endangered species

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1050.40 Threatened Flora of Illinois

All federally designated endangered or threatened plant species and subspecies have been automatically placed on the Illinois List by the Board and are protected under the Illinois Endangered Species Protection Act even though their names do not appear in this Part. Only those federally designated endangered or threatened plant species and subspecies known to occur in Illinois are designated as Illinois-endangered or Illinois-threatened by the Board and their names appear in this Part. Users should refer to the US Fish and Wildlife Service at www.fws.gov/endangered/ for a complete listing of all federally designated endangered and threatened species and subspecies.

SCIENTIFIC NAME

COMMON NAME

PHYSICIACEAE

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Phaeophyscia leana	Lea's Bog Lichen
EQUISETACEAE	
Equisetum pratense	Meadow Horsetail
LYCOPODIACEAE	
Huperzia porophila	Cliff Clubmoss
OPHIOGLOSSACEAE	
Botrychium biternatum	Southern Grape Fern
CUPRESSACEAE	
Juniperus communis	Ground Juniper
PINACEAE	
Larix laricina	Tamarack
COMMELINACEAE	
Tradescantia bracteata	Prairie Spiderwort
CYPERACEAE	
Carex atlantica	Sedge
Carex aurea	Golden Sedge
Carex bromoides	Sedge
Carex communis	Fibrous-rooted Sedge
<u>Carex cryptolepis</u>	<u>Yellow Sedge</u>
Carex intumescens	Swollen Sedge
Carex oxylepis	Sharp-scaled Sedge
Carex prasina	Drooping Sedge
Carex viridula	Little Green Sedge
Carex willdenowii	Willdenow's Sedge
Carex woodii	Pretty Sedge
Cyperus grayoides <u>grayioides</u>	Umbrella Sedge
Cyperus lancastris	Galingale
Eleocharis rostellata	Beaked Spike Rush
Rhynchospora alba	Beaked Rush
Schoenoplectus hallii	Hall's Bulrush
Scirpus polyphyllus	Bulrush
IRIDACEAE	
Sisyrinchium atlanticum	Eastern Blue Eyed Grass
JUNCAGINACEAE	
Triglochin maritima	Common Bog Arrowgrass
Triglochin palustris	Slender Bog Arrowgrass
LILIACEAE	
Melanthium virginicum	Bunchflower
<u>Polygonatum pubescens</u>	<u>Downy Solomon's Seal</u>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

<u>Stenanthium gramineum</u>	<u>Grass-leaved Lily</u>
Tofieldia glutinosa	False Asphodel
ORCHIDACEAE	
<u>Corallorhiza maculata</u>	<u>Spotted Coral-root Orchid</u>
<u>Cypripedium candidum</u>	<u>White Lady's Slipper</u>
Platanthera flava var. herbiola	Tubercled Orchid
POACEAE	
<u>Ammophila breviligulata</u>	<u>Marram Grass</u>
<u>Elymus trachycaulis</u>	<u>Bearded Wheat Grass</u>
POTAMOGETONACEAE	
Potamogeton gramineus	Grass-leaved Pondweed
ASCLEPIADACEAE	
<u>Matelea obliqua</u>	<u>Climbing Milkweed</u>
ASTERACEAE	
Aster furcatus	Forked Aster
Boltonia decurrens*	Decurrent False Aster
Cirsium pitcheri*	Pitcher's (Dune) Thistle
Helianthus angustifolius	Narrow-leaved Sunflower
Hymenopappus scabiosaeus	Old Plainsman
<u>Liatis scariosa var. nieuwlandii</u>	<u>Blazing Star</u>
Rudbeckia missouriensis	Missouri Orange Coneflower
Solidago sciaphila	Cliff Goldenrod
BRASSICAEAE	
Cakile edentula	Sea Rocket
CAPRIFOLIACEAE	
<u>Viburnum</u> Virburnum molle	Arrowwood
CARYOPHYLLACEAE	
Minuartia patula	Slender Sandwort
CELASTRACEAE	
<u>Euonymus americanus</u>	<u>American Strawberry Bush</u>
CISTACEAE	
<u>Lechea intermedia</u>	<u>Pinweed</u>
CRASSULACEAE	
Sedum telephioides	American Orpine
CUCURBITACEAE	
Melothria pendula	Squirting Cucumber
DROSERACEAE	
Drosera intermedia	Narrow-leaved Sundew
ERICACEAE	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Chamaedaphne calyculata	Leatherleaf
FABACEAE	
Lathyrus Lathyrus ochroleucus	Pale Vetchling
Trifolium Tribolium reflexum	Buffalo Clover
FAGACEAE	
Quercus phellos	Willow Oak
Quercus montana	Rock Chestnut Oak
JUGLANDACEAE	
Carya aquatica	Water Hickory
JUNCACEAE	
Juncus alpinoarticulatus alpinus	Richardson's Rush
LAMIACEAE	
Salvia azurea subsp. pitcheri	Blue Sage
Synandra <u>hispidula</u>	<u>Hairy Synandra</u>
LENTIBULARIACEAE	
Utricularia intermedia	Flat-leaved Bladderwort
MENYANTHACEAE	
Menyanthes trifoliata	Buckbean
ONAGRACEAE	
Epilobium strictum	Downy Willow Herb
Oenothera perennis	Small Sundrops
OROBANCHACEAE	
Orobanche ludoviciana	Broomrape
<u>OXALIDACEAE</u>	
<u>Oxalis illinoensis</u>	<u>Illinois Wood Sorrel</u>
PORTULACACEAE	
Talinum parviflorum	Small Flower-Of-An-Hour
PRIMULACEAE	
Dodecatheon frenchii	French's Shooting Star
RANUNCULACEAE	
Cimicifuga rubifolia	Black Cohosh
Delphinium carolinianum	Wild Blue Larkspur
Ranunculus Ranunculus rhomboideus	Prairie Buttercup
<u>RHAMNACEAE</u>	
Berchemia scandens	Supple Jack
ROSACEAE	
Amelanchier interior	Shadbush
<u>Filipendula rubra</u>	<u>Queen-of-the-Prairie</u>
<u>Rubus odoratus</u>	<u>Purple-flowering Raspberry</u>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Rubus pubescens	Dwarf Raspberry
Rubus schneideri	Bristly Blackberry
SAXIFRAGACEAE	
Sullivantia sullivantii	Sullivantia
SCROPHULARIACEAE	
Agalinis Agalinus skinneriana	Pale False Foxglove
Besseyia bullii	Kitten Tails
Buchnera americana	Blue Hearts
Tomanthera auriculata	Ear leafed Foxglove
Veronica scutellata	Marsh Speedwell
STYRACACEAE	
Styrax americana	Storax
ULMACEAE	
Planera aquatica	Water Elm
URTICACEAE	
Urtica chamaedryoides chamaedryoides	Nettle
VIOLACEAE	
Viola conspersa	Dog Violet

* Federally designated threatened species

** Federally designated endangered species.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Number: 1540.380 Proposed Action:
New Section
- 4) Statutory Authority: 40 ILCS 5/14-135.03 and 40 ILCS 5/14-148.1
- 5) A Complete Description of the Subjects and Issues Involved: Section 14-148.1 of the Illinois Pension Code provides that if the State Employees' Retirement System (System) mistakenly sets any benefit at an incorrect amount, it shall recalculate the benefit as soon as may be practicable after the mistake is discovered. The statute provides procedures for the System to pay the member if it has set the benefit too low, as well as for members to pay the System if the benefit was set too high.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Houch
State Retirement Systems
2101 South Veterans Parkway
P.O. Box 19255

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

Springfield IL 62794-9255

217/524-8105

fax: 217/557-3943

email: jeff.houch@srs.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The System did not include this on a regulatory agenda yet, as it had not anticipated proposing the rule until the summer of 2015.

The full text of the Proposed Amendment is identical to that of the text of the emergency amendment and begins on page 2792.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds
- 2) Code Citation: 20 Ill. Adm. Code 1286
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1286.10	Amendment
1286.60	Amendment
1286.100	Amendment
1286.110	Amendment
1286.210	Amendment
1286.240	Amendment
1286.300	Amendment
1286.320	Amendment
- 4) Statutory Authority: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will update the duties of a Breath Analysis Operator (BAO) and department notification procedures. The requirement for a BAO to complete a proficiency examination is being eliminated. The minimum number of instruction hours that BAO candidates must complete is being changed from 24 to 16. In addition, a minimum of 12 students must be in attendance to start and conduct the class. The Alco-Sensor VXL and Intoxilyzer 500 have been added to the approved evidentiary instrument and PBT listings. The S-D5 will no longer be an approved PBT after March 31, 2016. If a subject refuses a breath test, the 20-minute observation period is no longer required. New statutory language is being added which allows blood samples in Illinois to also be collected by a physician assistant and a licensed advanced practice nurse.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Public Act 98-0914
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:

Ms. Lisa R. Freitag
Rules Coordinator
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-9356
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Municipal law enforcement agencies will be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Printing of the monthly accuracy check from the evidential instrument and attaching the document to the instrument logbook will be required.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: Breath Analysis Officer License

- 14) Regulatory Agenda which this rulemaking was summarized: January 2015

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1286
TESTING OF BREATH, BLOOD AND URINE
FOR ALCOHOL, OTHER DRUGS, AND INTOXICATING COMPOUNDS

SUBPART A: GENERAL PROVISIONS

Section	
1286.10	Definitions
1286.20	Grievances
1286.30	Additional Testing
1286.40	Conversion of a Blood Serum or Blood Plasma Alcohol Concentration to a Whole Blood Equivalent
1286.50	Passive Sensors
1286.60	Department Notification
1286.70	Maintenance of Records for Approved Evidentiary Instruments
1286.75	Subpoena Procedure for Evidentiary Instruments
1286.80	Installation of Approved Stationary Evidentiary Instruments, Ethernet Connectivity, and Logbook and Portable Evidentiary Instrument Availability
1286.90	Reporting Laboratory Results

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND
LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section	
1286.100	Licensing BAOs
1286.110	Renewal of BAO License
1286.120	Revocation and Denial of BAO License
1286.130	Authorization of BATs
1286.140	Revocation and Denial of BAT Authorization
1286.150	Accrediting BAIs
1286.160	Revocation and Denial of BAI Accreditation
1286.170	Certification of Laboratories and Laboratory Technicians
1286.180	Revocation and Denial of Laboratory Certification

SUBPART C: EQUIPMENT

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

Section

1286.200	Equipment Approval and Accuracy
1286.210	Evidentiary Instrument Approval
1286.220	Checking Approved Evidentiary Instruments for Accuracy
1286.230	Checking Approved Evidentiary Instruments for Continued Accuracy
1286.240	PBT Approval
1286.250	Checking Approved PBTs for Accuracy
1286.260	Operation of PBTs

SUBPART D: SAMPLING PROCEDURES

Section

1286.300	General Sampling Protocol
1286.310	Approved Evidentiary Instrument Operation
1286.320	Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.330	Urine Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.340	Urine Collection for Determining the Concentration of Urine Alcohol (Repealed)
1286.350	Operation of PBTs (Repealed)

AUTHORITY: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 239, effective January 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 3023, effective February 1, 2001; amended at 28 Ill. Reg. 10017, effective June 30, 2004; amended at 31 Ill. Reg. 7305, effective May 1, 2007; emergency amendment at 31 Ill. Reg. 10188, effective July 9, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 15107, effective October 29, 2007; amended at 33 Ill. Reg. 8529, effective June 4, 2009; amended at 35 Ill. Reg. 18897, effective October 31, 2011; amended at 39 Ill. Reg. _____, effective _____.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: GENERAL PROVISIONS

Section 1286.10 Definitions

"Accredited Law Enforcement Training Academy" means a police training organization that is recognized by the Illinois Law Enforcement Training Standards Board and is accredited by Commission on Accreditation for Law Enforcement Agencies (CALEA), 10302 Eaton Place, Suite 100, Fairfax VA 22030-2215.

"Accuracy Check Record" means the data recorded in a logbook or stored in memory when an accuracy check is performed on an approved evidentiary instrument. Accuracy test records will include at least the type of instrument, instrument serial number, test date, reference sample value, and the readings of the two accuracy check tests. Certification check and standard check are synonyms for accuracy check.

"Agency" means a Municipal, Park District, County, State, Federal law enforcement agency or Circuit Court Probation Department involved in the use of approved evidentiary instruments or PBTs.

"Alcohol" means ethanol (commonly referred to as grain alcohol), ethyl alcohol, alcoholic beverage, alcoholic liquor, isopropanol or methanol.

"Alcohol Concentration" means weight in grams of alcohol in a specified volume of blood, breath, or urine.

"Approved Evidentiary Instrument" means an instrument approved for use by the Department to obtain a BrAC pursuant to a breath test as described under Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a], Section 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501], Section 11-501.1 of the Illinois Vehicle Code [625 ILCS 5/11-501.1], Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2], Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6], Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8], and Sections that cross-reference Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2].

"Approved PBT" means an instrument approved for use by the Department either

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

to obtain a BrAC pursuant to a preliminary breath screening test as described under Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5], Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-16b], Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b], and Sections that cross-reference Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5] or to obtain a BrAC pursuant to a breath test as described under Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6], and Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8].

"Blood Alcohol Concentration" or "BAC" means grams of alcohol per 100 milliliters of whole blood (Section 11-501.2(a)(5) of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)(5)]).

"Breath Alcohol Concentration" or "BrAC" means *grams of alcohol per 210 liters of breath* (Section 11-501.2(a)5 of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)5]).

"Breakdown" means a malfunction that affects the analytical performance of the instrument or its ability to quantitate a BrAC.

"Breath Analysis Instructor" or "BAI" means an individual who is accredited by the Department to instruct breath analysis instrument operations and to train and administer licensing examinations to BAOs.

"Breath Analysis Operator" or "BAO" means an individual licensed by the Department to operate approved evidentiary instruments and to create subject test records. BAOs can print local reports from an evidential instrument, including accuracy checks, and perform basic maintenance on the instrument, such as replacing the instrument's paper or keyboard, ~~perform basic maintenance (i.e., replace a fuse), and make minor adjustments (i.e., correct the date/time).~~

"Breath Analysis Reading" means the numeric value of the first two digits to the right of the decimal point of a BrAC analysis as displayed, printed, or recorded by an instrument.

"Breath Analysis Technician" or "BAT" means an individual who is authorized by the Department to conduct re-certification classes for BAOs and to administer that examination, to install, examine, certify, repair, maintain, check the accuracy of approved evidentiary instruments, and create accuracy check records and service

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

records.

"Central Repository" means the collection and maintenance by the Department of business records, maintained by an agency in the normal course of business, of subject test records, quick tests, accuracy check records, calibrations, and service records.

"Certified Paramedic" means an individual licensed by the Illinois Department of Public Health as an Emergency Medical Technician (Intermediate) or Emergency Medical Technician (Paramedic) acting under the direction of a licensed physician as a phlebotomist.

"Department" means the Illinois Department of State Police.

"Director" means the Director of State Police.

"Foreign Substance" means any substance not in the subject's body when a 20-minute observation period is commenced, excluding a substance introduced due to normal breathing.

"Ingested" means eaten, chewed, swallowed or consumed by mouth in any other manner; inhaled, sniffed, snorted, sprayed, or introduced into the breathing passages in any other manner; injected or introduced into the body in any manner.

"Instrument" means any item or combination of items of equipment used to quantitate a breath analysis reading.

"Internal Memory" means the digital storage medium that is part of an approved evidentiary instrument that registers subject test records, accuracy check records, quick tests, and calibrations.

"License" means a permit issued as evidence by the Department to an individual as proof of his or her authority and competence as a BAO, BAT, BAI, or PBT-E.

"Logbook" means a business record, maintained by the agency in the normal course of business, of subject test records and accuracy check records. The logbook does not contain automatic accuracy checks or accuracy checks performed remotely.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

"Malfunction" means failure of an instrument to function properly.

"NHTSA's List" means the Conforming Products List of Evidential Breath Measuring Instruments produced by the National Highway Traffic Safety Administration, United States Department of Transportation.

"Passive Sensor" means a unit that monitors ambient air for the presence of alcohol for an investigative purpose.

"Phlebotomist" means a person trained to collect blood from another individual through venipuncture.

"Preliminary Breath Test Device" or "PBT" means a portable device used to quantitate a breath analysis reading.

"Preliminary Breath Test Examiner" or "PBT-E" means a BAO who is authorized by the Department to perform accuracy checks on preliminary breath test devices.

"Reference Sample" means either a solution for use in a breath simulator, commonly referred to as a wet bath simulator, or a dry gas mixture, commonly referred to as a dry gas evidential standard (DGES), for the purpose of instrument certification, accuracy checks, and/or calibration.

"Service Record" means information concerning an instrument breakdown. Service records will include at least the type of instrument, instrument serial number, date of service, service issue reported, service issue found, probable cause of service issue, corrective action taken, and BAT. Service records do not include information such as a bill for repairs of an approved evidentiary instrument or documentation included with an instrument returned from the manufacturer.

"Subject Test Record" means the data recorded by a BAO in the logbook or printed out or stored by the instrument in memory when a subject is tested with an approved evidentiary instrument. Subject test records will include at least the type of instrument, instrument serial number, name of individual tested, test date, breath analysis reading, and BAO. Subject Test Records do not include information other than that which can be recorded in instrument memory or the central repository.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

"Urine Alcohol Concentration" or "UAC" means *the number of grams of alcohol per 67 milliliters of urine* (Section 6-500(2)(C) of the Illinois Vehicle Code [625 ILCS 5/6-500(2)(C)]).

"Whole Blood Equivalent" means the conversion of a blood serum or blood plasma alcohol concentration to an approximate BAC.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1286.60 Department Notification

- a) Agencies shall notify the Department:
 - 1) If an approved evidentiary instrument needs service.
 - 2) If the agency receives an approved evidentiary instrument or PBT from an entity other than the manufacturer.
 - 3) If an agency returns the evidentiary instrument to the manufacturer for repairs, the service report shall be submitted to the Department.
 - 4) Agencies shall designate a Breath Analysis Operator to check and assess the evidential instrument in their department each month on a day of their choice between the 1st and 10th of the month. This assessment shall include the review of any error messages displayed; ensuring sufficient mouthpieces and paper are available; and printing the most recent accuracy check. The accuracy check shall be attached to the logbook for future use.
- b) BAOs shall notify the Department:
 - 1) If the BAO leaves the employment of the agency that employed the BAO.
 - 2) If the BAO changes his or her name.
- c) Certified laboratories shall notify the Department of any change in accreditation status, as well as when a laboratory technician leaves the employment of the laboratory or when a new laboratory technician is hired to quantitate alcohol and/or other drugs in human biological fluids.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- d) Any manufacturer who sells an approved evidentiary instrument or a PBT to an agency in Illinois shall notify the Department of all such sales, listing the name of the agency, the date, the make, and serial number of the instrument.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND
LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section 1286.100 Licensing BAOs

The Director or his/her designee is authorized to license persons to be BAOs subject to the requirements of this Section. BAOs are licensed to perform all appropriate BAO functions described in this Part. Only licensed BAOs may operate evidential breath testing instruments.

- a) To be eligible to be a BAO, the individual must be employed by an agency or an accredited law enforcement training academy. BAO candidates, including those who have previously been licensed as a BAO in another state, must successfully attend the course and pass the written and proficiency examination or successfully complete a computer-based training (CBT) course.
- b) Under the direction and control of a BAI, BAO candidates must:
- 1) Complete a training curriculum approved by the Department that includes a minimum of 1624 hours of instruction, which includes the following:
 - A) Presentation and discussion of the psychological, physiological, and pharmacological effects of alcohol in the human body;
 - B) Demonstration and discussion of instruments and the analytical processes used to measure BrAC;
 - C) Practical application and demonstration in the use of an approved evidentiary instrument; and
 - D) Discussion of current DUI issues, the administrative rules, and case law.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- 2) Pass the following:
 - A) The standardized written examination for Breath Analysis Operator provided by the Department with a minimum score of 70 percent.
 - B) Demonstrate proficiency with approved evidential instruments.~~A proficiency examination where the candidate operates approved evidentiary instruments.~~
- c) A license shall be valid for a period of three years after the printed date of issuance. If the license is not renewed as provided for in Section 1286.110, it shall expire three years after the printed date of issuance.
- d) Licensing classes will be held in locations approved by the Department based upon appropriate lighting, space, heating, and air conditioning conditions. A minimum of 12 students must be in attendance to start and conduct the class.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1286.110 Renewal of BAO License

The Director or his/her designee is authorized to renew BAO licenses subject to the requirements of this Section. An individual with a renewed BAO license is a BAO. A renewed BAO license shall be subject to the same terms and conditions as an original BAO license.

- a) BAO license renewal candidates must either successfully attend the renewal course and pass the written renewal examination or successfully complete the computer-based training course.
 - 1) Under the direction and control of a BAT, BAO renewal candidates attending the renewal course must:
 - A) Complete a training curriculum approved by the Department that includes the following:
 - i) Review of theory and practice with an approved evidentiary instrument;

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- ii) Review of administrative rules as contained in this Part;
and
 - iii) Review of current and related problems in the field.
- B) Pass the ~~following:~~ⁱ⁾The standardized written examination for Breath Analysis Operator provided by the Department with a minimum score of 70 percent; ~~and~~
- ~~ii) A proficiency examination where the candidate operates an approved evidentiary instrument.~~
- 2) The computer-based BAO license renewal course will:
- A) Review subject matter similar to the BAO classroom instruction;
and
 - B) Provide an objective examination that the BAO license renewal candidate must pass with a minimum score of 70 percent.
- b) A BAO license that has either been revoked or been expired for more than one year cannot be renewed. To become licensed again, the individual must complete the initial licensure course. Appeals from this decision may be pursued in accordance with Section 1286.20.
- c) The Department will designate sites and dates for renewal courses.
- d) Renewal courses will be held in locations approved by the Department based upon appropriate lighting, space, heating, and air conditioning conditions.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART C: EQUIPMENT

Section 1286.210 Evidentiary Instrument Approval

Approved evidentiary instruments shall print and display a breath analysis reading. Approved evidentiary instruments can print and display two or three digits to the right of the decimal point. Whether the approved evidentiary instrument prints and displays two or three digits to the right

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

- a) The Department shall only approve evidentiary instruments enumerated in NHTSA's list. The Department approves the following instruments for obtaining breath analysis readings:
 - 1) Intoximeters ~~EC/IREC-IR~~, manufactured by Intoximeters, Inc.
 - 2) RBT IV, in conjunction with a printer, manufactured by Intoximeters, Inc.
 - 3) Intoximeters ~~EC/IREC-IR~~ II, manufactured by Intoximeters, Inc.
 - 4) Intoxilyzer 8000, manufactured by CMI, Inc.
 - 5) Intoximeters ~~EC/IREC-IR~~ II, with serial numbers 10001 and above, manufactured by Intoximeters, Inc.
 - 6) Alco-Sensor VXL, in conjunction with a printer, manufactured by Intoximeters, Inc.
- b) Should an instrument in subsection (a) be removed from NHTSA's list, the instrument will remain an approved evidentiary instrument under this Part for a period of 18 months subsequent to removal or until this Section is amended.
- c) The Department may temporarily approve additional evidential instrumentation from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of evidentiary instruments temporarily approved for breath testing in addition to those provided in subsection (a). Evidentiary instruments may be temporarily approved for a maximum period of 18 months. The list of temporarily approved evidentiary instruments, if any, shall be available to the public upon request to the Alcohol and Substance Testing Section.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1286.240 PBT Approval

PBTs shall display a breath analysis reading. PBTs can display two or three digits to the right of the decimal point. Whether the PBT displays two or three digits to the right of the decimal point,

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

the breath analysis reading consists of the first two digits to the right of the decimal point.

- a) The Department shall only approve PBTs enumerated in NHTSA's list. The Department approves the following PBTs for obtaining breath analysis readings:
- 1) S-D2, manufactured by CMI, Inc.
 - 2) Alcosensor III, manufactured by Intoximeters, Inc.
 - 3) Alcosensor III (Enhanced with serial numbers above 1,200,000), manufactured by Intoximeters, Inc.
 - 4) Alcosensor IV, manufactured by Intoximeters, Inc.
 - 5) S-D5, manufactured by CMI, Inc., until March 31, 2016, at which time the S-D5 will no longer be approved for use in Illinois.
 - 6) Alcosensor FST, manufactured by Intoximeters, Inc.
 - 7) Alco-Sensor VXL, manufactured by Intoximeters, Inc.
 - 8) Intoxilyzer 500, manufactured by CMI, Inc.
- b) The Department may temporarily approve additional PBTs from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of PBTs temporarily approved for screening instrument testing in addition to those provided in subsection (a). PBTs may be temporarily approved for a maximum period of 18 months. The list of temporarily approved PBTs, if any, shall be available to the public upon request to the Alcohol and Substance Testing Section.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART D: SAMPLING PROCEDURES

Section 1286.300 General Sampling Protocol

The arresting officer has discretion to determine whether a subject will be required to submit a breath, blood, and/or urine sample for testing.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- a) If the subject has been in a vehicle crash and must be treated or is currently being treated by a physician licensed to practice medicine for injuries sustained in the crash, the arresting officer will consult with the treating physician to determine when best to test the subject without unreasonably jeopardizing the subject's treatment.
- b) The arresting officer or BAO shall deem a subject who fails to submit to a requested test or additional testing to have refused testing. If a subject refuses a breath test, no 20-minute observation period is required, but rather the refusal of the test may be noted and the refusal ticket printed immediately.
- c) When a subject has submitted an insufficient sample or otherwise failed to adequately complete a requested test or tests, the arresting officer or BAO has discretion to determine if the subject:
 - 1) has refused testing; or
 - 2) will be required to undergo additional testing.
- d) The procedures contained in this Subpart are the only procedures required to obtain a valid breath, blood, and/or urine sample. There are no additional sampling procedures.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1286.320 Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds

The following procedures shall be used to obtain a blood sample from a subject to determine the alcohol concentration, or presence of other drugs or intoxicating compounds:

- a) The blood sample shall be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample.
- b) For samples collected in Illinois, *the blood sample shall be collected by a licensed physician, physician assistant, licensed advanced practice nurse, registered nurse, trained phlebotomist, or certified paramedic. When a blood test of a*

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

person who has been taken to an adjoining state for medical treatment is requested by an Illinois law enforcement officer, the blood may be withdrawn only by a physician authorized to practice medicine in the adjoining state, physician assistant, licensed advanced practice nurse, a registered nurse, a trained phlebotomist acting under the direction of the physician, or certified paramedic. (Section 11-501.2(a) of the Illinois Vehicle Code)

- c) The blood sample should be drawn using proper medical technique.
- d) Officers shall use DUI kits provided by the Department, if possible. If kits are not available, officers may submit two standard grey top vacuum tubes. (Pursuant to generally accepted industry standards, grey top vacuum tubes contain an anticoagulant and preservative.)
- e) The individual tubes shall be labeled with the name of the subject and the date of the withdrawal and treated as biohazard evidence.
- f) The blood samples shall be delivered as soon as practicable to a laboratory certified by the Department (see Section 1286.170).
- g) The testing laboratory shall maintain any remaining sample for a period of six months after testing unless otherwise directed by the submitting agency or the appropriate prosecuting authority.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1600.145	New Section
1600.150	New Section
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved: 1600.145. SURS proposed corrective amendments to the IRS under a Voluntary Correction Program (VCP) submission, which sought correction for amendments that SURS should have made to comply with Treasury Regulations regarding benefit limits that were effective as of January 1, 2008. The IRS agreed that the proposed correction by amendment was proper and issued a favorable determination letter for the SURS defined benefit plan on the condition that SURS adopt the amendments no later than June 12, 2015.

1600.150. The Self-Managed Plan (SMP) maintains three designated accounts consisting of member investment accounts, disability reserves, and employer forfeiture accounts, which are maintained by TIAA CREF and Fidelity Investments and are invested under member direction. Disability reserves and employer forfeiture accounts are not held by the providers in member accounts, but are commingled with SURS defined benefit plan assets until they are paid out as disability benefits or used to reduce employer contributions to individual member accounts. Although such commingling is permitted under federal law, SURS has not adopted plan language that reflected this practice existing since April 1, 1998. To enhance compliance with the IRC, SURS proposes the addition of this section to formalize the commingled investment of defined benefit plan and SMP disability/employer contribution assets under a new Section titled "Group Trust Provisions".
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other 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:
- Albert J. Lee, Associate General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign IL 61820
- 217/378-8861
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

SUBPART A: GENERAL

- Section
- 1600.100 Definitions
- 1600.110 Freedom of Information Act
- 1600.120 Open Meetings Act
- 1600.130 Procurement
- [1600.145 Compliance with Final 415 Treasury Regulations](#)
- [1600.150 Group Trust Provisions](#)

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

- Section
- 1600.202 Return to Employment
- 1600.203 Independent Contractors
- 1600.205 Earnings Subject to Withholding and Crediting
- 1600.210 Crediting Interest on Participant Contributions and Other Reserves
- 1600.220 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
- 1600.230 Election to Pay Contributions Based upon Employment that Preceded Certification as a Participant
- 1600.240 Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
- 1600.241 Survivor Benefits for Members Who Die While on Military Leave Protected under USERRA
- 1600.250 Sick Leave Accrual Schedule
- 1600.260 Part-time/Concurrent Service Adjustment
- 1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

SUBPART C: SURVIVORS AND BENEFICIARIES

Section

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 1600.300 Effective Beneficiary Designations
- 1600.305 Full-Time Student Survivors Insurance Beneficiaries
- 1600.310 Dependency of Beneficiaries
- 1600.320 Disability Claims Procedures (Renumbered)

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section

- 1600.400 Determination of Final Rate of Earnings Period
- 1600.410 Twenty Percent Limitation on Final Rate of Earnings Increases
- 1600.420 Making Preliminary Estimated Payments
- 1600.430 Excess Benefit Arrangement
- 1600.431 Indirect Payments to Minors and Legally Disabled Persons
- 1600.432 Indirect Payments to Child Survivors Through the Surviving Spouse
- 1600.440 Voluntary Deductions from Annuity Payments
- 1600.450 Overpayment Recovery

SUBPART E: DISABILITY CLAIMS AND ADMINISTRATIVE REVIEW

Section

- 1600.500 Administrative Staff Determinations and Rules for Appeal – Nature and Requirements of Formal Hearings
- 1600.550 Disability Claims Procedure

SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1600.600 Definitions
- 1600.605 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1600.610 Invalid Orders
- 1600.615 Filing a QILDRO with the System
- 1600.620 Modified QILDROs
- 1600.625 Benefits Affected by a QILDRO
- 1600.630 Effect of a Valid QILDRO
- 1600.635 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1600.640 Alternate Payee's Address
- 1600.645 Electing Form of Payment
- 1600.650 Automatic Annual Increases
- 1600.655 Expiration of a QILDRO

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 1600.660 Reciprocal Systems QILDRO Policy Statement
1600.665 Providing Benefit Information for Divorce Purposes

SUBPART G: BOARD TRUSTEE ELECTION

Section

- 1600.700 Nomination of Candidates
1600.705 Election Date/Election Day – Defined
1600.710 Petitions
1600.715 Eligible Voters
1600.720 Election Materials
1600.725 Casting Votes
1600.730 Return of Ballots and Ballot Counting Process
1600.735 Certification of Ballot Counting
1600.740 Challenges to Election Results
1600.745 Candidate Informational Communication
1600.750 Filling a Vacancy in the Term of an Elected Trustee

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007; recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008; emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

days; emergency expired September 23, 2009; amended at 33 Ill. Reg. 10757, effective July 1, 2009; amended at 33 Ill. Reg. 16755, effective November 23, 2009; amended at 34 Ill. Reg. 9523, effective June 25, 2010; amended at 35 Ill. Reg. 10952, effective June 22, 2011; amended at 36 Ill. Reg. 3938, effective February 22, 2012; amended at 37 Ill. Reg. 1309, effective January 15, 2013; amended at 37 Ill. Reg. 3866, effective March 15, 2013; amended at 37 Ill. Reg. 10698, effective June 26, 2013; amended at 37 Ill. Reg. 15517, effective September 12, 2013; amended at 38 Ill. Reg. 5659, effective February 11, 2014; emergency amendment at 38 Ill. Reg. 11376, effective May 9, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 16375, effective July 17, 2014; amended at 38 Ill. Reg. 17457, effective July 30, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1600.145 Compliance with Final 415 Treasury Regulations

- a) Subject to Section 1600.140(f), the limitations of this Section in compliance with IRC section 415 and the Final Treasury Regulations under IRC section 415 (26 CFR 1.415(a)-1 through (j)-1, T.D. 9319, April 5, 2007) shall apply in limitation years beginning on or after January 1, 2008, except as otherwise provided in this subsection (a).
- 1) The IRC section 415(b) limit with respect to any member who, at any time has been a participant in any other benefit plan defined in IRC section 414(j) maintained by the member's same employer in the System shall apply as if the total benefits payable under all such defined benefit plans in which the member has been a participant were payable from one plan.
 - 2) The IRC section 415(c) limit with respect to any member who, at any time, has been a participant of any other defined contribution plan, as defined in IRC section 414(i), that was maintained by the member's same employer in the System shall apply as if the total annual additions under all such defined contribution plans in which the member has been a participant were payable to one plan.
 - 3) For purposes of this Section, the "limitation year" shall be the calendar year.
- b) Basic IRC Section 415(b) Limitation

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 1) Before January 1, 1995, a member may not receive an annual benefit that exceeds the limits specified in IRC section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a member may not receive an annual benefit that exceeds the dollar amount specified in IRC section 415(b)(1)(A), subject to the applicable adjustments in IRC section 415(b), and subject to any additional limits that may be specified in the Code. In no event shall a member's benefit payable under the System in any limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to IRC section 415(d) and 26 CFR 1.415(d)-1.

- 2) For purposes of IRC section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to IRC section 415(n)) and to rollover contributions (as defined in IRC section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with 26 CFR 1.415(b)-1(b).
 - A) Mandatory Employee Contributions. In the case of mandatory employee contributions, as defined in IRC section 411(c)(2)(C) and 26 CFR 1.411(c)-1(c)(4) (or contributions that would be mandatory employee contributions if section 411 applied to the plan), the annual benefit attributable to those contributions is determined by applying the factors applicable to mandatory employee contributions, as described in IRC section 411(c)(2)(B) and (C) and Treasury Regulations under section 411 to those contributions to determine the amount of a straight life annuity commencing at the annuity starting date, regardless of whether the requirements of sections 411 and 417 apply to that plan. For purposes of applying those factors to a plan that is not subject to the requirements of section 411, the applicable effective date of IRC section 411(a)(2) (which is used under 26 CFR 1.411(c)-1(c)(3) to determine the beginning date from which statutorily specified interest must be credited to mandatory employee contributions) must be determined as if IRC section 411 applied to the plan, and in determining the annual benefit that is actuarially equivalent to these accumulated contributions, the plan

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

must determine the interest rate that would have been required under IRC section 417(e)(3) as if IRC 417 applied to the plan.

- B) Voluntary Employee Contributions. If voluntary employee contributions are made to the plan (to the extent not made pursuant to IRC section 415(n)), the portion of the plan to which voluntary employee contributions are made is treated as a defined contribution plan pursuant to IRC section 414(k) and, accordingly, is a defined contribution plan pursuant to 26 CFR 1.415(c)-1(a)(2)(i). Accordingly, the portion of a plan to which voluntary employee contributions are made is not taken into account in determining the annual benefit.
- C) Rollover Contributions. The annual benefit attributable to rollover contributions from an eligible retirement plan, as defined in IRC section 402(c)(8)(B), is determined in the same manner as the annual benefit attributable to mandatory employee contributions. Thus, in the case of rollover contributions from a defined contribution plan to a defined benefit plan to provide an annuity distribution, the annual benefit attributable to those rollover contributions for purposes of IRC section 415(b) is determined by applying the rules of IRC section 411(c) as described in subsection (b)(2)(A) of this Section, regardless of the assumptions used to compute the annuity distribution under the plan and regardless of whether the plan is subject to the requirements of IRC sections 411 and 417. Accordingly, in such a case, if the plan uses more favorable factors than those specified in IRC section 411(c) to determine the amount of annuity payments arising from rollover contributions, the annual benefit under the plan would reflect the excess of those annuity payments over the amounts that would be payable using the factors specified in IRC section 411(c).
- c) Adjustments to Basic IRC Section 415(b) Limitation for Form of Benefit
- 1) If the benefit under the System is other than the form specified in subsection (b)(2), the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in 26 CFR 1.415(b).

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 2) If the form of benefit, without regard to automatic annual increases, is not a straight life annuity or a qualified joint and survivor annuity, then subsection (c)(1) is applied by either reducing the IRC section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in 26 CFR 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:
- A) For a benefit paid in a form to which IRC section 417(e)(3) does not apply (such as a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:
- i) The annual amount of the straight life annuity (if any) payable to the member under the System commencing at the same annuity starting date as the form of benefit to the member; or
- ii) The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the member, computed using a 5% interest assumption (or the applicable statutory interest assumption) and:
- for limitation years prior to January 1, 2009, the applicable mortality tables described in 26 CFR 1.417(e)-1(d)(2) (Revenue Ruling 2001-62, or any subsequent Revenue Ruling modifying the applicable provisions of that Revenue Ruling; and
 - for limitation years after December 31, 2008, the applicable mortality tables described in IRC section 417(e)(3)(B) (Notice 2008-85, or any subsequent IRS guidance implementing IRC section 417(e)(3)(B)).
- B) For a benefit paid in a form to which IRC section 417(e)(3) applies (such as a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- i) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, adopted by the Board under Section 1600.140(g) for actuarial experience;
- ii) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a 5.5% interest assumption (or the applicable statutory interest assumption) and:
- for limitation years prior to January 1, 2009, the applicable mortality tables described in 26 CFR 1.417(e)-1(d)(2) (Revenue Ruling 2001-62, or any subsequent Revenue Ruling modifying the applicable provisions of that Revenue Ruling); and
 - for limitation years after December 31, 2008, the applicable mortality tables described in IRC section 417(e)(3)(B) (Notice 2008-85, or any subsequent IRS guidance implementing IRC section 417(e)(3)(B)); or
- iii) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under 26 CFR 1.417(e)-1(d)(3), using the rate in effect for the third month prior to the beginning of the plan year with a one-year stabilization period) and:
- for limitation years prior to January 1, 2009, the applicable mortality tables described in 26 CFR 1.417(e)-1(d)(2) (Revenue Ruling 2001-62, or any subsequent that Revenue Ruling modifying the applicable provisions of that Revenue Ruling); and

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- for limitation years after December 31, 2008, the applicable mortality tables described in IRC section 417(e)(3)(B) (Notice 2008-85, or any subsequent IRS guidance implementing IRC section 417(e)(3)(B)), divided by 1.05.
- C) The System's actuary may adjust the IRC section 415(b) limit at the annuity starting date in accordance with subsection (c)(2)(A) and (B).
- d) Benefits for Which No Adjustment of IRC section 415(b) Limit Is Required. For purposes of this Section, the following benefits shall not be taken into account in applying these limits:
 - 1) Any ancillary benefit that is not directly related to retirement income benefits;
 - 2) That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity;
 - 3) Any other benefit not required under IRC section 415(b)(2) and 26 CFR 1.415(b) to be taken into account for purposes of the limitation of IRC section 415(b)(1).
- e) Other Adjustments in IRC Section 415(b) Limitation
 - 1) In the event the member's retirement benefits become payable before age 62, the limit prescribed by this Section shall be reduced in accordance with 26 CFR 1.415(b), pursuant to the provisions of IRC section 415(b), so that the limit (as reduced) equals an annual straight life benefit (when the retirement annuity begins) that is equivalent to a \$160,000 (as adjusted) annual benefit beginning at age 62.
 - 2) In the event the member's benefit is based on at least 15 years of service as a full-time employee of any police department or fire department that is organized and operated by the state or political subdivision maintaining the defined benefit plan to provide police protection, firefighting services, or emergency medical services for any area within the jurisdiction of the state or political subdivision, or 15 years of service as a member of the

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

Armed Forces of the United States, or is based on 15 years of combined service, the adjustments provided for in subsection 1 (e)(1) shall not apply.

- 3) The reductions provided for in subsection (e)(1) shall not apply to System benefits received as a pension, annuity or similar allowance as a result of the member becoming disabled by reason of personal injuries or sickness, or to amounts received by beneficiaries, survivors or the estate of the member as a result of the death of the member.
- f) Less than 10 Years of Participation or Service Adjustment for IRC Section 415(b) Limitations. The maximum retirement benefits payable to any member who has completed less than 10 years of participation shall be the amount determined under subsection (b), as adjusted under subsection (c) and/or (e), multiplied by a fraction, the numerator of which is the number of the member's years of participation and the denominator of which is 10. The limit under subsection (g) concerning the \$10,000 limit shall be similarly reduced for any member who has accrued less than 10 years of service, except the fraction shall be determined with respect to years of service instead of years of participation. The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reductions provided for in this subsection shall not be applicable to income received as a pension, annuity or similar allowance as a result of the member becoming disabled by reason of personal injuries or sickness, or to amounts received by beneficiaries, survivors or the estate of the member as a result of the death of the member.
- g) \$10,000 Limit. Notwithstanding the other provisions of this Section, the retirement benefit payable with respect to a member shall be deemed not to exceed the IRC section 415(b) limit if the benefits payable, with respect to a member under this System and under all other qualified defined benefit pension plans of the member's employer, do not exceed \$10,000 for the applicable limitation year, and for any prior limitation year, and the employer has not, at any time, maintained a qualified defined contribution plan in which the member participated.
- h) Effect of COLA without a Lump Sum Component on IRC Section 415(b) Testing. Effective on and after January 1, 2008, for purposes of applying the limits under IRC section 415(b) (the "limit") to a member with no lump sum benefit, the following will apply:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 1) A member's applicable limit will be applied to the member's annual benefit in the member's first limitation year without regard to any automatic annual increases under the System;
 - 2) To the extent that the member's annual benefit equals or exceeds the limit, the member will no longer be eligible for automatic annual increases from the System until such time as the benefit, plus the accumulated increases, is less than the limit; and
 - 3) Thereafter, in any subsequent limitation year, a member's annual benefit, including any automatic annual increases under the System, shall be tested under the then applicable benefit limit, including any adjustment to the IRC section 415(b)(1)(A) dollar limit under IRC section 415(d) and 26 CFR 1.415(b).
- i) Effect of COLA with a Lump Sum Component on IRC Section 415(b) Testing. On and after January 1, 2008, with respect to a member who receives a portion of the member's annual benefit in a lump sum, a member's applicable limit will be applied, taking into consideration cost-of-living increases as required by IRC section 415(b) and 26 CFR 1.415(b).
- j) IRC Section 415(c) Limit. After-tax member contributions or other annual additions with respect to a member may not exceed the lesser of \$40,000 (as adjusted pursuant to IRC section 415(d)) or 100% of the member's compensation.
- 1) Annual additions are defined to mean the sum (for any year) of employer contributions to a defined contribution plan, member contributions, and forfeitures credited to a member's individual account. Member contributions are determined without regard to rollover contributions and to picked-up employee contributions that are paid to a defined benefit plan.
 - 2) For purposes of applying the IRC Section 415(c) limits only and for no other purpose, the definition of compensation, when applicable, will be compensation actually paid or made available during a limitation year, except as noted in IRC Section 415(c) and as permitted by 26 CFR 1.415(c)-2; however, member contributions picked up under IRC section 414(h) shall not be treated as compensation.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 3) Unless another definition of compensation that is permitted by 26 CFR 1.415(c)-2 is specified by the plan, compensation will be defined as wages within the meaning of IRC section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under IRC sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under IRC section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in IRC section 3401(a)(2)).
- A) However, for limitation years beginning on and after January 1, 1998, compensation will also include amounts that would otherwise be included in compensation but for an election under IRC section 125(a), 402(e)(3), 402(h)(1)(B), 402(k) or 457(b). For limitation years beginning on and after January 1, 2001, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of IRC section 132(f)(4).
- B) For limitation years beginning on and after January 1, 2008, compensation for the limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:
- i) the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or
- ii) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- C) Back pay, within the meaning of 26 CFR 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this subsection (j)(3).
- k) Service Purchases under IRC Section 415(n)
- 1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the System, the requirements of IRC section 415(n) will be treated as met only if:
- A) The requirements of IRC section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of IRC section 415(b); or
- B) The requirements of IRC section 415(c) are met, determined by treating all such contributions as annual additions for purposes of IRC section 415(c).
- 2) For purposes of applying this Section, the System will not fail to meet the reduced limit under IRC section 415(b)(2)(C) solely by reason of this subsection (k)(2) and will not fail to meet the percentage limitation under IRC section 415(c)(1)(B) solely by reason of this Section.
- 3) Permissive Service Credit
- A) For purposes of this Section, the term "permissive service credit" means service credit:
- i) recognized by the System for purposes of calculating a member's benefit under the System;
- ii) that the member has not received under the System; and
- iii) that the member may receive only by making a voluntary additional contribution, in an amount determined under the

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

System, that does not exceed the amount necessary to fund the benefit attributable to the service credit.

- B) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, "permissive service credit" may include service credit for periods for which there is no performance of service and, notwithstanding subsection (k)(3)(A)(ii), may include service credited in order to provide an increased benefit for service credit a member is receiving under the System.
- 4) The System will fail to meet the requirements of this Section if:
- A) more than 5 years of nonqualified service credit are taken into account for purposes of this subsection (k)(4)(A); or
- B) any nonqualified service credit is taken into account under this subsection (k)(4)(B) before the member has at least 5 years of participation under the System.
- 5) For purposes of subsection (k)(4), effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, the term "nonqualified service credit" means permissive service credit other than that allowed with respect to:
- A) service (including parental, medical, sabbatical and similar leave) as an employee of the Government of the United States, any state or political subdivision thereof, or any agency or instrumentality of any of the foregoing (other than military service or service for credit obtained as a result of a repayment described in IRC section 415(k)(3));
- B) service (including parental, medical, sabbatical and similar leave) as an employee (other than as an employee described in subsection (i)) of an education organization described in IRC section 170(b)(1)(A)(ii) that is a public, private or sectarian school that provides elementary or secondary education (through grade 12), or a comparable level of education, as determined under the

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- applicable law of the jurisdiction in which the service was performed;
- C) service as an employee of an association of employees who are described in subsection (k)(5)(A); or
- D) military service (other than qualified military service under IRC section 414(u)) recognized by the System.
- 6) In the case of service described in subsection (k)(5)(A) through (C), that service will be nonqualified service if recognition of that service would cause a member to receive a retirement benefit for the same service under more than one plan.
- 7) In the case of a trustee-to-trustee transfer after December 31, 2001, to which IRC section 403(b)(13)(A) or IRC section 457(e)(17)(A) applies (without regard to whether the transfer is made between plans maintained by the same employer):
- A) the limitations of subsection (k)(4) will not apply in determining whether the transfer is for the purchase of permissive service credit; and
- B) the distribution rules applicable under federal law to the System will apply to amounts transferred and any benefits attributable to those amounts.
- 8) For an eligible member, the limitation of IRC section 415(c)(1) shall not be applied to reduce the amount of permissive service credit that may be purchased to an amount less than the amount allowed to be purchased under the terms of a system in effect on August 5, 1997. For purposes of this subsection (k)(8) an eligible member is an individual who first became a member in the System before January 1, 1998.
- 9) Notwithstanding any other provision of law to the contrary, the System may modify a request by a member to make a contribution for the purchase of service credit if the amount of the contribution would exceed the limits provided in IRC section 415 by using the following methods:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- A) If the law requires a lump sum payment for the purchase of service credit, the System may establish a periodic payment plan for the member to avoid a contribution in excess of the limits under IRC section 415(c) or 415(n).
- B) If payment pursuant to this subsection (k)(9) will not avoid a contribution in excess of the limits imposed by IRC section 415(c) or 415(n), a pension fund may either reduce the member's contribution to an amount within the limits of those IRC sections or refuse the member's contribution.
- l) Repayments of Refunds. Any repayment of contributions (including interest thereon) to the System with respect to an amount previously refunded upon a forfeiture of service credit under the System, or another governmental plan maintained by an employer, shall not be taken into account for purposes of IRC section 415, in accordance with applicable Treasury Regulations.
- m) Reduction of Benefits Priority. Reduction of benefits and/or contributions to all plans, when required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which the member participated, with the reduction to be made first with respect to the plan in which the member most recently accrued benefits and thereafter in the priority determined by the plan and the plan administrator of the other plans and, next, by reducing or allocating excess forfeitures for defined contribution plans in which the member participated, with the reduction to be made first with respect to the plan in which the member most recently accrued benefits and thereafter in the priority established by the plan and the plan administrator for the other plans provided; however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the plan and the plan administrator of all other plans covering the member.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 1600.150 Group Trust Provisions

- a) Creation and Purpose. A Group Trust is hereby created effective April 1, 1998, pursuant to Section 15-177 of the Pension Code. The purpose of the Group Trust is to hold and jointly invest the assets of the SURS defined benefit plan and the Self-Managed Plan (collectively "Participating Trusts"), and make appropriate

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

payments pursuant to directions from the respective trusts. The Board shall be the trustee of the Group Trust.

- b) Tax Status. The Group Trust is intended to qualify as a group trust under IRC Sections 401(a) and 501(a), and Revenue Ruling 81-100, as modified by Revenue Rulings 2004-67, 2011-1 and 2014-24, and all provisions of this Section must be so construed. The Group Trust is established within the System and the Board shall generally assert that no taxes may be assessed on any income or interest of the Group Trust.
- c) Exclusive Benefit. Notwithstanding anything in this Section to the contrary, no part of the Group trust that equitably belongs to a Participating Trust, other than that portion required for reasonable fees, taxes and trust expenses applicable to the Participating Trust, may be used or diverted for any purpose other than the exclusive benefit of the Participating Trust's participants or their beneficiaries who are entitled to benefits under the Participating Trust.
- d) Nonassignment. No Participating Trust may assign or transfer any part of its equity or interest in the Group Trust, except in accordance with this Section.
- e) Authority of the Board. The Board's determination as to whether any investment is within the class or classes of property in which the Group Trust may be invested will be conclusive; provided, however, that all such decisions must be made in accordance with the then current investment policy adopted by the Board and consistent with any requirements under Article 1 of the Pension Code. The Board is solely and exclusively responsible for, and has exclusive authority and discretion for, the management and control of the Group Trust. Subject to the provisions of the preceding sentence, the Board may, at its reasonable expense, retain the services of such investment or other advisers and consultants as it may deem desirable to assist it in carrying out its responsibilities under this Section.
- f) Trust Accounting. The Group Trust will be invested and administered as a common investment fund. The equitable interest of each Participating Trust shall be accounted for separately in dollar amounts or proportional interest. Consistent with the selected accounting method, the Board shall maintain books and records that value the interest of each Participating Trust at least monthly.
 - 1) Valuation. The Board shall designate regular Valuation Dates on which the Board will determine the value of the assets held in the Group Trust.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

The Board may establish these Valuation Dates by policy or rulemaking. Valuations dates must occur at least monthly. The Board may value the assets of the Group Trust on dates other than a Valuation Date if the Trustee, in its sole discretion, determines additional valuations are necessary or appropriate. Net assets must be valued in a manner consistent with all requirements applicable to the assets of the defined benefit programs under Article 15 of the Pension Code and applicable accounting guidelines and standards.

- 2) Records. The Board shall keep all records it deems necessary or appropriate, in its sole discretion, to record the assets and trust income of the Group Trust and to account for the equitable interest of each Participating Trust. The Board shall maintain these records in accordance with reasonable and appropriate record retention policies adopted by the Board from time to time.
- g) Admission to Participation. Participation in the Group Trust is limited to the qualified trusts administered by the Board under the SURS defined benefit programs and the Self-Managed Plan. Each Participating Trust must adopt the terms of this Section by reference in its enabling statute, rules or plan document, as the case may be, and transfer all or any part of its assets to the Group Trust. This Section shall serve as the adopting instrument under which the SURS defined benefit plan shall participate in the Group Trust.
- h) Qualified Status of Participating Trusts. Each Participating Trust must satisfy the qualification requirements as a qualified governmental pension plan under IRC Sections 401(a) and 414(d). A Participating Trust shall be deemed to satisfy this subsection (h) if it has a current determination letter issued by the Internal Revenue Service.
- i) Contributions. The Board shall accept transfers of assets only from the Participating Trusts and the plan sponsors of those Participating Trusts and not from any other person except as permitted by law. However, the Trustee shall also accept cash payments, rollovers, or plan-to-plan transfers for a purchase of service credit by a participant of a Participating Trust in accordance with the terms of the plan. The Board may accept assets in its sole discretion. The value of any non-cash asset shall be transferred on the basis of fair market value on the date of contribution and consistent with the terms of this Section.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- j) Termination of Participating Trust. The Board may terminate the participation of a Participating Trust in the Group Trust by amending this Section or amending the plan document under the Self-Managed Plan, as the case may be. In the event of termination of the participation of a Participating Trust, the Board shall distribute to the terminating Participating Trust its share of the Group Trust in cash, assets or otherwise determined by the Board.
- k) Termination of Group Trust. The Board may terminate the Group Trust at any time by amending this Section. In the event of the termination of the Group Trust, the Board shall distribute to each Participating Trust its share of the Group Trust in cash, assets or otherwise as determined by the Trustee.
- l) Valuation of Assets upon Distribution. In all cases, at no time prior to the satisfaction of all liabilities with respect to participants and their beneficiaries under any Participating Trust shall that part of the corpus or income of the Group Trust that equitably belongs to that Participating Trust be used for, or diverted to, purposes other than for the exclusive benefit of the participants and their beneficiaries.
- m) Allocation and Apportionment of Trust Expenses. The Board may pay reasonable trust expenses from the Group Trust if these amounts would have been chargeable to the Participating Trusts if incurred in their separate administration. For each year, the Board shall determine and allocate to each Participating Trust the reasonable and quantifiable trust expenses from the previous fiscal year that the Board recorded as directly attributable to the Participating Trust. Investment manager fees, custodian fees, and other investment-related fees will be allocated based on the same proportion as the allocation of net assets to each Participating Trust as of the last Valuation Date. All other remaining expenses shall be allocated based on the same proportion as the number of total participants of a Participating Trust on the first day of the plan year is to the number of total participants of all Participating Trusts on the first day of the plan year.
- n) Duty of Board. For all purposes under this Section, the Board shall discharge its duties under this Section with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

(Source: Added at 39 Ill. Reg. _____, effective _____)

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Police Training Act
- 2) Code Citation: 20 Ill. Admin. Code 1720
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1720.210	Amendment
1720.220	Amendment
1720.240	Amendment
1720.250	Amendment
1720.260	Amendment
1720.270	Amendment
1720.280	Amendment
1720.290	Amendment
- 4) Statutory Authority: Rulemaking is authorized by [50 ILCS 705/10] and [50 ILCS 710/3]
- 5) Effective Date of Rulemaking: February 5, 2015
- 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 rule, 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*: 38 Ill. Reg. 18119; August 29, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: One proposed amendment to the cost structure of concealed carry permits was removed; various changes to language and formatting.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: The adoption of these rules will bring the administrative rules into compliance with the federal Law Enforcement Officer Safety Improvements Act, as amended and clarify the duties and obligations of the Illinois Law Enforcement Training and Standards Board regarding oversight over the issuance concealed carry permits for former law enforcement officers. The Board believes that this change in the rules and resulting change in practice is necessary to comply with the federal law [18 U.S.C. § 926C(c)(4)] and is fully authorized by statute pursuant to 50 ILCS 710/3.

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

Agency Rules Coordinator
Illinois Law Enforcement Training and Standards Board
4500 South Sixth Street Road, Room 173
Springfield, IL 62703-6617

217/782-4540

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

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARDPART 1720
ILLINOIS POLICE TRAINING ACT

SUBPART A: CERTIFICATION OF POLICE OFFICERS

Section	
1720.10	Course Requirements
1720.15	Equivalency Examination
1720.20	Minimum Requirements of the Trainee
1720.25	Procedures for Administration of Law Enforcement and Correctional Officers Certification Examination
1720.30	School Standards and Requirements
1720.35	Academy Entrance Qualifications
1720.40	Qualification of Police Instructors
1720.50	Reimbursements
1720.60	Requirements of Participating Local Agencies
1720.70	Minimum Training Requirements for Illinois Sheriffs
1720.80	Conservator of the Peace Training Course

SUBPART B: DECERTIFICATION OF POLICE OFFICERS

Section	
1720.100	Purpose
1720.110	Definitions
1720.120	Submission and Review of a Complaint
1720.130	Certification Revocation
1720.140	Reporting
1720.150	Law Enforcement Training and Standards Board Costs and Attorney Fees Fund

SUBPART C: WEAPON CERTIFICATION FOR
RETIRED LAW ENFORCEMENT OFFICERS

Section	
1720.200	Purpose
1720.210	Statutory Authority
1720.220	Definitions

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

1720.230	Compliance with Laws and Rules
1720.240	Eligibility Requirements
1720.245	Background Investigation
1720.250	Application Procedure
1720.260	Permits
1720.270	Denial, Suspension and Revocation
1720.280	Firearms Certification Program – Approval
1720.290	Range Officer – Approval

SUBPART D: CERTIFICATION OF LEAD DEATH AND HOMICIDE INVESTIGATORS

Section

1720.300	Purpose
1720.310	Definitions
1720.320	Lead Death and Homicide Investigation Course
1720.330	Waiver
1720.340	Certificate
1720.350	Certificate Renewal

1720.APPENDIX A	Physical Fitness Standards
1720.APPENDIX B	Complaint Form
1720.APPENDIX C	Firearm Qualification Course-of-Fire

AUTHORITY: Implementing, and authorized by Section 10 of, the Illinois Police Training Act [50 ILCS 705].

SOURCE: Filed and effective July 26, 1966; codified at 7 Ill. Reg. 11232; amended at 8 Ill. Reg. 12259, effective July 1, 1984; amended at 11 Ill. Reg. 16692, effective October 6, 1987; amended at 12 Ill. Reg. 3728, effective February 2, 1988; amended at 13 Ill. Reg. 19957, effective December 11, 1989; amended at 14 Ill. Reg. 14800, effective September 4, 1990; amended at 15 Ill. Reg. 999, effective January 14, 1991; amended at 16 Ill. Reg. 4002, effective February 28, 1992; emergency amendment at 16 Ill. Reg. 727, effective January 1, 1992; amended at 16 Ill. Reg. 18811, effective November 19, 1992; emergency amendment at 28 Ill. Reg. 6479, effective April 12, 2004, for a maximum of 150 days; emergency expired September 8, 2004; amended at 28 Ill. Reg. 13537, effective September 23, 2004; emergency amendment at 29 Ill. Reg. 19708, effective November 15, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 7925, effective April 11, 2006; amended at 32 Ill. Reg. 14749, effective August 28, 2008; amended at 35 Ill. Reg. 21047, effective January 1, 2012; amended at 39 Ill. Reg. 2578, effective February 5, 2015.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: WEAPON CERTIFICATION FOR
RETIRED LAW ENFORCEMENT OFFICERS**Section 1720.210 Statutory Authority**

This Subpart C is promulgated pursuant to the provisions of the federal Law Enforcement Officers' Safety Act of 2004 (P.L. 108-277; 18 USC 926), [as amended](#), and the authority vested in the Illinois Law Enforcement Training and Standards Board by the Illinois Police Training Act [50 ILCS 705/10.4] and the Peace Officer Firearm Training Act [50 ILCS 710/3]. This Subpart supplements existing State and federal laws.

(Source: Amended at 39 Ill. Reg. 2578, effective February 5, 2015)

Section 1720.220 Definitions

In this Subpart, unless otherwise specified:

"Act" means the Illinois Police Training Act [5 ILCS 705].

"Applicant" means an individual who submits a completed application form and the required fee to the Board to obtain a permit to carry a concealed firearm, administer a Certification Program, or to be approved as a Range Officer.

"Board" means the Illinois Law Enforcement Training and Standards Board created by Section 3 of the Illinois Police Training Act [50 ILCS 705/3].

"Certification Program" means a Board approved program that insures that an applicant meets the requirements of the federal Law Enforcement Officers' Safety Act of 2004 (P.L. 108-277; 18 USC 926), [and the program requirements under 20 Ill. Adm. Code 1730.30](#), and includes a standard course-of-fire and information on the safe and lawful use of a firearm.

"Director" means the Executive Director of the Illinois Law Enforcement Training and Standards Board.

"Federal Act" means the federal Law Enforcement Officers' Safety Act of 2004 (18 USC 926).

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

"Firearm" means any weapon or device as defined in the Firearm ~~Owners~~Owner's Identification Card Act [430 ILCS 65/1.1].

"FOID Card" means an Illinois Firearm ~~Owners~~Owner's Identification Card issued by the Illinois State Police under the Illinois Firearm ~~Owners~~Owner's Identification Card Act [430 ILCS 65].

"FOID Card Act" means the Illinois Firearm ~~Owners~~Owner's Identification Card Act [430 ILCS 65].

"Organization" means those local governmental agencies ~~as~~ described in the Illinois Police Training Act [50 ILCS 705/2].

"Law Enforcement Officer" means any police officer of a governmental agency who is primarily responsible for prevention or detection of crime and the enforcement of a criminal code or traffic or highway laws of any state or any political subdivision, and has statutory powers of arrest.

"Permit" means a certification issued by the Board that authorizes the named holder to carry a concealed firearm subject to the requirements of the federal Act and this Subpart.

"Permittee" means the named holder of a certification by the Board that authorizes the individual to carry a concealed firearm subject to the requirements of the federal Act and this Subpart.

"Qualified ~~Retired Law Enforcement Officer~~retired-law enforcement officer" means an individual who:

~~separated from service~~retired in good standing from his or her employing agency (other than for reasons of mental disability);

was authorized to perform the specified law enforcement functions and held a position for which powers of arrest were granted by statute;

~~served~~was regularly employed as a law enforcement officer for an aggregate of ~~10~~15 years or more before his or her ~~separation in good standing~~retirement, or retired, or separated from service in good standing (after completing any applicable

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

probationary period of service) due to a service-connected disability as determined by the agency;

~~has a non-forfeitable right to retirement plan benefits of the law enforcement agency;~~

~~during the most recent year,~~ has met State firearms training and qualifications that are the same as the training and qualifications for active duty officers;

is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

is not prohibited by federal law from carrying a firearm.

"Range Officer" means an individual who has obtained approval from the Board to conduct a Board approved Certification Program for qualified retired law enforcement officers.

(Source: Amended at 39 Ill. Reg. 2578, effective February 5, 2015)

Section 1720.240 Eligibility Requirements

- a) A permit to carry a concealed firearm may be issued to a qualified retired law enforcement officer, as defined in Section 1720.220, who:
 - 1) ~~Before separation from service~~Immediately before retirement was a certified law enforcement officer authorized by a local, State or federal law enforcement department, office, or agency to carry a firearm in the course and scope of his or her duties;
 - 2) Is in possession of a photographic identification issued by a law enforcement department, office, or agency from which the individual ~~separated in good standing~~retired as a law enforcement officer;
 - 3) Has authorized an investigation to determine if the applicant has been convicted of any disqualifying criminal offenses, and the results of the investigation reveal no findings of guilt for any disqualifying offenses specified in the Act and the FOID Card Act;

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) Is in possession of a valid FOID Card identifying him or her; and
 - 5) Is a resident of the State of Illinois.
- b) Any qualified retired law enforcement officer making application to carry a concealed firearm pursuant to this Subpart shall, by signing the application form, affirm that he or she meets each of the eligibility requirements described in this Subpart under penalty of perjury.

(Source: Amended at 39 Ill. Reg. 2578, effective February 5, 2015)

Section 1720.250 Application Procedure

- a) Any qualified retired law enforcement officer who wishes to apply for a permit under this Part may request an application in writing or by telephone from the Illinois Retired Officer Concealed Carry Program, P.O. Box 9860, Springfield, Illinois 62791, (217)726-9537 or online at www.ptb.state.il.us. The Board shall develop the application forms and necessary procedures to implement this program.
- b) The completed application shall include a certification that it constitutes a sworn affidavit signed by the applicant attesting to compliance with the eligibility requirements.
- c) An applicant must provide evidence of photographic ~~identification~~Identification issued by his or her prior local, State or federal law enforcement employer ~~and documentation from the appropriate retirement system verifying the status of the applicant as a retired full time law enforcement officer and the effective date of retirement or, if the retired law enforcement officer does not participate in a retirement system, a statement from the appropriate local, State or federal law enforcement department, office or agency verifying the status of the applicant as having been separated from service in good standing, a retired full time law enforcement officer of that jurisdiction and the reason why the retired law enforcement officer does not participate in a retirement system.~~
- d) All information on the application or any related document must be complete and accurate to the best of the applicant's knowledge. Failure to provide the

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

information necessary to complete the application shall preclude any further processing and shall result in denial of the application.

- e) An applicant shall pay a \$75 (when seeking certification and permit to carry either a revolver or a semi-automatic pistol) or \$100 (when seeking certification and permit to carry both a revolver and a semi-automatic pistol) non-refundable fee at the time the initial application is filed. The Board will review the fee amount annually and make its determination based on the program's operating costs. Failure to pay the required fee at the time the application is filed shall preclude any further processing and shall result in denial of the application. Payment shall be in the form of a check or money order. The Board shall not be responsible for cash lost in the mail.
- f) An applicant must provide evidence of possession of a valid FOID Card at the time of application.
- g) Written notification of approval or denial of an application shall be sent within ~~60~~ working days after receipt of a completed application by the Board, unless additional information is needed. Approved applications shall include additional information regarding the availability of ~~shooting~~ ranges and ~~requirements~~standards for the Certification Program. Failure of the Board to issue a written notification on an application within the ~~60~~ working day period shall not be deemed an approval of the application by the Board.

(Source: Amended at 39 Ill. Reg. 2578, effective February 5, 2015)

Section 1720.260 Permits

- a) When an applicant has satisfied the requirements of this Subpart, the Board shall issue a concealed firearm permit. The permit shall certify that the permittee is qualified by the State to carry a concealed firearm under federal law and the provisions of this Subpart, and shall contain:
 - 1) The permittee's legal name, as shown on the application;
 - 2) The permittee's date of birth;
 - 3) The type of firearm permitted to be carried;

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) A permit number;
 - 5) The date of issuance and expiration of the permit; and
 - 6) The title of the permit, the State Seal, and instructions to the permit holder.
- b) The Board shall mail an approved permit to the applicant's residential address or mailing address shown on the application.
 - c) The permit to carry a concealed firearm is not valid unless the permit card is in the permittee's possession and accompanied by a valid FOID Card and the photographic identification issued by the law enforcement agency from which the permittee separated from service~~retired~~.
 - d) The permittee shall present his or her permit upon demand for inspection by a law enforcement officer.
 - e) All permit cards or other written authorization shall remain the property of the State and the permittee shall surrender his or her card to the Director or a designated representative upon written notice setting forth the reasons for ~~the~~such surrender.
 - f) All permit holders must maintain a current address and telephone number with the Board and report any changes within 10 days after the change.
 - g) Permits shall expire 12 months from the date of issue.

(Source: Amended at 39 Ill. Reg. 2578, effective February 5, 2015)

Section 1720.270 Denial, Suspension and Revocation

- a) Failure to meet any of the requirements of this Subpart will result in denial of the application. In such cases, a portion of the application fee, not to exceed one-third, shall be retained to cover the administrative costs of processing the applicant. An applicant who is deemed eligible, but fails the Firearms Certification Program, shall not have any portion of the fee refunded.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Written notification of an administrative denial of an application shall be sent within ~~60+0~~ working days after receipt of a completed application by the Board. Notice of failure to successfully complete the Certification Program will be given at the test site and will be followed by a written notification with instructions to the permit applicant. Board failure to issue a written notification within ~~60+0~~ working days shall not be deemed approval of the application or the Certification Program by the Board.
- c) A permit applicant must possess a valid FOID Card at the time of issuance of the permit. Revocation or suspension of rights under the FOID Card Act shall result in automatic revocation or suspension of the permit.
- d) A finding of guilt for any of the offenses described in the Act shall result in automatic revocation of the permit.

(Source: Amended at 39 Ill. Reg. 2578, effective February 5, 2015)

Section 1720.280 Firearms Certification Program – Approval

- a) A local, State or federal law enforcement department, office, or agency wishing to administer a Certification Program to qualified retired law enforcement officers who retired from that department, office or agency shall submit for approval by the Board a curriculum that complies with the ~~requirementsstandards~~ established by the Board as set forth in ~~Appendix C~~ of this Part.
- b) The course-of-fire standards for a Certification Program must be the same as the course-of-fire used for the annual qualification for that department, office or agency's active law enforcement officers.
- c) Applicants must provide evidence of a system used to comply with the requirements of the federal Act and this Subpart.
- d) No law enforcement department, office or agency approved to administer a Certification Program shall knowingly certify a qualified retired law enforcement officer qualified under the federal Act to carry a concealed weapon, unless a criminal background investigation of that person has been completed and that investigation reveals no findings of guilt for any criminal offenses or evidence of any disqualifying condition specified in the Act or the FOID Card Act.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 39 Ill. Reg. 2578, effective February 5, 2015)

Section 1720.290 Range Officer – Approval

- a) The range officer shall have a sufficient educational background and/or experience necessary to meet the instructional demands that will be made of him or her in accordance with Section 1720.40.
- b) The decision shall be based on an investigation of the credentials of the particular individual. No range officer shall be utilized in a Certification Program for ~~qualified retired law enforcement~~ ~~retired~~ officers who has not been previously approved as a Qualified Police Instructor for the course described in 20 Ill. Adm. Code 1730 (Mandatory Firearms Training for Peace Officers).
- c) A range officer shall be in charge of all aspects of the course-of-fire Certification Program and shall certify in writing to the Board that the range to be used is safe for all phases of the required course-of-fire. The range officer shall be physically present at all times the Certification Program is being administered to an applicant and shall have the authority to dismiss any applicant for reasons of range safety.
- d) The range officer shall certify and report in writing to the Board the results of an applicant's performance in the Certification Program.

(Source: Amended at 39 Ill. Reg. 2578, effective February 5, 2015)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Required Procedure for Filing and Securing Approval of Policy Forms
- 2) Code Citation: 50 Ill. Adm. Code 916
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
916.30	Amendment
916.40	Amendment
916.50	Amendment
916.EXHIBIT A	Amendment
- 4) Statutory Authority: Implementing Section 143 of the Illinois Insurance Code [215 ILCS 5/143] and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10] and Section 25 of the Dental Service Plan Act [215 ILCS 110/25] and Section 109/75 of the Dental Care Patient Protection Act [215 ILCS 109/75] and Section 4003 of the Limited Health Service Organization Act [215 ILCS 130/4003] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and the Electronic Commerce Security Act [5 ILCS 175] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) Effective Date of Rule: February 6, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 38 Ill. Reg. 7719; April 11, 2014
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version:
 - a. Authority note, second line: changed the final "10" to "25"; third line, changed "110/10" to "110/25" and changed "109" to "109/75".

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- b. Section 916.30, definition of "Certificate of Compliance", 6th line: added comma after "readable" and "and" after "authentic".
- c. Section 916.30, definition of "Company", 1st line: added ", identified or functions" after "defined"; 3rd and 4th lines, strike through "the Dental Care Patient Protection Act [215 ILCS 109],"; 10th line, added ", unless the context clearly indicates that the entity shall not constitute a company for purposes of this Part" before the period.
- d. Section 916.30, after definition of "Illinois Insurance Code" added:
""Informational filing" means a filing of a policy form, rate or other informational material that does not require approval by the Director, but is filed for informational purposes only. These filings would include, but are not limited to, an informational policy, other State approvals, calculations, required informational material, outlines of coverage and variable material."
- e. Section 916.30, definition of "Subtype of Insurance", 3rd line: after "SERFF website", added "(www.serff.com)"
- f. Section 916.40(b)(3)(A): changed "filing informationally" to "submitting the informational filing".
- g. Section 916.50(a), 3rd line: added comma after "readable" and "and" after "authentic".
- h. Section 916.50(b), 10th line: after "or", added "all provisions of" and after "Code" add "applicable to policy forms".

Section 916.EXHIBIT A, 19th line: after "with", add "all provisions of" and after "Code" add "applicable to policy forms"; 48th line, before "50", add "with all provisions of" and after "Code" add "applicable to policy forms".

- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This regulation is to provide guidance to the insurers for proper submission to the Department of Insurance for all types of filings pertinent to life, accident and health policy form, informational, and rate filings. Since the enacting legislation, there have been several changes to the way insurers file using the System for Electronic Rate and Form Filing (SERFF); the proposed amendments address these changes.
- 16) Information and questions regarding this adopted rule shall be directed to:

Cindy Colonius
Consumer Market Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-4572

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE

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

SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 916

REQUIRED PROCEDURE FOR FILING AND SECURING APPROVAL OF POLICY FORMS

Section

916.10	Authority
916.20	Purpose and Scope
916.30	Definitions
916.40	Filing Procedures
916.50	Certification of Compliance
916.60	Effective Date (Repealed)
916.EXHIBIT A	Certificate of Compliance
916.EXHIBIT B	Coding Guide (Repealed)
916.EXHIBIT C	Discontinued Acronyms From Exhibit B Coding Guide (Repealed)
916.EXHIBIT G	General Transmittal Instructions and Transmittal (Repealed)
916.EXHIBIT H	Replacement/Withdrawal Transmittal Instructions and Transmittal (Repealed)
916.EXHIBIT I	Certificate of Assumption Transmittal Instructions and Transmittal (Repealed)
916.EXHIBIT J	Informational Filing Transmittal Instructions and Transmittal (Repealed)

AUTHORITY: Implementing Section 143 of the Illinois Insurance Code [215 ILCS 5/143], Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10], Section 25 of the Dental Service Plan Act [215 ILCS 110/25], Section 75 of the Dental Care Patient Protection Act [215 ILCS 109], Section 4003 of the Limited Health Service Organization Act [215 ILCS 130/4003], Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and the Electronic Commerce Security Act [5 ILCS 175], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Filed November 13, 1975, effective December 1, 1975; codified at 6 Ill. Reg. 14844; amended at 9 Ill. Reg. 18139, effective February 13, 1986; amended at 17 Ill. Reg. 15853, effective September 14, 1993; amended at 20 Ill. Reg. 6848, effective May 1, 1996; amended at 24 Ill. Reg. 3547, effective February 18, 2000; amended at 29 Ill. Reg. 4922, effective March 22, 2005; recodified from the Department of Financial and Professional Regulation to the

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Department of Insurance at 38 Ill. Reg. 24062; amended at 39 Ill. Reg. 2590, effective February 6, 2015.

Section 916.30 Definitions

~~Certificate of Assumption Transmittal means a transmittal document to be completed when one company assumes a block of business from another company. Instructions for completing the Transmittal are found on the Department of Insurance website or through the System for Electronic Rate and Form Filing (SERFF).~~

~~"Certificate of Compliance" means a document as described in Section 916.50, and can be found an example of which is included in Exhibit A, which of this Part for filings made prior to January 1, 2006. Certificate of Compliance for filings made on or after January 1, 2006 means the certification that must be completed on the transmittal document that certifies that the filing complies with Illinois applicable provisions. The Certification must include a readable, authentic and visible signature of an officer of the company.~~

~~Code means a general description of the policy form to be issued or delivered.~~

~~Coding Matrix represents, by abbreviation of letters and numbers, types of coverage as appears within the Uniform Life, Accident & Health, Annuity and Credit Coding Matrix as set forth on the Department of Insurance website or the System for Electronic Rate and Form Filing (SERFF) website.~~

~~"Combination Form" means a policy form that which will be used for both lifeLife and accidentAccident and healthHealth. Combination forms must be submitted under TOI/Sub-TOI's for life and for accident and health.~~

~~"Company" means any entity that which is defined, identified or functions as a "company" in Section 2 of the Illinois Insurance Code [215 ILCS 5/2], in Section 2 of the Voluntary Health Services Plans Act [215 ILCS 165/2], in Section 3 of the Dental Service Plan Act [215 ILCS 110/3], and in Section 109 of the Dental Care Patient Protection Act [215 ILCS 109], and in Section 1002 of the Limited Health Service Organization Act [215 ILCS 130/1002], orand in Section 1-2 of the Health Maintenance Organization Act [215 ILCS 125/1-2], and that which issues or delivers in the State of Illinois policies, group contracts or certificates of life, annuity and accident and health insurance, which fall within the definition of~~

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Classes 1(a), 1(b) and 2(a) of Section 4 of the Illinois Insurance Code, unless the context clearly indicates that the entity shall not constitute a company for purposes of this Part-[215 ILCS 5/4].

"Department" means the Illinois Department of Insurance~~Financial and Professional Regulation~~.

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

"Illinois Insurance Code" or "Code" means 215 ILCS 5.

"Informational filing" means a filing of a policy form, rate or other informational material that does not require approval by the Director, but is filed for informational purposes only. These filings would include, but are not limited to, an informational policy, other State approvals, calculations, required informational material, outlines of coverage and variable material.

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

~~Electronic Mail Identification Number means the e-mail address that Department personnel may use to communicate electronically with the named contact person who is filing the transmittal document. Filers who use IBM mail shall include their IBM mail identification number. Internet users shall contact the Department for more information.~~

~~Life/Accident & Health, Annuity, Credit Transmittal Document means a transmittal document for identifying policy forms or informational material in a filing. Instructions for completing the Transmittal Document are contained on the Department website or the System for Electronic Rate and Form Filing (SERFF) website. All policy forms submitted on a transmittal document shall be for the same line of business and the same type of insurance.~~

"PDF" means an Adobe Portable Document Format.

"Policy Form" means any form to be issued or delivered in the State of Illinois, pursuant to Section 143(l) of the Illinois Insurance Code, constituting in form and content a policy, group contract or certificate of insurance or evidence of

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

coverage, endorsement, rider, schedule of benefits page, by-law or other matter incorporated by reference, or application blank or discretionary group forms requiring the Director's approval pursuant to Section 230.2 and 367.3 of the Illinois Insurance Code ~~[215 ILCS 5/230.2 and 367.3]. A Transmittal Document is required to be submitted with all policy forms, including subsequently issued riders or endorsements.~~

"SERFF" means the System for Electronic Rate and Form Filing used for electronic filings of participating company policy forms and rating information.

"State Tracking/Company Tracking Numbers" means the number assigned by the company, ~~not to exceed 15 characters~~, that is used to distinguish one filing from any other filing submitted by that same company. All policy forms submitted in a filing shall be for the same line of business and the same category. ~~The first 14 characters (or less) of the tracking number must be unique from any other tracking number used by the company.~~

"Subtype of ~~Insurance~~ insurance" or "Sub-TOI" means the characteristic and detailed description of the policy form as set forth on the ~~Department website or through the SERFF website (www.serff.com).~~

"Type of Insurance" or "TOI" means the general classification of the policy form to be issued or delivered as set forth on ~~the Department website or the SERFF website.~~

(Source: Amended at 39 Ill. Reg. 2590, effective February 6, 2015)

Section 916.40 Filing Procedures

- a) Certificate of Compliance. ~~Each By December 31, 2005, each~~ company doing business in the State of Illinois shall submit with each filing a Certificate of Compliance, as described in Section 916.50 and Exhibit A, ~~for all policy forms previously approved by the Division. On or after January 1, 2006, this Certificate of Compliance will no longer be required.~~
- b) Forms Review. Each company shall file with the Director for approval each new policy form before it is issued or delivered in this State. Beginning January 1, 2006, each Each filing shall be submitted directly through SERFF and shall include each of the following:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~Directly through SERFF; or~~
- 2) ~~By submitting the filing to the Division on compact disc (CD). These submissions shall be consistent with the format prescribed by SERFF, which is contained in the user's guide posted on the Division's website. The Division will upload these CD submissions to SERFF on behalf of the company. The CD filing shall include, as separate PDFs on the CD, each of the following:~~
 - 1A) A ~~letter of submission giving a~~ detailed description of:
 - Ai) the purpose for the policy form and the manner in which it will be marketed; and
 - Bi) a cross-reference filing number for identical submissions made by affiliated companies.
 - 2B) The policy forms. The text of each policy form shall be made out in "John Doe" fashion, bracketing any appropriate variable material. The form number shall appear in the lower left-hand corner of the policy form to be approved, ~~and shall not exceed 30 characters.~~
 - 3C) ~~Informational filings must contain a detailed description of:~~~~A transmittal document that is consistent with the format prescribed by SERFF, which is contained in the user's guide posted on the Division's website. The transmittal document identifies the company filing number and lists the policy form numbers. It includes the certification described in Section 916.50. A combination form shall be submitted as two separate filings. Each shall be identified by its own State tracking/company tracking number. Resubmission of pending policy forms within a filing shall be submitted under their original State tracking/company tracking number.~~
 - A) The purpose of submitting the informational filing; and
 - B) A cross-reference filing number for the form to which the informational filing relates.
- c) Riders and Endorsements. Riders or endorsements that unilaterally reduce

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

benefits, and are attached to a policy subsequent to the date the policy is issued, shall be reviewed and approved by the Director prior to their issuance or delivery.

- d) Replacement Filings. ~~1) A new policy form replacing a form previously approved, when the new policy form bears the same form number as the previously approved form, shall be accompanied by:~~
- ~~1A) a statement that the filing is a replacement;~~
 - ~~2B) the State tracking/company tracking number of the previously approved form and the date of the previous approval; and~~
 - ~~3C) a statement that the previously approved policy form was never issued.~~
 - ~~2) Replacement filings shall be assigned their own State tracking/company tracking number, and the original filing shall be withdrawn by completing the transmittal document.~~
- e) ~~Rates. Accident and health policy form filings written on an individual basis, individual and group Medicare supplement policy form filings and individual and group long-term care policy form filings shall be accompanied by rates providing a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each individual accident and health policy form. Subsequent rates shall be submitted as information on the transmittal document.~~
- ~~1) Individual and group Medicare supplement policy form filings and individual and group long-term care policy form filings shall be accompanied by rates providing a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each individual accident and health policy form. The rate data must be submitted in a separate SERFF filing.~~
 - ~~2) Any insurance company, health maintenance organization or health service plan authorized to offer health insurance coverage, as that term is defined in the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97] (HIPAA), must file all proposed rate increases with the Department prior to use. All rate filings must be submitted electronically through the Health Rate Review Web Portal.~~

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- f) Credit Policies. Individual and group credit policy form filings shall be accompanied by the rate filing that provides a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each credit policy form. ~~Subsequent credit rates shall be submitted with a transmittal document.~~
- g) Filing Fee. Fees are paid through Electronic Funds Transfer through SERFF upon submission of the SERFF Filing. ~~A quarterly invoice will be mailed to the company by the Division for the filing fee required by Section 408(jj) of the Insurance Code [215 ILCS 5/408(jj)].~~
- h) Policy Form Withdrawal
- 1) Filings submitted for the withdrawal of policy forms ~~a policy form shall include: A) a letter of explanation providing the form numbers to be withdrawn, along with the SERFF Tracking Number or Company Tracking/State Tracking Number under which the form was originally approved.~~
 - B) ~~A transmittal document listing the State tracking/company tracking number and policy form number of the forms to be withdrawn.~~
 - 2) Health insurance contracts subject to HIPAA shall include requirements set forth in 50 Ill. Adm. Code 2025. ~~Each time a company's policy form is to be withdrawn, it is the responsibility of the company to notify the Director on a transmittal document that is consistent with the format prescribed by SERFF, which is contained in the user's guide posted on the Division's website.~~

(Source: Amended at 39 Ill. Reg. 2590, effective February 6, 2015)

Section 916.50 Certification of Compliance

- a) ~~Each~~ Effective January 1, 2006, each filing ~~transmittal document~~ shall contain a certification that the filing complies with all applicable Illinois statutes. The certification must carry a readable, authentic and visible signature of an officer of the company.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- b) ~~Until January 1, 2006, each company shall submit a "Certificate of Compliance" for all previously approved policy forms on file with the Department.~~ The certification shall be signed by an officer of the company, identified by title, who has the authority to obligate the company by ~~his or hersuch~~ signature. In this manner, the company shall agree and consent to the discontinuance of future use of any approved policy form. ~~Discontinuance is effective;~~ 30 days from the date of mailing an order of withdrawal issued by the Director pursuant to Section 143(1) of the Illinois Insurance Code. The order shall set forth the reasons why ~~thesuch~~ previously approved policy form is violative of or contrary to the ~~provisions of the~~ Illinois Insurance Code or all provisions of 50 Ill. Adm. Code applicable to policy forms. Each company shall have the right to request a hearing within that 30 day period. ~~TheSuch~~ request shall be made in writing to the Director. The order of withdrawal shall be stayed and the company shall be given a hearing under ~~such provisions of~~ Sections 143(1), 401(c), 401.1, 402(2), 426 and 429 of the Illinois Insurance Code ~~[215 ILCS 5/143(1), 401(c), 401.1, 402(2), 426 and 429]~~ and 50 Ill. Adm. Code 2402₂ as may be applicable₂ to determine:
- 1) whether ~~thesuch~~ policy form shall be disapproved₂; and
 - 2) whether further orders of the Director may be appropriate.

(Source: Amended at 39 Ill. Reg. 2590, effective February 6, 2015)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 916. EXHIBIT A Certificate of Compliance

Each company shall, ~~from July 1, 1996 through December 31, 2005,~~ submit a "Certificate of Compliance" in substantially this format:-

CERTIFICATE OF COMPLIANCE

(Company Name)

By: _____ Title: _____

~~certifies~~ ~~does hereby certify~~ that the policy ~~forms~~ form(s) as identified by either the Departmental listing attached to this Certificate of Compliance ~~hereto~~, or those filed by the company during this fiscal year, do comply:

- a) with all provisions of the Illinois Insurance Code applicable to the policy forms; and
- b) with all provisions of 50 Ill. Adm. Code applicable to policy forms;

and does further certify to the best of our knowledge and belief that:

- 1) the ~~forms~~ form(s) do not contain any inconsistent, ambiguous or misleading clauses;
- 2) the ~~forms~~ form(s) do not contain specifications or conditions that unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the policy ~~forms~~ form(s);
- 3) the only variation from the usual provisions of the policy ~~forms~~ form(s) are clearly marked or otherwise indicated;
- 4) the ~~policy form~~ language of the policy form, as submitted or approved, shall be exactly as ~~it has~~ they have been or will be offered for issuance or delivery in the State of Illinois as approved by the Director, except for hypothetical data and other appropriate variable material; and

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 5) the policy ~~forms~~form(s) do not contain any provision or clause currently being disapproved by the Director.

In utilizing the procedure for policy form filing and approval set forth in 50 Ill. Adm. Code 916, _____ (company name) _____ hereby expressly agrees and consents to a review, by the Director, to be made at any time, and further hereby expressly agrees and consents to the discontinuance by the company of future use of ~~thesueh~~ approved policy ~~forms~~form(s), 30 days from the date of mailing an order of withdrawal issued by the Director pursuant to Section 143(1) of the Illinois Insurance Code. The order shall set forth the reasons why ~~thesueh~~ previously approved policy ~~forms~~form(s) are violative of or contrary to the provisions of the Illinois Insurance Code or all provisions of 50 Ill. Adm. Code applicable to policy forms. Each company shall have the right to request a hearing within that 30 day period. ~~TheSueh~~ request shall be made in writing to the Director. The order of withdrawal shall be stayed and the company shall be given a hearing under the provisions of ~~Sections~~Section 143(1), 401(c), 401.1, 402(2), 426 and 429 of the Illinois Insurance Code [215 ILCS 5/143(1), 401(c), 401.1, 402(2), 426 and 429] and 50 Ill. Adm. Code 2402, as may be applicable, to determine:

- a) whether ~~thesueh~~ policy form shall be disapproved; and
- b) whether further orders of the Director may be appropriate.

(Company Name)

By: _____
 (Signature)

Title: _____ Date: _____

(Source: Amended at 39 Ill. Reg. 2590, effective February 6, 2015)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Insurance Data Reporting Requirements
- 2) Code Citation: 50 Ill. Adm. Code 4203
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
4203.30	Amendment
4203.40	Amendment
4203.50	Amendment
4203.60	Amendment
4203.70	Amendment
4203.80	Amendment
4203.90	Amendment
4203.100	Amendment
4203.110	Amendment
- 4) Statutory Authority: Implementing Article XLII and authorized by Section 1204 of the Illinois Insurance Code [215 ILCS 5]
- 5) Effective Date of Rule: February 6, 2015
- 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 rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 38 Ill. Reg. 19083; September 26, 2014
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version:
 - a. Section 4203.70(f): 2nd line, change "1996" to "2006"; 3rd line, change "1995" to "2005"; 4th line, add closing parenthesis after the period.
 - b. Section 4203.80(c)(5): 6th line under "01.0 = Residential Fire", reinstate "OTHR = All other coverage contained in line 01.0".

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- c. 4203.100(c)(5): 1st line, change "Class Code – Classification Code" to "Class Code/Classification Code".
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Part 4203 refers to National Association of Independent Insurers (NAII), which is no longer in existence; the rule needs to be amended to refer instead to Property Casualty Insurers Association of America (PCI), which succeeded NAII. Housekeeping changes are being made to the Part as well.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Robert Rapp
Property and Casualty Complaints Unit
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/785-1680

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER vv: INSURANCE COST CONTAINMENTPART 4203
INSURANCE DATA REPORTING REQUIREMENTS

SUBPART A: COST CONTAINMENT REPORTING

Section	
4203.10	Applicability
4203.20	Purpose and Scope
4203.30	Data Collection Procedures
4203.40	General Submission Guidelines
4203.50	Required Data Types (Lines, Classes, and Coverages)
4203.60	Line Item Matrix For Cost Containment Reporting
4203.70	Coding Conventions for Other Liability/ Excess Insurance , Medical Malpractice, Earthquake, Commercial Auto Liability, and Business Owners Packages, and Excess Insurance
4203.80	Coding Conventions for Homeowner and Residential Fire Insurance
4203.90	Coding Conventions for Private Passenger Auto Liability Insurance (Excluding PIP)
4203.100	Coding Conventions for Private Passenger Auto Physical Damage
4203.110	Record Layout for the Four Formats

SUBPART B: MEDICAL MALPRACTICE REPORTING

Section	
4203.200	Applicability
4203.210	Purpose and Scope
4203.220	Definitions
4203.230	Reports

SUBPART C: MARKET SURVEY FOR OCCURRENCE INSURANCE
COVERAGE OF STATE RESPONSE ACTION CONTRACTORS

Section	
4203.300	Purpose (Repealed)
4203.310	Declaration (Repealed)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

4203.APPENDIX A Filing Requirements for Medical Malpractice Reporting

4203.APPENDIX B Guidelines for Submission of Medical Malpractice Reporting (Repealed)

AUTHORITY: Implementing Article XLII and authorized by Section 1204 of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Adopted at 22 Ill. Reg. 4853, effective March 3, 1998; amended at 31 Ill. Reg. 2287, effective January 22, 2007; amended at 33 Ill. Reg. 2285, effective January 26, 2009; amended at 36 Ill. Reg. 18744, effective December 17, 2012; amended at 39 Ill. Reg. 2603, effective February 6, 2015.

SUBPART A: COST CONTAINMENT REPORTING

Section 4203.30 Data Collection Procedures

- a) **Scope of Procedure**
Each insurer shall report its business written separately for Illinois and multi-state (including Illinois) for each line, subline, or class, or endorsement specified by this Part. Where zip code reporting is required, each line, subline, class or endorsement shall be reported separately for each zip code. Only data for the voluntary market will be reported.
- b) **Methods of Compiling Annual Experience**
Experience for each class or type of business required in the data call will be provided on a calendar year basis. The calendar year data represents a comparison of losses with exposures and premiums in the same 12 month period. For the calendar year experience method, the insurer or agent will report evaluations as of December 31. Data will be reported for the current year minus one year. (For example, the ~~2006~~1996 report will contain data for ~~2005~~1995, evaluated as of December 31, ~~2005~~1995, the latest complete, calendar year experience year.)
- c) **Experience Method By Line**
 - 1) For all lines, each insurer will report the premium and loss data for the latest experience year. (For example, 2008 data for reporting year 2009.)
 - 2) In reporting the required data, please note the following clarifications:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- A) The "Other Liability" line includes classes from liquor liability, day care centers, and lawyers professional liability, and excess/umbrella coverage.
 - B) Data from Beach Plans and Assigned Risk Plans will not be reported. (The Illinois FAIR Plan Association will submit Illinois-only data for homeowners.) Insurers will not report any FAIR Plan data.
- d) Preparation and Completion of Statistical Reports
- 1) Insurers may report statistics directly, or through an agent. Agents reporting data for more than one insurer will report each insurer's data on separate records.
 - 2) Insurers will report their data within the required time frame using the codes and record formats provided in Sections 4203.50 through 4203.110.
 - 3) Exemption requests:
 - A) All companies requesting exemption from data submission requirements must notify the Department prior to each filing date. The notice must contain the following information:
 - i) Name of company or agent,
 - ii) FEIN (not applicable to agents),
 - iii) NAIC group and company number (not applicable to agents),
 - iv) Filing date (e.g., 11/25/~~0696~~),
 - v) Address, City, State and Zip code,
 - vi) Contact person,
 - vii) Phone number of contact person,

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- viii) Email address for contact person,
 - ix) Reason for exemption.
- B) All data for each line of business must be submitted as a complete submission. In the event data is resubmitted, all data previously submitted for that line of business by that insurer will be deleted and replaced by the resubmitted data.
- C) Insurers need not submit a record (for either Illinois only or multi-state) for any line, class, or endorsement if written premiums, earned premiums, and paid and outstanding losses in the Illinois-only data are all zeroes.
- e) **Reporting of Exposures**
A count of the number of written exposures will be reported separately for each line, type of business and classification. Section 4203.50 provides the exposure basis for each.
- f) **Reporting of Premiums**
The premium reported will be the premium charged for the policies within each classification. Excess insurance premiums will be reported separately as addressed in subsection (r). Premiums will be reported on both a written and earned basis.
- g) **Reporting of Losses**
Separate fields are provided for both paid losses and outstanding losses. Losses will be reported net as to third party recoveries (under salvage and subrogation). Paid losses are defined as all sums paid to claimants or policyholders in direct settlement of losses covered by the policies. Outstanding losses are defined as the amounts of loss reserves established for paying claims for the reporting period that have not been paid as of the evaluation date. Losses covered by an excess policy will be reported separately as addressed in subsection (s).
- h) **Reporting of Allocated Loss Adjustment Expenses**
Allocated loss adjustment expense (ALAE) includes all expenses of the company which can be identified with and hence allocated to a particular claim. Insurers will report the amount of paid and outstanding ALAE for the private passenger auto liability, medical malpractice, other liability and commercial auto liability

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

lines. Also, ALAE will be collected for business owners insurance and excess insurance. In those situations where an insurer cannot separate indemnity and ALAE, the insurer will submit a separate record; however, the insurer will enter the combined loss and ALAE total in the paid loss or outstanding loss fields and will identify this option by coding the corresponding paid ALAE or outstanding ALAE fields with the word "combined".

- i) **Reporting Paid Claims Count**
Insurers will report the count of their paid claims. A claim closed without a loss payment is not to be reported. A claim involving only allocated loss adjustment expense is not to be reported with a claim count. A claim count is to be reported only for those cases where a loss payment has been made or a loss reserve has been established. A paid claim is defined as a claim for which a payment has been made. In cases where a claim is partially paid with an associated case reserve still maintained, insurers have the option to report the claim count as either paid or outstanding. A case involving loss payments or loss reserves under more than one classification will have a claim count under each classification.
- j) **Reporting Outstanding Claims Count**
Insurers will report the count of outstanding claims. An outstanding claim is defined as a claim for which a case loss reserve exists as of the evaluation date. In cases where a claim is partially paid with an associated case reserve still maintained, insurers have the option to report the claim count as either paid or outstanding. A case involving loss payments or loss reserves under more than one classification will have a claim count under each classification.
- k) **Run-off Business**
Companies with no written or earned premiums, but with paid or outstanding losses in a line, class, subclass, or endorsement for Illinois-only data must report data for that line, class, subclass, or endorsement for both Illinois-only and multi-state. If the aforementioned situation occurs in only the multi-state data, the insurer will not be required to report that data.
- l) **Three Year Prepaid Policies**
Premiums for three year prepaid policies shall be reported as three separate annual policies.
- m) **Other Prepaid Policies**
The procedure, outlined in subsection (l), applies to other policies not having a

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

one year term with proper recognition of the policy term and using a pro rata allocation formula. In all cases policy periods shall be annual or less.

- n) **Treatment of Installment Payments**
Premiums for policies written on an installment basis will be reported as though they were prepaid policies.
- o) **Installment Charge Premium**
Additional premium resulting from the application of installment charges shall be reported as premium.
- p) **Divisible Package Policies**
Insurers will report premiums separately by each classification used in developing the total package premium.
- q) **Rounding Rule**
Data will be reported in whole numbers. All decimals will be rounded to the nearest integer. (Decimals less than .5 will be rounded down to the nearest whole number while decimals .5 and above will be rounded up to the nearest whole number.)
- r) **Reporting Excess Insurance Premiums**
Written and earned premiums for excess insurance will be entered in the appropriate fields for this type class. (See Section 4203.70.) Premiums for excess insurance are defined as that premium charged for coverage in excess of the primary policy limits added by a different policy (e.g., umbrella policy or through an endorsement to the policy).
- s) **Reporting Excess Insurance Losses**
Paid losses and outstanding losses for excess insurance will be entered in the appropriate fields for this class. (See Section 4203.70.) An excess loss is defined as a loss resulting in an incurred cost to the insurer in excess of the primary policy limits and covered by a different policy or an endorsement to the policy. Examples include umbrella policies and excess limits endorsements.

(Source: Amended at 39 Ill. Reg. 2603, effective February 6, 2015)

Section 4203.40 General Submission Guidelines

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- a) **Guidelines for Data Submission and Collection**

There will be only one filing date each year. Data must be submitted no later than November 30 of each year. The submission will be submitted electronically to the Illinois Department of Insurance, Market Analysis Unit, 320 W. Washington, Springfield, Illinois 62767-0001. Insurers are responsible for developing or obtaining any software required to convert and/or translate their internal file structures and formats to those prescribed by this Part.
- b) **Penalties**

Failure to comply with any of these specifications may subject the insurer to those penalties described in Section 1204 of the Illinois Insurance Code [215 ILCS 5/1204].
- c) **Leading Zeros**

Since fields are not fixed-length, leading zeros and spaces should be omitted.
- d) **Negative Numbers**

Negative numbers will be submitted as a dash before the number (without a space between the negative and number). For example a negative one hundred dollar premium would be coded -100.
- e) **Data Reported by Illinois and Multi-State**
 - 1) All required data will be reported in the aggregate for:
 - A) Illinois only, and
 - B) multi-state including Illinois.
 - 2) All data contained in this data call shall be submitted on a calendar year basis.
- f) **Required Data Elements**

Data shall be reported for the following nine insurance elements:

 - 1) Number of written exposures,
 - 2) Amount of direct written premiums,

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 3) Amount of direct earned premiums,
 - 4) Amount of paid losses,
 - 5) Amount of outstanding losses,
 - 6) Amount of paid allocated loss adjustment expenses,
 - 7) Amount of outstanding allocated loss adjustment expenses,
 - 8) Number of paid claims,
 - 9) Number of outstanding claims.
- g) Required Lines or Coverages of Insurance
The Department requires that data be submitted for classes within the following ~~940~~ lines or coverage types of insurance.

Coverage Type	Line of business
Residential Fire	01.0
Homeowners Multiple Peril	04.0
Business Owners Packages	05.0
Medical Malpractice	11.0
Earthquake	12.0
Other Liability	17.0
Private Passenger Automobile Liability	19.2
Commercial Automobile Liability	19.4
Private Passenger Automobile Physical Damage	21.1

- h) Reported By Zip Code
All Illinois data reported for line 01.0, 04.0, 19.2 and 21.1 must be reported by zip code. All other data within the data call is to be reported on a statewide basis.
- i) Reported By Form Type
There will be a separate record for each line, class, or type of coverage for each form type used in writing a policy. Note that an insurer may use any one or more of the form types within the same line or class of insurance. When multiple form

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

types are used the insurer must generate a record for each of those form types.

(Source: Amended at 39 Ill. Reg. 2603, effective February 6, 2015)

Section 4203.50 Required Data Types (Lines, Classes, and Coverages)

Within the required lines of insurance identified in Section 4203.40(g), the Department requires data for specified lines, classes or coverages. There are 9 categories contained in the following table that summarize the data that must be filed in Illinois pursuant to this Part.

OTHER LIABILITY

<u>CLASS OR DATA TYPE</u>	<u>CLASS CODE</u>	<u>EXPOSURE BASE</u>
DAY CARE CENTERS		
Day care center liability – day nurseries	82115	square feet
Day care center liability – day care centers	41714	person-months
Day care center liability individual insurer program not rated using one of the exposure bases noted above. ¹	81714	NA
LAWYERS PROFESSIONAL LIABILITY		
Lawyers professional liability – lawyers	81400	person-months
Lawyers professional liability – employed law clerks, investigators, abstractors, and paralegals	81420	person-months
Lawyer's professional liability individual insurance program not rated using one of the exposure bases noted above. ²	81401	NA
LIQUOR LIABILITY		
Clubs	70412	receipts
Package stores, and other retail establishments	59211	receipts

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Manufacturers, wholesalers, and distributors	50911	receipts
Restaurants, taverns, hotels, motels incl: package sales	58161	receipts
Temporary licenses	58168	NA no exposure
Owners or lessors of premises used by others	58169	NA no exposure
Liquor liability – not otherwise classified	11111	NA no exposure
Liquor liability individual insurer programs not rated using one of the exposure bases noted above. ¹	81111	NA
EXCESS INSURANCE		
Commercial Automobile	9772	NA
Personal Umbrella	99930	NA
Commercial Umbrella	99935	NA
Excess Insurance – All Other	88888	NA
OTHER		
All other coverage contained in line 17.1 and 17.2 of the company's state page exhibit for the filing year	OTHR	<u>NA</u>

Table:

- ¹ Individual insurer programs that are not rated using one of the exposure bases above with this specified class definition will be reported as classification codes 81111 and 81714, respectively.
- ² Individual insurer programs that are not rated using one of the exposure bases noted above with this specified class definition will be reported as classification code 81401.

MEDICAL MALPRACTICE

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

CLASS OR DATA TYPE	CLASS CODE		EXPOSURE BASE
	MD ¹	DO ²	
CARDIAC SURGERY			
Surgery – cardiac	80141	NA	person-months
Surgery – cardiovascular disease	80150	84150	person-months
CARDIAC – OTHER			
Cardiovascular disease – minor surgery	80281	84281	person-months
Cardiovascular disease – no surgery	80255	84255	person-months
CRITICAL CARE MEDICINE			
Intensive care medicine. Applies to any general practitioner or specialist employed in intensive care hospital unit	80283	84283	person-months
DENTISTS			
Oral surgery with anesthesia	80210	NA	person-months
Oral surgery without anesthesia	80211	NA	person-months
EMERGENCY ROOM SURGERY			
Emergency medicine – including major surgery	80157	84157	person-months
EMERGENCY ROOM – OTHER			
Emergency room – no major surgery	80102	84102	person-months
GENERAL PRACTITIONER (FAMILY PRACTICE)			
Family physician or general practitioner – no surgery	80420	84420	person-months

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Family physician or general practitioner – minor surgery	80421	84421	person-months
Surgery – general practice or family practice	80117	NA	person-months
GENERAL SURGERY			
Surgery – general – not otherwise classified. Does not apply to family or general practitioner or to any specialist who occasionally performs major surgery.	80143	84143	person-months
NEUROSURGERY			
Surgery – neurology – including child	80152	84152	person-months
Neurology – including child – minor surgery	80288	84288	person-months
OBSTETRICS/GYNECOLOGY – SURGERY			
Surgery – gynecology	80167	84167	person-months
Surgery – obstetrics	80168	NA	person-months
Surgery – obstetrics – gynecology	80153	84153	person-months
OBSTETRICS/GYNECOLOGY – OTHER			
Gynecology – minor surgery	80277	84277	person-months
Gynecology – no surgery	80244	84244	person-months
ORTHOPEDIC SURGERY			
Surgery – orthopedic	80154	84154	person-months
PHYSICIANS, SURGEONS, AND DENTISTS			
Physicians, Surgeons, and Dentists not otherwise classified	94999	94999	person-months
Physicians, Surgeons, and Dentists individual programs not rated using one of the exposure bases noted above	90430	NA	person-months

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

PLASTIC SURGERY

Surgery – plastic – not otherwise classified	80156	84156	person-months
Surgery – plastic – otorhinolaryngology	80155	84155	person-months

THORACIC SURGERY

Surgery – thoracic	80144	84144	person-months
--------------------	-------	-------	---------------

VASCULAR SURGERY

Surgery – vascular	80146	NA	person-months
--------------------	-------	----	---------------

OTHER

All other coverage contained in line 11.0 of the company's state page exhibit for the filing year	OTHR	NA person-months
---	------	-----------------------------

Table:

¹ MD = Medical Doctor

² DO = Doctor of Osteopathy

COMMERCIAL AUTO LIABILITY

<u>CLASS OR DATA TYPE</u>	<u>CLASS CODE</u>	<u>EXPOSURE BASE</u>
Fleet and non-fleet combined trucks, tractors, and trailers – zone rated	1A 1B 1C	car-months (BI) receipts number of miles
Fleet and non-fleet combined trucks, tractors, and trailers – all other, regardless of miles	2A	car-months (BI)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines	3A 3B 3C	car-months (BI) receipts number of miles
---	----------------	--

OTHER

All other coverage contained in line 19.4 of the company's state page exhibit for the filing year.	OTHR	<u>NA</u>
--	------	-----------

PRIVATE PASSENGER AUTO LIABILITY

<u>CLASS OR DATA TYPE</u>	<u>CLASS CODE</u>	<u>EXPOSURE BASE</u>
PPA Liability	<u>LIABNA</u>	car-months (BI)

OTHER

All other coverage contained in line 19.2 of the company's state page exhibit for the filing year	OTHR	<u>NA</u> car-months (BI)
---	------	---------------------------

HOMEOWNER MULTI-PERIL

<u>CLASS OR DATA TYPE</u>	<u>CLASS CODE</u>	<u>EXPOSURE BASE</u>
HO-1	HO-1	house-months
HO-2	HO-2	house-months
HO-3	HO-3	house-months
HO-4	HO-4	house-months
HO-5	HO-5	house-months
HO-6	HO-6	house-months
HO-8	HO-8	house-months

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Mobile Homes	Mobile	house-months
--------------	--------	--------------

HOMEOWNER ENDORSEMENTS

Home Day Care endorsement	323	house-months
---------------------------	-----	--------------

Earthquake endorsement	HEQ	house-months
------------------------	-----	--------------

OTHER

All other coverage contained in line 04.0 of the company's state page exhibit for the filing year	OTHR	<u>NA</u> house-months
---	------	------------------------

BUSINESS OWNERS PACKAGE

<u>CLASS OR DATA TYPE</u>	<u>CLASS CODE</u>	<u>EXPOSURE BASE</u>
Business Owners Package (BOP)	77777	NA
Other coverage contained in line 05.1 and 05.2 of the company's state page exhibit for the filing year	OTHR	<u>NA</u>

PRIVATE PASSENGER AUTO PHYSICAL DAMAGE

<u>CLASS OR DATA TYPE</u>	<u>CLASS CODE</u>	<u>EXPOSURE BASE</u>
PPA Physical Damage	<u>PHYD</u> NA	car-months (comp)
Other coverage contained in line 21.1 of the company's state page exhibit for the filing year	OTHR	<u>NA</u>

EARTHQUAKE (REQ ONLY)

<u>CLASS OR DATA TYPE</u>	<u>CLASS CODE</u>	<u>EXPOSURE BASE</u>
---------------------------	-------------------	----------------------

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Residential Earthquake	REQ	NA
Other coverage contained in line 12.0 of the company's state page exhibit for the filing year	OTHR	<u>NA</u>

RESIDENTIAL FIRE

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
<u>Building</u> Business and Contents – owner-occupied, 1-4 units	9A	house-months
Contents only	9B	house-months
Building only – non-owner-occupied	9C	house-months
<u>Earthquake endorsement</u>	<u>HEQ</u>	<u>house-months</u>
Other coverage contained in line 01.0 of the company's state page exhibit for the filing year	OTHR	<u>NA</u> house-months

(Source: Amended at 39 Ill. Reg. 2603, effective February 6, 2015)

Section 4203.60 Line Item Matrix For Cost Containment Reporting

Revised Field #	Other Liability, Medical Malpractice, Earthquake (REQ), BOP, Excess Insurance & Commercial Auto	Homeowners & Residential Fire	Private Passenger Auto Liability	Private Passenger Physical Damage
1	FEIN	FEIN	FEIN	FEIN
2	Filing Method	Filing Method	Filing Method	Filing Method
3	Line of Business	Line of Business	Line of Business	Line of Business
4	State ID	State ID	State ID	State ID
5	Class Code	Class Code	<u>Class Code</u> Not used	<u>Class Code</u> Not used
6	Statistical Year	Statistical Year	Statistical Year	Statistical Year

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

7	Not used	Zip Code	Zip Code	Zip Code
8	Form Type	Not used	BI Written Premium	Comp Written Premium
9	Written Premium	Written Premium	BI Earned Premium	Comp Earned Premium
10	Earned Premium	Earned Premium	BI Paid Loss	Comp Paid Loss
11	Paid Losses	Paid Losses	BI OS Loss	Comp OS Loss
12	Outstanding Losses	Outstanding Losses	BI PD ALAE	# Comp Wr. Exposure
13	Paid ALAE	Written Exposures	BI OS ALAE	# Comp Paid Claims
14	OS ALAE	# Paid Claims	# BI Written Exposure	# Comp OS Claims
15	Written Exposures	# OS Claims	#BI Paid Claims	Collision Wr. Premium
16	# Paid Claims		#BI OS Claims	Collision Er. Premium
17	# OS Claims		PD Written Premium	Collision Paid Loss
18			PD Earned Premium	Collision OS Loss
19			PD Paid Loss	# Collision Paid Claims
20			PD OS Loss	# Collision OS Claims
21			PD Paid ALAE	Other Written Premium
22			PD OS ALAE	Other Earned Premium
23			# PD Paid Claims	Other Paid Loss
24			#PD OS Claims	Other OS Loss
25			UM/UIM Written Prem	# Other Paid Claims
26			UM/UIM Earned Prem	# Other OS Claims
27			UM/UIM Paid Loss	
28			UM/UIM OS Loss	
29			UM/UIM Paid ALAE	
30			UM/UIM OS ALAE	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

31			# UM/UIM Paid Claims	
32			# UM/UIM OS Claims	
33			Med Pay Written Prem	
34			Med Pay Earned Prem	
35			Med Pay Paid Loss	
36			Med Pay OS Loss	
37			Med Pay Paid ALAE	
38			Med Pay OS ALAE	
39			# Med Pay Paid Claims	
40			# Med Pay OS Claims	
41			Other Written Prem	
42			Other Earned Prem	
43			Other Paid Loss	
44			Other OS Loss	
45			Other Paid ALAE	
46			Other OS ALAE	
47			# Other Paid Claims	
48			# Other OS Claims	
49			# SL Written Exposures	
50			SL Written Prem	
51			SL Earned Prem	
52			BI SL Paid Loss	
53			BI SL OS Loss	
54			BI SL Paid ALAE	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

55			BI SL OS ALAE	
56			# BI SL Paid Claims	
57			# BI SL OS Claims	
58			PD SL Paid Loss	
59			PD SL OS Loss	
60			PD SL Paid ALAE	
61			PD SL OS ALAE	
62			# PD SL Paid Claims	
63			# PD SL OS Claims	

(Source: Amended at 39 Ill. Reg. 2603, effective February 6, 2015)

Section 4203.70 Coding Conventions for Other Liability/~~Excess Insurance~~, Medical Malpractice, Earthquake, Commercial Auto Liability, and Business Owners Packages,~~and Excess Insurance~~

This Section provides instructions for coding the fields for other liability, medical malpractice, earthquake, commercial auto liability, and business owners packages~~Business Owners Packages~~ (BOP). The following provides a detailed description of each data field:

- a) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen; for example 555555555.)
- b) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:
 - 1 = American Association of Insurance Services (AAIS)
 - 2 = Insurance Services Office, Inc. (ISO)
 - 3 = Property Casualty Insurers Association of America (PCI)
~~National Association of Independent Insurers (NAII)~~
 - 4 = National Independent Statistical Service (NISS)
 - 5 = Company Direct – Partial
 - 6 = Company Direct – 100 Percent

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

7 = Other

- c) Line of Business – This alpha-numeric field identifies the line or general classification to which the data belongs. Possible codes are:

05.0 = BOP (Business Owners Package)

11.0 = Medical Malpractice

12.0 = Earthquake

17.0 = Other/Excess Liability

19.4 = Commercial Auto Liability

- d) State Identifier – This field identifies the geographical source of the data. Possible codes are:

12 = Illinois only

MS = Multi-state

- e) **Class Code** – The data call requires specific data for each Type of Insurance and class code identified below.

05.0~~BOP~~ = BOP (Business Owners Package)

~~Business Owners Package (B.O.P)~~

- 7777 = Business Owners Package (BOP)~~All other coverage contained in line 05.1 and 05.2~~

Other

- OTHR = All other coverage contained in line 05.1 and 05.2

11.0 = Medical Malpractice

Cardiac – Other

- 80281 = cardiovascular disease – minor surgery by MD
- 84281 = cardiovascular disease – minor surgery by DO
- 80255 = cardiovascular disease – no surgery by MD
- 84255 = cardiovascular disease – no surgery by DO

Cardiac – Surgery

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 80141 = surgery – cardiac by MD
- 80150 = surgery – cardiovascular disease by MD
- 84150 = surgery – cardiovascular disease by DO

Critical Care Medicine

- 80283 = intensive care medicine – applies to any general practitioner or specialist employed in intensive care hospital unit by MD
- 84283 = intensive care medicine – applies to any general practitioner or specialist employed in intensive care hospital unit by DO

Dentists

- 80210 = Oral surgery with anesthesia
- 80211 = Oral surgery without anesthesia

Emergency Room – Other

- 80102 = emergency room – no major surgery by MD
- 84102 = emergency room – no major surgery by DO

Emergency Room – Surgery

- 80157 = emergency medicine – including major surgery by MD
- 84157 = emergency medicine – including major surgery by DO

General Surgery

- 80143 = surgery – general – not otherwise classified. Does not apply to family or general practitioner or to any specialist who occasionally performs major surgery by MD
- 84143 = surgery – general – not otherwise classified. Does not apply to family or general practitioner or to any specialist who occasionally performs major surgery by DO

Neurosurgery

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 80152 = surgery – neurology – including child by MD
- 84152 = surgery – neurology – including child by DO
- 80288 = neurology – including child – minor surgery by MD
- 84288 = neurology – including child – minor surgery by DO

Obstetrics/Gynecology – Other

- 80277 = gynecology – minor surgery by MD
- 84277 = gynecology – minor surgery by DO
- 80244 = gynecology – no surgery by MD
- 84244 = gynecology – no surgery by DO

Obstetrics/Gynecology – Surgery

- 80167 = surgery – gynecology by MD
- 84167 = surgery – gynecology by DO
- 80168 = surgery – obstetrics by MD
- 80153 = surgery – obstetrics – gynecology by MD
- 84153 = surgery – obstetrics – gynecology by DO

Orthopedic Surgery

- 80154 = surgery – orthopedic by MD
- 84154 = surgery – orthopedic by DO

Physicians and Surgeons

- 80420 = family physician or general practitioner – no surgery by MD
- 84420 = family physician or general practitioner – no surgery by DO
- 80421 = family physician or general practitioner – minor surgery by MD
- 84421 = family physician or general practitioner – minor surgery by DO
- 80117 = surgery – general practice or family practice by MD

Physicians, Surgeons, and Dentists

- 94999 = physicians, surgeons, and dentists classes not specifically listed
- 90430 = physicians, surgeons, and dentists individual insurer programs not rated using one of the exposure bases noted above

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Plastic Surgery

- 80156 = surgery – plastic – not otherwise classified by MD
- 84156 = surgery – plastic – not otherwise classified by DO
- 80155 = surgery – plastic – otorhinolaryngology by MD
- 84155 = surgery – plastic – otorhinolaryngology by DO

Vascular Surgery

- 80146 = surgery – vascular by MD
- 80144 = surgery – thoracic by MD
- 84144 = surgery – thoracic by DO

OTHER

- OTHR = All other coverage contained in line 11.0

12.0 = Earthquake

- REQ = Residential Earthquake
- OTHR = All other coverage contained in line 12.0

17.0 = Other Liability

Day care

- 82115 = day care center liability – day nurseries
- 41714 = day care center liability – day care centers
- 81714 = day care center liability individual insurance not rated using one of the exposure bases noted above.

Lawyer

- 81400 = lawyers professional liability – lawyers
- 81420 = lawyers professional liability – employed law clerks, investigators, abstractors and paralegals
- 81401 = lawyers professional liability individual insurance not rated using one of the exposure bases noted above.

Liquor

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 70412 = clubs
- 59211 = package stores and other retail establishments
- 50911 = manufacturers, wholesalers, and distributors
- 58161 = restaurants, taverns, hotels, motels including package sales
- 58168 = temporary licenses
- 58169 = owners or lessors of premises used by others
- 11111 = liquor liability – not otherwise classified
- 81111 = liquor liability individual insurer programs not rated using one of the exposure bases noted above.¹

Excess Coverage

- 9772 = commercial auto
- 99930 = personnel umbrella
- 99935 = commercial umbrella
- 88888 = excess insurance – all other

Other

- OTHR = All other coverage contained in line 17.1 and 17.2

19.4 = Commercial Auto Liability

- 1A = fleet and non-fleet combined trucks, tractors, and trailers – zone rated (car-months (BI))
- 1B = fleet and non-fleet combined trucks, tractors, and trailers – zone rated (receipts)
- 1C = fleet and non-fleet combined trucks, tractors, and trailers – zone rated (number of miles)
- 2A = fleet and non-fleet combined trucks, tractors, and trailers – all other, regardless of miles (car-months (BI))
- 3A = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (car-months (BI))
- 3B = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (receipts)
- 3C = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (number of miles)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- OTHR = All other coverage contained in line 19.4
- f) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, for the November ~~2006~~~~1996~~ annual data filing, the statistical data year will be coded ~~2005~~~~1995~~ for lines that use the calendar year experience method.)
- g) Field Not Currently Used
- h) Form Type – This alpha-numeric field reflects the form type that was used in providing coverage. The insurer will report a separate record for each form type for each class and geographic location (Illinois-only or multi-state). Possible codes are:
- C = claims-made
 - O = occurrence
 - T = claims-made tail coverage
- i) Amount of Written Premium – This field reflects the amount of total written premiums corresponding to each of the class codes.
- j) Amount of Earned Premium – This field reflects the total amount of earned premiums corresponding to each of the class codes.
- k) Amount of Paid Losses – This field reflects the amount of paid losses corresponding to each of the class codes. Please see Section 4203.30(g) for the definition of paid losses. If the insurer is unable to separate paid losses from ALAE, the insurer will follow the instructions provided in Section 4203.30(h).
- l) Amount of Outstanding Losses – This field reflects the amount of outstanding losses corresponding to each of the class codes. Please see Section 4203.30(g) for the definition of outstanding losses and Section 4203.30(h) for special instructions for those situations where separating outstanding losses and outstanding ALAE are not possible.
- m) Amount of Paid ALAE – This field reflects the amount of paid ALAE for each of the class codes. If an insurer is unable to separate paid ALAE from the paid losses, the combined paid losses and paid ALAE will be

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

reported in the paid losses field for the line and the code "combined" will appear in the paid ALAE field. For the earthquake data, the amount of paid ALAE field should be blank.

- n) Amount of Outstanding ALAE – This field reflects the amount of outstanding allocated loss adjustment expenses for each of the class codes. If an insurer is unable to separate outstanding ALAE from the outstanding losses, the combined outstanding losses and outstanding ALAE will be reported in the outstanding losses field for the line and the code "combined" will appear in the ALAE field. For the earthquake data, the amount of outstanding ALAE field should be blank.
- o) Number of Written Exposures – This field reflects the count of written exposures for each of the class codes. The field "number of exposures" for BOP, earthquake, and excess insurance will be left blank.
- p) Number of Paid Claims – This field reflects the paid claims count corresponding to each of the class codes. Please see Section 4203.30(i) for the definition of paid claims.
- q) Number of Outstanding Claims – This field reflects the outstanding claims count corresponding to each of the class codes. Please see Section 4203.30(j) for the definition of outstanding claims.

(Source: Amended at 39 Ill. Reg. 2603, effective February 6, 2015)

Section 4203.80 Coding Conventions for Homeowner and Residential Fire Insurance

This Section provides instructions for coding 15 fields included in the homeowner and residential fire insurance line. All homeowner and residential fire records will be submitted by zip code.

- a) Data for the homeowner and residential fire lines will be reported on a calendar year basis. Only voluntary business will be reported.
- b) In the homeowner line, the insurer will code one record for each class for multi-state data and one record for each class for each zip code for Illinois-only data. It is not necessary to submit a record that sums the data for all the zip codes in each class.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- c) The following provides a detailed description of each data field:
- 1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen, for example 555555555.)
 - 2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:
 - 1 = American Association of Insurance Services (AAIS)
 - 2 = Insurance Services Office, Inc. (ISO)
 - 3 = [Property Casualty Insurers Association of America](#)
~~(PCI)National Association of Independent Insurers (NAII)~~
 - 4 = National Independent Statistical Service (NISS)
 - 5 = Company Direct – Partial
 - 6 = Company Direct – 100 Percent
 - 7 = Other
 - 3) Line of Business – This alpha-numeric field identifies the general business line to which the data belongs. The possible codes are:
 - 04.0 = Homeowners
 - 01.0 = Residential Fire
 - 4) State Identifier – This field identifies the geographical source of the data. Possible codes are:
 - 12 = Illinois only
 - MS = Multi-state
 - 5) Class Code – Classification Code – This alpha-numeric field identifies the class of insurance being reported in the line. The insurer should report one record for multi-state data and one record for each class by zip code for Illinois-only data. It is not necessary to report a record that sums all zip code data for a class. Possible codes for the classification field are:
 - 04.0 = Homeowners

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- HO-1
- HO-2
- HO-3
- HO-4
- HO-5
- HO-6
- HO-8
- Mobile
- 323 = Day care endorsement
- HEQ = Homeowner earthquake endorsement
- OTHR = All other coverage contained in line 04.0

01.0 = Residential Fire

- 9A = residential fire, building & contents (owner-occupied 1-4 units)
- 9B = residential fire (contents only)
- 9C = residential fire (building only for non-owner-occupied)
- HEQ = earthquake edorsement
- OTHR = All other coverage contained in line 01.0

6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, the statistical data year for the November ~~2006~~¹⁹⁹⁶ annual filing for the calendar year method will be coded ~~2005~~¹⁹⁹⁵.)

7) Zip Code – This alpha-numeric field identifies the zip code where the homeowner exposure is located. Possible codes are:

Actual zip code = The range for Illinois zip codes (60001 through 62999).

99999 = Code for Illinois-only data where zip code does not fall within the range for Illinois zip codes (60001 through 62999).

AGENCY NOTE: There should be one record for each represented zip code for each of the classes HO-1, HO-2, HO-3, HO-4, HO-5, HO-6, HO-8, mobile, 323, 9A, 9B, ~~and 9C~~, and OTHR for Illinois-only data and one record for each class reported for multi-state data.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 8) Field Not Currently Used
- 9) Amount of Written Premium – This field reflects the amount of written premiums corresponding to each of the class codes HO-1 through HO-8, mobile-homes, 323, HEQ, 9A, 9B, ~~and 9C~~, and OTHR.
- 10) Amount of Earned Premium – This field reflects the amount of earned premium corresponding to each of the class codes HO-1 through HO-8, mobile-homes, 323, HEQ, 9A, 9B, ~~and 9C~~, and OTHR.
- 11) Amount of Paid Losses – This field reflects the paid losses corresponding to each of the class codes HO-1 through HO-8, mobile-homes, 323, HEQ, 9A, 9B, ~~and 9C~~, and OTHR. Please see Section 4203.30(g) for the definition of paid losses.
- 12) Amount of Outstanding Losses – This field reflects the outstanding losses corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, ~~and 9C~~, and OTHR.
- 13) Number of Written Exposures – This field reflects the count of exposures for each of the class codes HO-1 through HO-8, mobile-homes, 9A, 9B, ~~and 9C~~, and OTHR.
- 14) Number of Paid Claims – This field reflects the paid claims count corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, ~~and 9C~~, and OTHR. Please see Section 4203.30(i) for the definition of paid claims.
- 15) Number of Outstanding Claims – This field reflects the outstanding claims count corresponding to each of the class codes HO-1 through HO-8, mobile-homes, 323, HEQ, 9A, 9B, ~~and 9C~~, and OTHR. Please see Section 4203.30(j) for the definition of outstanding claims.

(Source: Amended at 39 Ill. Reg. 2603, effective February 6, 2015)

Section 4203.90 Coding Conventions for Private Passenger Auto Liability Insurance (Excluding PIP)

This Section provides instructions for coding the 63 fields in the private passenger auto liability

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

records, excluding PIP. All private passenger auto liability records will be submitted by zip code.

- a) Data for the private passenger automobile liability line will be reported on a calendar year basis and will include only the voluntary market. No-fault data will be excluded.
- b) In the private passenger auto liability line, the insurer will submit one record for ~~each class~~the line for multi-state data and one record for each class for each zip code for Illinois-only data. It is not necessary to submit a record which sums the Illinois-only data for all the zip codes. Insurers are also required to report premium and exposure data for each class by zip code using the calendar year method of compiling annual experience.
- c) The applicable bodily injury and property damage data for split limit policies will be reported in Fields 8-48. The applicable data for single limit policies will be reported in Fields 49-63. Written exposures, written premium, and earned premium for single limit policies will be reported in Fields 49-51. Losses, loss adjustment expenses, and claims counts will be reported for bodily injury and property damage using the instructions in Fields 51-63.
- d) The following provides a detailed description of each data field:
 - 1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen, for example 555555555.)
 - 2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:
 - 1 = American Association of Insurance Services (AAIS)
 - 2 = Insurance Services Office, Inc. (ISO)
 - 3 = Property Casualty Insurer Association of America (PCI)~~National Association of Independent Insurers (NAII)~~
 - 4 = National Independent Statistical Service (NISS)
 - 5 = Company Direct – Partial
 - 6 = Company Direct – 100 Percent
 - 7 = Other

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 3) Line of Business – This alpha-numeric field identifies the general business line to which the data belongs. The code is:

19.2 = Private passenger auto liability

- 4) State Identifier – This field identifies the geographical source of the data. Possible codes are:

12 = Illinois only

MS = Multi-state

- 5) Class Code – Classification Code – This alpha-numeric field identifies the class of insurance being reported in the line. The insurer should report one record for each class for multi-state data and one record for each class for each zip code for Illinois-only data. It is not necessary to report a record that sums all zip code data for a class. Possible codes for the classification field are:

19.2 = Private passenger auto liability

• LIAB

• OTHR = all other coverage contained in line 19.2~~Field Not Currently Used~~

- 6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, the statistical data year field for the November ~~2006~~~~1996~~ annual filing, will be coded ~~2005~~~~one of the years 1990-1994~~.)

- 7) Zip Code – This alpha-numeric field identifies the zip code where the automobile exposure is rated (auto is garaged). Possible codes are:

Actual zip code = The range for Illinois zip codes (60001 through 62999)-

99999 = Code for Illinois-only data where zip code does not fall within the range for Illinois zip codes (60001 through 62999)-

AGENCY NOTE: There should be one record for each represented zip

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

code for [each class code LIAB and OTHR](#)~~private passenger auto liability~~ for Illinois-only data and one record for [each class code reported for the](#) multi-state data. Each insurer will report premium and exposure data by zip code for private passenger automobile liability. For multi-state data, the zip code field will be blank.

- 8) Amount of PPA Liability Bodily Injury (BI) Written Premium – This field reflects the amount of written premiums for BI.
- 9) Amount of PPA Liability BI Earned Premium – This field reflects the amount of earned premiums for BI.
- 10) Amount of PPA Liability BI Paid Losses – This field reflects the paid losses for BI. Please see Section 4203.30(g) for the definition of paid losses.
- 11) Amount of PPA Liability BI Outstanding Losses – This field reflects the outstanding losses for BI. Please see Section 4203.30(g) for the definition of outstanding losses.
- 12) Amount of PPA Liability BI Paid ALAE – This field reflects the ALAE for BI. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.
- 13) Amount of PPA Liability BI Outstanding ALAE – This field reflects the ALAE for BI. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.
- 14) Number of PPA Liability BI Written Exposures – This field reflects the count of written exposures for the line. PPA liability exposures are based on the bodily injury component.
- 15) Number of PPA Liability BI Paid Claims – This field reflects the paid claims count for BI. Please see Section 4203.30(i) for the definition of paid claims.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 16) Number of PPA Liability BI Outstanding Claims – This field reflects the outstanding claims count for BI. Please see Section 4203.30(j) for the definition of outstanding claims.
- 17) Amount of PPA Liability Property Damage Written Premium – This field reflects the amount of written premiums for property damage liability.
- 18) Amount of PPA Liability Property Damage Earned Premium – This field reflects the amount of earned premiums for property damage liability.
- 19) Amount of PPA Liability Property Damage Paid Losses – This field reflects the paid losses for property damage liability. Please see Section 4203.30(g) for the definition of paid losses.
- 20) Amount of PPA Liability Property Damage Outstanding Losses – This field reflects the outstanding losses for property damage liability. Please see Section 4203.30(g) for the definition of outstanding losses.
- 21) Amount of PPA Paid Liability Property Damage ALAE – This field reflects ALAE for property damage liability. If an insurer is unable to separate paid ALAE from the paid loss, the combined paid loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.
- 22) Amount of PPA Outstanding Liability Property Damage ALAE – This field reflects outstanding ALAE for property damage liability. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined outstanding loss and outstanding ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.
- 23) Number of PPA Liability Property Damage Paid Claims – This field reflects the paid claims count for property damage liability. Please see Section 4203.30(l) for the definition of paid claims.
- 24) Number of PPA Liability Property Damage Outstanding Claims – This field reflects the outstanding claims count for property damage liability. Please see Section 4203.30(j) for the definition of outstanding claims.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 25) Amount of PPA Liability UM/UIM Written Premium – This field reflects the written premiums for UM/UIM.
- 26) Amount of PPA Liability UM/UIM Earned Premium – This field reflects the earned premiums for UM/UIM.
- 27) Amount of PPA Liability UM/UIM Paid Losses – This field reflects the paid losses for UM/UIM. Please see Section 4203.30(g) for the definition of paid losses.
- 28) Amount of PPA Liability UM/UIM Outstanding Losses – This field reflects the outstanding losses for UM/UIM. Please see Section 4203.30(g) for the definition of outstanding losses.
- 29) Amount of PPA Liability UM/UIM Paid ALAE – This field reflects the ALAE for UM/UIM liability. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.
- 30) Amount of PPA Liability UM/UIM Outstanding ALAE – This field reflects the outstanding ALAE for UM/UIM liability. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the outstanding ALAE field.
- 31) Number of PPA Liability UM/UIM Paid Claims – This field reflects the paid claims count for UM/UIM liability. Please see Section 4203.30(i) for the definition of paid claims.
- 32) Number of PPA Liability UM/UIM Outstanding Claims – This field reflects the outstanding claims count for UM/UIM liability. Please see Section 4203.30(j) for the definition of outstanding claims.
- 33) Amount of PPA Liability Medical Payments Written Premium – This field reflects the amount of written premiums for medical payments.
- 34) Amount of PPA Liability Medical Payments Earned Premium – This field reflects the amount of earned premiums for medical payments.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 35) Amount of PPA Liability Medical Payments Paid Losses – This field reflects the paid losses for medical payments. Please see Section 4203.30(g) for definition of paid losses.
- 36) Amount of PPA Liability Medical Payments Outstanding Losses – This field reflects the outstanding losses for medical payments. Please see Section 4203.30(g) for the definition of outstanding losses.
- 37) Amount of PPA Liability Medical Payments Paid ALAE – This field reflects ALAE for medical payments. If an insurer is unable to separate paid ALAE from the paid loss, the "combined" loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.
- 38) Amount of PPA Liability Medical Payments Outstanding ALAE – This field reflects ALAE for medical payments. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the paid ALAE field.
- 39) Number of PPA Liability Medical Payments Paid Claims – This field reflects the paid claims count for medical payments. Please see Section 4203.30(i) for the definition of paid claims.
- 40) Number of PPA Liability Medical Payments Outstanding Claims – This field reflects the outstanding claims count for medical payments. Please see Section 4203.30(j) for the definition of outstanding claims.

AGENCY NOTE: Fields 41-48 will be blank for the majority of private passenger auto liability insurers. The purpose of the other component is to capture any private passenger auto liability data from insurers that do not fall within bodily injury, property damage, UM/UIM, or medical payments.

- 41) Amount of PPA Liability Other Written Premium – This field reflects the amount of written premiums for other (not fitting any other private passenger auto liability field).
- 42) Amount of PPA Liability Other Earned Premium – This field reflects the

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

amount of earned premiums for other (not fitting any other private passenger auto liability field).

- 43) Amount of PPA Liability Other Paid Losses – This field reflects the paid losses for other (not fitting any other private passenger auto liability field). Please see Section 4203.30(g) for the definition of paid losses.
- 44) Amount of PPA Liability Other Outstanding Losses – This field reflects the outstanding losses for other (not fitting any other private passenger auto liability field). Please see Section 4203.30(g) for the definition of outstanding losses.
- 45) Amount of PPA Liability Other Paid ALAE – This field reflects the paid ALAE for other (not fitting any other private passenger auto liability field). If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.
- 46) Amount of PPA Liability Other Outstanding ALAE – This field reflects the outstanding ALAE for other (not fitting any other private passenger auto liability field). If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.
- 47) Number of PPA Liability Other Paid Claims – This field reflects the paid claims count for other (not fitting any other liability field). Please see Section 4203.30(i) for the definition of paid claims.
- 48) Number of PPA Liability Other Outstanding Claims – This field reflects the outstanding claims count for other (not fitting any other liability field). Please see Section 4203.30(j) for the definition of outstanding claims.

AGENCY NOTE: Fields 49-63 provide the fields for an insurer to report its private passenger auto liability policies written with a single limit. If none were written for the experience period, these fields will be left blank.

- 49) Number of PPA Liability Single Limit (SL) Written Exposures – This field reflects the count of exposures written under single limit policies.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 50) Amount of PPA Liability for Single Limit (SL) Written Premium – This field reflects the amount of written premiums for policies written under single limit policies.
- 51) Amount of PPA Liability for SL Earned Premium – This field reflects the amount of earned premiums for policies written under single limit policies.
- 52) Amount of PPA Liability BI Paid Losses for SL Policies – This field reflects the amount of paid losses for bodily injury under single limit policies. Please see Section 4203.30(g) for the definition of paid losses.
- 53) Amount of PPA Liability BI Outstanding Losses for SL Policies – This field reflects the amount of outstanding losses for bodily injury under single limit policies. Please see Section 4203.30(g) for the definition of outstanding losses.
- 54) Amount of PPA Liability BI Paid ALAE for SL Policies – This field reflects the paid ALAE for bodily injury under single limit policies. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.
- 55) Amount of PPA Liability BI Outstanding ALAE for SL Policies – This field reflects the outstanding ALAE for bodily injury under single limit policies. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.
- 56) Number of PPA Liability BI Paid Claims for SL Policies – This field reflects the paid claims count for bodily injury under single limit policies. Please see Section 4203.30(i) for the definition of paid claims.
- 57) Number of PPA Liability BI Outstanding Claims for SL Policies – This field reflects the outstanding claims count for bodily injury under single limit policies. Please see Section 4203.30(j) for the definition of outstanding claims.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 58) Amount of PPA Liability Property Damage (PD) Paid Losses for SL Policies – This field reflects the paid losses for property damage under single limit policies. Please see Section 4203.30(g) for the definition of paid losses.
- 59) Amount of PPA Liability PD Outstanding Losses for SL Policies – This field reflects the outstanding losses for property damage under single limit policies. Please see Section 4203.30(g) for the definition of outstanding losses.
- 60) Amount of PPA Liability PD Paid ALAE for SL Policies – This field reflects the paid ALAE for property damage under single limit policies. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.
- 61) Amount of PPA Liability PD Outstanding ALAE for SL Policies – This field reflects the outstanding ALAE for property damage under single limit policies. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.
- 62) Number of PPA Liability PD Paid Claims – This field reflects the paid claims count for property damage under single limit policies. Please see Section 4203.30(i) for the definition of paid claims.
- 63) Number of PPA Liability PD Outstanding Claims – This field reflects the outstanding claims count for property damage under single limit policies. Please see Section 4203.30(j) for the definition of outstanding claims.

(Source: Amended at 39 Ill. Reg. 2603, effective February 6, 2015)

Section 4203.100 Coding Conventions for Private Passenger Auto Physical Damage

This Section provides instructions for coding the 26 fields included in the private passenger auto physical damage records.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- a) Private passenger auto physical damage data are to be reported on a calendar year basis for only the voluntary market.
- b) In the private passenger physical damage line, the insurer will code one record for the line for multi-state data and one record for the line for each zip code represented in the Illinois-only data. It is not necessary to submit a record that sums the Illinois-only data for all the zip codes.
- c) The following provides a detailed description of each data field:
 - 1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen, for example 555555555.)
 - 2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:
 - 1 = American Association of Insurance Services (AAIS)
 - 2 = Insurance Services Office, Inc. (ISO)
 - 3 = [Property Casualty Insurer Association of America \(PCI\)](#)~~National Association of Independent Insurers (NAII)~~
 - 4 = National Independent Statistical Service (NISS)
 - 5 = Company Direct – Partial
 - 6 = Company Direct – 100 Percent
 - 7 = Other
 - 3) Line of Business – This alpha-numeric field identifies the general business line to which the data belongs. The code for private passenger auto physical damage is:
 - 21.1 = Private passenger auto physical damage
 - 4) State Identifier – This field identifies the geographical source of the data. Possible codes are:
 - 12 = Illinois only
 - MS = Multi-state

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 5) Class Code/Classification Code – This alpha-numeric field identifies the class of insurance being reported in the line. The insurer should report one record for each class code for multi-state data and one record for each class for each zip code for Illinois-only data. It is not necessary to report a record that sums all zip code data for a class. Possible codes for the classification field are:

21.1 = Private passenger auto physical damage

• PHYD

• OTHR = All other coverage contained in line 21.1~~Field Not Currently Used~~

- 6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, the statistical data year for the November ~~2006~~1996 annual filing, will be coded ~~2005~~1995.)
- 7) Zip Code – This alpha-numeric field identifies the zip code where the Illinois-only exposure is written. Possible codes are:

Actual zip code = The range for Illinois zip codes (60001 through 62999).

99999 = Code for Illinois-only data where zip code does not fall within the range for Illinois zip codes (60001 through 62999).

AGENCY NOTE: There should be one record for each represented zip code for private passenger auto physical damage for Illinois-only data. It is unnecessary to submit a record that sums the data for all the zip codes. For multi-state data, the zip code field should be blank.

- 8) Amount of PPA Physical Damage Comprehensive (Comp) Written Premium – This field reflects the amount of written premiums for comprehensive.
- 9) Amount of PPA Comprehensive Earned Premium – This field reflects the amount of earned premiums for comprehensive.
- 10) Amount of PPA Comprehensive Paid Losses – This field reflects the paid losses for comprehensive. Please see Section 4203.30(g) for the definition

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

of paid losses.

- 11) Amount of PPA Comprehensive Outstanding Losses – This field reflects the outstanding losses for comprehensive. Please see Section 4203.30(g) for the definition of outstanding losses.
- 12) Number of PPA Comprehensive Written Exposures – This field reflects the written exposure count for private passenger auto physical damage – using the comprehensive component.
- 13) Number of PPA Comprehensive Paid Claims – This field reflects the paid claims count for comprehensive. Please see Section 4203.30(i) for the definition of paid claims.
- 14) Number of PPA Comprehensive Outstanding Claims – This field reflects the outstanding claims count for comprehensive. Please see Section 4203.30(j) for the definition of outstanding claims.
- 15) Amount of PPA Collision Written Premium – This field reflects the amount of written premiums for collision.
- 16) Amount of PPA Collision Property Damage Earned Premium – This field reflects the amount of earned premiums for collision.
- 17) Amount of PPA Collision Paid Losses – This field reflects the paid losses for collision. Please see Section 4203.30(g) for the definition of paid losses.
- 18) Amount of PPA Collision Outstanding Losses – This field reflects the outstanding losses for collision. Please see Section 4203.30(g) for the definition of outstanding losses.
- 19) Number of PPA Collision Paid Claims – This field reflects the paid claims count for collision. Please see Section 4203.30(i) for the definition of paid claims.
- 20) Number of PPA Collision Outstanding Claims – This field reflects the outstanding claims count for collision. Please see Section 4203.30(j) for the definition of paid claims.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

AGENCY NOTE: Fields 21-26 will be blank for the majority of private passenger auto physical damage insurers. The purpose of the other category is to capture any private passenger auto physical damage data from insurers that do not fall within the comprehensive or collision components.

- 21) Amount of PPA Other Written Premium – This field reflects the amount of written premiums for other (not fitting in comp or collision).
- 22) Amount of PPA Other Earned Premium – This field reflects the amount of earned premiums for other (not fitting in comp or collision).
- 23) Amount of PPA Other Paid Losses – This field reflects the paid losses for other (not fitting in comp or collision). Please see Section 4203.30(g) for the definition of paid losses.
- 24) Amount of PPA Other Outstanding Losses – This field reflects the outstanding losses for other (not fitting in comp or collision). Please see Section 4203.30(g) for the definition of outstanding losses.
- 25) Number of PPA Other Paid Claims – This field reflects the paid claims count for other (not fitting in comp or collision). Please see Section 4203.30(i) for the definition of paid claims.
- 26) Number of PPA Other Outstanding Claims – This field reflects the outstanding claims count for other (not fitting in comp or collision.) Please see Section 4203.30(j) for the definition of outstanding claims.

(Source: Amended at 39 Ill. Reg. 2603, effective February 6, 2015)

Section 4203.110 Record Layout for the Four Formats

Due to space limitations, the following abbreviations were used in this table:

Wr Prem	=	Written Premium
OS	=	Outstanding
BI	=	Bodily Injury
Med Pay	=	Medical Payments
SL	=	Single Limit

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

E Prem	=	Earned Premium
ALAE	=	Allocated Loss Adjustment Expenses
PD	=	Property Damage
UM/UIM	=	Uninsured/Underinsured Motorists
Comp	=	Comprehensive
Pa	=	Paid
Coll	=	Collision, Other Liab, Medical
<u>PIP</u>	=	<u>Personal Injury Protection</u>

(Source: Amended at 39 Ill. Reg. 2603, effective February 6, 2015)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Number: 510.220 Adopted Action:
Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: February 9, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 20139; October 24, 2014.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending in this Part? No
- 15) Summary and Purpose of Rulemaking: The rule updates a cross-reference from Section 510.190 to Section 510.250, because Section 510.190 has been repealed.
- 16) Information and questions regarding this adopted rule shall be directed to:

Mickey Ezzo
Illinois Racing Board

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

100 West Randolph, Suite 5-700
Chicago IL 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, ~~AND LOTTERY~~, AND VIDEO GAMING

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 510

CLAIMING RACES

Section	
510.10	Definition
510.20	Claiming Eligibility
510.30	Form and Deposit of Claim
510.40	Errors which Invalidate Claim
510.50	Refund of Voided Claim
510.60	Prohibited Action with Respect to Claim
510.70	Horses under Lien
510.80	Affidavit May be Required
510.90	Claimant's Responsibility
510.100	Claimed Horse's Certificate
510.110	Engagements of a Claimed Horse
510.120	Protests of a Claim
510.130	Title to a Claimed Horse
510.140	Distribution of the Purse
510.150	Delivery of a Claimed Horse
510.160	Trainer Responsibility for Post-Race Tests
510.170	Excusing Claimed Horse
510.180	Stable Eliminated by Fire or Other Hazard
510.190	Entering Claimed Horse (Repealed)
510.195	Determining Eligibility Dates
510.200	Claimed Horse Racing Elsewhere
510.210	Sale of a Claimed Horse
510.220	Illinois Rules Govern Claimed Horse
510.230	Extension of Regular Meeting (Repealed)
510.240	Claiming Authorization
510.250	Claiming Price
510.260	Option to Declare Horse Ineligible to be Claimed

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997; amended at 24 Ill. Reg. 7386, effective May 1, 2000; amended at 24 Ill. Reg. 12722, effective August 1, 2000; amended at 24 Ill. Reg. 17480, effective November 8, 2000; amended at 25 Ill. Reg. 6393, effective May 1, 2001; amended at 25 Ill. Reg. 8814, effective July 1, 2001; amended at 27 Ill. Reg. 533, effective January 1, 2003; amended at 31 Ill. Reg. 15094, effective November 1, 2007; amended at 32 Ill. Reg. 10161, effective July 1, 2008; amended at 33 Ill. Reg. 11318, effective July 21, 2009; amended at 36 Ill. Reg. 12371, effective July 23, 2012; amended at 39 Ill. Reg. 2648, effective February 9, 2015.

Section 510.220 Illinois Rules Govern Claimed Horse

When a horse is claimed at a recognized meeting governed by other rules of racing, Illinois shall recognize title to the horse under the rules of the meeting at which the claim was made. However, while racing in Illinois, such a horse shall comply with Sections 510.170 and ~~510.250~~[510.190](#).

(Source: Amended at 39 Ill. Reg. 2648, effective February 9, 2015)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Local Records Commission
- 2) Code Citation: 44 Ill. Adm. Code 4000
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
4000.10	Amendment
4000.20	Amendment
4000.22	New Section
4000.30	Amendment
4000.40	Amendment
4000.50	Amendment
4000.60	Amendment
4000.70	New Section
4000.80	New Section
4000.APPENDIX A	New Section
4000.APPENDIX B	New Section
- 4) Statutory Authority: Implementing and authorized by the Local Records Act [50 ILCS 205]
- 5) Effective Date of Rule: February 9, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. The following publications were incorporated into the rule by reference:
 - a) ANSI/AIIM MS23 (2004) – Recommended Practice – Production, Inspection, and Quality Assurance of First Generation, Silver Microforms of Documents.
 - b) ANSI/AIIM MS62 (1999) – Recommended Practice for COM (Computer Output Microfilm) Recording System Having an Internal Electronic Forms Generating System – Operational Practices for Inspection & Quality Control.
- 8) A copy of the adopted rule including any material incorporated is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: June 6, 2014, 38 Ill. Reg. 11734

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: At the direction of the Joint Committee on Administrative Rules, Appendices A and B were added to the text of the rule. 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Updates requirements for the management and retention of records to reflect current technology and practices in use, standardize rules, delete outdated references and methods, and eliminate antiquated language.
- 16) Information and questions regarding these adopted rule shall be directed to:

Dave Joens
Director, Illinois State Archives
Norton Building, 2nd Floor W
Springfield IL 62756

djoens@ilsos.net

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE C: GOVERNMENTAL RECORDS
CHAPTER I: LOCAL RECORDS COMMISSIONPART 4000
LOCAL RECORDS COMMISSION

Section

4000.10	General
4000.20	Definitions
4000.22	Incorporations by Reference
4000.30	Procedures for Compiling and Submitting Lists and Schedules of Records for Disposal
4000.40	Procedures for the Physical Destruction or Other Disposition of Records Proposed for Disposal
4000.50	Standards for the Reproduction of Records by Microphotographic and Electronic Microimaging Processes with a View to the Disposal of the Original Records
4000.60	Minimum Standards of Quality for Permanent Record Photographic Microcopying Film
4000.70	Digital Reproduction
4000.80	Management of Electronic Records
4000.APPENDIX A	Sustainable File Formats for Electronic Records – A Guide for Government Agencies Limits for Residual Thiosulfate (Repealed)
4000.APPENDIX B	Reliable Storage Media for Electronic Records – A Guide for Government Agencies

AUTHORITY: Implementing and authorized by the Local Records Act [50 ILCS 205].

SOURCE: Filed August 6, 1975; amended at 4 Ill. Reg. 29, p. 274, effective July 3, 1980; codified at 8 Ill. Reg. 15501; recodified from Secretary of State to Local Records Commission at 9 Ill. Reg. 15502; amended at 9 Ill. Reg. 17796, effective November 5, 1985; amended at 15 Ill. Reg. 11932, effective August 6, 1991; amended at 39 Ill. Reg. 2652, effective February 9, 2015.

Section 4000.10 General

- a) [The Local Records Commission \(the Commission\) for agencies comprising counties of less than 3,000,000 inhabitants shall consist of a county board](#)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

chairperson/president, a mayor/president of a city, village or incorporated town, a county auditor, a State's Attorney (all of whom shall be appointed by the Governor), the State Archivist and the State Historian. [50 ILCS 205/6] The chairperson/president of the county board shall be the chairman of the Commission. A member of the Commission may designate a substitute.

- 1) ~~The Local Records Commission for agencies comprising counties of less than 3,000,000 inhabitants shall consist of a chairman of a county board, a mayor or president of a city, village or incorporated town, a county auditor, and a State's attorney—all of whom shall be appointed by the Governor; the State Archivist, and the State Historian.~~
- 2) ~~A member of the Commission may designate a substitute.~~
- b) The Commission shall meet at 10:00 a.m. on the first Tuesday of each month. If the first Tuesday falls on a holiday, the Commission shall meet on the first Wednesday. whenever called by the Chairman, who shall be a chairman of a county board.
- c) All meetings of the Commission shall be open to the public and will be held in the John Daly Conference Room, Margaret Cross Norton Building, conference room of the State Archives Building, Springfield, Illinois unless otherwise stated in the publicly posted notice of call for the meeting.
- d) ~~The~~ It shall be the duty of the Commission ~~shall~~ to determine what records no longer have ~~any~~ administrative, legal, fiscal, research, or historical value; determine what records ~~and~~ should be destroyed or otherwise disposed of; and authorize and approve the destruction or other disposal of records. The State Archivist ~~archivist~~ may ~~retain any records which the Commission has authorized to be destroyed, where they have a historical value, and may deposit records~~ them in the State Archives, State Library or State Historical Museum, or with a local historical society, museum or library.
- e) No public record, except as otherwise provided by law, shall be disposed of by any officer or local government agency, unless written approval of the ~~Local Records~~ Commission is first obtained.
- f) "Agency" means any Court, and all parts, boards, departments, bureaus and commissions of any county, municipal corporation or political subdivision.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- ~~f)g)~~ The Commission reserves the rights to review, modify, or revoke approved records disposal schedules after due notice is given to the agency ~~has been given~~ and an open meeting on the subject ~~is has been~~ held.
- ~~g)h)~~ The presiding judge of any court of record or the head of each agency shall provide for compliance with this Part~~provisions of these rules~~. In the case of a violation of the Local Records Act [50 ILCS 205]~~(Ill. Rev. Stat. 1983, ch. 116, pars. 43.101 et seq.)~~ or of this Part discovered by the Commission, the Attorney General, and the county's State's Attorney ~~of the county in which the alleged violation occurred~~, will be notified.
- h) Non-record materials may be destroyed at any time by the agency in possession of those materials without the prior approval of the Commission. Whenever there is doubt that certain items are non-record materials, the agency should consider them to be records until their status is determined.

(Source: Amended at 39 Ill. Reg. 2652, effective February 9, 2015)

Section 4000.20 Definitions

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.

Agency – Any court, and all parts, boards, departments, bureaus and commissions of any county, municipal corporation or political subdivision. [50 ILCS 205/5]

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.

Application for Authority to Dispose of Local Records – Also referred to as a Records Retention Schedule, 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. This schedule is of no force unless approved by the Local Records Commission (see Section 7 of the Local Records Act).

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

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.

Chairman – Chairman of the Local Records Commission.

Commission or LRC – The Local Records Commission created by Section 6 of the Local Records Act.

Database – A collection of data elements 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 that has been scanned, photographed, encoded or otherwise converted to a digital file that, when printed, viewed or played, replicates the original content.

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.

Electronic Microimaging – Any process in which digital documents or images (scanned or born-digital) are 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.

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

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.

List – An Application for the Authority to Dispose of Local Records that have accumulated.

Local Records Disposal Certificate – The document on which all local government agencies list all records of which they wish to dispose. Agencies must file the Certificate with the Commission 30 days prior to the destruction of any records present on their approved Application for Authority to Dispose of Local Records. Agencies may not dispose of records until the Certificate has been approved and returned to them.

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.

Non-Record Material – Types of non-record material include, but are not limited to:

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

Extra copies of documents preserved only for convenience of reference.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

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

Books, periodicals, newspapers, posters, finding aids 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 local agency pursuant to State or local 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 the 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.

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 degrees Fahrenheit and 30-40% humidity.

Public Record – Any book, paper, map, photograph or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein. [50 ILCS 205/3]

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

Records Retention Schedule or Schedule – Same as Application for the Authority to Dispose of Local Records.

Record 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.

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

State Archivist – 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.

- a) ~~"Public record" means any book, paper, map, photograph or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein. The preceding definition includes among other things, microfilm, magnetic tapes and punch cards.~~
- b) ~~Types of "nonrecord" materials are:~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~Material not filed as evidence of administrative activity or for the informational content thereof.~~
- 2) ~~Library and museum material made or acquired and preserved solely for reference or exhibition purposes.~~
- 3) ~~Extra copies of documents preserved solely for convenience of reference.~~
- 4) ~~Stocks of publications and of processed documents kept for supply purposes only.~~
- 5) ~~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.~~

(Source: Amended at 39 Ill. Reg. 2652, effective February 9, 2015)

Section 4000.22 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:
 - 1) ANSI/AIIM MS23 (2004) – Recommended Practice – Production, Inspection, and Quality Assurance of First Generation, Silver Microforms of Documents.
 - 2) ANSI/AIIM MS62 (1999) – Recommended Practice for COM (Computer Output Microfilm) Recording System Having an Internal Electronic Forms Generating System – Operational Practices for Inspection & Quality Control.

(Source: Added at 39 Ill. Reg. 2652, effective February 9, 2015)

Section 4000.30 Procedures for Compiling and Submitting Lists and Schedules of Records for Disposal

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- a) The presiding judge of any court of record or the head of each agency shall submit to the ~~Local Records~~ Commission lists or schedules of public records in his or her custody that are not needed in the transaction of current business and that do not have sufficient administrative, legal, or fiscal value to warrant their further preservation.
- 1) ~~Lists are applications for authority to destroy records that have accumulated.~~
- 2) ~~Schedules are applications for continuing authority to destroy records after specified periods of time or the occurrence of specified events.~~
- b) New lists or schedules are required whenever the informational ~~content~~contents of a record series ~~is~~are changed.
- c) An original and one copy of all ~~Applications~~applications for the ~~Authority~~authority to ~~Dispose of Local Records~~destroy records shall be submitted to the Commission on forms available from the ~~Local Records~~ Commission, ~~Margaret Cross Norton~~Archives Building, Springfield, Illinois, 62756.
- d) ~~Applications for authority to dispose of local records must be accompanied only by samples of each record series which the Commission has not previously reviewed. In the case of confidential records, blank forms and explanatory statements may be submitted in place of originals.~~
- d)e) Nonrecord materials may be destroyed at any time by the agency in possession of ~~thesueh~~such materials without the prior approval of the Commission. However, whenever the head of any agency doubts whether certain papers are nonrecord materials, he or she should presume that they are records.
- e) The Archivist shall be the local records advisor and shall appoint such assistants as necessary to assist local governments in carrying out the purposes of the Local Records Act [50 ILCS 205/5], including the preparation of lists and schedules of records.
- f) Applications for the Authority to Dispose of Local Records must be received in the office of the Local Records Unit of the Illinois State Archives at least 5 business days before a scheduled Commission meeting to be placed on the agenda

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

of that meeting. If received after that time, applications will be placed on the agenda of the next Commission meeting.

- g) The Commission will consider all applications presented at each meeting. The Commission may approve, amend, deny or defer approval of an application pending clarification, modification or deletion of information presented on any portion of the application. Once approved, applications are non-expiring.
- h) During the review of each application, the Commission will consider if the description of the record series is complete and easily understandable with regard to how and why the record was created, what purpose it serves, where else the information can be found, and if the proposed retention is appropriate in light of the record's administrative, fiscal, legal, research or historical value.

(Source: Amended at 39 Ill. Reg. 2652, effective February 9, 2015)

Section 4000.40 Procedures for the Physical Destruction or Other Disposition of Records Proposed for Disposal

- a) Subject to statutory provisions, agencies may dispose of records authorized for destruction by the Commission.
- b) All records for which disclosure is prohibited by law that contain social security, driver's license or State identification numbers, or that identify a person by name and birth date, must be destroyed by a lawful, secure manner that does not allow for the reconstruction or reuse of the original record information.
 - 1) Approved methods of destruction for paper based records for which disclosure is prohibited by law or that identify a person include: burning; shredding, in which either a crosscut shredder cutting to a maximum width of $\frac{3}{8}$ inches or an industrial sized strip cut shredder is used, if it is incorporated with a baler or the shredded paper is further destroyed; pulping using standard wet process pulpers; or pulverizing using a dry destruction process that may include the use of hammer mills, choppers, huggers or disintegrating equipment.
 - 2) Approved methods of destruction for non-paper based records for which disclosure is prohibited by law or that identify a person include: burning in a pyrolytic furnace or other incinerator or incendiary device; destroying

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

in a dry pulverizing system; shredding; grinding, which is defined as abrading through the surface of an optical disc (compact disc); milling; knurling; disintegration; or degaussing. Computer software or hardware must be overwritten, erased or wiped/sanitized in a manner that prevents retrieval.

- 3) The handling and transportation of the records designated for destruction must be done in a reasonably secure manner that is designed to prevent public access to the records.
- c) Thirty days prior to disposal or destruction of any records, regardless of physical format or characteristics, the agency shall submit a Local Records Disposal Certificate to the Commission and proceed with disposal only after a copy of that certificate has been reviewed and approved by the Chairman and returned to the agency. The original copy of this Local Records Disposal Certificate will be kept in the files of the Commission and the duplicate copy approved and returned by the Chairman shall be retained by the agency.
- d) In the case of records with scheduled retention of less than one year, a single Local Records Disposal Certificate may be used for more than one disposal event within a given year. Local Records Disposal Certificates submitted with this intent must include a schedule of proposed records disposal in addition to the normally required information. Agencies may not proceed with disposal of records until receipt of approval from the Commission, as delineated in subsection (c).
- e) If an agency's records have been damaged by water, fire, smoke, insects or vermin, mold or some other natural disaster that poses a health or safety risk to employees, that agency may apply to the Commission for permission to dispose of those records ahead of their scheduled disposal date. The request must include a Local Records Disposal Certificate accompanied by the agency's explanation of why the records need to be disposed of early. The Commission may grant the request only after physically reviewing the damaged records.
- b) ~~At least 60 days before disposing of their records, agency chiefs shall fill out in duplicate a Records Disposal Certificate which shall show the date on which the records are to be disposed of, and the number of the application approved by the Local Records Commission authorizing the records destruction. This form shall be signed by the officer having jurisdiction over the records. The original copy of~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~the Records Disposal Certificate shall be kept in the files of the Local Records Commission, and the duplicate copy shall be retained by the local government officer for his records.~~

(Source: Amended at 39 Ill. Reg. 2652, effective February 9, 2015)

Section 4000.50 Standards for the Reproduction of Records by Microphotographic and Electronic Microimaging Processes with a View to the Disposal of the Original Records

- a) Records proposed for microfilming or electronic microimaging with a view to disposal of the original records must be on a list or retention schedule approved by the Commission.
- b) In submitting lists or schedules of records scheduled for permanent retention for which microfilm copies are to be substituted, the head of each agency shall certify that microfilm copies, made in accordance with standards of the Commission, will be adequate substitutions for the original records.
- c) Quality of the Film Used. The film stock must be silver halide and the processing of the film shall comply with the minimum standards of quality required by the Commission as set forth in Section 4000.60.
- d) Preparation of the Records for Filming or Electronic Microimaging
 - 1) All documents in the file shall be microfilmed, unless their size or physical form prevents microfilming, in which case an explanation of their omission shall be microfilmed at the appropriate point on the roll of film and be worded substantially as follows:

“(Item Description) was omitted from this roll of film because
_____ . It may be located
_____.”
 - 2) Any records not filmed shall be maintained by the agency under terms specified on the approved records retention schedule.
- e) Integrity of the Original Records

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) The integrity of the original records shall be preserved through a photographic or electronic microimaging process so that the image on film, or exact duplicates of the image, will be adequate substitutes for the original records in that they will serve the purposes for which the records were created or maintained and that the copies will contain all significant record detail needed for probable future reference and will not permit additions, deletions or changes to the reproductions of the original images.

- 2) Prior to microfilming, the original documents shall be prepared, arranged, classified and indexed to readily permit the subsequent location, examination and reproduction of the photographs. Any significant characteristics of the records that would not reflect photographically (e.g., that the record is indistinct or that certain figures are of a color not suited to recording on microfilm) shall be indicated by means of an explanatory target inserted to guide the user. Any notations on the face or reverse side of any document shall be photographed and identified as forming an integral part of the original document. A significant characteristic is any part of the record necessary for its interpretation, including all words, numbers and illustrations.
 - A) Each film roll, camera negative, or sheet (including 105 mm continuous fiche film rolls, but not COM) shall be identified by or contain the following targets:
 - i) A technical target for measuring resolution.
 - ii) A film density target (8½ x 11 inch bond paper).
 - iii) A roll number START target in characters that can be read without magnification.
 - iv) A TITLE target giving name of the office having custody of the records, a brief title of the record series, dates, file arrangement, and the number of the schedule approved by the Commission authorizing the project.
 - v) Listed between the START file and END file targets must be explanatory targets for omission, deletion, misfiles, retakes, or any example given in this subsection (e)(2).

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- B) At the end of each roll/sheet of film, after the document images, shall be targets as follow:
- i) An END target containing the number of the list or schedule approved by the Commission authorizing the project.
 - ii) Roll number.
 - iii) Brief title of the record series.
 - iv) Beginning and ending file designations.
 - v) A camera/electronic microimaging operator's certificate as follows:

"I hereby certify that I have on this ____ day of _____, 20 ____, photographed or electronically microimaged the documents appearing on this roll of film, that they are true copies of the documents found in the record file described above, and that the integrity of the above described record file has been maintained on this film by microfilming or electronically microimaging each document in the exact order in which it was found in the file. Reproductions designed to serve as permanent records comply with the regulations and standards of the Local Records Commission."
 - vi) Signature of camera operator.
 - vii) A film density target (8½ x 11 inch bond paper).
 - viii) A technical target for measuring resolution.
- f) Security microfilm shall have no breaks, cuts or splices in the body of the film, which shall be the area following the START target and preceding the Camera/Electronic Microimaging Operator's Certificate. However, a retake of a length of film may be spliced ahead of the START target or after the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Camera/Electronic Microimaging Operator's Certificate, providing that the retake be given its own START target and Camera/Electronic Microimaging Operator's Certificate. This shall be done in such a manner as not to overload a reel or cartridge. Exceptions to this rule are:

- 1) If the trailing end of a reel is fogged or unreadable, the camera or electronic microimaging operator shall rephotograph the original documents or obtain the corresponding electronically microimaged documents from a point 12 images in advance of the last readable image prior to the fogged or unreadable area. The retake will include a Camera/Electronic Microimaging Operator's Certificate and will be spliced to the trailing end of the fogged or unreadable portion of the film.
- 2) When a court-ordered expungement of specific records is issued and deletions are made from the roll of film, the court expungement order and a Certificate of Deletion, illustrated below, must be photographed or electronically microimaged and the images spliced to the beginning of the film.

CERTIFICATE OF DELETION

This is to certify the deletion of microfilm images on this roll of microfilm occurred due to Court Order # _____,
dated _____, signed by Judge _____.
No other images other than those listed in this order were deleted.

Signature of Officer

- g) The camera or microimaging system used to microfilm the records shall be one that accurately reproduces the content of the original records with sufficient photographic contrast and resolution to be readable through three generations of reproduction.
- h) Each roll of original film or camera negative must be inspected after processing and before duplicate copies are made. The inspection must be conducted in such a manner as to reveal defects such as improper density, poor resolution, blurred or obscured images, improper document sequence, or improper identification targets.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

If a defect prohibits a clear, legible, hard copy print from the files, the original records must be rephotographed. The following methods are suitable means of inspection:

- 1) Random sampling of the film, including samples from the beginning, middle and end of the roll or microform. (It is suggested that this be done on all film as a minimum quality control.)
 - 2) Visually inspecting the film by passing each image through a reader and checking for overlapping, double or folded images, or other types of problems that would impair retrieving any information on the microimages.
 - 3) Performing all of the requirements of subsection (h)(2) plus counting the number of microimages on the film and comparing that against the number of documents that were to be microfilmed. (If the numbers coincide, the conclusion is made that every document has been microfilmed.)
 - 4) Individually comparing each document with each microimage that was actually created. (This visual verification provides the highest assurance that every document has been properly filmed.)
- i) If more than 1% of the original images needs to be refilmed (approximately 30 images per roll), the entire roll must be refilmed.
- j) Updateable Microfiche Systems. An agency considering using an updateable microfiche system should first contact the Commission to review the proposed application. This application will be approved if the updateable microfiche meets the following specifications:
- 1) Each microfiche must have the specified targets at the beginning and end of each fiche as required by subsections (e)(2)(A) and (B).
 - 2) Each time a microfiche is updated, either a Camera Operator's Certificate must be inserted at the end of the added documents or annotated reference to the original Camera Operator's Certificate must appear on each added image.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 3) Only records bearing retention periods of 10 years or less may be placed on updateable microforms.
- 4) If a court-ordered expungement is necessary, a Certificate of Deletion must appear at the place of the deleted image.
- k) Prior to the destruction of records microfilmed under the authority of approved records schedules, the agency shall file a Local Records Disposal Certificate with the Commission that lists all records that are to be destroyed and certifies compliance with this Section.
- l) Each film carton shall be identified by a label or exterior marking indicating:
 - 1) Roll number.
 - 2) Name of office.
 - 3) Title of the record series.
 - 4) Names of the file units at the start of the roll, at space targets, and at the end of the roll.
 - 5) The number of the application authorizing the microfilming of the record/record series.
- m) Inspection. Security or master films of permanent record microforms, and records microfilmed to dispose of the original record, shall be inspected every 2 years during their scheduled life. The inspection shall be made using a 1% randomly selected sample in the following categories: 70% – microforms not previously tested; 20% – microforms tested in the last inspection; and 10% – control group. The control group shall represent samples of microforms from the oldest microforms filmed through the most current.
- a) ~~*Prior to the destruction of any original records, papers or documents, the agency head having such records in his custody or under his supervision shall attach to each reproduction or continuous roll of reproductions, as the case may be, a certification substantially as follows:*~~

Certificate of Intent

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Letterhead of Certifying Officer)

~~This is to certify and declare that the microfilmed records which appear on this roll of film are accurate and true images of records of the (Describe Office), _____ State of Illinois, and that such records are microfilmed in the ordinary course of business and are preserved by microphotography on this roll of microfilm, exactly as in the original.~~

~~We also certify that the original records on this roll are to be destroyed or disposed of in accordance with statutes, and only after inspection of the film has assured the accuracy and completeness of these records and their film images.~~

~~We also certify that the microphotography used to commit these documents and records to microfilm complies with requirements of the Local Records Commission for permanency of film images.~~

(Signature of Officer)

(Title)

b) ~~Preparation of the records for filming.~~

~~All documents in the file shall be microfilmed, unless their size or physical form prevents microfilming, in which case an explanation of their omission shall be microfilmed at the appropriate point on the roll.~~

e) ~~Integrity of the original records.~~

1) ~~The integrity of the original records shall be preserved on photographic or microfilm copies, so that such copies will be adequate substitutes for the original records in that they will serve the purposes for which such records were created or maintained and that such copies will contain all significant record detail needed for probable future reference.~~

2) ~~Prior to microfilming, the original documents shall be so prepared, arranged, classified and indexed as to readily permit the subsequent~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~location, examination and reproduction of the photographs thereof. Any significant characteristics of the records which would not reflect photographically (e.g., that the record is indistinct or that certain figures are of a color not suited to recording on microfilm) shall be noted by the use of explanatory targets.~~

- 3) ~~Each film roll shall be identified by:~~
 - A) ~~a title target showing the name of the office having custody of the records, a brief title of the record series, inclusive dates, file arrangement and the number of the approved application authorizing the microfilming of the records.~~
 - B) ~~a Certificate of intent, title target information (as listed in Section 4000.50 (c)(3)(A) and a "start file" target at the beginning of each reel of roll film.~~
 - C) ~~an "end file" target and a Certificate of Authenticity placed at the end of each reel of roll film.~~
 - D) ~~explanatory targets placed between the start file and end file targets as needed. Explanatory targets, for example, show omissions, deletions, misfiles, retakes, and information required pursuant to Subsection 4000.50(c)(2).~~
- 4) ~~Each roll of original film or camera negative must be inspected after processing and before duplicate copies are made. The inspection must be conducted in such a manner as to reveal defects such as improper density, poor resolution, blurred or obscured images, improper document sequence, or improper identification targets. If a defect prohibits a clear, legible, hard copy print from the film, the original records must be re-photographed. The inspection must follow one of the following procedures:~~
 - A) ~~randomly sampling the film, making sure that the samples include the beginning, middle, and end of the roll or microfilm. (It is suggested that this be done on all film as a minimum quality control).~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- B) ~~visually inspecting the film by passing each image through a reader and checking for overlapping, double or folded images, or other types of problems that would impair retrieving any information on the micro-images.~~
- C) ~~performing all of subsection (B) plus, counting the number of microimages on the film and comparing that against the number of documents that were to be microfilmed. (If the numbers coincide, the conclusion is made that every document has been microfilmed.)~~
- D) ~~individually comparing each document with each micro-image that was actually created. (This visual verification provides the highest assurance that every document has been properly filmed.)~~
- 5) ~~If more than one percent of the original images need to be refilmed (approximately 30 images per roll), the entire roll must be refilmed.~~
- 6) ~~The retake of documents must be spliced to the end of the film along with a Certificate of Addition. The storage container must be labeled to reflect these additions.~~
- 7) ~~At the end of each roll shall be a certificate worded substantially as follows:~~

~~Certificate of Authenticity
(Service Company or Agency Letterhead)~~

~~This is to certify that the microfilmed images on this roll of microfilm starting with _____ and ending with _____ are true and accurate images of the documents of the (Describe office)~~

~~_____~~

~~These documents are microfilmed in the ordinary course of business as a part of the _____ (Service Company or Agency) procedures.~~

~~(Camera Operator)~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~(or Certifying Officer)~~

- 8) ~~When the retaking of images is necessary the following certificate shall be required.~~

~~Certificate of Additions~~

~~(Service Company or Agency Letterhead)~~

~~This is to certify that the microfilmed images appearing on this roll of film between Start Additions and End Additions are true and accurate images of those documents of the (Describe office) _____ which were missing or proved unreadable upon inspection of the original roll, and are to be spliced to such original roll for its completion.~~

~~(Camera Operator)
(or Certifying
Officer)~~

- 9) ~~No splice will be permitted between the start file and end file targets except for the court ordered expungement of specific records. When such an order is issued, and deletions are made from the roll of film, a certification substantially as follows must be inserted at the beginning of the reel of film:~~

~~CERTIFICATE OF DELETION~~

~~This is to certify the deletion of microfilm images on this roll of microfilm occurred due to Court Order # _____, dated _____, signed by Judge _____. No other images other than those listed in this order were deleted.~~

~~Signature of Officer~~

~~Title~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 10) ~~Each film carton shall be identified by a label or exterior marking showing:~~
- A) ~~roll number~~
 - B) ~~name of office~~
 - C) ~~title of record series~~
 - D) ~~names of file units at the start of the roll, at space targets, and at the end of the roll.~~
 - E) ~~the number of the application authorizing the microfilming of the record/record series.~~
- 11) ~~Computer Output Microfilm (COM) is to be considered an original record and not a copy of an original record. Therefore, authentication requirements for source document microfilm, described in Sections 4000.50(c)(7),(8) and (9), do not apply to COM.~~
- 12) ~~Microfiche and Aperture Cards~~
- A) ~~the microform must be an accurate representation of the original records.~~
 - B) ~~the Certificate of Intent and Authenticity must appear on each microfiche or aperture card.~~
 - C) ~~the headings on each fiche or aperture card must be legible without magnification, and must include the name of the office having custody of the records, a brief title of the record series, inclusive dates and approved application number.~~
 - D) ~~any index registers or other finding aids must be microfilmed and located within the collection of filmed records.~~
- 13) ~~Updateable Microfiche Systems:~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~An agency considering using an updateable microfiche system should first contact the Local Records Unit to review the proposed application. The use of the updateable system will be approved if the Updateable Microfiche meet the following specifications:~~

- ~~A) each microfiche must have the specified targets at the beginning and end of each fiche. A certificate of intent and a certificate of authenticity are the minimum allowed.~~
- ~~B) each time a microfiche is updated, either a certificate of authenticity must be inserted at the end of the added documents or annotated reference to the certificate of authenticity must appear on each added image.~~
- ~~C) only records bearing retention periods of seven years or less may be placed on updateable microforms.~~
- ~~D) if a court ordered expungement is necessary a certificate of deletion must appear at the place of the deleted image.~~

~~14) Prior to the destruction of records microfilmed under the authority of approved records schedules, the agency shall file with the Local Records Commission a statement of compliance with its standards governing the microfilming of records. The statement shall include:~~

- ~~A) Name of agency having custody of the records.~~
- ~~B) Date~~
- ~~C) Title and inclusive dates of the records series~~
- ~~D) The number of the list or schedule approved by the Local Records Commission authorizing the project.~~
- ~~E) A statement as follows:~~

~~"I hereby certify that the film on which the records were reproduced complies with the standards given in Section 4000.60 of the rules of the Local Records Commission."~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- F) ~~Signature of the microfilm project supervisor or records custodian.~~
- 15) ~~Master or Security Copy~~
- ~~The security or master microform shall not be used for reference purposes. Duplicates shall be used for reference and for further duplication on a recurring basis or for large scale duplication, as for distribution of records on microforms. Agency procedures shall ensure that master microforms remain clean and undamaged during the duplication process. The agency may deposit a silver based film of permanent record materials in the Illinois State Archives, in roll form only.~~
- 16) ~~Inspection~~
- ~~Security or Master films of permanent record microforms, and records microfilmed to dispose of the original record, shall be inspected every 2 years during their scheduled life. The inspection shall be made using a 1 percent randomly selected sample in the following categories: 70 percent — microforms not previously tested, 20 percent — microforms tested in the last inspection, and 10 percent — control group. The control group shall represent samples of microforms from the oldest microforms filmed through the most current.~~

(Source: Amended at 39 Ill. Reg. 2652, effective February 9, 2015)

Section 4000.60 Minimum Standards of Quality for Permanent Record Photographic Microcopying Film

- a) These standards are concerned with both raw stock for permanent record films and with the processed films ready for storage. They are not restricted to microfilm but apply equally to motion picture films, roll films, and sheet films. They reflect incorporations listed~~No incorporation by reference in Section 4000.224000.60 includes any later amendments or editions.~~
- b) All such film stock shall be of approved permanent type polyester based film that includes an anti-halation dye system that~~sueh as~~ meets the minimum specifications of ANSI/AIIM MS23~~, the American National Standards Institute (ANSI) as found in:~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~PH 1.25—1984~~

~~PH 1.28—1984~~

~~PH 1.41—1984~~

c) Each frame of microfilm shall be exposed and processed so that every line and character on the document appears on the microfilm with sufficient clarity to permit reproducibility through three successive generations of reproduction. With regard to operational procedures, inspection and quality control of silver gelatin microfilm, ANSI/AIIM MS23 shall apply. Microimages and paper copies thereof must "exhibit a high degree of legibility and readability." Legibility is defined as "the quality of a letter or number that enables the observer to identify it positively and quickly to the exclusion of all other letters or numerals." Readability is "the quality of a group of letters or numerals being recognizable as words or complete numbers." ~~Agencies filming public records before disposal of the originals must comply with the following ANSI standards relating to preparing and filming of records and the use, storage and inspection of developed film: ANSI PH1.25—1984, ANSI PH1.28—1984, ANSI PH1.41—1984, ANSI PH1.43—1983, ANSI PH4.8—1985, ANSI PH5.8—1972 R1978, and ANSI/AIIM MS19—1978.~~

d) The background photographic densities must be appropriate to the type of documents being filmed. Appropriate background densities are as follows:

~~1) Appropriate background densities are as follows:~~

Classification	Description of Documents	Background Density
Group 1	High-quality, <u>high-contrast</u> printed books <u>and</u> , periodicals; <u>black type face; fine-line originals; black opaque pencil writing; and documents with small, high-contrast print, and dense typing.....</u>	1.00 to 1.30 <u>1.0-1.40</u>
Group 2	<u>Pencil and ink drawings; faded and very small print (for example, footnotes at the bottom of a printed page); scenic checks; documents</u>	1.00-1.20 <u>0.90 to 1.10</u>

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

	with printed pictorial images; and newspapers	
	Fine line originals, letters typed with a worn ribbon, pencil writing with a soft lead, and documents with small printing	
Group 3	<u>Low-contrast manuscripts and drawings; graph paper with pale, fine-colored lines; letters typed with a worn ribbon; poorly printed, faint documents</u>	<u>0.80 to 1.00 (1:24 reduction or less)</u>
	Pencil drawings, faded printing, graph paper with pale, fine colored lines, and very small printing	1.10
Group 4	<u>Very low-contrast (worst case) documents can require extremely low background density</u>	<u>0.75 to 0.85 (1:24 reduction or less)</u>
	Very weak pencil manuscripts and drawings, and poorly printed, faint documents.....	1.00
Group 5	<u>COM</u>	
	Some poor contrast documents may require a lower background density (i.e. photo-stats or blueprints, etc.....	1.50 to 2.00
Group 6	<u>Computer Output Microforms</u>	<u>1.50-2.00</u>

- 2) ~~The base plus fog density of unexposed, processed, clear based microfilm must not exceed 0.10.~~

(Source: Amended at 39 Ill. Reg. 2652, effective February 9, 2015)

Section 4000.70 Digital Reproduction

- a) Analog 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 retention schedule approved by the Commission. Agencies must certify compliance by filing a Local Records Disposal Certificate with the Commission prior to the destruction of any analog records for which digital surrogates are to be substituted.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- b) In submitting schedules of analog records scheduled for permanent retention for which digital surrogates are to be substituted, each agency shall certify that the copies will be made in accordance with the regulations of the Commission and will be authentic copies of the analog 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 4000.80. If the requirements of Section 4000.80 are not met, records must be additionally maintained either in original format or in a microfilm format that complies with Sections 4000.50 and 4000.60.
- d) File Integrity. The integrity and authenticity of the analog records shall be preserved through the digitization process so that the images or surrogates will be authentic copies of the analog 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) Digital surrogates of analog records must be created and stored in file formats approved by the Commission (see Appendix A). These formats include, but are not limited to, PDF, PDF/A and TIFF.
- f) Access. The digital surrogates shall be prepared, arranged, classified and indexed to readily permit subsequent location, examination and reproduction of individual records. Hardware, software and documentation must be maintained to allow ready access to each file.
- g) External Vendors. Agencies may contract with external vendors to perform any of the tasks involved with the digitization of records. The vendors must comply with all State laws and rules governing the digitization process. The contracting agency will remain responsible for the proper management of records in the temporary custody of the vendor.
- h) Technical Standards for Creation of 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, such as, but not limited to, Riley &

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Whitsel's "Practical Quality Control Procedures for Digital Imaging Projects" and the Federal Agencies Digitization Guidelines Initiative's Technical Guidelines for Digitizing Cultural Heritage Materials: Creation of Raster Image Master Files. If agencies are uncertain as to whether they are following appropriate best practices, they should consult with the Illinois State Archives.

- 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, such as, but not limited to, Riley & Whitsel's "Practical Quality Control Procedures for Digital Imaging Projects" and the Federal Agencies Digitization Guidelines Initiative's Technical Guidelines for Digitizing Cultural Heritage Materials: Creation of Raster Image Master Files. If agencies are uncertain as to whether they are following appropriate best practices, they should consult with the Illinois State Archives.
- 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 6 point. A minimum scanning resolution of 300 dots per inch is required for engineering drawings, maps and other documents with a type font smaller than 6 point or with background detail. The selected scanning resolution must be validated with tests on actual source documents.

(Source: Added at 39 Ill. Reg. 2652, effective February 9, 2015)

Section 4000.80 Management of Electronic Records

- a) Born-digital Records. Born-digital records shall be subject to the same record 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.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- c) Permanent Records. Records scheduled for permanent retention must be stored in file formats approved by the Commission (see Appendix A) 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, magnetic tape, networks using a combination of these, or other media approved by the Commission (see Appendix B). Stored records must be regularly migrated to new media in accordance with current industry best practices, such as, but not limited to, ANSI/ARMA 16-2007, The Digital Preservation Coalition's Digital Preservation Handbook and the University of Illinois' "Best Practices for Media Selection and Migration". 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 total 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, such as, but not limited to, NIST Special Publication 800-34 Rev. 1 – Contingency Planning Guidelines for Federal Information Systems and the New York State Archives' "Record Advisory: Electronic Records Disaster Preparedness and Recovery". If agencies are uncertain as to whether they are following appropriate best practices, they should consult with the Illinois State Archives.
- g) External Vendors
- 1) Agencies may contract with external vendors for the storage or management of electronic records. Vendors must comply with this Section. Contracting agencies will remain responsible for the proper management of records in the custody of vendors.
 - 2) Contracts for the storage of electronic records by external vendors must allow for the return of all electronic data files and indexing information to the agency at the expiration of the contract or, in the case of vendor

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

failure, in a format complying with the requirements of subsections (c) and (e).

- h) Identification. Each electronic record must have a unique identifier to allow for ongoing management of that record. If electronic records are stored on discrete storage media, each physical unit must have a unique identifier.
- 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 4000.50 and 4000.60. 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 with 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.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 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.
- j) Legacy Systems. Agencies must make efforts to bring existing systems used for the storage of electronic records into compliance with this Section. If systems are unable to accomplish some of the required functions, agencies must attempt to achieve the same results through separate processes. Vendor contracts for the storage or management of government electronic records must be updated for compliance when possible.

(Source: Added at 39 Ill. Reg. 2652, effective February 9, 2015)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 4000.APPENDIX A Sustainable File Formats for Electronic Records – A Guide for Government Agencies

Electronic records are produced and kept in a wide variety of file formats, often dictated by the type of software used to create and access a record. Accessibility and user convenience are also common factors that determine the use of one format over another. When dealing with electronic records that have retention requirements past their initial use, however, one must also take into consideration the sustainability of the format used.

Sustainability in this context refers to continued accessibility over time. For example, will a given electronic record be available for users in ten years? What about twenty? Fifty? While no file format can guarantee perpetual accessibility, certain formats have distinct advantages over others in this regard. These formats are often referred to as "sustainable" formats. Sustainable formats often include the below features:

- 1) Published Documentation and Open Disclosure: Specifications for the format are published and accessible to the public. This means that anyone who wants to create tools to work with the format can do so with no restrictions of copyright. Formats that share these characteristics are commonly called "open-source" or "non-proprietary." Because anyone can create tools to access such formats they have a low chance of becoming inaccessible in the future, even if the formats themselves become obsolete.
- 2) Widespread Adoption and Use: The more widely a format is used, the more likely it is to have multiple tools used to access and manipulate it. This reduces the chance of a format becoming inaccessible due to one software publisher going out of business. Widespread adoption also serves as an indicator of general format stability, and serves as a safeguard against loss of accessibility. A wider user base means more stakeholders who have a vested interest in keeping a format going.
- 3) Self-describing Formats: These formats contain metadata (data about the data) within their structure that interprets the content, context and structure of the file. This means that descriptive information (the file name, date of creation, identification of data within the file, for example) can be kept within the file itself, and external documentation is not required. When discussing long-term preservation this is particularly important, since records often become disassociated from their original software environment and accompanying files. The more self-contained a format is, the better the chances of the data contained

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

within being accessible down the road.

- 4) Unencrypted Files: Electronic records with long-term retention should not be encrypted in any way, as this can severely compromise the future accessibility of those records. Encryption methods change dramatically over time, and the specific software tools needed to access current encrypted records may not exist in the future. A good electronic records management system can handle security, restricting access to records as needed, while leaving the records themselves unchanged.

The following is a list of formats currently recommended for long-term preservation by the Illinois State Archives.

Best Choice:

PDF/A (Portable Document Format / Archives): A variant of PDF that is specifically aimed at long-term preservation, its specifications are published in the standard ISO 19005-1:2005. It sacrifices certain functions, such as the ability to have external hyperlinks or embed audio or video, for the sake of greater reliability. The most notable different between PDF and PDF/A is the latter's ability to embed all necessary fonts within the file itself. This makes the file totally self-extracting, without any need to access external font information to properly present the formatting of the document. PDF/A also embeds descriptive metadata within the file itself, making it self-describing. These two factors make PDF/A the preferred format for long-term preservation of textual electronic records, both born-digital and digitized. Files can be converted to PDF/A by a number of different software tools and plug-ins to existing word-processor software.

Other Options:

PDF (Portable Document Format): A format commonly used to present formatted, page-oriented documents. PDFs can contain text, images, graphics, video and audio, as well as hyperlinks to outside documents. Originally created by Adobe Systems as a propriety format, the source code for PDF and its variants have since been made freely available, making it an open-source format. PDF is widely adopted around the world. Some later versions of PDF can include self-describing metadata. PDFs are acceptable for short to medium-term storage, but are not suitable for long term (20+ years) or permanent preservation. For long-

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

term applications the PDF/A variant is preferred.

XML (Extensible Markup Language): A standard format for structured documents and data on websites, XML is also a preferred format for the preservation of metadata associated with records. XML is maintained and developed by the World Wide Web Consortium (W3C), but is open-source. XML enjoys nearly universal adoption, and can be accessed and worked on by scores of freely available software tools. XML is self-describing, but requires association with an appropriate schema (also freely available) in order to properly render all formatting.

HTML (Hypertext Markup Language): A standard format for structured documents and data on websites currently maintained and developed by the World Wide Web Consortium (W3C). HTML is open-source, and is universally adopted. Unlike XML, HTML does not contain descriptive metadata headings. This limits the machine-readability of HTML, particularly when attempting to perform advanced search functions within files.

Plain Text: The most basic form of text file, plain text can be rendered by any software that can read text, across any platform. Plain Text renders only basic characters, spaces and punctuation, however, and does not preserve formatting such as italics or bold letters. It is therefore typically used only for relatively small amounts of information such as software instructions or short notes. Plain Text is open-source and universally adopted. Common file extensions for Plain Text include .txt and .text.

ODF (OpenDocument Format): An XML-based file format used for spreadsheets, charts, presentations and word processing documents. ODF was developed by Sun Microsystems, but is an open format, is freely available to anyone and has been published as an ISO standard (ISO/IEC 26300:2006). Owing to its relatively recent creation (2005) ODF is not as widely adopted as some other formats, but it is supported by almost all current office suites and word processing programs. File extensions for ODF files vary depending upon the specific type of file, but include .odt (word processing), .ods (spreadsheets) and .odp (presentations).

Still Images

Best Choice:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TIFF (Tagged Image File Format): TIFF was initially created in the 1980s in an effort to standardize file formats created by commercial scanners. The format has gone through a number of revisions since then, becoming an international standard for electronic images. The format is currently owned by Adobe Corporation, but the specifications are open and freely available. Unlike many image file formats, TIFF is uncompressed. This means that the files are larger than a compressed format (such as JPEG) but there is no loss of data. This ensures that the file can be reproduced over time at its full fidelity. TIFF files can contain "tags" that store descriptive metadata about the file. TIFF files may have a file extension of .tif (Windows) or .tiff (Macintosh).

Other Options:

JPEG 2000 (Joint Photographic Experts Group): JPEG-2000 was created by the Joint Photographic Experts Group in 2000 as a next-generation format for electronic images. The format is part of an international standard: ISO/IEC 15444:2004. JPEG-2000 files can be compressed in either lossy or lossless fashion, although only the lossless variety is acceptable for long-term preservation. The format is still relatively new, and thus does not have the same wide-spread use as TIFF. This makes it a slightly riskier choice for preservation, although usage of the format is growing. The lossless compression of JPEG 2000 provides some space savings over TIFF, but it may be better suited as a format for access rather than preservation. The standard file extension for JPEG 2000 is .jp2.

PNG (Portable Network Graphics): A file format initially created with the approval of the World Wide Web Consortium (W3C) as a replacement to GIF (Graphics Interchange Format). PNG is most often used to present images on the web, and can be accessed with a wide variety of web browser and image display software. PNG uses a "lossless" compression algorithm which reduces the size of the file without losing any data. This means that images in PNG format do not suffer from "generation loss," where the quality of an image suffers over time with repeated use. Specifications for PNG are open and freely available, and the format can contain extensive metadata within its structure.

Spreadsheets

Due to the complexity of spreadsheet structure it is challenging to perfectly

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

represent data over time. Different software uses varied means to record formulae and link data, and so advanced functions are not always replicable in more open formats. The below formats represent the best approach for long-term accessibility, but both may be unable to represent certain formatting or functions of spreadsheets originally created in formats such as Microsoft's XLS. Agencies may want to save copies of spreadsheets with long-term retention in both the native format and in one of the below. This redundant method can preserve the maximum functionality of the spreadsheet while still protecting the core data from format obsolescence.

CSV (Comma Separated Values): A simple format which can be used to represent spreadsheet data. CSV files can be accessed with any spreadsheet software or text editor, but at the cost of potential loss of advanced functionality enjoyed by more proprietary spreadsheet formats. There is therefore a tradeoff with using CSV: universal interoperability is excellent for long-term preservation, but the loss of advanced formulae may compromise the core data of the record. Basic spreadsheets containing tabular data without advanced functions may be better served by CSV than others.

ODF: (See previous entry for general data on ODF) The spreadsheet format of ODF, .ods, is a good choice for preservation of spreadsheets, as it supports more advanced functionality than CSV. However, spreadsheets originally created in other formats such as XLS may suffer some functionality loss upon conversion to ODF due to the non-standardized methods by which different software execute formulae.

AudioBest Choice:

BWF (Broadcast WAVE Format): A variant of the WAVE format, BWF (sometimes called BWAVE) was developed by the European Broadcasting Union with long-term preservation in mind. BWF takes the existing WAVE file structure and adds additional metadata support. The specifications for BWF are open and freely available, and the format is a de facto standard for digital audio for those in the radio, motion picture and television industries. It is also used extensively by audio archives throughout the world. The format is self-describing, as it contains its own structural and descriptive metadata. BWF files are uncompressed, and can be played by any software that is WAVE compatible.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

In order to display, add or modify metadata in a BWF file, however, one must use software that specifically supports the format. Free software is available that can attach BWF metadata to existing WAVE files. The file extension for BWF is .wav, the same as standard WAVE files.

Other Option:

WAVE (Waveform Audio File Format): WAVE is a format created by Microsoft and IBM in the early 1990s. Though proprietary, the format is fully documented and has been used as the basis for the preservation-oriented variant BWF (see above entry). WAVE files are uncompressed, so they lose no audio data as with some other audio formats. The format also enjoys near-universal adoption, as it is compatible with virtually every audio player available, across computer platforms. Software utilities to convert other formats to WAVE are plentiful and inexpensive (or free). WAVE has limited metadata capabilities, so is a second choice for long-term preservation behind BWF (see above). WAVE can still be an acceptable format for non-permanent audio, provided that appropriate external metadata is associated with the WAVE files.

Video

Whereas best practices typically dictate that only uncompressed formats be used for preservation of electronic content, the area of video preservation becomes more complex. Uncompressed video can take up huge amounts of space in a storage environment, and thus formats utilizing "lossless" or "near-lossless" compression have become more acceptable in some cases. Compression of these types utilizes algorithms to reduce the size of a file without irrevocably losing any data. This can be compared to "lossy" compression, which sacrifices some data to achieve smaller size. Lossy compression is unacceptable for long-term preservation because it permanently alters the structure of digital content and can lead to gradual reduction in quality over time.

MPEG-4 (Motion Picture Experts Group): MPEG-4 is an open-standard format developed by the Motion Picture Experts Group as a format for encoding video content for dissemination on the web. There are two main encoding versions, and numerous subcategories, of the format. Documentation for all varieties of MPEG-4 is extensively published as part of an international standard: ISO/IEC 14496-14:2003. The compression of a given MPEG-4 video file will depend upon the specific software and coding used in its creation, and can range from

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

lossy to lossless. For long-term preservation only lossless or near-lossless compression should be used. MPEG-4 supports the embedding of descriptive metadata to help support future access. A number of software tools, both free and paid for, are available to convert existing video files to MPEG-4 format.

Motion JPEG 2000 (Joint Photographic Experts Group): Motion JPEG-2000 is a derivative of JPEG 2000 which codes and displays video. The format is part of an open international standard: ISO/IEC 15444-3:2004. Motion JPEG-2000 files can be compressed in either lossy or lossless fashion, although only the lossless variety is acceptable for long-term preservation. The format is still relatively new, so adoption is not yet as widespread as older video formats. A number of software tools are available that can convert other video formats into Motion JPEG-2000, and it can support a variety of descriptive and structural metadata. File extensions for the format are .mj2 and .mjp2.

(Source: Old Appendix A repealed at 9 Ill. Reg. 17796, effective November 5, 1985; new Appendix A added at 39 Ill. Reg. 2652, effective February 9, 2015)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 4000.APPENDIX B Reliable Storage Media for Electronic Records – A Guide for Government Agencies

Modern computer systems use a wide variety of storage media to store and access electronic data. What media is used depends on a number of factors, but cost, speed of access and ease of use are common drivers of selection decisions. Often overlooked are concerns of long-term reliability and sustainability. Electronic records are vulnerable to degradation or loss if not maintained in an appropriate storage environment which takes into consideration media reliability and guards against technological obsolescence.

To say that media is reliable is to indicate that it can be trusted to preserve and provide access to data stored on it over time. While no storage medium can guarantee reliability and sustainability, certain media formats have distinct advantages over others in this regard. Understanding a media format's strengths, weaknesses and expected life span allows IT managers to appropriately protect the data stored on that media.

No storage media alone can ensure the preservation of electronic records. Selecting appropriate media is one part of a greater preservation strategy which includes using sustainable file formats, actively managing files over time, planning for future technology change and securing adequate resources to support preservation activities.

The following factors should play a part in the selection of any storage media for electronic records.

Durability: Durability is a factor representing the ability of electronic storage media to withstand wear and environmental conditions. Corruption (data rot) can occur as the electrical charge, magnetic orientation, or physical material degrades, causing unintended changes or loss of data.

Assessing Durability: Durability of media is commonly expressed in terms of "mean time between failures," which indicates how long a given drive/tape/disk can be expected to operate before failure.

Widespread Adoption and Use: Widespread adoption and use is a factor indicating a wide user base, meaning more stakeholders have a vested interest in keeping the storage media viable and well-supported. Widespread adoption also serves as an indicator of general media stability and generally provides a lower overall lifecycle cost of storage. The more widely a storage medium is used, the more likely it is to have long-term support to maintain it. Widely adopted technologies are typically documented and based on open

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

standards supported by multiple hardware vendors. This reduces the chance of a medium becoming inaccessible due to one vendor going out of business.

Assessing Adoption and Use: While there is no universal benchmark that indicates something is "widely used" one should look for examples of a given technology being used by other institutions, government agencies and private corporations. Multiple manufacturers and distribution sources are also good indicators of a widely-used technology.

Integrity: Integrity is a factor indicating the ability of electronic storage media to protect against and correct data corruption. The use of parity bits, error correcting codes, checksum algorithms, physical and digital access controls, and other measures help ensure that data is not corrupted. The media format used and how data is stored on it determines which of these measures can be applied. Compressed, de-duplicated, or encrypted data is more susceptible to corruption as non-functional software or an uncorrectable error can make a large amount of data unreadable.

Assessing Integrity: All storage media have listed specifications that indicate what types of integrity protection are possible, but one must also consider the source. New technologies frequently come with lofty manufacturer claims which should be considered critically until independently verified through outside testing or use.

Redundancy: Redundancy is a factor that indicates the data stored on electronic storage media is being replicated to ensure recovery of data in the event of a data loss incident. A minimum of one additional copy of any data representing electronic records must be maintained to protect against such a loss. At least one copy should be stored in a geographically separate location. Depending upon cost and performance needs, multiple types of storage may be used, such as a hard drive for the primary copy and magnetic tape for the backup copy.

Assessing Redundancy: Redundancy can be assessed by determining if you have one additional copy in a geographically separate location. IT policies should ensure that all electronically stored data will be restorable in the case of total loss of the primary storage environment.

The following is a list and descriptions of storage media formats currently recommended by the Illinois State Archives for use in storing electronic records.

<u>Format</u>	<u>Short term</u>	<u>Long term</u>	<u>Do Not Use</u>
---------------	-------------------	------------------	-------------------

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

<u>HDD</u>	<u>X</u>	<u>X</u>	
<u>SSD (Internal)</u>	<u>X</u>	<u>X</u>	
<u>Magnetic Tape</u>	<u>X</u>	<u>X</u>	
<u>Cloud Storage</u>	<u>X</u>	<u>X</u>	
<u>Optical (All Types)</u>	<u>X</u>		
<u>USB Flash</u>			<u>X</u>
<u>Obsolete media</u>			<u>X</u>

STORAGE MEDIALONG-TERM RETENTION

The following formats are considered acceptable choices for the retention of records greater than a decade.

Magnetic Tape:

A durable recording medium which uses a plastic film coated with magnetic material to record information, magnetic tape has been used to record computer data since the 1950s. Early formats of this medium consisted of open reel tapes, but modern varieties all use a cartridge of some sort.

The most widely used current version is LTO (Linear Tape-Open), which is based on open standards, as opposed to several proprietary competitors. LTO is currently in its 6th generation, with LTO-6 introduced in 2012. LTO-6 tapes have an uncompressed storage capacity of 2.5 Terabytes (TB). A number of different companies currently manufacture LTO tapes and drives, and LTO technology now accounts for close to 90% of the data tape market. LTO drives have some backwards compatibility, being able to read tape from two generations past and write to tape one generation past (an LTO-6 drive can read LTO-4, 5 and 6, and write to 5 or 6). Older versions of LTO tapes can remain viable for a few decades so long as users possess the appropriate drive, but it is best to migrate to newer versions every two generations to avoid potential loss of access.

Other current tape technologies are the Oracle Storagetek T1000X series and IBM TS1140 line. Both offer higher capacities and faster transfer speeds than LTO, but at a higher cost per GB. They are both proprietary formats, with drives and automated libraries available only from Oracle and IBM, respectively. Both companies are long-established and stable, but if either chooses to discontinue their tape technologies users will have no choice but to switch formats entirely. LTO thus remains the safer choice in

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

terms of adoption and support.

Pros of magnetic tape:

Durability up to 30 years (best practice migration in 8-12 years)

High capacity, low cost compared to other storage technologies

Widely used, mature technology

High transfer rates, low error rates

Low energy consumption

Cons of magnetic tape:

Slow access time (average 50 seconds)

Wears out faster with frequent access

Hard Disk Drive (HDD):

Hard disk drives store data on a stack of rapidly spinning metal disks coated in magnetic material. HDDs have been used for primary storage in computers since the early 1960s, and are used in the vast majority of personal computers and servers today. They can be internally mounted or connected externally. For stability and monitoring it is recommended that only internal HDDs be used for long-term records storage, with external drives being used for file transport or backup duties only. Due to their extensive use HDDs are inexpensive, and are available from a wide variety of manufacturers. They can be prone to unexpected failures, however, so active monitoring, regular media refreshment and appropriate backups must be used to ensure the safety of the records stored within.

To help manage the inherent risks associated with HDD technology a RAID (Redundant Array of Independent Disks) setup should be used. RAID uses a battery of drives that are interlinked and automatically duplicate data across the drives, thus protecting content from loss. There are different levels of RAID which correspond to greater or lesser amounts of duplication, but for records preservation RAID 6 or 10 are recommended. Both involve high levels of fault tolerance, meaning one or more drives in the array could

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

fail at once with no irretrievable loss of data.

Pros of HDD:

Rapid access to content

High capacity, low initial cost

Widely used, mature technology

Easily scalable through networking

Cons of HDD:

Short life span (average 4-6 years, best practice migration in 3-5 years)

High energy consumption

Expensive for large-scale applications or for long-term content

Higher error rate than tape

Solid State Drive (SSD):

A flash memory storage device first developed in the mid-1990s with no moving parts that typically uses the same shape, interface, and power source as standard hard drives. Data is stored in static electronic chips rather than on magnetized spinning platters. This results in much shorter time required for drive start-up, read, random access, latency and data transfer as well as reduced energy use, but at a cost up to ten times that of standard hard drives. As the price continues to drop in the coming ten to twenty years, solid state drives are expected to replace standard hard drives as the primary storage medium for laptops, desktops, servers, mobile devices, and external storage.

Pros of SSD:

Resilient to physical shock

Lower failure rate compared to standard hard drives

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Fast access time (<0.1 ms)

Low energy consumption

Cons of SSD:

High cost compared to other storage technologies

Limited lifetime due to limited number of times a storage block can be written

Susceptible to data loss due to power outages or long-term unpowered storage

Maturing technology with most commercial availability beginning in 2007

Cloud Storage:

"Cloud storage" refers not to a particular type of media, but a method for managing data using networked storage providers. Cloud hosting companies provide technical infrastructure which often spans across many geographical areas, providing high levels of redundancy and remote access for customers. While not a new concept, commercial cloud storage has only seen widespread adoption by both private and public entities in the last decade. There are many cloud service providers but much of the commercial market is dominated by companies like Amazon, Microsoft and Google. Cloud storage services can range from bare-bones warehousing with minimal security and upkeep to highly customized management of data, with integrity checks, enhanced security and faster access speeds.

Cloud storage in general has shown itself to be very reliable regarding the preservation of data. Nonetheless, greater concerns arise surrounding the protection of that data from inappropriate access. Data breaches can and do happen, and network security must be a primary focus for any agency wishing to use cloud storage for their records. Only established providers with proven track records should be used, but they do not necessarily need to be one of the large corporate entities. Many smaller cloud providers actually use one of the large hosts, and simply add their own layers of services on top of the bare storage. Cloud storage providers may not automatically provide long-term preservation services such as fixity checks, audit logging or creation of additional metadata, so agencies must still plan on performing these tasks themselves or specifically

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

contracting cloud providers to do so.

Pros of cloud storage:

Highest level of duplication and geographic redundancy

Easy access from multiple locations

Keeps up with technology trends without additional investment

Trades unpredictable maintenance costs for known subscription fee

Can be cheaper than investing in own technology

Cons of cloud storage:

Relatively higher risk of security breach

Laws may prevent the storage of certain types of sensitive data in the cloud

Some providers may not be reliable or may go out of business

Less control over data / loss of physical custody

SHORT-TERM RETENTION (10 years or less)

The following formats are inappropriate for the long-term storage of electronic records, but may be used for short-term storage of records.

Optical Media:

A thin, circular, plastic disc with a reflective layer upon which data is stored in the form of pits and lands. The reflective layer typically resides on the label side of the disc facing inward although double-sided and dual-layer discs are also available. It can be engraved (read-only), dye-based (write-once), or alloy-based (rewritable). A laser is used to read data from the spinning disc based on changes in the reflection caused by the pits and lands. Several forms of optical media are widely adopted and supported; descriptions of the most common forms are provided below. Optical media is subject to damage due to

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

scratches or breakdown of the recording dye, although proper storage and handling, regular migration to new media, and use of a gold reflective layer can mitigate these risks. Many types of writable optical media also use volatile organic dyes to store information, and can degrade over time. As cloud and network-based storage become common, optical media usage is expected to decline.

CD: The Compact Disc was originally developed in the early 1980s, evolving from the older LaserDisc format, and it is still widely supported. A standard CD is 4.7 inches in diameter and can hold up to 80 minutes of audio or 700 MB of data, although smaller and non-round shapes also exist. The most popular CD formats include CD-ROM (read-only), CD-R (write once), and CD-RW (rewritable). Both the drives and recordable media are speed rated, indicated as a multiplier of 1x (1200 Kbps). The writing speed as set by the recording software should not exceed the rated speed of the recording media to prevent data corruption. The CD format includes strong error correction coding to prevent data loss due to scratches, fingerprints, or other environmental contaminants. CDs suffer from low capacity compared to other modern storage technologies.

DVD: The Digital Versatile Disc was developed in 1995. The DVD uses the same dimensions as a CD but offers a standard capacity of 4.7 GB or 8.5 GB for dual layer formats. Most DVD players can also read CDs. The most popular DVD formats include DVD-ROM (read-only), DVD-R and DVD+R (write once), and DVD-RW and DVD+RW (rewritable). The plus and minus formats require different recording media and drives to write. Most DVD players can read all DVD and CD formats while some can also write in all formats. Similar to CDs, both the DVD drives and recordable media are speed rated, indicated as a multiplier of 1x (10.5 Mbps). The writing speed as set by the recording software should not exceed the rated speed of the recording media to prevent data corruption. The DVD format also includes strong error correction coding to prevent data loss due to scratches, fingerprints, or other environmental contaminants. DVDs should not be used for long-term data storage, because their reliability over time has not yet been adequately demonstrated.

Blu-ray: The Blu-ray Disc was developed in 2006. Blu-ray uses the same dimensions as a CD and DVD but offers a standard capacity of 25 GB or 50 GB for dual layer formats. Most Blu-ray players can also read CDs and DVDs. The most popular Blu-ray formats include BD-ROM (read-only), BD-R (write once), and BD-RE (rewritable). Similar to DVDs, both the Blu-ray drives and recordable media are speed rated, indicated as a multiplier of 1x (36 Mbps). The writing speed as set by the recording software should not exceed the rated speed of the recording media to prevent data corruption. The Blu-ray format also includes strong error correction coding to prevent data loss due to scratches,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

fingerprints, or other environmental contaminants. Like DVD, Blu-ray discs have not been adequately evaluated for long-term stability.

M-Disc (Millennial Disc): A relatively new player on the optical front, M-Disc technology has only been available since 2009, and has yet to see wide-spread adoption. M-Discs use a proprietary "stone-like" material in the storage layer, sandwiched between plastic discs. Currently both DVD and Blu-ray variants are available, with capacities similar to standard varieties of those discs. Special M-Disc drives are required to write data to the discs, but standard DVD or Blu-ray drives are able to read data from them. Millenniata, the company behind the format, claims such discs have a projected lifespan of 1000 years. Independent stress tests have shown that M-discs are indeed more resistant to environmental degradation than traditional varieties, but the life span statement cannot be corroborated. Even if such claims are accurate, optical drives are already losing ground to newer storage technologies, and will likely be rendered completely obsolete within decades. It is possible that M-Disc technology will be much more widely adopted in the future, but at this juncture it is too limited to consider as a long-term storage option.

Pros of optical media:

Convenient and portable

Widely supported formats available

Low energy consumption in storage

Cons of optical media:

Not well-suited for frequent writing or for fast read access from multiple discs

Limited capacity per disc compared to other modern storage

Widely varying lifetime depending on use and care

Aging technology being slowly replaced by flash media and cloud storage

DO NOT USE

The following formats should not be used for the short-term or long-term storage of electronic

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

records. If records are currently stored on such media they should be migrated onto appropriate media to avoid their permanent loss.

USB Flash Drive:

A rewritable portable data storage device developed in 2000 with no moving parts that connects to a computer using the Universal Serial Bus interface. Data is stored electrically in chips using power from the USB interface itself. USB flash drives offer many of the same performance benefits and limitations as Solid State Drives but typically have a smaller capacity. USB flash drives come in a variety of shapes and sizes from standard three inch "stick" to novelty shapes and even some barely larger than the USB plug. USB flash drives quickly displaced floppy disks as the preferred means to quickly write and transport data but may themselves be displaced as cloud and network-based storage become common. These portable devices are useful for short-term information sharing, but are far too easily lost or compromised to serve as reliable storage for electronic records.

Pros of flash drives:

Convenient

Durable

Widely supported

Fast transfer rate (up to 5 Gbps with USB 3.0)

Low energy consumption

Cons of flash drives:

Easily misplaced or stolen

Limited write protection

Limited lifetime due to limited number of times a storage block can be written

Older Magnetic Tape Formats:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Due to lack of support for obsolete technology, agencies should avoid any tape formats which have been discontinued. Caution should also be exercised when using older variants of current tape technology such as LTO-1 or LTO-2, as backward compatibility of LTO technology only goes back two generations. Any records currently stored on older formats such as these should be migrated forward to more current versions to ensure continued accessibility.

Any Size Floppy, ZIP, JAZ Disk:

A wide array of magnetic diskette technologies have now been almost completely abandoned in favor of more current storage options. Even if still technically usable, such disks should not be used for storage of electronic records.

ADDITIONAL RESOURCES

Best practices for a digital storage infrastructure for the long-term preservation of digital files (Digitizing Contemporary Art)

Best Practices for Media Selection and Migration (University of Illinois)

Selecting Storage Media for Long-Term Preservation (UK National Archives)

FAQ about Optical Storage Media (National Archives)

(Source: Added at 39 Ill. Reg. 2652, effective February 9, 2015)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Building Construction
- 2) Code Citation: 71 Ill. Adm. Code 2000
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2000.15	Amendment
2000.100	Amendment
2000.130	Amendment
2000.310	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].
- 5) Effective Date of Rule: February 5, 2015
- 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 rule including any material incorporated is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: October 24, 2014; 38 Ill. Reg. 20189.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made during the First Notice period. 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking updates the language of the rule to reflect current technology and practices.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

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

Carrie E. Leitner
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

217/785-3094
cleitner@ilsos.net

- 17) Does this rule 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:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER IV: SECRETARY OF STATEPART 2000
PUBLIC BUILDING CONSTRUCTION

SUBPART A: GENERAL

Section	
2000.5	Policy
2000.10	Applicability
2000.15	Definitions
2000.20	Prequalification
2000.25	Beneficial Interest
2000.30	Suspension
2000.35	Causes for Suspension
2000.40	Debarment
2000.45	Bid Opening
2000.50	Proprietary Information
2000.55	The Illinois Purchasing Act

SUBPART B: BID SUBMISSIONS

Section	
2000.100	Invitation for Bid
2000.110	Contents of Invitation for Bids
2000.120	Time and Place to Submit Bids
2000.130	Submission of Bids
2000.140	Change or Withdrawal of Bid
2000.150	Submission Binding
2000.160	Bid Reservations
2000.170	Bidder Must be Responsible

SUBPART C: RESPONSIBILITY

Section	
2000.200	Determination by Procuring Agency
2000.205	Proof of Responsibility
2000.210	Standards of Responsibility
2000.215	New Bidders

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

2000.220	Security Required
2000.225	Form of Security
2000.230	Amount
2000.235	Subsequent Requirement
2000.240	Security Allowances
2000.245	Annual Security
2000.250	Return of Security
2000.255	Recording

SUBPART D: AWARDING OF BIDS AND REJECTION

Section	
2000.300	Award
2000.310	Delay in Award
2000.320	Cancellation of Invitation
2000.330	Notice of Cancellation
2000.340	Rejection of Individual Bids
2000.350	Minor Informalities or Irregularities in Bids
2000.360	Time of Award
2000.370	General

SUBPART E: MISTAKES AND ERRORS

Section	
2000.400	Apparent Clerical Mistake
2000.410	Other Mistakes Disclosed Before Award
2000.420	Processing Mistakes
2000.430	Incorrect Procedures

SUBPART F: TERMS AND CONDITIONS

Section	
2000.500	Terms and Conditions of Transactions
2000.510	Modification
2000.520	Fiscal Year Contracting
2000.530	Contracts Spanning Fiscal Years
2000.540	Prevailing Wage Required
2000.550	Full Compliance
2000.560	Cancellation for Material Breach of Contract
2000.570	Cancellation for Fraud, Collusion, Illegality, Etc.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

2000.580 Withholding Monies to Compensate State for Damages
2000.590 Damages

SUBPART G: PROTESTS

Section
2000.600 General
2000.610 Time/Place for Protest or Objections
2000.620 Suspension of Award
2000.630 Evaluation of Protest or Objection
2000.640 No Rights Conferred
2000.650 Attempt to Influence Award
2000.660 Collusive Bids

SUBPART H: MISCELLANEOUS

Section
2000.700 Identical Bids
2000.710 Severability

AUTHORITY: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 9 Ill. Reg. 174, effective December 24, 1984; amended at 10 Ill. Reg. 19104, effective October 27, 1986; amended at 16 Ill. Reg. 10068, effective June 15, 1992; amended at 39 Ill. Reg. 2703, effective February 5, 2015.

SUBPART A: GENERAL

Section 2000.15 Definitions

"Agency" unless otherwise specified, means the Office of the Secretary of State.

"Architect" means a person who is [licensed as an architect](#) ~~"Licensed Architect"~~ ~~registered~~ by the [Illinois Department of Financial and Professional Regulation](#) ~~Registration and Education, State of Illinois.~~

"Beneficial Interest" means any profit, benefit or advantage resulting from a contract.

"Bid" means an offer made by a Bidder in response to a request by the Office of

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

the Secretary of State for sealed bids, sealed proposals or request for proposal.

"Bidder" means any person or entity by representative ~~that~~which submits a bid. The term Bidder may also, in the appropriate context, refer to the successful Bidder or to a vendor.

"CDB" means the Capital Development Board.

"~~CMSDCMS~~" means the Department of Central Management Services.

"Contract" means the Agreement for the stated services and/or material.

"Director" unless otherwise specified, means the Director of the Department of Physical Services ~~for the, Department of the Office of the~~ Secretary of State.

"Director of Purchasing" means the Director of the Purchasing Department of the Office of the Secretary of State.

"Engineer" means a person who is licensed as a professional or structural engineer ~~"Licensed Engineer" registered~~ by the Illinois Department of Financial and Professional Regulation ~~Registration and Education, State of Illinois.~~

~~"LSNC" means the Legislative Space Needs Commission.~~

(Source: Amended at 39 Ill. Reg. 2703, effective February 5, 2015)

SUBPART B: BID SUBMISSIONS

Section 2000.100 Invitation for Bid

The Secretary of State will advertise the bid in the official State Purchasing Website (www.purchase.state.il.us) ~~Newspaper~~ in accordance with requirements of the Illinois Procurement Code ~~contained in the Illinois Purchasing Act~~, and use the ~~list of~~ prequalified Bidders of the Capital Development Board (44 Ill. Adm. Code 950). Bidders who have failed on two consecutive occasions to return the bid form without bidding will not ordinarily be sent a bid form on the next occasion, unless the Bidder has shown in a letter to the Director of Purchasing that it wishes to be sent a bid form.

(Source: Amended at 39 Ill. Reg. 2703, effective February 5, 2015)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 2000.130 Submission of Bids

Each bid must conform to the requirements of this Part and to any additional requirements in the Invitation for Bids. Unless otherwise stated in the Invitation, bids shall be returned using the Agency supplied bid form ~~and envelope~~. Every bid should be typed or written clearly in ink. Bids must be signed by an authorized representative of the Bidder.

(Source: Amended at 39 Ill. Reg. 2703, effective February 5, 2015)

SUBPART D: AWARDING OF BIDS AND REJECTION

Section 2000.310 Delay in Award

Should administrative difficulties, such as delay in approval from [the Office of the Architect of the State Capitol](#) ~~LSNC~~, fiscal problems, acts of God, death of parties, and utility failures, be encountered after bid opening ~~that~~[which](#) may delay award beyond Bidders' acceptance periods, the responsive Bidders may be requested, before expiration of their bids, to extend the bid acceptance period (with consent of sureties, if any) in order to avoid the need for readvertisement.

(Source: Amended at 39 Ill. Reg. 2703, effective February 5, 2015)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Use of the Capitol Complex and Springfield Facilities
- 2) Code Citation: 71 Ill. Adm. Code 2005
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
2005.40	Amendment
2005.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5]
- 5) Effective Date of Rule: February 5, 2015
- 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 rule including any material incorporated is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: October 24, 2014, 38 Ill. Reg. 20196.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: No substantive changes were made during the First Notice period. 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rule updates the language of the Part to reflect current technology and practices.
- 16) Information and questions regarding this adopted rule shall be directed to:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Carrie E. Leitner
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

217/785-3094
email: cleitner@ilsos.net

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER IV: SECRETARY OF STATE

PART 2005

PUBLIC USE OF THE CAPITOL COMPLEX AND SPRINGFIELD FACILITIES

Section	
2005.10	Applicability
2005.20	Definitions
2005.30	Business Hours and Public Access
2005.40	Prohibited Activities
2005.50	Demonstrations
2005.60	Use of Building for Non-Demonstration Activity or Fund Raising Events
2005.70	Distribution of Leaflets and Solicitation of Funds
2005.80	Secretary of State Police Department
2005.90	Severability

AUTHORITY: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5].

SOURCE: Adopted at 14 Ill. Reg. 7282, effective May 1, 1990; emergency amendment at 21 Ill. Reg. 6927, effective May 21, 1997, for a maximum of 150 days; emergency expired October 17, 1997; amended at 21 Ill. Reg. 14563, effective October 23, 1997; emergency amendment at 25 Ill. Reg. 15259, effective November 7, 2001, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 25 Ill. Reg. 15656, effective November 27, 2001; emergency amendment at 25 Ill. Reg. 15658, effective November 27, 2001, for a maximum of 150 days; emergency expired April 25, 2002; amended at 26 Ill. Reg. 9948, effective June 24, 2002; amended at 36 Ill. Reg. 7662, effective May 2, 2012; amended at 39 Ill. Reg. 2710, effective February 5, 2015.

Section 2005.40 Prohibited Activities

- a) No animals, except guide dogs to assist persons with disabilities, or dogs utilized by police officers and firefighters in the performance of their official duties, shall be permitted in the buildings in the Capitol Complex.
- b) No person or organization shall camp, erect a tent, monument (except as authorized by the Secretary of State to commemorate a deceased public official or a historical event), structure, portable toilet, platform, sign, or similar device on

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

the grounds of or within the State Capitol, Visitors' Center, the State Library, the Howlett Building, or the Stratton Building, except as provided in subsection (i) ~~of this Section.~~

- c) No person or organization shall block, obstruct, or impede any doorway, stairway, corridor, or elevator in the Capitol Complex.
- d) No demonstrations are allowed above the first floor of the Capitol Building; this includes singing, chanting or shouting in a loud voice of the type that could interfere with the business conducted in the building.
- e) No banners, posters, placards, signs or symbols may be carried above the first floor of the Capitol Building. No sticks, poles, or laths may be used to carry any sign or placard into the buildings. No chains or ropes may be carried into the buildings, except by authorized workers and State employees, with the permission of the Director or the Director of the Secretary of State Department of Police.
- f) No person or group of persons shall use any electronic loudspeaker, bullhorn, or other amplifying device within the Capitol Complex buildings or grounds, unless prior permission of the Director or the Director of the Secretary of State Department of Police is obtained pursuant to Section 2005.50(d) ~~of this Part.~~ Permission will be granted for demonstration only.
- g) No banners, posters, placards, signs, or symbols may be affixed in any way by any person to the railing of the second, third or fourth floor of the State Capitol Building. No banners, posters, placards, signs or symbols for demonstration purposes may be affixed in any way to the walls, railings, floors, or ceilings of any of the buildings in the Capitol Complex.
- h) No banners, posters, placards, signs or symbols may be displayed for more than two weeks within a six month period.
- i) No displays or structures (including tents) in the buildings or on the grounds may be erected without the permission of the Director or the Director of the Secretary of State Department of Police pursuant to Section 2005.50(d) ~~of this Part.~~ Permission shall be granted only if the display structure is part of symbolic expression in the exercise of free speech guaranteed by the First Amendment to the United States Constitution and Article I, Sections 4 and 5 of the 1970 Illinois Constitution. No more than 2 tents or small structures may be erected at the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

location designated by the Director [or the Director of the Secretary of State Department of Police](#), which location will not impede pedestrian or vehicular traffic or substantially damage the Capitol grounds i.e., damage to grass or grounds which would require replacement. The only locations which are authorized for structures and displays shall be the paved areas between the Howlett Building and the Capitol Building, in the north front of the Howlett Building and between the Stratton Building and the Archives Building. No structures or displays will be placed on grass areas which have an underground watering system on them.

- j) The display of commercial signs, placards, or other forms of advertisement, or the sale, display, or vending of commercial products or articles in the buildings or on the grounds is prohibited, except pursuant to contract with the State Government.
- k) The noise level from demonstrators, picketers, and protesters of any group or groups, or as individuals within the Capitol Building rotunda shall not exceed a decibel level of 75dB. If the noise level from these persons exceeds this limit, the Director [or the Director of the Secretary of State Department of Police](#) shall direct all persons to decrease the noise or to reduce the numbers of people within the Capitol Building to lower the noise level to the specified level, which shall not exceed 75dB(A).
- l) No person or organization shall damage, destroy, remove, deface, defile, tarnish, or injure in any way State property within the buildings or on the grounds thereof. All persons and organizations engaging in this type of prohibited activity will be responsible for all costs, expenses, damages, and liability resulting from their own actions or the actions of persons or organizations controlled or directed by them at the time of the damage to state property.
- m) No smoking is permitted in any building in the Capitol Complex.
- n) No skateboard riding, rollerblading, or skating is allowed in the Capitol Complex.

(Source: Amended at 39 Ill. Reg. 2710, effective February 5, 2015)

Section 2005.50 Demonstrations

- a) The holding or conducting of any demonstration, public meeting, gathering, or parade on or in the buildings or their grounds is prohibited unless a permit for

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

such activity is issued by the Director or the Director of the Secretary of State Department of Police. A Special Events form addressed to the Department of Physical Services, Special Events Division, must be submitted at least 48 hours in advance of the event to be scheduled, unless the requestor can show by the preponderance of the evidence, that the cause or reason for the requested demonstration, meeting, gathering or parade was not known, contemplated, reasonably foreseeable, resulted from changed circumstances, or in existence within those 48 hours, except that no such request shall take precedence over an activity which was previously scheduled by the Director or the Director of the Secretary of State Department of Police.

- b) The Special Events form shall state the name of the individual, organization, corporation, association, society, fraternity, sorority, club, or group seeking to use the building or the grounds. The request shall list the event contact person, telephone numbers and address. Additionally, the particular facility desired to be used, the dates and times sought, equipment to be used, or supplied, and the estimated number of the participants shall be provided by the applicant. The permit shall only be valid for the date and time approved by the Director or the Director of the Secretary of State Department of Police and does not allow the group to demonstrate at any date or time other than what has been approved.
- c) Any group seeking a permit under this Section shall have one marshal per 25 participants. Marshals will be identified by insignia and their identities disclosed to security and/or police officials prior to the demonstration. The marshals' duties shall include making certain, to the best of his/her ability under the circumstances, that the conditions of the permit are met, that compliance with the rules occurs, that the demonstration remains peaceful and orderly and the participants remain within the physical boundaries of the permit.
- d) The Director or the Director of the Secretary of State Department of Police will issue a permit to an applicant unless he or she finds that the intended activity will:
 - 1) Unreasonably interfere with the movement of vehicular traffic in the parking lots of the Capital Complex, or persons within the buildings or on the grounds;
 - 2) Not occur in the area designated and will create or cause a health and/or safety hazard and will impede substantially the performance of public business to be conducted in the area;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 3) Endanger the health and safety of the permit applicants or other persons;
 - 4) Be a commercial activity; or
 - 5) Conflict in date, time, and place with a previously scheduled activity of another applicant or a government agency. All Special Events forms are date and time stamped upon receipt and permits are issued on a first-come, first-served basis.
- e) Applicants may also be denied a permit if past demonstrations involving their particular organization/individuals have resulted in removal, arrest, or other violation of this Part.
 - f) Applicants denied a permit may modify their request to meet the objection and concerns of the Director or the Director of the Secretary of State Department of Police and may resubmit their application for consideration.
 - g) A Special Events form addressed to the Department of Physical Services, Special Events Division shall be considered an application. A written response from the Director or the Director of the Secretary of State Department of Police approving part or all of the application shall be considered the permit. The written response shall state the reasons for denying in whole or in part the request. The Director or the Director of the Secretary of State Department of Police is required to show by the preponderance of the evidence that an unreasonable interference will occur or is occurring when he denies the request in whole or in part.
 - h) A person or organization denied a permit in whole or in part, may appeal the denial to the Secretary of State. The appeal shall be in writing, stating the specific reasons why the decision of the Director~~Director's~~ or the Director of the Secretary of State Department of Police decision was incorrect and what relief is sought. The appeal must be submitted at least 24 hours prior to the time of the requested demonstration, to allow the Secretary time within which to consider and decide the appeal. The Secretary's decision shall be in writing, and shall be made at least 2 hours prior to the requested demonstration's time of starting. The Secretary's decision shall be final for the purposes of the Administrative Review Act [735 ILCS 5/Art. III].
 - i) Permitted demonstrations may be canceled without prior notice by the Director of

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

the [Secretary of State](#) Department of Police, if security concerns warrant such an action.

- j) Groups may be subject to time changes or cancellation if it is determined that the scheduled activity will unreasonably interfere with legislative process.

(Source: Amended at 39 Ill. Reg. 2710, effective February 5, 2015)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1001.441	Amendment
1001.442	Amendment
1001.443	Amendment
1001.444	Amendment
- 4) Statutory Authority: Illinois Vehicle Code [625 ILCS 5/6-206.1(g)]
- 5) Effective Date of Rule: February 6, 2015
- 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 rule including any material incorporated is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: July 7, 2014, 38 Ill. Reg. 13790
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: After final review of the rule, Section 1001.443(c)(2) was amended to delete reference to Section 1001.441(g) and to change the time before which another hearing will be granted from one year to 90 days, in order to bring this Section into compliance with changes previously made to Section 1001.441(l).

Additionally, as a result of comments received during the comment period and discussions with JCAR, the following amendments were made:

- (a) The extended 180-day calibration period and all references to remote calibration were removed on Second Notice and all BAIDs will be required to be calibrated no greater than every 67 days.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- (b) The requirement to have the BAIID capture an image of a vehicle's operator when the BAIID is powered on was deleted on Second Notice.
- (c) A requirement that BAIID cameras be placed in such a manner as to capture an image of the person sitting in the driver's seat was included on Second Notice.
- (d) Section 1001.442(i)(15) was amended to require lab accreditation of firmware or software modifications implemented by BAIID providers only in cases where the Secretary determines the modifications are major or material
- (e) Section 1004.442(e) was modified to permit applications to be certified or recertified as a BAIID provider to be cured within 14 business days after notification of de minimis errors.
- (f) Section 1001.442(h)(13) was amended to include the requirement that a BAIID provider notify the Secretary if the provider or BAIID manufacturer has been suspended or decertified in any other jurisdiction.
- (g) Section 1001.442(i)(2)(f) was amended to require BAIID providers to certify that the cameras they intend to install have a sufficiently wide angle to capture whether a circumvention device has been placed into the mouthpiece of the BAIID.
- (h) Sections 1001.441(g) and Section 1001.444(b)(1) have been amended to require the permittee to personally take his or her vehicle to the BAIID provider for installation and have a reference image taken at the time of installation.
- (i) Section 1001.442(k)(7) was amended to provide that only complaints from BAIID permittees and MDDP offenders regarding professionalism of installers which are deemed valid by the Secretary may result in decertification.
- (j) The rule was amended by adding a provision for mobile installations of BAIID devices in Section 1001.442(n) and by amending the rule elsewhere as appropriate to reflect the existence of mobile installations.
- (k) All instances of "photos" in the rule were changed to "images" for uniformity.

All technical changes recommended by JCAR were made.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments update the BAID rules to reflect current practices and standards.
- 16) Information and questions regarding this adopted rule shall be directed to:

Brenda Glahn
Assistant General Counsel
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

217/785-3094
email: bglahn@ilsos.net

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section

- 1001.10 Applicability
- 1001.20 Definitions
- 1001.30 Right to Counsel
- 1001.40 Appearance of Attorney
- 1001.50 Special Appearance
- 1001.60 Substitution of Parties
- 1001.70 Commencement of Actions; Notice of Hearing
- 1001.80 Motions
- 1001.90 Form of Papers – Original Documents Required
- 1001.100 Conduct of Formal Hearings
- 1001.110 Orders; Notification; Time Limits on Obtaining Relief
- 1001.120 Record of Hearings
- 1001.130 Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section

- 1001.200 Applicability
- 1001.210 Definitions
- 1001.220 Hearings: Notice; Location; Procedures; Record
- 1001.230 Rules of Evidence
- 1001.240 Scope of Hearings
- 1001.250 Decisions and Orders
- 1001.260 Rehearings
- 1001.270 Judicial Review
- 1001.280 Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN
DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section

1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Record and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions; Time Limits on Obtaining Relief
1001.370	Invalidity

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section

1001.400	Applicability; Statement of Principle and Purpose
1001.410	Definitions
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441	Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs
1001.442	BAIID Provider Certification Providers Qualification Procedures and Responsibilities; Certification of BAIIDs Breath Alcohol Ignition Interlock Devices ; Inspections; BAIID Installer's Responsibilities; Decertification Disqualification of a BAIID Provider
1001.443	Breath Alcohol Ignition Interlock Device Multiple Offender – Compliance with Interlock Program
1001.444	Monitoring Device Driving Permit (MDDP) Provisions
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.470	Renewal, Correction and Cancellation of RDPs
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

SUBPART E: FORMAL MEDICAL HEARINGS

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section

1001.500	Applicability
1001.510	Definitions
1001.520	Procedure
1001.530	Conduct of Medical Formal Hearings
1001.540	Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES;
PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT
HEARINGS; RESTRICTED DRIVING PERMITS

Section

1001.600	Applicability
1001.610	Definitions
1001.620	Burden of Proof
1001.630	Implied Consent Hearings; Religious Exception
1001.640	Implied Consent Hearings; Medical Exception
1001.650	Rebuttable Presumption
1001.660	Alcohol and Drug Education and Awareness Program
1001.670	Petitions for Restricted Driving Permits
1001.680	Form and Location of Hearings
1001.690	Invalidity

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

Section

1001.700	Applicability
1001.710	Definitions
1001.720	Organization of Motor Vehicle Review Board
1001.730	Motor Vehicle Review Board Meetings
1001.740	Board Fees
1001.750	Notice of Protest
1001.760	Hearing Procedures
1001.770	Conduct of Protest Hearing
1001.780	Mandatory Settlement Conference
1001.785	Technical Issues
1001.790	Hearing Expenses; Attorney's Fees
1001.795	Invalidity

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1001.APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location Guidelines (Repealed)

AUTHORITY: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790, effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg. 13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003; amended at 28 Ill. Reg. 12123, effective September 1, 2004; amended at 28 Ill. Reg. 15804, effective November 19, 2004; amended at 31 Ill. Reg. 6185, effective May 1, 2007; amended at 31 Ill. Reg. 14837, effective November 1, 2007; amended at 33 Ill. Reg. 282, effective January 1, 2009; emergency amendment at 35 Ill. Reg. 3848, effective February 15, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 10934, effective June 21, 2011; amended at 36 Ill. Reg. 7300, effective April 30, 2012; amended at 37 Ill. Reg. 5844, effective April 19, 2013; amended at 39 Ill. Reg. 2718, effective February 6, 2015.

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.441 Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs

- a) BAIID Required for RDP; Fee Required
 - 1) The issuance of RDPs to a BAIID petitioner shall be conditioned upon the use of a Breath Alcohol Ignition Interlock Device (BAIID), as required by Sections 6-205, 6-206 and/or 11-501.01 of the IVC. As provided in these Sections, a BAIID petitioner must pay a non-refundable fee of \$30 per month on an annual basis, for a total annual payment of \$360. This total annual payment must be paid in advance and prior to the issuance of any permit. Payment must be submitted in the form of a money order, check, or a credit card charge (with a pre-approved card), made payable to the Secretary of State.
 - 2) A BAIID petitioner who is renewing ~~an RDP~~~~restricted driving permits~~ and who also is eligible for the ~~full~~ reinstatement of driving privileges less than 12 months from the date of the expiration of the current ~~RDP~~~~restricted driving permits~~ at the time he/she renews the ~~permit~~~~permits~~, shall not be required to make an annual payment. If the petitioner has been scheduled for a formal hearing on a petition for reinstatement at the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

time of renewal, then petitioner shall pay the above-referenced fee in an amount equal to the number of months between the date of renewal and date of the hearing, plus an additional 3 months (not to exceed 12 months), times \$30. If the petitioner does not have a formal hearing on a petition for reinstatement scheduled at the time of renewal, then the fee shall be paid for 9 months. If, however, the petitioner is denied ~~full~~ reinstatement, then the petitioner must resume payment on an annual basis.

- b) Notification of BAIID Requirements. The Secretary shall notify any BAIID petitioner who requests a hearing of the procedures for obtaining a BAIID and the BAIID requirements. Notification may be accomplished in one of the following ways, though not limited thereto: informal hearing officer; phone contact; written notification, or by electronic mail.
- c) Type of Hearing Required. All hearings involving a BAIID petitioner seeking driving relief shall be formal hearings. Any ~~renewal extension~~ or modification of an RDP issued under this Section may be done at an informal hearing. Any hearing involving a BAIID petitioner shall be conducted as any other hearing under this Part and all other applicable standards shall apply.
- d) Petitioner Must Meet Requirements of Subpart D. The Secretary shall issue an RDP to a BAIID petitioner if, through the hearing process, the petitioner is determined to meet all of the requirements of this Subpart D and installs and utilizes a ~~BAIID device~~ in all motor vehicles operated by the BAIID petitioner and, where applicable, all motor vehicles owned by the BAIID petitioner as required by the RDP issued under this Subpart D. BAIIDs shall not be installed on, ~~nor shall and~~ BAIID permittees ~~shall not~~ operate motorcycles, motor driven cycles or commercial motor vehicles requiring a commercial driver's license.
- e) Hearing Officer's Responsibilities; Petitioner's Responsibilities. Prior to the taking of evidence at the hearing:
 - 1) The hearing officer shall ~~ensure make sure~~ that the BAIID petitioner understands: all of the provisions and requirements of receiving a BAIID permit; that to obtain an RDP the BAIID petitioner must minimally meet all of the requirements of Section 1001.440 ~~of this Subpart D~~ and install and utilize the ~~BAIID device~~; that a BAIID petitioner's agreement to install a BAIID or willingness to comply with the BAIID requirements does not guarantee issuance of an RDP; and that all costs associated with the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

BAIIDdevice are the responsibility of the BAIID petitioner; and

- 2) The BAIID petitioner shall advise the hearing officer that he/she understands all of the provisions and conditions of the BAIID requirements and whether he/she agrees to comply with the BAIID requirements. If the BAIID petitioner is unwilling to use the BAIIDdevice, or comply with this Section, he/she shall be advised that an RDPrestricted driving permits cannot be granted.
- f) Decision. After the hearing, the hearing officer shall consider the evidence and the relief requested and make a recommendation as in any other hearing under this Part.
- 1) If the hearing officer does not determine that the relief requested should be granted, an order denying relief shall be prepared.
 - 2) If the hearing officer determines that an RDP should be granted, an order granting ana RDP shall be prepared with the additional requirement that the RDP is conditioned upon the installation and continued use of a BAIID the device. All RDPs issued under this Section shall require continued use of the BAIIDdevice until the driving privileges of the petitioner are reinstated.
- g) Installation of BAIID. Upon the issuance of an RDP under this Section, the Secretary shall make available a list of certified BAIID providers to the BAIID permittee. In addition to the other requirements under this Part, the BAIID permitteePermittee may operate the vehicle for 14 days from the issuance of the RDP without a BAIIDthe device installed, solely only for the purpose of taking the vehicle to a BAIID provider or installer for installation of a BAIIDthe device. The permittee must be the individual who takes the vehicle to the installer to have the BAIID installed, and must have a reference image taken by the installer at the time of installation. Within 7 days from the date of the installation of the BAIID, theThe installer or BAIID provider must notify the Secretary that a BAIIDdevice has been installed in the vehicles designated by the BAIID permittee within 7 days from the date of the installation of the device. Proof of installation shall be by such means as determined by the Secretary from the installer or BAIID provider. Failure to comply with these requirements will result in the denial of driving relief and the cancellation of any RDP issued.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- h) Petitioner's Responsibilities – Driving with a BAIID. Any BAIID petitioner receiving an RDP under this Section must comply with the following requirements:
- 1) Operate only vehicles with an installed, operating BAIID certified device authorized by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the BAIID permittee as required by the RDP issued under this Section.
 - 2) Except when a BAIID has been installed that may be read remotely, ~~take~~ Take the vehicle with the BAIID device installed to the BAIID provider or installer or send the appropriate portion of the BAIID device to the BAIID provider or installer within the first 30 days for an initial monitor report to help the BAIID permittee learn how to correctly use the BAIID device, and thereafter not longer than every 60 days for the purposes of calibration and having a monitor report of the BAIID's device's activity prepared and sent to the Secretary by the BAIID provider or installer.
 - 3) If a BAIID has been installed that permits the BAIID permittee to mail in a portion of the BAIID to be read and calibrated, or that allows the BAIID to be read remotely, that BAIID permittee shall be required to bring his or her vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all wiring and connections related to the BAIID may be inspected for signs of tampering or circumvention.
 - 4) ~~3)~~ Within 5 working days after any service or inspection notification, ~~take~~ Take the vehicle with the BAIID device installed to the BAIID provider or installer or send the appropriate portion of the BAIID device to the BAIID provider or installer, as instructed, for a monitor report ~~within 5 working days after any service or inspection notification.~~
 - 5) ~~4)~~ Maintain a journal of events recordings surrounding unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, ~~or~~ any problems with the BAIID device and the name of the driver operating the vehicle at the time of the event. If BAIIDs have been installed on multiple vehicles pursuant to Section 1001.443, a separate journal must be kept for each vehicle, recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, ~~or~~ any problems with

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

the ~~BAIID device~~, and ~~recording~~ the name of the driver operating the vehicle at the time of the event.

6) Ensure that the BAIID camera is aimed, and the person using the BAIID is situated, so that the camera captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID.

7)5) ~~Shall~~May not have ~~a BAIID an interlock device~~ removed or deinstalled from ~~the BAIID permittee's his or her~~ vehicle ~~prior to~~prior to without first notifying the Secretary and surrendering ~~the RDP~~ to the Secretary or ~~the Secretary's his~~ designee ~~the permittee's restricted driving permit~~.

- i) Review of Monitor Reports; Sanctions for Failure to Comply. Upon receipt or nonreceipt of ~~the~~ monitor reports, the Secretary shall review them and take the ~~following~~ action specified in this subsection (i). ~~Failure~~The failure of the BAIID permittee to comply with the requirements of this Subpart D ~~shall~~will be made part of ~~the BAIID permittee's his/her~~ record of performance to be considered at future formal hearings.
- 1) For any BAIID permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle, or a failure to successfully complete a running retest, during the initial monitor period, the Secretary shall send a warning letter to the BAIID permittee indicating that future unsuccessful attempts to start the vehicle or failure to successfully complete a running retest will result in the Secretary sending a letter to the BAIID permittee asking for an explanation of the unsuccessful attempts to start the vehicle or the failure to successfully complete a running retest;
 - 2) For any BAIID permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle after the initial monitor report period, the Secretary shall send the BAIID permittee a letter asking for an explanation of the unsuccessful attempts to start the vehicle. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

part of ~~the BAIID permittee's~~ record of performance;

- 3) For any BAIID permittee whose monitor reports show a failure to successfully complete a running retest, after the initial monitor report period, the Secretary shall send the BAIID permittee a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not ~~reasonably~~ assure the Secretary, the failure to comply will be made part of ~~the BAIID permittee's~~ record of performance;
- 4) For any BAIID permittee whose monitor reports show a BrAC reading of 0.05 or more or a pattern of BrAC readings consistent with the use of alcoholic beverages, regardless of any other provision contained in this Section, there shall arise a rebuttable presumption that the BAIID permittee consumed alcoholic beverages. The presumption may result in the cancellation of the RDP if the BAIID permittee is required to abstain from alcohol/drugs (whose alcohol/drug use was classified at High Risk-Dependent). In every case, the Secretary shall send a letter asking for an explanation of the BrAC reading or the pattern of BrAC readings consistent with the use of alcoholic beverages. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that the BAIID permittee did not consume alcoholic beverages, no further action will be taken. If a response from a BAIID permittee whose alcohol/drug use was classified at High Risk-Dependent is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of ~~the BAIID permittee's~~ record of performance and the Secretary shall cancel the RDP and authorize the immediate removal/deinstallation of any BAIID. If a response from a BAIID permittee whose alcohol/drug use was classified at something other than High Risk-Dependent is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of ~~the BAIID permittee's~~ record of performance;
- 5) For any BAIID permittee who ~~was arrested/stopped by the police for an alcohol/drug related offense, fails~~ failed a running retest, or ~~fails~~ failed to take a running retest, ~~if the police officer's report indicates the use of alcoholic beverages and/or drugs,~~ the Secretary shall send the BAIID

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

permittee a letter asking for an explanation of the incident. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of the BAIID permittee's~~his/her~~ record of performance;

- 6) For any BAIID permittee whose initial monitor report or subsequent monitor reports show any tampering with or unauthorized circumvention of the BAIID, device or if physical inspection by an installer shows any tampering with or unauthorized circumvention of the BAIID device, the Secretary shall send the BAIID permittee a letter asking for an explanation of the tampering or unauthorized circumvention. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, then the Secretary shall immediately cancel the RDP and authorize the immediate removal/deinstallation of the BAIID device.
- 7) For any BAIID permittee required to submit a letter of explanation, if when a review of the images taken at the time of the violation indicates the BAIID camera was prevented from taking clear and accurate images photos of the individual permittee blowing into the mouthpiece, the explanation shall automatically be rejected and the appropriate sanction, as set forth in this subsection (i), shall be imposed.
- 8) If review of the images captured by the BAIID indicates the camera is obstructed or the BAIID permittee or other person attempting to start the vehicle positions himself, herself or the camera in such a manner as to prevent a clear image of the face of the person blowing into the BAIID, the Secretary shall send notification to the BAIID permittee to properly adjust the camera and/or to position himself or herself in a manner that will allow for a clear image of the operator of the BAIID, and informing the permittee that the camera must not be obstructed. If, after notification is sent, a review of images captured by the BAIID discloses that the camera is still obstructed or is not taking clear images of the operator, the RDP may be cancelled.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 9) Failure to Submit a BAIID for Monitoring in a Timely Manner. Unless notified by a BAIID provider pursuant to subsection (j)(2), all monitor reports shall be submitted to the Secretary within 67 days after the previous monitor report. If the Secretary fails to receive a BAIID permittee's monitor reports in the 67 days, the Secretary will conduct an informal inquiry (will attempt to contact the BAIID provider and permittee by telephone or e-mail) for the purpose of determining the cause for this failure. If it is determined or if it appears that the BAIID permittee failed to take in a vehicle with the BAIID for timely monitor reports or failed to send the appropriate portion of the BAIID, utilizing a traceable package delivery service, to the BAIID provider or installer for timely monitor reports, the Secretary will send a letter to the BAIID permittee stating that, if the BAIID is not taken in for a monitor report within 10 days after the date of the letter, any permits issued to the BAIID permittee will be cancelled.
- j) Immediate Cancellation of BAIID ~~RDP~~Permit. Any one of the following shall ~~also~~ be grounds for immediate cancellation of an RDP issued under this Section:
- 1) Any law enforcement report showing operation of a vehicle by a BAIID permittee without a ~~BAIID device~~ as required by the RDP issued under this Section. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it, or a copy of it, along with the report, to the Secretary;
 - 2) Notification from a BAIID provider or installer on a removal/deinstallation report form stating that the ~~BAIID device~~ installed in a BAIID permittee's vehicle has been removed and/or is no longer being utilized by the permittee, as required by subsection (d), including a removal or deinstallation caused by the BAIID permittee's failure to pay lease or rental fees ~~owed due~~ to the BAIID provider, unless the permittee has notified the Secretary that he or she is no longer utilizing the ~~BAIID device~~ and surrendered the BAIID permit to the Secretary as required in subsection (h). This notification shall be sent to the Secretary no more than 7 days after the removal/deinstallation;
 - 3) ~~Failure to submit a BAIID for monitoring in a timely manner. Unless notified by a BAIID provider pursuant to subsection (j)(2), all monitor reports shall be submitted to the Secretary within 67 days after the~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~previous monitor report. If the Secretary fails to receive a BAIID permittee's monitor reports in the 67 days, then the Secretary will conduct an informal inquiry (will attempt to contact the BAIID provider and permittee by telephone or e-mail) for the purpose of determining the cause for this failure. If it is determined or if it appears that the BAIID permittee failed to take in a vehicle with the device for timely monitor reports or failed to send the appropriate portion of the device, utilizing a traceable package delivery service, to the BAIID provider or installer for timely monitor reports, then the Secretary will send a letter to the BAIID permittee stating that if the device is not taken in for a monitor report within 10 days after the date of the letter, then any permits issued to the BAIID permittee will be cancelled;~~

- ~~3)4) Any law enforcement report involving a DUI arrest or other law enforcement report indicating use of alcohol in violation of Subpart D;~~
- ~~5) The Secretary reserves the discretion to cancel a BAIID permittee's driving privileges if monitor reports, which are processed after a hearing is conducted or after the reinstatement of driving privileges, show a violation of the terms and conditions of the BAIID permit.~~

k) Hearing to Contest Cancellation of BAIID RDPermit. Any BAIID permittee whose RDP is cancelled as provided ~~for~~ in this Section may request a hearing to contest the cancellation within 60 days from the effective date of the cancellation. The~~Such a~~ hearing will be scheduled and held on an expedited basis. The hearing will be conducted as any other formal hearing under this Part. Any BAIID permittee whose RDP is cancelled under the provisions of this Section and who is required to abstain from alcohol/drugs (whose alcohol/drug use was classified at High Risk-Dependent) and who admits to consuming alcoholic beverages may not request a hearing to contest the cancellation.

- 1) The purpose of a hearing to contest a BAIID cancellation is to determine whether the BAIID Division acted in accordance with its rules, procedures and guidelines in entering the cancellation of driving privileges, based upon the evidence available to it at the time of its initial decision. If it is determined at the hearing that the BAIID Division did not act in accordance with its rules, procedures and guidelines, the Department of Administrative Hearings will enter an Order rescinding the cancellation. If it is determined at the hearing that the BAIID Division acted in

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

accordance with its rules, procedures and guidelines, the Department of Administrative Hearings will enter an Order either affirming the cancellation or an Order affirming, but terminating, the cancellation. A termination will be entered when the petitioner provides additional credible evidence at the hearing regarding the petitioner's alleged violation of the rules of the BAIID program, or that the BAIID Division was misinformed or did not have all the essential facts at the time of its initial decision. The findings of fact must articulate the additional facts and circumstances cited in the Order of Termination that support the rationale for concluding that the public safety and welfare is better served by a termination.

- 2) Any BAIID permittee whose RDP is cancelled for any reason provided for in this Section, and whose cancellation was terminated after a formal hearing to contest the cancellation, is immediately eligible to petition for another formal hearing if the petitioner's RDP has expired by the time that the final order from the formal hearing has been entered. If the RDP has not expired, then a new RDP will be issued with the same expiration date as the cancelled RDP.
- 3) Any BAIID permittee whose RDP is cancelled for any reason provided for in this Section, and whose cancellation was rescinded after a formal hearing to contest the cancellation, will be issued a new RDP with the same expiration date as the cancelled RDP. If the RDP has expired, the petitioner is immediately eligible to petition for another formal hearing.
- 1) No Hearing for 90 Days~~12 Months~~ After Cancellation. Any BAIID permittee whose RDP is cancelled for any reason as provided for in this Section shall not be granted another hearing for any type of driving relief for 90 days~~one year~~ from the date of the cancellation, except to contest the cancellation as provided in subsection (k). In the event a hearing is held pursuant to subsection (k) and the cancellation is affirmed, the BAIID permittee shall not be granted another hearing for driving relief for 30 days from the date of the order affirming the cancellation. This provision does not apply to BAIID permittees who: voluntarily have surrendered their RDPs; have not committed any offense or act that would be grounds for the cancellation of their RDPs; or are able to demonstrate that he/she was not the perpetrator of the offense or conduct that otherwise would be grounds for the cancellation of his/her RDPs.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- m) Formal Order – Content. Any formal order entered that grants the issuance of an RDP as provided for in this Section shall, in addition to all other requirements, clearly indicate the following:
- 1) That the RDP is issued conditioned upon BAIID installation and proper usage of the BAIID by the permittee; and
 - 2) That the BAIID permittee is aware of all conditions and terms of BAIID installation and proper usage of the BAIID, and he or she accepts those conditions and terms as conditions precedent to the issuance of the RDP.
- n) RDPs – Content. Any RDPs issued as provided for in this Section shall, in addition to all other requirements, clearly indicate:
- 1) That the RDP is issued pursuant to the BAIID requirements of this Section, and that a vehicle operated by a BAIID permittee must be equipped with an installed, properly operating BAIIDdevice;
 - 2) That the provisions of the RDP also allow the BAIID permittee to drive to and from the BAIID provider or installer for the purposes of installing the BAIIDdevice within 14 days after the issuance of the RDP, or obtaining monitor reports, and any necessary servicing.
- o) Use of Monitor Reports. The Secretary shall gather all available monitor reports and images and any other information relative to the permittee's performance and compliance with the BAIID requirements under this Subpart D. TheSuch reports, images and information may be used as evidence at any administrative hearing conducted by the Secretary under this Part.
- p) Modification or Waiver of BAIID:
- 1) The Secretary may make a medical or physical BAIID modification or waiver for RDPs issued under this Section. When a BAIID permittee provides a report from a physician stating the permittee is physically unable to produce an adequate breath sample to operate the BAIID, the Secretary may allow the permittee to install a BAIID that operates with a lower breath sample requirement. The Secretary may, at his or her discretion, obtain a review of the physician's report by the Secretary's Medical Advisory Board.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 2) When a BAIID permittee is the owner of only one vehicle, this modification may also be granted if an immediate family member who resides with the BAIID permittee must drive the vehicle and the immediate family member is unable to provide an adequate breath sample to operate the BAIID.
- q) Employment Exemption from BAIID Requirements. In determining whether a BAIID permittee is exempt from the BAIID requirements pursuant to the waiver provided for in Sections 6-205 and 6-206 of the IVC, the following shall apply:
 - 1) The term "employer" shall not include an entity owned or controlled in whole or in part by the permittee or any member of the permittee's immediate family, unless the entity is a corporation and the permittee and the permittee's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;
 - 2) The exemption shall not apply where the employer's vehicle is assigned exclusively to the BAIID permittee or the BAIID permittee uses the vehicle and used solely for commuting to and from employment or for other personal use.
 - 3) Appropriate limits will be established for necessary on-the-job driving. The days, hours and mileage limits will not exceed those necessary for the accomplishment of the petitioner's primary employment and shall be limited to a maximum of 12 hours per day and 6 days per week unless the request for increased limits is substantially documented, such as through an employer's verification of the BAIID permittee's work schedule.
 - 4) An exemption also may be granted to a BAIID permittee who can prove that his or her duties include test driving vehicles not owned by the permittee. The exemption will be limited to this purpose and to no more than a 5 mile radius from the permittee's place of employment.
 - 5) The Secretary will also inform a BAIID permittee whose employment exemption is terminated that he or she remains eligible to have an interlock BAIID installed in his or her personal vehicle and the employer's

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

vehicle without a hearing. Failure to have the BAIID installed by the date designated by the Secretary will result in the termination of the BAIID permittee's RDP.

- r) ~~Disqualification~~/Decertification of BAIID Providers and BAIID ~~Device~~. The Secretary must notify the BAIID permittee of the ~~decertification~~~~disqualification~~ of a BAIID provider or the decertification of a particular type of BAIID. The BAIID permittee must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The BAIID permittee must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The BAIID permittee must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the BAIID permittee's RDP. All costs related to any change in BAIID provider or BAIID shall be paid by the BAIID permittee.
- s) Reciprocity with Other States. The Secretary will honor the BAIID requirements imposed by other states on Illinois drivers and drivers licensed in other states, for offenses committed in other states, and will reciprocate other states' recognition of BAIID requirements imposed by Illinois on drivers licensed in Illinois, or licensed in other states for offenses committed in Illinois.
- t) Monitor Reports Received after Reinstatement. If the Secretary receives a monitor report after the BAIID permittee's driving privileges have been reinstated showing a violation that would have led to reinstatement being denied, the Secretary shall cancel the driving privileges and notify the permittee of the cancellation. The permittee shall be further notified that he or she may apply to have the permit reissued, conditioned upon reinstalling the BAIID and payment of all applicable fees, unless otherwise prohibited by this Section. The Secretary shall also notify the permittee that he or she has the right to request a hearing to contest the cancellation.

(Source: Amended at 39 Ill. Reg. 2718, effective February 6, 2015)

Section 1001.442 BAIID ~~Provider Certification~~~~Providers Qualification~~ Procedures and Responsibilities; Certification of ~~BAIIDs~~~~Breath Alcohol Ignition Interlock Devices~~; Inspections; BAIID Installer's Responsibilities; ~~Decertification~~~~Disqualification~~ of a BAIID Provider

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- a) ~~Certification~~Qualification Required to Provide BAIID Services. No person or entity may provide BAIID services pursuant to this Subpart D unless ~~certified~~qualified as a BAIID provider by the Secretary. All ~~certified~~qualified BAIID providers must apply for ~~recertification~~requalification on an annual, calendar year basis, with applications for ~~recertification~~requalification due in the Secretary's office no later than December 1 of each year.
- b) Who May Provide BAIID Services. BAIID providers may be a manufacturer of BAIIDs, an authorized representative of a manufacturer of BAIIDs, an installer of BAIIDs or other business entity. Without regard to the specific business operations of the BAIID provider, all certified BAIID providers under this Section shall be responsible for insuring that all of the duties and responsibilities of a BAIID provider are carried out in accordance with this Subpart D, including, but not limited to, providing, distributing, installing and servicing approved BAIIDs. BAIID providers may provide these services through their own resources, through a subsidiary, or through contractual relationships with third parties.
- c) Information Required in Application for ~~Certification~~Qualification. Persons or entities desiring to be ~~certified~~qualified as BAIID providers may submit an application for ~~certification~~qualification at any time. An application for ~~certification~~qualification or ~~recertification~~requalification as a BAIID provider shall include all of the following information:
- 1) The name, business address and telephone number of the applicant. If the applicant is a business entity other than a corporation, the application must include the names and addresses of the owners of the entity. If the applicant is a corporation, the application must include the names and addresses of any person or entity owning 10% or more of the outstanding shares of the corporation;
 - 2) The names, business addresses and telephone numbers, and titles of any officers, managers or supervisors of the applicant who will be involved in the provision of BAIID services;
 - 3) A description of each BAIID the applicant proposes to install, including the name and address of the manufacturer and the model of the unit, with a copy of all manuals and information guides made available to program participants. Unless the BAIID has been previously certified by the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Secretary pursuant to this Section, the application must include the information necessary to obtain certification of the BAIID pursuant to this Section;

- 4) If the applicant is not a BAIID manufacturer, the application must include proof of the applicant's right to distribute and install the particular types of BAIIDs the applicant is proposing to utilize. ~~The Such~~ proof may include a letter (composed on letterhead ~~stationery~~stationary), or a copy of a purchase, lease, rental or distribution agreement with the manufacturer;
- 5) A detailed description of the applicant's plan for distribution, installation and service of BAIIDs in Illinois, including the names and addresses of all installers the applicant intends to use. This plan must demonstrate the applicant's ability to distribute and install BAIIDs and the ability to submit reports to the Secretary electronically within the time frames established by this Subpart D;
- 6) A list of all other jurisdictions/states in which the applicant currently operates or has operated, and contact information for each jurisdiction/state;
- 7) Copies of policy and procedure manuals and training manuals used regarding installer training, calibration training, calibration equipment, installation equipment, and contracts/agreements with installers;
- 8) A signed statement that the applicant agrees to provide services to program participants who have been declared indigent by the Secretary for the purposes of the BAIID program;
- 9) Proof of liability insurance. General commercial liability and/or product liability insurance, which shall include coverage for installation services, shall be maintained with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. If the applicant is not both the manufacturer and installer of the BAIID, proof of liability insurance must be provided showing coverage of both the manufacturer and the installer. If proof of separate policies for the manufacturer and installer is provided, each policy must have minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. Other commercially acceptable

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

insurance arrangements, in the same minimum amounts, may be accepted at the discretion of the Secretary;

- 10) A statement that the applicant shall agree to indemnify and hold the State of Illinois and the Secretary, their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments, including costs, attorneys' and witnesses' fees, and expenses incident to any of these actions, relating to bodily injuries to persons (including death) and for loss or damage to, or destruction of, real and/or tangible property (including property of the State) resulting from the negligence or misconduct of the applicant, its employees, agents or contractors in the manufacture, installation, service, repair, use or removal of a BAID or performance of any other duties required by this Section;
- 11) Examples of images taken by the BAID. If, in the opinion of the Secretary, the images are not clear and accurate, the Secretary may deny certification.
- ~~6) Proof the applicant possesses the minimum liability insurance coverage required by this Section, and a statement agreeing to the indemnification and hold harmless provisions of this Section;~~
- ~~7) In the event an original or amended application to be qualified or requalified as a BAID provider is denied, the Secretary shall limit additional applications from that applicant to one every 12 months;~~
- ~~8) In deciding whether to grant or deny an application to be a BAID provider, the Secretary may take into consideration the applicant's past performance in manufacturing, distributing, installing or servicing BAIDs if the applicant has previously engaged in this type of business;~~
- ~~9) A BAID provider who has been qualified pursuant to this Section may at any time submit an amended application seeking certification to distribute and install a type of BAID in addition to or other than the types previously certified for that BAID provider;~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 10) ~~The Secretary shall notify the applicant in writing of his decision regarding the application for qualification or requalification as a BAIID provider.~~
- d) The Secretary shall notify the applicant, in writing, of his or her decision regarding the application for certification or recertification as a BAIID provider.
- e) If an original or amended application to be certified or recertified as a BAIID provider is denied, the applicant may not reapply until 12 months have elapsed from the date of denial. Prior to denying an application based on de minimis errors, including but not limited to typographical or scrivener's errors, the Secretary shall advise the applicant of the error and provide the applicant 14 business days to correct the error.
- f) In deciding whether to grant or deny an application, the Secretary may take into consideration the applicant's past performance in Illinois and other jurisdictions in manufacturing, distributing, installing or servicing BAIIDs.
- g) An applicant that has been certified pursuant to this Section may at any time submit an amended application seeking certification to distribute and install a BAIID model in addition to or other than the models previously certified for use by the applicant.
- h)d) Services that Must be Provided. After ~~certification~~qualification or ~~recertification~~requalification by the Secretary, BAIID providers shall provide the following services and meet the following requirements:
- 1) ~~The BAIID provider shall submit proof of liability insurance with its application to the Secretary. General commercial liability and/or product liability insurance, which shall include coverage for installation services, shall be maintained with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. If the BAIID provider is not both the manufacturer and installer of the device, proof of liability insurance must be provided showing coverage of both the manufacturer and the installers. If proof of separate policies for the manufacturer and installers is provided, each policy must have minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. Other commercially acceptable insurance arrangements, in the same minimum amounts, may be accepted at the discretion of the Secretary;~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~As a condition of being certified as a BAHD provider, the BAHD provider shall agree to indemnify and hold the State of Illinois and the Secretary, their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments, including costs, attorneys' and witnesses' fees, and expenses incident thereto, relating to bodily injuries to persons (including death) and for loss of, damage to, or destruction of real and/or tangible personal property (including property of the State) resulting from the negligence or misconduct of the BAHD provider, its employees, agents, or contractors in the manufacture, installation, service, repair, use or removal of a BAHD or performance of any other duties required by this Section;~~
- 1)3) All installations of BAIIDs shall be done in a workmanlike manner and shall be in accordance with the standards set forth in this Section and with the requirements of the manufacturer. All BAIIDs installed shall be in working order and shall perform in accordance with the standards set forth in this Section. All BAIIDs must be installed and all reports to the Secretary must be made within the time frames established by this Subpart D;
- 2)4) The BAIID provider shall only install models of BAIIDs that the provider has been authorized to install pursuant to this Section and the BAIIDs shall only be installed at installation sites reported to the Secretary pursuant to this Section;
- 3)5) Any BAIID provider that sells, rents, and/or leases ~~BAID~~ignition interlock devices in Illinois pursuant to this Subpart D shall report to the Secretary within 7 days all such sales, rentals, and/or leases listing the BAID permittee's name ~~and of the individual, his or her~~ driver's license number, the installer, the installer's location, the make and serial number of the BAID device, and the make, ~~and~~ model and VIN of the vehicle in which the BAIID is installed in, and VIN number of the vehicle;
- 4)6) The BAIID provider shall provide a toll free customer service/question/complaint hotline that is answered, at a minimum, during normal business hours, Monday through Friday;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- ~~5)7)~~ The BAIID provider shall provide a course of training and written instructions for the BAIID permittee or MDDP offender on operation, maintenance, and safeguards against improper operations, and instruct the BAIID permittee or MDDP offender to maintain a journal of events surrounding failed readings or problems with the BAIID device. ~~The BAIID provider will warn the BAIID permittee or MDDP offender that a violation of the BAIID or MDDP program or a finding of guilt for any of the offenses listed in Section 6-206.1(c-1) or Section 6-206.2 of the IVC will result in an extension of the summary suspension or a re-suspension for 3 months or immediate cancellation of the MDDP.~~ Copies of all materials used in this course of training shall be provided to the Secretary;
- ~~6)8)~~ The BAIID provider shall provide service for malfunctioning or defective BAIIDs within a maximum of 48 hours after notification of a request for service. This support shall be in effect during the period the BAIID device is required to be installed in a motor vehicle;
- ~~7)9)~~ The BAIID provider shall provide, at the request of the Secretary, expert or other required testimony in any civil or criminal proceedings or administrative hearings as to issues involving BAIIDs, including the method of manufacture of the BAIID device and how the BAIID device functions;
- ~~8)10)~~ If a BAIID provider requires a security deposit by a BAIID permittee or MDDP offender and the amount of the deposit required is more than an amount equal to one month's rental or lease fee, the security deposit must be deposited in an escrow account established at a bank, savings bank or savings and loan association located within the State of Illinois. The BAIID provider will provide the Secretary with a certified statement of the escrow account upon the Secretary's request;
- ~~9)11)~~ BAIID providers must submit monitor reports or reports of any other service to the Secretary whenever a BAIID is brought in for monitoring, a portion of the BAIID is sent to the BAIID provider, the BAIID is read remotely, or ~~whenever~~ a BAIID is brought in pursuant to a service or notification report. Except as provided in subsection ~~(h)(10)(d)(12)~~, the reports must be submitted to the Secretary no later than 7 days from the date the BAIID is brought in, ~~or~~ an appropriate portion of the BAIID is sent to the BAIID provider, or the BAIID is read remotely; ~~All BAIIDs~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~shall be recalibrated whenever they are brought in for any type of service or monitoring using a wet bath simulator or other approved equivalent procedure; i.e., dry gas standard. The Secretary reserves the discretion to require a physical inspection, to be conducted by the BAIID provider or the BAIID Division, if monitor reports reflect repeated violations, or a reading or readings indicate tampering or circumvention of the device;~~

- 10)12) When a vehicle is brought into a service center to have the BAIID read or calibrated, the BAIID installer shall carefully inspect the BAIID and all wiring and connections related to the BAIID for signs of tampering or circumvention. If a BAIID has been installed that permits the BAIID permittee or MDDP offender to mail in a portion of the BAIID to be read and calibrated, or allows the BAIID to be read remotely, that BAIID permittee or MDDP offender shall be required to bring his or her vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention. Within 2 business days after discovery, the BAIID provider shall report to the Secretary within two business days the discovery of any evidence of tampering with or attempts to circumvent a BAIID. The BAIID provider shall preserve any available physical evidence of tampering or circumvention and shall make that evidence available to the Secretary. Within 2 business days after an inspection of a mail-in or remotely read BAIID vehicle, the installer shall notify the SOS that evidence of tampering or circumvention has been found;
- 11)13) BAIID providers shall notify the Secretary within 7 days when a BAIID has been installed, reinstalled or deinstalled, and shall provide to the Secretary, upon request, additional reports, to include but not be limited to, records of installation, reinstallations, deinstallations, calibrations, maintenance checks and usage records on BAIIDs devices placed in service in Illinois the State;
- 12)14) The BAIID provider shall provide service to all BAIID permittees or MDDP offenders who request services from the BAIID provider and who have met the requirements of this Subpart D, including the payment of fees due to the provider, unless the fees are otherwise waived by rule or statute;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- ~~13)~~¹⁵⁾ The BAIID provider must immediately notify the Secretary in writing if the provider or the BAIID~~it or its~~ manufacturer or installer becomes unable to produce, supply, service, repair, maintain, or monitor BAIIDs in compliance with a manner that enables it to service BAIID permittees and MDDP offenders as required and within the deadlines specified in this Subpart D or if the provider has been suspended or decertified in any other jurisdiction;
- ~~14)~~¹⁶⁾ With the exception of mobile installations authorized by Section 1001.442(n), theThe BAIID provider shall provide the Secretary a list of all locations in Illinois where BAIIDs~~the device~~ may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored. The BAIID provider shall notify the Secretary within 48 hours of any new installation locations or any installation locations that are closed;
- ~~15)~~¹⁷⁾ The BAIID provider shall install, monitor and deinstall authorized BAIIDs without fee to any MDDP offender determined~~found~~ to be indigent by the Secretary~~court of venue~~ who requests services from the BAIID provider and who presents written documentation of indigency from the Secretary~~court in a form prescribed by the Secretary~~;
- ~~16)~~¹⁸⁾ The Secretary may designate the form, format and method of delivery (e.g., facsimile, electronic transfer, etc.), for any reports, information, or data required to be filed with the Secretary pursuant to this Subpart D, including, but not limited to, installation verification forms, monitoring report forms, noncompliance report forms, notices of calibration, verification, tampering or circumvention, removal or deinstallation report forms, and information necessary to implement and monitor the indigent surcharge payments to the Indigent BAIID Fund and payment provisions from the Indigent BAIID Fund set forth in Section 6-206.1 of the IVC and Section 1001.444;
- ~~17)~~¹⁹⁾ The Secretary shall review and approve leases or rental agreements the BAIID provider intends to utilize between the BAIID provider and the BAIID permittee or MDDP offender. The BAIID provider shall submit to the Secretary a copy of the schedule of all fees that will be charged to BAIID permittees or MDDP offenders, and shall submit an amended schedule of fees whenever there is a change to the BAIID provider's fees;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- ~~18)20)~~ The BAIID providers shall agree to take assignments to unserved areas of Illinois pursuant to this Section, as those areas are defined in subsection ~~(m)~~(2);
- ~~19)21)~~ The Secretary shall have the right to conduct independent inspections of BAIID providers, manufacturers and installers, including inspection of any ~~BAIIDs and calibration equipment devices~~ present at the time of the inspection, to determine if they are in compliance with the requirements of this Subpart D. The Secretary shall notify₂ in writing₂ and require the BAIID provider to correct any noncompliance revealed during any inspections. Within 30 days after receiving a notice of noncompliance, the BAIID provider shall notify the Secretary₂ in writing₂ of any corrective action taken;
- ~~20)22)~~ Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, provide the Secretary with not more than two BAIIDs for each model that is certified under this Section. These models will be used for demonstration and training purposes₂;
- ~~21)~~ Unless an alternative method for reading and calibrating the BAIID has been approved by the Secretary, all BAIIDs shall be recalibrated, whenever they are brought to the provider for any type of service or monitoring, using a wet bath simulator or other approved equivalent procedure, i.e., dry gas standard. Calibrations shall be done no less frequently than every 67 days;
- ~~22)~~ Calibration equipment shall be in good working order and maintained and operated according to the equipment manufacturer's recommendations. Solution in wet bath calibration units shall be changed according to the manufacturer's recommendations and new solution shall be stored in a cool, dry location and discarded upon the expiration date. Dry gas cylinders must be stored in an area protected from exposure to weather;
- ~~23)~~ BAIID providers shall maintain records related to a BAIID permittee or MDDP offender, including but not limited to installation, monitoring, circumvention and deinstallation, for a period of 3 years after the BAIID is deinstalled.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- ~~i)e)~~ Criteria for Certification of ~~BAIIDs~~~~Interlock Devices~~. Only BAIIDs that have been certified for use in Illinois pursuant to this Section may be installed in the vehicles of BAIID permittees and MDDP offenders ~~by BAIID providers~~. Certification of a BAIID ~~shall~~may be ~~granted by the Secretary~~based on the following criteria:
- 1) ~~A~~Certification of a device may be granted by the Secretary, based on a review and evaluation of test results from any nationally recognized and certified laboratory test facility that is accredited by ~~the one of the following: International Standards Organization (ISO-25), National Voluntary Lab Accreditation Program – National Institutes of Standards & Technology (NVLAP), or Clinical Laboratory Improvement Amendments – U.S. Department of Health and Human Services (CLIA)~~. The evaluation and test results must affirm the ~~BAIID's device's~~ ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, ~~400 S. 7th St. SW, Washington, D.C. 20590, (202)366-5593, 7857 Fed. Reg. 891172, May 8, 2013~~April 7, 1992 (no subsequent dates or editions), except for:
 - A) 1.4.S, Power, if the ~~BAIID device~~ is not designed to be operated from the battery;
 - B) 1.5.2.S, Extreme Operating Range, if the ~~BAIID device~~ is not designed to be operated below -20° C and above +70° C;
 - C) 2.3.S, Warm Up, if the ~~BAIID device~~ is not designed to be operated below -20° C;
 - D) 2.5.S, Temperature Package, if the ~~BAIID device~~ is not designed to be operated below -20° C and above +70° C;
 - 2) The BAIID provider must certify that the BAIID:
 - A) Does not impede the safe operation of a vehicle;
 - B) Minimizes opportunities to bypass the ~~BAIID device~~;
 - C) Performs accurately and reliably under normal conditions;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- D) Prevents a BAIID permittee or MDDP offender from starting a vehicle when the BAIID permittee or MDDP offender has a prohibited BrAC₂; i.e., $P \geq 0.025$;
- E) Satisfies the requirements for certification set forth in this Section;
- F) ~~Has a camera that takes~~Takes clear and accurate ~~images~~photographs of the individual utilizing the BAIID and that has a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID device. ~~Vendors shall make accessible to the Secretary examples of such photos at the time of certification. If, in the opinion of the Secretary, the photographs are not clear and accurate, the Secretary has the right to withhold certification;~~
- G) Provides calibration stability for a period of no less than 67 days.
- 3) No BAIID device shall be certified if it demonstrates an accuracy rate ≥ 0.01 in unstressed conditions or ≥ 0.02 in stressed conditions. The terms "stressed" and "unstressed" shall be defined according to the NHTSA standards referred to in subsection (ie)(1);
- 4) Any BAIID device to be certified shall be designed and constructed with an alcohol setpoint of 0.025;
- 5) Any BAIID device to be certified shall require the operator of the vehicle to submit to a running retest at a random time within 5 to 15 minutes after starting the vehicle. Running retests shall continue at a rate of two per hour in random intervals not to exceed 45 minutes after the first running retest;
- 6) Any BAIID device to be certified shall be designed and constructed to immediately begin blowing the horn if:
- A) The running retest is not performed;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- B) The BrAC ~~reading~~readings of the running retest is 0.05 or more; or
- C) Tampering or circumvention attempts are detected;
- 7) The BAIID shall be required to have permanent lockout 5 days after it gives service or inspection notification to the BAIID permittee or MDDP offender if it is not serviced or calibrated within that five day period.
- A) The BAIID shall give service or inspection notification to the BAIID permittee or MDDP offender upon the occurrence of any of the following events:
- i) Every instance in which the BAIID~~device~~ registers 3 BrAC readings of .05 or more within a 30 minute period;
 - ii) Any attempted tampering or circumvention;
 - iii) The time for the BAIID permittee or MDDP offender to take the vehicle for the initial monitor report;
 - iv) Every 60 days after the initial monitor report;
 - v) For MDDP offenders, 5 violations within the 60 ~~day~~days monitoring period;
 - vi) Every 6 months, for an inspection pursuant to Section 1001.441(h)(2) in which the type of BAIID installed allows for a portion of the BAIID to be mailed in or allows the BAIID to be read remotely;
- B) In addition, the BAIID shall record and communicate to the BAIID permittee or MDDP offender and to the Secretary's office via monitor reports all of the preceding events and all starts of the vehicle, both successful and unsuccessful;
- C) The BAIID shall record an image each time the vehicle is started, each time a test is prompted, each time a successful or unsuccessful test sample is taken, and whenever there is a failed attempt to provide a breath sample;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 8) The [BAIID device](#) shall be required to have 24 hour lockout anytime the BAIID permittee or MDDP offender registers 3 BrAC readings of 0.05 or more within a 30 minute period;
- 9) Certification of a [BAIID device](#) may be withdrawn by the Secretary, based on a field testing protocol developed by the Secretary to determine the [BAIID's device's](#) ability to operate in a consistently reliable manner and based upon review of field performance results; a review of BAIID usage by BAIID permittees and MDDP offenders; and BAIID monitor reports;
- 10) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, install not more than three of each model of BAIID for which certification is sought in the vehicles provided by the Secretary for field testing. The Secretary may independently evaluate each [BAIID device](#) to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts, ~~and~~ [tampering, and testing for all specifications listed in this Subpart D;](#)
- 11) Upon the request of the Secretary, for each model of BAIID certified under this Section, the BAIID provider shall provide a total of at least 10 hours of training to the Secretary's employees at no cost to the State of Illinois. This training shall be held at the times and locations within the State designated by the Secretary. The training shall be designed to familiarize the Secretary's employees with the installation, operation, service, repair and removal of the BAIIDs and with the training and instructions that the BAIID provider will give to BAIID permittees and MDDP offenders. The BAIID provider shall also provide the Secretary, upon request, the following materials:
 - A) A detailed description of the [BAIID device](#), including complete instructions for installation, operation, service, repair and removal of the BAIID;
 - B) Complete technical specifications describing the BAIID's accuracy, reliability, security, data collection and recording, tamper and circumvention detection, [imaging](#) and environmental features;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 12) Any ~~BAIID device~~ that is not certified ~~may~~ shall be re-tested at the request of the BAIID provider but not more often than once in a calendar year;
- 13) The Secretary shall not accept for certification any BAIID that uses Taguchi cell technology to determine BrAC;
- 14) BAIIDs must use, as their anti-circumvention method, one of the following technologies: either a positive>negative>positive ~~or~~ ~~positive>negative~~ air pressure test requirement, or a mid-test hum tone requirement. BAIID providers may submit for approval to the Secretary new anti-circumvention technologies. Upon approval by the Secretary, pursuant to the procedures in this subsection ~~(i)(e)~~, these technologies shall be included with the previously mentioned anti-circumvention technologies as acceptable for use by BAIID providers. ~~In~~ ~~No later than~~ ~~July 1, 2013, in~~ addition to these anti-circumvention methods, all ~~BAIIDs installed after July 1, 2013, and all BAIIDs in use in Illinois after July 1, 2015.~~ ~~BAIIDs installed~~ shall include a camera that captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle that it will be possible to determine whether ~~the individual blowing into the BAIID is seated in the driver's seat and whether~~ a circumvention device has been inserted into the mouthpiece of the BAIID. The captured images shall be stored by the vendor ~~while the BAIID is installed in the vehicle and for 3 years after removal~~ and ~~shall be~~ made accessible to the Secretary, at the Secretary's request, either by electronic access to the vendor's system or electronic mail;:-
- 15) ~~After a BAIID has been certified by the Secretary, no firmware or software modifications shall be deployed without written authorization by the Secretary, which may include installation of the BAIID with the proposed firmware or software modifications in accordance with subsection (i)(10) and, if the Secretary determines the software or firmware modification is major or material, submission to an accredited lab in accordance with subsection (i)(1).~~

~~j)Ⓕ~~ BAIID Installers

- 1) All installations of BAIIDs must be performed by installers identified to the Secretary as employees of or contractors of a ~~certified~~ ~~qualified~~ BAIID

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

provider. The provider must inform the Secretary whether installation is being done by its own employees, contractors, or both. All installations shall be performed in a workmanlike manner. BAIID providers shall be responsible for their installer's compliance with this Subpart D. A BAIID provider may be ~~decertified~~disqualified by the Secretary for the noncompliance of its installer with the requirements of this Subpart D;

- 2) All ~~service centers~~BAIID installers shall have all tools, test equipment and manuals needed to install BAIID devices and screen motor vehicles for acceptable mechanical and electrical condition prior to installation;
- 3) The installer shall provide adequate security measures to prevent access to the BAIID device (tamper seals or installation instructions);
- 4) The installer shall appropriately install BAIID devices on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the BAIID device manufacturer's instructions. All connections shall be soldered or secured with no crimp wire connectors and covered with tamper seals. It is the BAIID permittee's or MDDP offender's responsibility to repair the vehicle if any prior condition exists that would prevent the proper functioning of the BAIID device. The installer shall inform the BAIID permittee or MDDP offender that a problem exists, but shall not be responsible for repairing the vehicle. The installer shall not permit the BAIID permittee or MDDP offender to observe the installation of the BAIID;
- 5) The installer shall not install BAIID devices in a manner that could adversely affect the performance of the BAIID device or impede the safe operation of the motor vehicle;
- 6) After the BAIID has been installed in the motor vehicle, the~~The~~ installer shall verify that the BAIID device is functioning properly and shall have the BAIID permittee or MDDP offender use the BAIID to start the vehicle to ensure that he or she is familiar with the operation of the BAIID. At that same time, the installer shall verify that the camera is operational and that a reference image of the BAIID permittee or MDDP offender has been taken~~after it has been installed in the motor vehicle;~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 7) The installer shall restore a motor vehicle to its original condition when a BAIID device is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent;
 - 8) ~~When~~Where the installer is also providing monitoring and other services for the BAIID after installation, the installer shall perform all of the duties that are associated with service after the installation and that are required by this Section of a BAIID provider. These duties shall include, but are not limited to, completing all monitoring reports and/or mailing in the appropriate ~~portion~~part of the BAIID device to the BAIID provider, making notification of any evidence of tampering or circumvention, and recalibrating BAIIDs whenever they are brought in for service or monitoring;:-
 - 9) The installer shall not install a BAIID on any vehicle that does not have an operable horn, but shall advise the BAIID permittee or MDDP offender to have the vehicle's horn repaired before installation can occur.
- k)g) ~~Decertification~~Disqualification of BAIID Providers. The Secretary may decertify~~shall disqualify~~ a BAIID provider from providing BAIID services in Illinois, ~~upon written notification and a 30-day opportunity to come into compliance, in any of the following cases:~~ The Secretary shall provide written notification to the BAIID provider regarding any decertifying action. The BAIID provider will be given a 30-day opportunity to come into compliance. The BAIID provider shall respond in writing to the Secretary regarding the course of corrective action. If the course of corrective action is deemed unacceptable by the Secretary, or if there are recurring instances of the same decertifying action following the corrective action, the Secretary may decertify the BAIID provider from providing services in Illinois or suspend the BAIID provider from performing any new installations for a period of 3 months. The following are considered actions warranting decertification:
- 1) Failure to submit monitor reports in a timely manner, as provided in subsections (h)(9) and (h)(10)~~(d)(11) and (d)(12)~~. If the Secretary finds, through investigation, that the BAIID permittee or MDDP offender did take the vehicle with the installed BAIID device to the BAIID provider, or sent the appropriate portion of the BAIID device to the BAIID provider for a monitor report in a timely manner, a request for the monitor report~~warning notification~~ shall be sent to the BAIID provider. If the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

information is not received within 30 days, the BAIID provider will be given a 3 month suspension from providing new installations in Illinois. Three occurrences within a 12 month period will result in decertification; indicating that a third such occurrence within a 12 month period will result in disqualification;

- 2) Failure to maintain liability insurance as required;
- 3) Failure to install certified BAIIDs devices within the time requirements of this Subpart D;
- 4) Failure to comply with all of the duties and obligations contained in this Subpart D;
- 5) Failure to provide BAIID permittees or MDDP offenders with correct information regarding the requirements of this Subpart D;
- 6) Failure to submit a required surcharge to the Secretary for deposit in the Indigent BAIID Fund as required in Section 6-206.1 of the IVC and Section 1001.444 of this Part. If the amount in dispute is not resolved within the above 30 day period, the BAIID provider shall be ~~decertified~~disqualified unless the BAIID provider submits, within the 30 day period, a written request to review the amount in dispute to the BAIID Division. The dispute will then be resolved according to the terms of the contract entered into between the BAIID provider and the Secretary;
- 7) Failure to work with BAIID permittees or MDDP offenders in a professional manner. Complaints from BAIID permittees and MDDP offenders will be recorded. Repeated complaints determined by the Secretary to be valid or clear violations of the program requirements set forth in this Section shall result in decertification;
- 8) Failure to provide installations in a workmanlike manner, as set forth in this Section, and within the requirements of the manufacturer;
- 9) Installing BAIIDs not certified by the Secretary;
- 10) Failure to report installations and deinstallations to the Secretary within 7 days;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 11) Failure to maintain and upgrade calibration equipment, BAIIDs and cameras;
- 12) Failure to provide services to indigent MDDP offenders;
- 13) Failure to provide trained installers or installations that are not in compliance with subsection (j)(2);
- 14) Failure to inform the Secretary of suspension or decertification from service in another jurisdiction within 30 days;
- 15) Failure to notify the Secretary of any BAIID installer or service center that is no longer installing or servicing BAIIDS for the provider;
- 16) Wiring the BAIID for circumvention or creating a circumventing apparatus for the BAIID permittee or MDDP offender;
- 17) Giving information to a BAIID permittee or MDDP offender that results in or could result in the BAIID being circumvented;
- 18) Failing to use or make secure or appropriate wiring connections as specified in this Section;
- 19) Installing a BAIID in a vehicle that does not have an operable horn;
- 20) Failing to maintain the calibration equipment and solutions as specified in this Section;
- 21) Invalidation of an installer's Illinois driver's license;
- 22) Failure to meet any of the requirements of this Section or other applicable administrative rules or statutes.

1h) Notification of Decertification/~~Disqualification~~. Upon decertification of a BAIID or the ~~decertification/disqualification~~ of or the cessation of the operation of a BAIID provider, the Secretary shall notify in writing all affected BAIID permittees or MDDP offenders of the decertification of the BAIID or the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~decertification~~~~disqualification~~ of or the cessation of the operation of a BAIID provider.

~~m)~~i) Designation of Installation Sites

- 1) Each BAIID provider shall be responsible for establishing installation sites within the State to service BAIID permittees and MDDP offenders, or to provide mobile installations as provided in Section 1001.442(n);
- 2) The Secretary shall monitor the location of installation sites throughout Illinois. If the Secretary determines that any place in Illinois is not within 75 miles of an installation site, the Secretary shall randomly select one of the certified BAIID providers and require that BAIID provider to establish an installation site or provide mobile installations in the unserved area. If a second or subsequent area of Illinois is determined not to be within 75 miles of an installation site, the Secretary shall randomly select a BAIID provider other than the one selected previously and require that BAIID provider to establish an installation site or provide mobile installations in the unserved area. As a condition of being ~~certified~~qualified by the Secretary, BAIID providers must agree to take assignments to unserved areas pursuant to this subsection ~~(m)(2)(i)(2)~~.

n) Mobile Installation Sites

- 1) A BAIID provider may install BAIIDs at locations other than fixed, permanent installation sites.
- 2) All provisions in this Section, as well as Sections 1001.441 and 1001.444, are hereby made applicable to mobile installers and mobile installations, except for those provisions that by their nature can have no application to mobile installers and installations.
- 3) At the installation location, the installer must have a copy of the permittee's/offender's request to have a BAIID installed and show it to the permittee/offender upon request.
- 4) A provider may, but is not required to, provide an identification card for mobile installers that includes, but is not limited to, the name of the installer and the provider for which the installer works. The identification

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

card may also contain a photo of the installer.

- 5) Providers shall provide the Secretary with a schedule of mobile installs 24 hours before the install occurs. The schedule shall contain the name and address of the permittee/offender and the location where the install will occur. The Secretary reserves the right to attend and inspect mobile installations.

(Source: Amended at 39 Ill. Reg. 2718, effective February 6, 2015)

Section 1001.443 Breath Alcohol Ignition Interlock Device Multiple Offender – Compliance with Interlock Program

- a) Ownership Defined. For the purposes of this Section, a person "owns" a vehicle when it is registered in his or her name, regardless of whether it is registered solely in his or her name or jointly with another person or persons, except as follows:-
- 1) When the offender is able to demonstrate that his or her name is on the joint title solely for the purpose of allowing a third party to obtain financing to purchase the vehicle, and the vehicle is not available for use by the offender;
 - 2) A vehicle is not considered to be owned by the person when:
 - A) that person owns and operates a business as a sole proprietorship or as a partnership with 3 or fewer partners;
 - B) the business has been in existence for at least 2 years prior to the date of the application for an RDP;
 - C) the person identifies 4 or more vehicles registered in his or her name that are used exclusively in the operation of the business;
 - D) the person does not operate any of the identified vehicles at any time; and

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

E) the person is able to provide the name, address and driver's license number of the business employees who operate the identified vehicles.

- b) Installation Required
- 1) Anyone who is required to install a BAIIDan interlock device on all vehicles ~~which~~ he or she owns, pursuant to Sections 6-205(h) and 11-501.01(e)(i) of the IVC, and who is granted any driving relief pursuant to Subpart D of this Part, shall have a BAIIDan interlock device installed on all vehicles he or she owns within 14 days after the issuance of driving relief. The offender must maintain a BAIIDan interlock device on each vehicle for a period of 365 consecutive days.
 - 2) For purposes of subsection (b)(1), the period of 365 consecutive days begins on the date that a BAIIDan interlock device is installed on all vehicles he or she owns and ends 365 days later. This shall be known as the "base period". The base period remains the same regardless of whether the petitioner adds or replaces vehicles during the 365 consecutive days.
- c) Verification of Compliance. The Secretary shall verify compliance by conducting periodic checks of the vehicle registration records of BAIID multiple offenders, and by monitoring compliance with the terms and conditions of the interlock requirements as provided in Section 1001.441.
- 1) If the Secretary finds evidence of non-compliance with the installation requirements by a BAIID multiple offender, then the Secretary will send the offender a letter asking for an explanation for the alleged violation. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will result in the immediate cancellation of the driving relief issued. The cancellation will not be terminated until the offender comes into compliance. BAIID multiple offenders whose driving privileges are cancelled due to violation of the installation requirements will be required to come into compliance and maintain compliance for another 365 consecutive days.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 2) If the Secretary finds evidence of non-compliance with the installation requirements by a BAIID multiple offender who is also a BAIID permittee as defined in Section 1001.410 and who, therefore, is issued a restricted driving permit, then the Secretary will send the offender a letter asking for an explanation for the alleged violation. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred or the violation has been rectified, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will result in the immediate cancellation of the driving relief issued. Pursuant to Section 1001.441(g) and (l), the BAIID permittee will not be granted another hearing for one year from the date of the cancellation, except to contest the cancellation.
 - 3) If the Secretary finds evidence of non-compliance with the terms and conditions of the interlock requirements by a BAIID multiple offender whose driving privileges have been reinstated, then the offender's driving privileges will be cancelled for a term of 3 months on the first violation, 6 months on the second violation, and 12 months on the third and subsequent violations. At the end of the period of cancellation, the offender will be required to come into and maintain compliance for another 365 consecutive days.
 - 4) The Secretary reserves the discretion to cancel a BAIID multiple offender's driving privileges if monitor reports, processed after a hearing is conducted or after the reinstatement of the BAIID multiple offender's driving privileges, show a violation of the terms and conditions of the interlock requirements, including the use of any product intended to prevent accurate readings by the BAIID.
- d) The offender may contest a cancellation entered pursuant to this Section by filing a petition for a formal hearing pursuant to Section 2-118 of the Code.

(Source: Amended at 39 Ill. Reg. 2718, effective February 6, 2015)

Section 1001.444 Monitoring Device Driving Permit (MDDP) Provisions

- a) Breath Alcohol Ignition Interlock Device (BAIID) Required for Issuance; Fee Required

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) The Secretary shall notify a first offender (MDDP offender), as defined in Section 11-500 of the IVC, that he or she will be issued an MDDP unless the Secretary receives, from the court of venue, an opt-out form, prescribed by the Secretary, that has been signed by the offender and filed with the court. The issuance of the MDDP shall be conditioned on the installation and use of a BAIID in any vehicle operated, as required by Section 6-206.1 of the IVC. Only BAIIDs certified by the Secretary under Section 1001.442 of this Part may be utilized. As provided in Section 6-206.1 of the IVC, an MDDP offender must pay a non-refundable fee in an amount equal to \$30 per month times the number of months or any portion of a month remaining on the statutory summary suspension at the time the Secretary issues the MDDP. No fee will be charged for any month in which the Secretary issues the MDDP on or after the 20th day of that month. This total, one time payment for each MDDP issued must be paid in advance and prior to the issuance of the MDDP. Payment must be submitted in the form of a money order, check or credit card charge (with a pre-approved card), made payable to the Secretary of State.
- 2) Any MDDP holder whose summary suspension is extended or who is re-suspended as provided for in Section 6-206.1 and who applies for and obtains an extension or re-issuance of an MDDP, shall likewise be required to pay the non-refundable fee for the length of the period of extension or re-suspension under the same terms and conditions as stated in subsection (a)(1). Any such suspension will not be terminated until payment of any and all fees due under this Section is made.
- 3) Any MDDP offender whose driving privileges are otherwise suspended, revoked, cancelled or become otherwise invalid is not eligible to receive an MDDP.
- 4) Any MDDP shall be invalid and must be surrendered to the Secretary if an MDDP holder's driving privileges subsequently are suspended, revoked, cancelled or become otherwise invalid under any provision of the IVC, during the issuance period of the MDDP. This includes a conviction and subsequent revocation of driving privileges for the DUI arrest that resulted in the issuance of the MDDP. The MDDP offender may petition, at a formal hearing conducted pursuant to Section 2-118 of the IVC, for a restricted driving permit during the period of suspension, revocation,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

cancellation or invalidation, if available pursuant to the IVC. In order to obtain a restricted driving permit pursuant to this Section, the MDDP offender must also satisfy the other provisions of this Part. Further, should a restricted driving permit be granted, the MDDP offender may only operate vehicles in which a properly working BAIID has been installed and is subject to all of the provisions of the BAIID program.

- 5) Any MDDP holder whose MDDP is invalidated as provided in subsection (a)(4), except those MDDP holders cancelled under Section 6-206.1(c-1) of the IVC, may obtain another MDDP upon termination of the sanction that led to the invalidation as long as the offender is still eligible for an MDDP. The offender must notify the Secretary in writing and submit the statutory permit fee. Upon issuance of an MDDP, the MDDP holder is subject to all of the provisions of this Section.
 - 6) The MDDP holder may voluntarily terminate participation in the MDDP program by written notification and surrender of the permit to the Secretary's BAIID Division. This voluntary termination does not in any way affect any sanction imposed under this Section. An offender may also resume participation by notifying the BAIID Division in writing, but may do so only once during the term of the suspension, extension or re-suspension due to a violation of the program.
- b) Compliance – Installation of BAIID/Notification to the Secretary
- 1) The MDDP Holder. Upon the issuance of an MDDP under this Section, the Secretary shall make available a list of certified BAIID providers to the MDDP holder. The MDDP holder may operate the vehicle for 14 days from the issuance date stated on the MDDP without the BAIID installed ~~solely~~ for the purpose of taking the vehicle to a BAIID provider or installer for installation of the BAIID. The MDDP holder must be the individual who takes the vehicle to the installer to have the BAIID installed and must have a reference image taken by the installer at the time of installation. Failure to comply with this requirement will result in the cancellation of the MDDP issued.
 - 2) The Installer/BAIID Provider. A BAIID provider or installer must:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- A) Be qualified and comply with all of the procedures and responsibilities set forth in Section 1001.442 ~~of this Part~~;
 - B) Within 7 days after the date of the installation of the BAIID, ~~Upon installation~~, notify the Secretary, in a manner and form specified by the Secretary, that a BAIID has been installed in the vehicles designated by the MDDP offender; ~~within 7 days from the date of the installation of the BAIID~~;
 - C) Upon notification from the MDDP holder, as evidenced by the written form from the Secretary that the MDDP holder has been found to be indigent, not charge the MDDP holder for any installation, monthly monitoring, deinstallation fees, or security deposit that exceeds one month's BAIID rental fee. This waiver of charges and fees is limited to one vehicle per MDDP holder.
 - D) Upon request, make records available to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.
- c) Compliance – Driving with BAIID. Any MDDP offender receiving ana MDDP under this Section must comply with the following requirements:
- 1) Operate only vehicles with an installed, operating BAIID certified by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the MDDP holder, as required by the MDDP issued under this Section.
 - 2) Except when a BAIID has been installed that may be read remotely, ~~either~~ take any and all vehicles operated by the MDDP holder and with a BAIID installed or send the BAIID device to the BAIID provider or installer at least every 60 days, which shall be referred to as the monitoring period, commencing with the date of installation, for the purposes of calibration and having a monitor report of the BAIID's activity prepared and sent to the Secretary by the BAIID provider or installer. The monitoring period will be 30 days for any MDDP holder whose summary suspension is extended or who is re-suspended for a violation of the MDDP program.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 3) If a BAIID has been installed that permits the MDDP offender to mail in a portion of the BAIID to be read and calibrated, or that allows the BAIID to be read remotely, bring the vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention.
- 4)3) Within 5 working days after any service or inspection notification, take the vehicle with the BAIID, installed to the BAIID provider or installer or send the appropriate portion of the BAIID to the BAIID provider or installer as instructed for a monitor report.~~Either take the vehicle with the BAIID installed or send the device to the BAIID provider or installer as instructed for a monitor report within 5 working days after any service or inspection notification.~~
- 5)4) Maintain a journal of events recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, any problems with the BAIID, and the name of the driver operating the vehicle at the time of the event. If BAIIDs have been installed on multiple vehicles, a separate journal must be kept for each vehicle, recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, any problems with the BAIID, and the name of the driver operating the vehicle at the time of the event.~~Maintain a journal of events surrounding unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, or any problems with the BAIID and the name of the driver operating the vehicle at the time of the event. If BAIIDs have been installed on multiple vehicles, a separate journal must be kept for each vehicle.~~
- 6) Ensure that the BAIID camera is aimed, and the person using the BAIID is situated, so that the camera captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID.
- 7)5) Shall not have a BAIID removed or deinstalled from a vehicle prior to notifying the Secretary and surrendering the MDDP to the Secretary or the Secretary's designee.~~Shall not have a BAIID removed or deinstalled from~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~vehicles without authorization from the Secretary and when, applicable, surrendering to the Secretary or his designee the MDDP.~~

~~8)6)~~ Shall not commit any of the violations listed in subsectionsubparagraph (d) ~~of this Section.~~

- d) Violations. Any of the following, when committed by an MDDP holder, constitutes a violation of the MDDP program:
- 1) A conviction or court supervision for any of the offenses listed in Section 6-206.1(c-1) of the IVC;
 - 2) Tampering or attempting to tamper with, or unauthorized circumvention of, the BAIID, including the use of any product intended to prevent accurate readings by the BAIID;
 - 3) A violation of Section 6-206.2 of the IVC;
 - 4) 10 or more unsuccessful attempts to start the vehicle with a BAIID installed within a 30 day period, excluding a BrAC reading of 0.05 or more;
 - 5) 5 or more unsuccessful attempts to start the vehicle within a 24 hour period, excluding a BrAC reading of 0.05 or more;
 - 6) A BrAC reading of 0.05 or more;
 - 7) Failing a running retest, or failing to take a running retest;
 - 8) Removing the BAIID without authorization from the Secretary;
 - 9) Failing to utilize the BAIID as required;
 - 10) Failing to submit a BAIID for a monitor report in a timely manner;
 - 11) Failing to bring a vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- ~~12)44)~~ Preventing the camera from taking clear and accurate ~~images~~photos of the permittee blowing into the mouthpiece, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID.
- e) Sanctions Upon Commission of a Violation. Upon notification of any of the violations in subsection (d), the Secretary shall take the following action:
- 1) For a conviction or court supervision for any of the offenses listed in Section 6-206.1(c-1) of the IVC, or a notification from a BAIID provider or installer that a physical inspection of any BAIID permittee's vehicle showed any tampering with or unauthorized circumvention of the BAIID device, immediately cancel the MDDP, extend the suspension as provided for in Section 6-206.1(1) of the IVC, and authorize the immediate removal/deinstallation of the BAIID. If the MDDP had expired prior to the Secretary receiving notification of the conviction, supervision or violation, the Secretary shall re-suspend the MDDP offender as provided for in Section 6-206.1(l) of the IVC. The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the permit.
 - 2) For any MDDP holder whose monitor report or other sufficient evidence shows any tampering or unauthorized circumvention of the BAIID, or who fails to bring his or her vehicle in for an inspection pursuant to subsection (c)(3), send the MDDP holder a letter asking for an explanation of the failure to bring the vehicle in for an inspection or an explanation of the tampering or unauthorized circumvention. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall immediately cancel the MDDP, extend the suspension as provided for in Section 6-206.1(1) of the IVC, and authorize the immediate removal/deinstallation of the BAIID. If the summary suspension is already terminated prior to the MDDP holder failing to bring his or her vehicle in for an inspection pursuant to subsection (c)(3), or prior to the Secretary receiving the monitor report/physical inspection showing the violation, the Secretary shall re-suspend the MDDP offender

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

as provided for in Section 6-206.1(1) of the IVC. The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the [RDP permit](#).

- 3) For any MDDP holder whose monitor report shows: 10 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 30 day period; or 5 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 24 hour period; or any single BrAC reading of 0.05 or more, send the MDDP holder a letter asking for an explanation of the unsuccessful attempts to start the vehicle or the BrAC reading. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months. Should any monitor report show multiple violations, each violation provided for in this subsection shall be a separate violation requiring a separate 3 month extension or re-suspension.
- 4) For any MDDP holder whose monitor reports show a failure to successfully complete a running retest, send the MDDP holder a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.
- 5) For a removal/deinstallation of a BAIID without authorization, including a removal or deinstallation caused by the MDDP holder's failure to pay lease or rental fees due to the BAIID provider, the Secretary shall immediately cancel the MDDP.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 6) For a failure to utilize the BAIID by the MDDP holder as required, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.
- 7) For a failure to submit a BAIID for a monitor report in a timely manner, the following procedure will be followed: unless notified by a BAIID provider that the BAIID has been removed, all monitor reports shall be submitted to the Secretary within 37 days after installation and within every 37 days thereafter. If the Secretary fails to receive an MDDP holder's monitor reports within the 37 days, the Secretary will conduct an informal inquiry (will attempt to contact the BAIID provider and MDDP holder by telephone or e-mail) for the purpose of determining the cause for this failure. If it is determined or if it appears that the MDDP holder failed to take in a vehicle with the BAIID or send the ~~BAIID device~~ in for timely monitor reports, then the Secretary will send a letter to the MDDP holder stating that, if the BAIID is not taken in for a monitor report within 10 days after the date of the letter, the Secretary will extend the summary suspension for 3 months, or, if the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary will re-suspend for 3 months. If the MDDP holder cannot be located or does not respond to the Secretary's request for information, the MDDP shall be cancelled or, if the MDDP has expired, the Secretary shall re-suspend the MDDP as provided for in IVC Section 6-206.1(1).
- 8) Violations detected in any one monitoring period shall not, however, result in extensions or re-suspensions totaling more than six months, except as provided in subsection (e)(10).
- 9) If the MDDP holder is re-suspended for a violation that was not reported to the Secretary until after the termination of the MDDP holder's summary suspension, the MDDP holder may obtain another MDDP by notifying the Secretary in writing and submitting all required fees.
- 10) When an image shows that the MDDP permittee has utilized any product that allows the permittee to avoid blowing directly into the mouthpiece of the BAIID, or when ~~the permittee has taken~~ any step has been taken to

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

prevent a clear and accurate imagepicture of the driver and mouthpiece, the Secretary shall extend the summary suspension for 3 months.

- f) Hearing to Contest Cancellation of MDDP or Extension of the Summary Suspension. Any MDDP holder whose summary suspension is extended or re-suspended, or whose MDDP is cancelled as provided for in this Section, may request a hearing to contest that action. A written request, along with the \$50 filing fee, must be received or postmarked within 30 days from the effective date of the extension, re-suspension or cancellation. The hearing will be conducted as any other formal hearing under this Part.
- g) MDDPs – Content. Any MDDPs issued as provided for in this Section shall, in addition to all other requirements, state at a minimum that:
- 1) The MDDP is issued pursuant to the BAIID requirements of this Section and that a vehicle operated by an MDDP holder must be equipped with a certified, installed, properly operating BAIID;
 - 2) The provisions of the MDDP also allow the MDDP holder to drive to and from the BAIID provider or installer for the purpose of installing the BAIID within 14 days after the issuance date on the MDDP;
 - 3) Once the BAIID is installed, the MDDP holder may drive the vehicle with the BAIID properly installed for any purpose and at any time;
 - 4) If applicable, the MDDP holder qualifies for any modification or waiver of BAIID, as provided in subsection (i), or employment exemption from BAIID, as provided in subsection (j).
- h) Use of Monitor Reports. The Secretary shall gather all available monitor reports and images, and any other information relative to the MDDP holder's performance and compliance with the BAIID requirements under this Subpart D. The reports, images and information may be used as evidence at any administrative hearing conducted by the Secretary under this Part.
- i) Modification or Waiver of BAIID. Upon request of the MDDP holder, the Secretary may consider a medical or physical BAIID modification or waiver for an MDDP issued under this Section. When an MDDP holder provides a report from a physician stating that the MDDP holder is physically unable to produce an

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

adequate breath sample to operate the BAIID, the Secretary may allow the MDDP holder to install a BAIID that operates with a lower breath sample requirement. When an MDDP holder is the owner of only one vehicle, this modification may also be granted if an immediate family member who resides with the MDDP holder must drive the vehicle and the immediate family member is unable to provide an adequate breath sample to operate the BAIID. The Secretary may, at his or her discretion, obtain a review of the physician's report by the Secretary's Medical Advisory Board.~~The MDDP holder must:~~

- ~~1) Submit a medical report establishing the inability to utilize the BAIID.~~
 - ~~2) Have a hearing, pursuant to Subpart A, at which the MDDP holder must prove compliance with the alcohol/drug requirements under this Subpart D.~~
- j) Employment Exemption from BAIID Requirements. In determining whether an MDDP holder is exempt from the BAIID requirements pursuant to the waiver provided for in Section 6-206.1 of the IVC, the following shall apply:
- 1) The term "employer" shall not include an entity owned or controlled in whole or in part by the MDDP holder or any member of the MDDP holder's immediate family, unless the entity is a corporation and the MDDP holder and the MDDP holder's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;
 - 2) The exemption shall not apply when the employer's vehicle is assigned exclusively to the MDDP holder, or the MDDP holder uses the vehicle for commuting to and from employment or for other personal use and *no person may drive the exempted vehicle more than 12 hours per day, 6 days per week* [625 ILCS 5/6-206.1(a-2)];
 - 3) Appropriate limits will be established for necessary on-the-job driving. The days, hours and mileage limits will not exceed those necessary for the accomplishment of the MDDP holder's primary employment;
 - ~~4)3)~~ This exemption is subject to termination if the Secretary obtains or receives credible evidence that it is being abused or violated by the MDDP

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

holder, such as, but not limited to, driving outside the scope of his or her employment, or driving the employer's vehicle from his or her residence to the place of employment. Upon obtaining or receiving credible evidence of the abuse or violation of an exemption, the Secretary shall send the MDDP holder a letter that requests a response to the evidence. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that an abuse or a violation did not occur, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall immediately terminate the exemption;

- 5)4) The Secretary will also inform the MDDP holder whose employment exemption is terminated that he or she remains eligible to have a [BAIID](#) ~~an interlock device~~ installed in his or her personal vehicle and the employer's vehicle without a hearing. Failure to have the [BAIID device](#) installed by the date designated by the Secretary will result in the termination of the ~~MDDP-offender's monitoring device driving permit~~;
- 6)5) The denial of an exemption and the termination of an exemption may be contested pursuant to Section 1001.441(k);
- 7)6) An exemption also will be granted to an MDDP holder who can prove that his or her duties include test driving vehicles not owned by the permittee. The exemption will be limited to this purpose, and to no more than a 5 mile radius from the permittee's place of employment.

- k) ~~Disqualification~~ Decertification of BAIID Provider and BAIID ~~Device~~. The Secretary must notify the MDDP holder of the ~~decertification~~ ~~disqualification~~ of a BAIID provider or ~~the decertification~~ of a particular type of BAIID. The MDDP holder must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The MDDP holder must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The MDDP holder must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the MDDP holder's MDDP. All costs related to any change in a BAIID provider or a BAIID shall be paid by the MDDP holder, unless the ~~Secretary~~ ~~court~~ has deemed the MDDP holder indigent.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Indigent BAIID Fund
 - 1) Any BAIID provider who installs a BAIID under the MDDP program must pay 5% of the total gross revenue received by each contract entered into with an MDDP holder who is not found to be indigent by the Secretary, referred to in this subsection as the surcharge.
 - A) The surcharge shall include only those fees normally charged an MDDP holder for installation, monthly rental and monitoring, and deinstallation of the BAIID during the term of the MDDP holder's statutory summary suspension.
 - B) The surcharge shall be submitted to the Secretary by the 15th of each month and shall include all surcharges incurred during the previous month. The surcharge must be submitted in the form of a check, made payable to the Secretary of State, or by electronic transfer as agreed to by the Secretary and the BAIID ~~provider~~Provider.
 - C) Should the summary suspension of an MDDP holder be extended or a re-suspension issued under the MDDP program and the holder continue to participate in the program, the surcharge is due for the period of extension or re-suspension.
 - 2) Any BAIID provider who installs a BAIID under the MDDP program for an MDDP holder who has been found to be indigent by the Secretary may apply for reimbursement for any fees incurred as set out in subsection (b)(2)(C). The request must be in a form and in the manner prescribed by the Secretary. The Secretary will authorize payments in accordance with Section 6-206.1(o) of the IVC.
 - 3) The Secretary may audit the records of BAIID providers or installers to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.
 - 4) An MDDP offender may be declared indigent by the Secretary if the MDDP offender's total monthly income is 150% or less of the federal

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

poverty guidelines, as evidenced by a copy of the United States or State of Illinois tax return for the most recently completed calendar year.

- A) For an MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year, indigency may be declared if:
 - i) The MDDP offender is currently receiving Temporary Assistance to Needy Families (TANF) benefits, as evidenced by documentation from the Illinois Department of Human Services;
 - ii) The MDDP offender is currently receiving Supplemental Nutrition Assistance Program (SNAP) benefits, as evidenced by documentation from the Illinois Department of Human Services.
- B) For the MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year and is not currently receiving TANF or SNAP benefits, indigency may be declared if the MDDP offender is receiving Supplemental Security Income (SSI) from the Social Security Administration and the MDDP offender completes an affidavit under penalty of perjury swearing the total amount of income received from all sources, including SSI, is 150% or less of the federal poverty guidelines.
- 5) An MDDP holder's indigency status shall be valid for a period of 12 months. Any MDDP holder whose summary suspension is extended beyond 12 months, who wishes to continue participation in the MDDP program and wishes to be declared indigent must submit current documentation as set forth in subsection (1)(4).
- m) Reciprocity with Other States. The Secretary will honor the BAIID requirements imposed by other states on Illinois drivers and drivers licensed in other states, for offenses committed in other states, and will reciprocate other states' recognition of BAIID requirements imposed by Illinois on drivers licensed in Illinois, or licensed in other states for offenses committed in Illinois.

(Source: Amended at 39 Ill. Reg. 2718, effective February 6, 2015)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1.440	Amendment
1.442	New Section
- 4) Statutory Authority: 105 ILCS 2-3.6
- 5) Effective Date of Rule: February 9, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Section 1.442.
- 8) A copy of the adopted rule, 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*: September 5, 2014; 38 Ill. Reg. 18371
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Subsection headings were added at Sections 1.442(a)(b).

Examples of the types of assessments that school districts may choose to use were added at Sections 1.442(a)(2), (b)(2) and (c)(3).

A correction was made in Section 1.422(e)(1)(A) to make clear the rule's intent.

Various formatting and other technical changes were made by JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: PA 98-560, effective August 27, 2013, authorizes school districts to designate a State Seal of Biliteracy and place that designation on the academic transcript and diploma of any student who attains "a high level of proficiency, sufficient for meaningful use in college and a career (...) in one or more languages in addition to English". The law further directs the State Board of Education to establish the criteria that school districts would use in order to identify the students who qualify for the credential. The law, however, does not mandate school districts' participation in the program, which will begin in the 2014-15 school year.

Under new Section 1.442, school districts would use the language proficiency standards established by the American Council on the Teaching of Foreign Languages (ACTFL) to determine proficiency under the program. A student would need to show attainment of a score equivalent to ACTFL's "intermediate high" proficiency on a standardized assessment that includes the language domains of speaking, writing, listening and reading to qualify. The rules also include standards for proficiency in American Sign Language, which is defined in the law as a foreign language for purposes of qualifying for the State Seal of Biliteracy. Section 1.442(a)(3) allows participating school districts to award the State Seal of Biliteracy using a method other than a standardized assessment in certain circumstances.

Proficiency in English may be demonstrated by achieving a "meets standards" or "exceeds standards" in English language arts on the State assessment or by achieving a "proficiency" score either on the ACCESS English proficiency examination or a standardized assessment (see Section 1.442(b)). Further, Section 1.442(c) would establish a State Commendation toward Biliteracy that may be issued by participating school districts to students attaining at least an "intermediate low" proficiency level under ACTFL standards in each of the domains of speaking, writing, listening and reading, as well as demonstrating proficiency in English.

Each participating school district is required to assign a coordinator to oversee the State Seal of Biliteracy program, inform students and their parents of the availability of the program, and comply with certain reporting requirements about the program (Section 1.442(e)).

Finally, the rules acknowledge the change in the statutory citation for the state assessments (see PA 98-972, effective August 15, 2014).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted rule should be directed to:

David Nieto, Division Administrator
Division of English Language Learning
Illinois State Board of Education
100 W. Randolph, Suite 14-300
Chicago IL 60602

312/814-2220

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator Licensure Information System (ELIS)
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- [1.442 State Seal of Biliteracy](#)
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Paraprofessionals; Other Unlicensed Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.783 Requirements for Administrators of Bilingual Education Programs
- 1.790 Substitute Teacher

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1.APPENDIX A Professional Staff Educator Licensure
- 1.APPENDIX B Certification Quick Reference Chart (Repealed)
- 1.APPENDIX C Glossary of Terms (Repealed)
- 1.APPENDIX D State Goals for Learning
- 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.157, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.157, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8 and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015.

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.440 Additional Criteria for High Schools

The School Code establishes differing requirements for the coursework that high schools must offer, the courses students must take, and the courses students must pass in order to graduate.

- a) Course Offerings. Each district shall provide a comprehensive curriculum that includes at least the following offerings. The time allotment, unless specified by the School Code or applicable rules, is the option of the local school district.
 - 1) Language Arts
 - 2) Science
 - 3) Mathematics
 - 4) History of the United States
 - 5) Foreign Language
 - 6) Music
 - 7) Art
 - 8) Career and Technical Education – Orientation and Preparation

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 9) Health Education
 - 10) Physical Education
 - 11) Consumer Education
 - 12) Conservation of Natural Resources
 - 13) Driver and Safety Education (see the Driver Education Act [105 ILCS 5/27-24 through [27-24.1027-24.8](#)] and 23 Ill. Adm. Code 252)
- b) Required Participation
- 1) Each student shall be required to take one semester or the equivalent, i.e., at least 18 weeks, of health education during the secondary school experience.
 - 2) Each student shall be required to take physical education daily, except as provided in Section 27-6 of the School Code and Section 1.445 of this Part.
 - 3) Each student shall be required to take consumer education for 50 minutes per day for a period of nine weeks in any of grades 9-12.
 - 4) Each student shall be required to take a course covering *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag for not less than one hour per week, or the equivalent.* (Sections 27-3 and 27-4 of the School Code)
- c) Specific Requirements for Graduation. A "unit" is the credit accrued for a year's study or its equivalent. A student may be permitted to retake a course that he or she has already successfully completed (for example, to earn a better grade). However, credit may not be awarded more than once for completion of the same course, and the same course may not be counted more than once toward fulfillment of the State requirements for graduation.
- 1) Each student shall be required to have accrued at least 16 units in grades

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

9-12 if graduating from a four-year school or 12 units in grades 10-12 if graduating from a three-year high school. In either case, one unit shall be in American History or American History and Government. (Section 27-22 of the School Code) *No student shall receive certification of graduation without passing an examination on the subjects discussed in subsection (b)(4)-of this Section.*

- 2) Pursuant to Section 27-22 of the School Code, all students, except students with disabilities whose course of study is determined by an individualized education program, must successfully complete certain courses, depending upon the school year in which they enter ~~the 9th~~ grade 9 and subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma.
- 3) Credits earned by students prior to entry into ~~grade~~Grade 9 as authorized by Section 27-22.10 of the School Code [105 ILCS 5/27-22.10] may be used to fulfill any of the requirements of subsection (c)(2) of this Section.
- d) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the relevant requirement for graduation if its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.
 - 1) "Writing-Intensive" Courses
The course description for a "writing-intensive" course will be accepted for purposes of Section 27-22 of the School Code if:
 - A) a goal of the course is to use the writing that students do relative to the subject matter being presented as a vehicle for improving their writing skills;
 - B) writing assignments will be an integral part of the course's content across the time span covered by the course;
 - C) the written products students are required to prepare in order to receive credit for the course and the feedback students receive are such that:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- i) students' writing proficiency is evaluated against expectations that are appropriate to early or late high school and encompass all of the writing standards-standards for those grades enumerated inapplicable to State Goals 3 and 5 (see the State Goals for Learning and the Illinois Learning Standards for English Language Arts and Literacy in History/Social Studies, Sciences, and Technical Subjects (see in Appendix D to this Part); and
- ii) students receive information from the evaluation of their written products that will permit them to improve their writing skills in terms of correct usage; well-organized composition; communication of ideas for a variety of purposes; and locating, organizing, evaluating, and using information;-

D2) The writing-intensive study provided in at least one writing-intensive course ismust be designed to address and integrate the elements of the writing process and to refine or apply research skills.

2) Foreign Language Courses

The description for any foreign language course shall indicate whether the school district will award a State Seal of Biliteracy in accordance with the requirements of Section 1.442 of this Part and Section 2-3.157 of the School Code [105 ILCS 5/2-3.157] and state the qualifications for receipt of the seal.

- e) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.
- f) Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

(Source: Amended at 39 Ill. Reg. 2773, effective February 9, 2015)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 1.442 State Seal of Biliteracy

In accordance with Section 2-3.157 of the School Code, a school district may establish a program to recognize high school graduates who have attained a high level of proficiency in one or more languages in addition to English, by designating on a student's transcript and high school diploma his or her receipt of the State Seal of Biliteracy, provided that all the conditions of this Section are met. For purposes of this Section, "foreign language" has the meaning prescribed in Section 2-3.157(a) of the School Code.

a) Foreign Language Proficiency

A school district may award the State Seal of Biliteracy to any high school graduate who attains a high level of proficiency, sufficient for meaningful use in college and career (Section 2-3.157 of the School Code), in a language other than English as evidenced by his or her attainment of a composite score of "intermediate high", or its equivalent, on a standardized assessment that addresses the four domains of speaking, writing, listening and reading in the targeted foreign language. For the purposes of this Section, proficiency may be shown using one of the methods outlined in this subsection (a).

1) Assessment Method

A) For purposes of using an assessment to determine proficiency:

- i) "Intermediate high" is defined in the ACTFL Proficiency Guidelines 2012, published by the American Council on the Teaching of Foreign Languages, 1001 North Fairfax Street, Suite 200, Alexandria VA 22314 and available at <http://www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012>. (No later amendments to or editions of these guidelines are incorporated.)
- ii) For the American Sign Language, "intermediate high" is equivalent to meeting progress indicators for grade 12 set forth in the Standards for Learning American Sign Language (2014), published by the American Sign Language Teachers Association, P.O. Box 38, Clinton WA 98236 and available at <http://www.aslta.org/wpcontent/uploads/2014/07/National>

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

ASL Standards.pdf. (No later amendments to or editions of these guidelines are incorporated.)

- iii) "Standardized assessment" is one that is available for use on a statewide or national basis and meets generally accepted standards of fairness, validity and reliability as stated in "Standards for Educational and Psychological Testing" (2013), published by the American Educational Research Association, 1430 K Street, N.W., Suite 1200, Washington D.C. 20005. (No later amendments to or editions of these standards are incorporated.)
- 2) The State Superintendent shall post on its website by July 1 of each year a list of acceptable language assessments (e.g., the ACTFL Assessment of Performance Toward Proficiency in Languages (AAPPL), Advanced Placement (AP) World Language and Culture Exam, Diploma de Español como Lengua Extranjera (DELE)) and the score to be achieved on each that qualifies the student as meeting the criteria set forth in subsection (a)(1)(A)(i) or (ii), as applicable. A school district that chooses to use an assessment to measure foreign language proficiency that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iii) and either subsection (a)(1)(A)(i) or (ii), as applicable, and make that evidence available to the State Superintendent of Education upon request.
- 3) Alternative Evidence Method
A school district may choose to award the State Seal of Biliteracy through an alternative evidence method in accordance with this subsection (a)(3).
 - A) The alternative evidence method may be used when:
 - i) a student attains an "intermediate mid" composite score, as defined in the ACTFL guidelines set forth in subsection (a)(1), or its equivalent, on a standardized assessment that addresses the four domains of speaking, writing, listening and reading in the targeted foreign language;
 - ii) no standardized assessment exists for the targeted foreign language;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- iii) evaluating the language proficiency of a student with disabilities for whom the standardized assessment is inappropriate; or
 - iv) the standardized assessment for the targeted foreign language does not assess one or more of the four domains of speaking, writing, listening and reading.
- B) Any alternative evidence method used shall consist of a student portfolio that contains evidence for each component set forth in subsections (a)(3)(C) and (a)(3)(D) that demonstrates proficiency equivalent to an "intermediate high" level in the four domains of speaking, writing, listening and reading.
- C) Experience in the Targeted Foreign Language
- i) The extent to which the student's language background enables him or her to gain proficiency in the targeted foreign language in one or more of the four domains;
 - ii) The extent to which the student's participation in intercultural activities provided opportunities to gain proficiency in the targeted foreign language in one or more of the four domains;
 - iii) The courses taken in the targeted foreign language and the grades received; and/or
 - iv) The extent to which any time spent in countries where the targeted foreign language is spoken contributed to the student's opportunities to gain proficiency in the targeted foreign language in one or more of the four domains.
- D) Work Samples
- i) Formal presentations in the targeted foreign language;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- ii) Student-produced compositions, articles, papers and other formal documents in the targeted foreign language; and/or
 - iii) Certificates, diplomas, results from tests or assessments other than those identified under subsection (a) and additional achievements that demonstrate sufficient proficiency in the targeted foreign language.
- b) English Proficiency
- 1) To be eligible to be awarded the State Seal of Biliteracy, each student also shall demonstrate proficiency in English through:
 - A) Attainment of either a "meets standards" or "exceeds standards" for English language arts on the State assessments administered at the secondary level, as authorized in Section 2-3.64a-5 of the School Code;
 - B) Attainment of a "proficient" score on the English language proficiency assessment defined at 23 Ill. Adm. Code 228.10 (Transitional Bilingual Education) administered at the secondary level; or
 - C) Attainment of an "intermediate high" composite score on an assessment in English identified pursuant to subsection (a)(1).
 - 2) The State Superintendent shall post on its website by July 1 of each year a list of acceptable English language assessments (e.g., the TOEFL[®] test, the ESL (English as a Second Language) AAPPL, ACTFL Assessment of Performance Toward Proficiency in Languages) and the score to be achieved on each that qualifies the student as meeting one of the sets of criteria for proficiency set forth in this subsection (b). A school district that chooses to use an assessment to measure English language proficiency that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iii) and one of the sets of criteria for proficiency set forth in this subsection (b) and make that evidence available to the State Superintendent of Education upon request.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- c) The State Seal of Biliteracy program may offer a State Commendation toward Biliteracy to any student who fails to meet the requirements of subsection (a) but attains a score of "intermediate low", or its equivalent, in the targeted foreign language using the method set forth in subsection (a)(1) or (a)(3).
- 1) "Intermediate low" is defined in the ACTFL Proficiency Guidelines 2012 referenced in subsection (a)(1).
- 2) Each student also shall demonstrate a level of proficiency in English through:
- A) Attainment of either a "meets standards" or "exceeds standards" for English language arts on the State assessments administered at the secondary level, as authorized in Section 2-3.64a-5 of the School Code;
- B) Attainment of a score established for part-time placement in a transitional bilingual education program (see 23 Ill. Adm. Code 228.30(c) (Establishment of Programs)) on the English language proficiency assessment defined at 23 Ill. Adm. Code 228.10 (Transitional Bilingual Education) that is administered at the secondary level; or
- C) Attainment of an "intermediate low" composite score on an assessment in English identified pursuant to subsection (a).
- 3) The State Superintendent shall post on its website by July 1 of each year a list of acceptable assessments (e.g., the ACTFL Assessment of Performance Toward Proficiency in Languages (AAPPL), Advanced Placement (AP) World Language and Culture Exam, Diploma de Español como Lengua Extranjera (DELE)) and the score to be achieved on each that qualifies the student as meeting the criteria set forth in this subsection (c) for foreign language and English language proficiency. A school district that chooses to use an assessment that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iii) and the applicable criteria set forth in this subsection (c) and make that evidence available to the State Superintendent of Education upon request.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- d) In accordance with Section 2-3.157(g) of the School Code, the school district shall place a designation of a qualifying student's receipt of the State Seal of Biliteracy in the student's permanent record on the academic transcript as defined in 23 Ill. Adm. Code 375 (Student Records) and include the designation on the student's diploma. A school district also shall place a designation of a qualifying student's receipt of the State Commendation toward Biliteracy both in the permanent record on the academic transcript and on the student's diploma. The designations shall list each of the targeted foreign languages for which the State Seal of Biliteracy or State Commendation toward Biliteracy is being awarded. The State Board of Education shall make an electronic facsimile of the State Seal of Biliteracy and the State Commendation toward Biliteracy available to school districts for this purpose.
- e) A school district that chooses to participate in the State Seal of Biliteracy program shall meet the requirements of this subsection (e).
- 1) A participating school district shall notify the State Board of Education of its participation by October 1 of each year. A district that elects to participate after October 1 shall notify the State Board of Education of its participation no later than 45 calendar days prior to the issuance of any State Seals or State Commendations.
- A) A school district electing to participate after October 1 shall include in its notification to the State Board of Education evidence that the district has met all of the requirements set forth in this subsection (e).
- B) A district that fails to submit the proper notification within the timeframes provided shall be prohibited from awarding the State Seal and State Commendation for that school year.
- 2) A participating district shall designate at least one individual to serve as coordinator of the State Seal of Biliteracy program and include the individual's name and contact information in the notice provided pursuant to subsection (e)(1). The individual assigned to serve as the coordinator of the program shall:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) Hold a professional educator license endorsed in an administrative area issued pursuant to 23 Ill. Adm. Code 25 (Educator Licensure); and
- B) Participate in training approved by the State Board of Education prior to awarding the State Seal of Biliteracy awarded under the provisions of Section 2-3.157 of the School Code and this Section and the State Commendation toward Biliteracy awarded under the provisions of this Section.
- 3) Using a format prescribed by the State Superintendent of Education, a participating school shall submit an annual report to the State Board of Education no later than 30 days after the end of the school year that includes, but is not limited to, identification of each student awarded the State Seal of Biliteracy or the State Commendation toward Biliteracy, targeted foreign language or languages for which the State Seal of Biliteracy or State Commendation toward Biliteracy was awarded to the student and the method the student used to demonstrate proficiency.
- 4) A participating school district shall make available information about the State Seal of Biliteracy program to parents and students by posting on the district's website, if the district maintains a website, and in the student handbook the following information:
- A) General information about the State Seal of Biliteracy program and the opportunity for students to participate;
- B) A description of the process a student would use to demonstrate proficiency in the targeted foreign language, including details about any alternative evidence that may be required under the provisions of subsection (a)(3), if applicable;
- C) An estimate of the costs, if known, that students might incur to demonstrate proficiency using either of the methods under subsection (a); and
- D) The name and contact information for any individuals designated to serve as the coordinator of the State Seal of Biliteracy program.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 39 Ill. Reg. 2773, effective February 9, 2015)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Number: 1540.380 Emergency Action: New Section
- 4) Statutory Authority: 40 ILCS 5/14-135.03 and 40 ILCS 5/14-148.1
- 5) Effective Date of Rulemaking: February 6, 2015
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of the permanent rule, whichever comes first.
- 7) Date Filed with the Index Department: February 6, 2015
- 8) A copy of this emergency rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for inspection.
- 9) Reason for Emergency: The Illinois General Assembly created PA 98-1117 to codify that the State Employees' Retirement System (System) has explicit authority to adjust benefit payments to members when it determines that a benefit payment was incorrectly set too high or low. The Act also provides procedures for the System to pay the member if it has set the benefit too low, as well as for members to pay the System if the benefit was set too high.

The law was passed in response to the lawsuit, *Sharp v. Board of Trustees of the State Employees' Retirement System*, in which both the Circuit Court and the Appellate Court ruled that the Board of State Employees' Retirement System did not have authority to fix errors it makes in the calculation of pensions outside of the 35-day period of review provided by the Administrative Review Law. PA 98-1117 was created to specifically grant the Board this authority, and would be applicable to all mistaken benefit calculations including those of the plaintiff in that lawsuit. Since the law was created, the System has reduced the benefits of the plaintiff so that the correct amount will be paid moving forward.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

In response to the newly created law and the action by the System, the plaintiff and two additional parties subsequently filed a lawsuit in the United States District Court for the Central District of Illinois. In the complaint, the plaintiffs allege that the Board violated the Illinois Administrative Procedure Act in that it did not comply with the mandatory provisions of law relating to the valid promulgated rules. Although the System does not agree with the allegation, the filing of the emergency rule would avoid any such debate.

Additionally, the plaintiffs state in the letter that their rights under Article III of the US Constitution were violated because they were not offered due process of law. The System already provides an appeal process that allows its members the opportunity to challenge the System's decisions which is applicable to the adjustment of benefits. For the sake of being extremely transparent, this emergency rule explicitly provides that the System must include a notice of the appeal procedure in the written letter provided to a member that is subject to a benefit adjustment in accordance with PA 98-1117.

Lawsuits seeking to maintain pension benefits at erroneous levels contrary to statute constitutes a threat to the public interest, and this emergency rule will strengthen the System's position against such lawsuits.

- 10) A Complete Description of the Subjects and Issues Involved: Section 14-148.1 of the Illinois Pension Code provides that if the System mistakenly sets any benefit at an incorrect amount, it shall recalculate the benefit as soon as may be practicable after the mistake is discovered. The statute provides procedures for the System to pay the member if the System has set the benefit too low, as well as for members to pay the System if the benefit was set too high.
- 11) Are there any rulemakings to this Part pending: Yes
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate or effect units of local government.
- 13) Information and questions regarding this emergency rule shall be directed to:

Jeff Houch
State Retirement Systems
2101 South Veterans Parkway
PO Box 19255
Springfield IL 62794-9255

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

217/524-8105

fax: 217/557-3943

email: jeff.houch@srs.illinois.gov

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

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section

1540.5	Introduction
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment – A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application – Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.200	Removal from the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions by the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255	Pick-up Option for Optional Service Contributions
1540.260	Contributions and Service Credit During Nonwork Periods

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

- 1540.270 Written Appeals and Hearings
1540.280 Availability for Public Inspection (Recodified)
1540.290 Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300 Organization of the State Employees' Retirement System (Recodified)
1540.310 Amendments
1540.320 Optional Forms of Benefits – Basis of Computation
1540.330 Board Elections
1540.340 Excess Benefit Arrangement
1540.350 Qualified Illinois Domestic Relations Orders (QILDRO)
1540.360 Election to be an Employee under Section 14-103.05(b)(3) of the Illinois Pension Code
1540.370 Americans With Disabilities Act
[1540.380 Correction of Mistakes in Benefit Payments](#)
[EMERGENCY](#)

1540.APPENDIX A Grievance Form

1540.TABLE A Optional Forms of Benefits – Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. 18090, effective December 1, 2000; amended at 25 Ill. Reg. 5632, effective April 4, 2001; emergency amendment at 26 Ill. Reg. 11133, effective June 28, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16575, effective October 22, 2002; emergency amendment at 28 Ill. Reg. 8775, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15628, effective November 18, 2004; amended at 29 Ill. Reg. 15554, effective October 1, 2005; amended at 30 Ill. Reg. 12303, effective July 1, 2006; amended at 31 Ill. Reg. 211, effective December 21, 2006; amended at 32 Ill. Reg. 17779, effective October 29, 2008; emergency amendment at 33 Ill. Reg. 9449, effective June 19, 2009, for a maximum of 150 days; emergency expired November 15, 2009; amended at 34 Ill. Reg. 285, effective December 15, 2009; amended at 34 Ill. Reg. 8313, effective June 10, 2010; amended at 38 Ill. Reg. 4023, effective January 24, 2014; emergency amendment at 39 Ill. Reg. 2792, effective February 6, 2015, for a maximum of 150 days.

Section 1540.380 Correction of Mistakes in Benefit Payments
EMERGENCY

- a) As soon as reasonably practicable after discovery that the amount of a benefit being paid to a recipient is incorrect, the System shall notify the recipient in writing. The written communication shall indicate the correct amount of the benefit, when the corrected benefit amount will begin to be paid, and the procedure for appealing such action.
- b) Upon discovering that the System has been paying a benefit that is not correct, the System shall endeavor to determine whether the recipient has been underpaid or overpaid by the System.
 - 1) If the recipient has been underpaid, the System shall pay a lump sum amount of the recipient in the amount necessary to make the recipient whole as to the amounts that should have been paid to the recipient by the System according to the terms of the Act.
 - 2) If the System determines the recipient has been paid more than provided for by the Act the System shall determine when the overpayments began.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

- A) If the overpayments have been made by the System for more than three years the recipient will not be required to reimburse the System for the amount of the overpayments unless the overpayments are the result of incorrect or inaccurate information provided by a member, beneficiary or their authorized representative. Incorrect information provided by another retirement system or a state agency will be considered as being provided by an authorized representative of the member or beneficiary.
- B) If the overpayments have been made for less than three years then the System shall make arrangements for collection of the amount of the overpayment. The overpayment can be repaid by reductions of the remaining payments due to the recipient, repayment of the overpayment by the recipient to the System, by such other arrangement as the System makes with the recipient or by any other means legally available to the System.
- C) No matter how long an overpayment has been made to a member or beneficiary if the overpayment is the result of incorrect or inaccurate information provided by a member, beneficiary or their authorized representative the System shall make arrangements for collection of the amount of the overpayment. The overpayment can be repaid by reductions of the remaining payments due to the recipient, repayment of the overpayment by the recipient to the System, by such other arrangement as the System makes with the recipient or by any other means legally available to the System.
- c) As used in this Section, "System" shall refer to the State Employees' Retirement System, Judges' Retirement System and General Assembly Retirement System.

(Source: Added by emergency rulemaking at 39 Ill. Reg. 2792, effective February 6, 2015, for a maximum of 150 days)

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Accumulation of Guaranty Fund or Guaranty Capital – Reporting and Accounting or Such Indebtedness
- 2) Code Citation: 50 Ill. Adm. Code 301
- 3) Date of Administrative Code Division Review: February 6, 2015
- 4) Reason for the Recodification: Chapter I will be recodified from the Department of Financial and Professional Regulation to the Department of Insurance.
- 5) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
301.10	Authority
301.20	Application and Effective Date
301.30	Approval of Certificate Form by Director
301.40	Execution of Agreement
301.50	Consideration
301.60	Reporting and Accounting of Indebtedness
301.70	Retirement of Guaranty Fund and Guaranty Capital and Payment of Interest

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
301.10	Authority
301.20	Application and Effective Date
301.30	Approval of Certificate Form by Director
301.40	Execution of Agreement
301.50	Consideration
301.60	Reporting and Accounting of Indebtedness
301.70	Retirement of Guaranty Fund and Guaranty Capital and Payment of Interest

- 7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
301.10	301.10
301.20	301.20
301.30	301.30

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

301.40	301.40
301.50	301.50
301.60	301.60
301.70	301.70

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Custody Agreements
- 2) Code Citation: 50 Ill. Adm. Code 807
- 3) Date of Administrative Code Division Review: February 6, 2015
- 4) Reason for the Recodification: Chapter I will be recodified from the Department of Financial and Professional Regulation to the Department of Insurance.
- 5) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
807.10	Purpose
807.20	Applicability
807.30	Definitions
807.40	Custody Agreement Requirements

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
807.10	Purpose
807.20	Applicability
807.30	Definitions
807.40	Custody Agreement Requirements

- 7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
807.10	807.10
807.20	807.20
807.30	807.30
807.40	807.40

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Registration of Insurers
- 2) Code Citation: 50 Ill. Adm. Code 852
- 3) Date of Administrative Code Division Review: February 6, 2015
- 4) Reason for the Recodification: Chapter I will be recodified from the Department of Financial and Professional Regulation to the Department of Insurance.
- 5) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
852.10	Purpose
852.20	Definitions
852.30	Registration of Insurers – Form of Statement Filing
852.40	Summary of Changes to Registration Statement
852.ILLUSTRATION A	Insurance Holding Company System Registration Statement – Initial, Annual or Amendment (Repealed)
852.ILLUSTRATION B	Form B – Insurance Holding Company System Registration Statement – Initial, Annual or Amendment
852.ILLUSTRATION C	Form C – Summary of Registration Statement

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
852.10	Purpose
852.20	Definitions
852.30	Registration of Insurers – Form of Statement Filing
852.40	Summary of Changes to Registration Statement
852.ILLUSTRATION A	Insurance Holding Company System Registration Statement – Initial, Annual or Amendment (Repealed)
852.ILLUSTRATION B	Form B – Insurance Holding Company System Registration Statement – Initial, Annual or Amendment
852.ILLUSTRATION C	Form C – Summary of Registration Statement

- 7) Conversion Table of Present and Recodified Parts:

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

Present Part:

852.10

852.20

852.30

852.40

852.ILLUSTRATION A

852.ILLUSTRATION B

852.ILLUSTRATION C

Recodified Part:

852.10

852.20

852.30

852.40

852.ILLUSTRATION A

852.ILLUSTRATION B

852.ILLUSTRATION C

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Accident and Health Reserves
- 2) Code Citation: 50 Ill. Adm. Code 2004
- 3) Date of Administrative Code Division Review: February 6, 2015
- 4) Reason for the Recodification: The Department of Insurance is recodifying the Part from the Department of Financial and Professional Regulation to the Department of Insurance.
- 5) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers</u>	<u>Headings:</u>
2004.5	Authority
2004.7	Definitions
2004.10	Application and Effective Date
2004.20	Active Life Reserves – Individual Policies
2004.30	Active Life Reserves – Group Policies
2004.40	Claim Reserves – Present Value of Amounts Not Yet Due on Claims
2004.50	Policies Issued Prior to Operative Date of Section 353a

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers</u>	<u>Headings:</u>
2004.5	Authority
2004.7	Definitions
2004.10	Application and Effective Date
2004.20	Active Life Reserves – Individual Policies
2004.30	Active Life Reserves – Group Policies
2004.40	Claim Reserves – Present Value of Amounts Not Yet Due on Claims
2004.50	Policies Issued Prior to Operative Date of Section 353a

- 7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
2004.5	2004.5

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

2004.7	2004.7
2004.10	2004.10
2004.20	2004.20
2004.30	2004.30
2004.40	2004.40
2004.50	2004.50

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the *Illinois Register*: 5 ILCS 100/5-70(c)
2. Summary of Information: The Illinois Department of Healthcare and Family Services (HFS) published a public notice in the *Illinois Register* that indicated the DRAFT Statewide Transition Plan, required by the Centers for Medicaid and Medicare Services (CMS) Home and Community-Based Services (HCBS) Rule 42 CFR 441.301(c)(iii), would be available for public review and comment for a period of 30 days beginning on 01/15/2015 and ending on 02/15/2015. The DRAFT Statewide Transition Plan was not made available for public review until 01/23/2015 therefore, the public review and comment period has been extended and will end on 02/24/2015. HFS is required to submit the final Statewide Transition Plan to CMS no later than 03/17/2015. The Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) published regulations in the Federal Register (42 CFR 441.301(c) (4)-(5)) on January 16, 2014, effective March 17, 2014, which further clarifies the definition of home and community-based services (HCBS) residential and non-residential settings for section 1915(c) Medicaid Waivers and approved state plans providing HCBS under section 1915(i). The new rules require states to develop a Statewide Transition Plan identifying the strategies for compliance with the new regulations and allowing up to five (5) years for full compliance.
3. The DRAFT Statewide Transition Plan covers all nine (9) HCBS waivers and is expected to detail the level of current compliance and the actions the state will take to achieve compliance with the HCBS Setting requirements. Once posted, the DRAFT Statewide Transition Plan can be viewed at the website of the Illinois Department of Healthcare and Family Services (HFS), Medical Programs, Home and Community Based Waiver Programs; <http://www2.illinois.gov/hfs/MedicalPrograms/HCBS/Pages/default.aspx>. Comments may be submitted on this site. Persons who are unable to access the Internet may request a hard copy of the DRAFT Plan by calling HFS at (217) 557-1868.
3. Name and address of person to contact concerning this information:

The Illinois Department of Healthcare and Family Services
Attn: Waiver Management
201 South Grand Ave East, 2nd FL
Springfield IL 62763

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

Public Forums have been scheduled across the state. At these forums, the public will have the opportunity to provide verbal and written comment. A request is made that comments be submitted in written form, as well as voiced, in order to guarantee that they are recorded correctly. Persons who are unable to attend a Public Forum or submit comments using the Internet, may phone in their comments by calling HFS at (217) 557-1868 or mail written feedback to the address listed above.

Public comments are requested from 01/23/2015 through 02/24/2015. Public comments will be summarized and included in the revised Statewide Transition Plan. The public is encouraged to attend one of the forums listed below.

PUBLIC FORUM SCHEDULE		
Thursday January 29, 2015	Parkland College Room W-115 2400 West Bradley Ave Champaign IL 61821	10:30am - Noon
Thursday January 29, 2015	EPIC 1913 West Townline Rd Peoria IL 61612	3:00pm - 4:30pm
Tuesday February 3, 2015	Spring Ridge Senior Housing Community Room 6645 Fincham Dr Rockford IL 61108	1:30pm - 3:00pm
Wednesday February 4, 2015	University of Illinois- Chicago Disability, Health & Social Policy Building Auditorium, Room 166 1640 West Roosevelt Rd Chicago IL 60608	10:30am - Noon
Wednesday February 4, 2015	The ARC 20901 LaGrange Rd, Suite 209 Frankfort IL 60423	2:00pm - 3:30pm
Tuesday February 10, 2015	Rend Lake College Student Center – Private Dining Area 468 North Ken Gray Parkway Ina IL 62846	1:00pm - 2:30pm

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of February 3, 2015 through February 9, 2015. The rulemakings are scheduled for review at the Committee's March 17, 2015 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>
3/25/15	<u>Illinois Liquor Control Commission</u> , The Illinois Liquor Control Commission (11 Ill. Adm. Code 100)	10/10/14 38 Ill. Reg. 19615	3/17/15

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 39, Issue 8 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

56 - 2760	.....	2464
56 - 2765	.....	2477
17 - 640	.....	2487
17 - 1010	.....	2501
17 - 1050	.....	2517
80 - 1540	.....	2538
20 - 1286	.....	2540
80 - 1600	.....	2557

ADOPTED RULES

20 - 1720	2/5/2015	2578
50 - 916	2/6/2015	2590
50 - 4203	2/6/2015	2603
11 - 510	2/9/2015	2648
44 - 4000	2/9/2015	2652
71 - 2000	2/5/2015	2703
71 - 2005	2/5/2015	2710
92 - 1001	2/6/2015	2718
23 - 1	2/9/2015	2773

EMERGENCY RULES

80 - 1540	2/6/2015	2792
-----------	----------------	------

NOTICE OF CODIFICATION CHANGES

50 - 301	.....	2799
50 - 807	.....	2801
50 - 852	.....	2802
50 - 2004	.....	2804

ORDER FORM

<input type="checkbox"/> Print Version of the Illinois Register <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2012-2013 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register (1977 – 2003) Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices (2010) Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

--	--

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover <small>(There is a \$2.00 processing fee for credit card purchases.)</small>
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com