

TABLE OF CONTENTS

January 6, 2017 Volume 41, Issue 1

PROPOSED RULES

SECRETARY OF STATE

Public Use of the Capitol Complex and Springfield Facilities 71 Ill. Adm. Code 2005.....	1
Collection of Fees 92 Ill. Adm. Code 1003.....	16
Certificates of Title, Registration of Vehicles 92 Ill. Adm. Code 1010.....	25
Remittance Agents 92 Ill. Adm. Code 1019.....	36
Cancellation, Revocation or Suspension of Licenses or Permits 92 Ill. Adm. Code 1040.....	47

ADOPTED RULES

INSURANCE, DEPARTMENT OF

Securities Valuation Reserve (Repealer) 50 Ill. Adm. Code 1601.....	70
War Clauses (Repealer) 50 Ill. Adm. Code 1602.....	72
Valuation of Reserves (Repealer) 50 Ill. Adm. Code 1604.....	74
Legal Reserve Life Blank (Repealer) 50 Ill. Adm. Code 1605.....	76
Workers' Compensation Large Deductible Business 50 Ill. Adm. Code 2909.....	78

NATURAL RESOURCES, DEPARTMENT OF

The Taking of Wild Turkeys - Spring Season 17 Ill. Adm. Code 710.....	85
Herptile Code 17 Ill. Adm. Code 885.....	96

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition, and Supervision 23 Ill. Adm. Code 1.....	126
Charter Schools 23 Ill. Adm. Code 650.....	136

NOTICE OF RECODIFICATION

INSURANCE, DEPARTMENT OF

Acquisition of Control of a Domestic Company 50 Ill. Adm. Code 851.....	140
Registration of Insurers 50 Ill. Adm. Code 852.....	142
Pre-Acquisition Notification	

50 Ill. Adm. Code 853.....	144
Prior Notification of Transactions	
50 Ill. Adm. Code 854.....	145
Prior Notification of Dividends on Common Stock and Other Distributions	
50 Ill. Adm. Code 855.....	147
Variable Contracts	
50 Ill. Adm. Code 1451.....	149
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	151
REGULATORY AGENDA	
CONCEALED CARRY LICENSING REVIEW BOARD	
Concealed Carry Licensing Review	
20 Ill. Adm. Code 2900.....	153
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL	
General Program	
35 Ill. Adm. Code 1500.....	154
INSURANCE, DEPARTMENT OF	
Domestic Insurance Companies Service of Process Requirements	
50 Ill. Adm. Code 206.....	156
PUBLIC HEALTH, DEPARTMENT OF	
Ambulatory Surgical Treatment Center Licensing Requirements	
77 Ill. Adm. Code 205.....	183
STATE UNIVERSITIES RETIREMENT SYSTEM	
Universities Retirement	
80 Ill. Adm. Code 1600.....	206
STUDENT ASSISTANCE COMMISSION, ILLINOIS	
General Provisions	
23 Ill. Adm. Code 2700.....	209

INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2017

Issue#	Rules Due Date	Date of Issue
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017
14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017
20	May 8, 2017	May 19, 2017

21	May 15, 2017	May 26, 2017
22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

SECRETARY OF STATE

NOTICE OF PROPOSED 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>Proposed Actions:</u>
2005.20	Amendment
2005.30	Amendment
2005.40	Amendment
2005.50	Amendment
2005.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5]
- 5) Complete Description of the Subjects and Issues Involved: Adds definitions of food truck and unmanned aircraft systems (UAS). Provides that the Director of the Department of Police will determine whether off-duty officers are permitted to carry banned weapons in the Capitol Complex and shall provide a permit for individuals to fly UAS over the Capitol Complex. Provides guidelines on number of displays permitted in the Capitol building. Provides guidelines on food trucks on the grounds at the Dirksen Parkway facility. Makes other changes to the provisions concerning demonstrations on the Capitol Complex.
- 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 incorporation by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Carrie Leitner
Legal Advisor
298 Howlett Building
Springfield IL 62756

217/785-3094
cleitner@ilsos.net

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Unknown
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED 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; amended at 41 Ill. Reg. _____, effective _____.

Section 2005.20 Definitions

"Building" means the Stratton Office Building, Visitors' Center, the Capitol Building, the Howlett Building, and other buildings named in Section 2005.10 ~~of this Part~~, in Springfield, Illinois.

"Capitol Complex" means all buildings, grounds, and parking lots ~~herein~~ identified in this Part with boundaries being Washington Street, Third Street, Cook Street, and Pasfield Street in the City of Springfield, based upon Section

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

3.08 of the Space Needs Act [25 ILCS 125/3.08].

"Commercial Activity" means an activity whose primary purpose is to obtain a profit for the benefit of an individual, or business entity organized for profit and shall not include the solicitation of donations by anyone during a demonstration, or for charitable purposes, as defined by the Charitable Trusts Act [760 ILCS 55] and Solicitation for Charity Act [225 ILCS 460].

"Demonstration" means demonstrating, picketing, marching, rallying, selling non-commercial printed matter or materials, moving in procession, holding of vigils, singing, chanting, or shouting in a loud voice of the type that could interfere with the business conducted in the building, and all other forms of public demonstrative activity that involve the communication or expression, orally or by conduct, of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd or onlookers within 100 feet of the buildings named in Section 2005.10, ~~of this Part or~~ on the Capitol Complex grounds, or within the building or the Capitol. Demonstration shall also mean demonstrating, parading, picketing, speechmaking, holding of vigils, sit-ins, or other activities, conducted for the purpose of demonstrating approval or disapproval of governmental policies or practices (or the lack thereof), expressing a view on public issues, or bringing into public notice any issue or other matter. However, nothing in this Part shall be construed to govern lobbyists or lobbying as defined by the Lobbyist Registration Act [25 ILCS 170], nor shall a demonstration mean the peaceful contact or discussion by one or more persons with elected representatives during a legislative session, or with executive branch officials, concerning their view on a public or personal issue.

"Director" means the Director or Acting Director of the Department of Physical Services of the Office of the Secretary of State of Illinois.

"Food Truck" means a vehicle equipped to cook and sell food that has a valid, local mobile food service permit.

"Government Photo Identification Card" shall mean an employee identification card issued by any State, local or federal government or agency, or one issued by the Secretary of State to lobbyists, vendors and their employees and employees of State agencies that do not issue photo identification cards.

"Grounds" shall mean the grass areas, garden areas, and all parking areas in the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Capitol Complex.

"Interfere" or "~~Interference~~~~interference~~" shall mean the type of conduct ~~that~~~~which~~ by its nature tends to hinder, disrupt, or obstruct the orderly function of the official enterprises being carried on in the building or on the land of the building or Capitol Complex.

"Structure" shall mean anything, built by any person or persons, of any material or ~~substance~~~~substantive~~, for purposes of display, residence, or as part of a demonstration. This term shall not refer to anything built pursuant to a State contract for construction, remodeling, or repair of any State property within the Capitol Complex or the buildings defined in Section 2005.10 ~~of this Part~~.

"Unmanned Aircraft System" or "UAS" means an aerial aircraft that is piloted remotely by an individual via a ground control system or autonomously through use of an on-board computer, communication links and any additional equipment that is necessary for the UAS to operate safely, along with any associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 2005.30 Business Hours and Public Access

- a) The public business hours of the Capitol Complex Buildings are 8 a.m. to 5 p.m., unless otherwise posted, Monday through Friday, except holidays declared by the Governor pursuant to Section 5-635 of the Civil Administrative Code of Illinois [20 ILCS 5/5-635], and on weekends and holidays between 9 a.m. and 4 p.m. for purposes of public Capitol Building tours only. When the General Assembly is in session, and the start of a committee meeting or session is sooner or later than the limits listed in this subsection, the public hours shall be one hour before the earliest committee meeting or session of either house for the opening time, and one hour after the adjournment of the last committee meeting or session of either house for the closing time in the Capitol Building or in whatever building the legislative function is held.
- b) Entrance to any building during times other than stated in subsection (a) ~~of this Section~~ is prohibited, except for the following persons who shall be admitted to office areas assigned to them for their use in carrying out their official duties:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) members of the General Assembly;
 - 2) employees of the General Assembly;
 - 3) employees of the executive departments whose offices are in the building;
 - 4) representatives of news media who have offices in the Capitol Building;
 - 5) any authorized maintenance, repairer, contractor or other service employee, while performing duties ~~that~~~~which~~ have been arranged for by the Department of Physical Services; and
 - 6) any person who is specifically requested to enter into any building or office by an authorized individual listed in subsections (b)(1) to (4) ~~of this Section.~~
- c) Proper identification of all persons, such as a press pass, government photo identification card, a driver's license or other document ~~that~~~~which~~ shows the identity of the person, may be demanded by security personnel, and employees may be required to sign in and out of a building after 5 p.m. and before 7 a.m. Only one entrance shall be open after the public business hours. Factors to be considered in which identification may be requested include, but are not limited to: the security guard or investigator does not recognize the individual; the behavior of the individual; and accessibility to office areas, work areas and restricted access areas. All persons entering into the buildings of the Capitol Complex may be required to wear their government photo identification card outside their clothing at all times when it has been determined by the Director of the Department of Police that security concerns warrant ~~that~~~~such~~ display. All visitors to the Capitol Complex who do not possess a government photo identification card will be required to submit themselves to security screening measures prior to entry. Lobbyists, vendors and their employees and employees of State agencies that do not issue photo identification cards may be issued photo identification cards by the Secretary of State Department of Police.
- d) All persons and vehicles entering into the Capitol Complex and its buildings may be subject to search, including, but not limited to, inspection of vehicles, trunks, parcels and packages, metal detector screening, X-Ray scans and inspection of bulky personal items brought into the Capitol Complex.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- e) Firearms, firearm ammunition, knives ~~with a blade exceeding 3 inches, razors or other blade instruments, stun guns or tasers,~~ explosive devices, flammable, corrosive or explosive compounds, incendiary devices, irritants or noxious compounds (i.e., tear gas or pepper spray), and toy or dummy weapons, all contraband and any other items deemed to be inappropriate or that could be used as a weapon shall be prohibited. ~~The Director of the Department of Police may permit exemptions to these prohibitions for law enforcement, military and ceremonial personnel who are performing their official duties.~~
- f) Emergency responders who are responding to a bonafide emergency situation within the Capitol Complex are not subject to screening or searches.
- g) Public access to any building or area of the grounds may be restricted, if it is determined by the Director of the Department of Police that a situation has arisen that threatens the security of persons and buildings within the Capitol Complex.
- h) Notwithstanding subsection (e), the Director of the Department of Police shall establish any and all weapon restrictions within the Capitol Complex for any and all law enforcement, military, and ceremonial personnel who are performing official duties or are considered off duty or any other individual authorized to carry a weapon on public grounds.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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 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).
- c) No person or organization shall block, obstruct, or impede any doorway, stairway, corridor, or elevator in the Capitol Complex.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 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, whistle, bell, siren, horn, 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). Permission will be granted for demonstration on the first floor of the Capitol Building only; all floors above the first floor will remain off limits to demonstrators.
- 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 without approval of the Director.
- 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). 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 location designated by the Director. ~~The or the Director of the Secretary of State Department of Police, which~~ location ~~shall will~~ not impede pedestrian or vehicular traffic or substantially damage the Capitol grounds, i.e., damage to grass or grounds ~~that which~~ would require replacement. The only locations ~~that which~~ are authorized for structures

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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 ~~that~~~~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(A). If the noise level from these persons exceeds this limit, the Director or the Director of the ~~Secretary of State~~ Department of Police, ~~or his or her designee~~, 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~~state property. Applicants may also be denied a permit if past demonstrations involving the applicant and/or the applicant's organization resulted in removal, arrest, or other violation of this Part.
- m) No smoking, vaping, or use of electronic cigarettes is permitted in any building or structure in the Capitol Complex.
- n) No skateboard riding, rollerblading, recreational scooter-riding, or skating is allowed ~~on~~~~in~~ the Capitol Complex. The riding of bicycles is permitted only in parking lots of the Capitol Complex and not on any Capitol Complex sidewalks or pathways.
- o) The operation or flying of an Unmanned Aircraft System (UAS) is not permitted within the air space of the Capitol Complex without the written permission of the Director of the Department of Police. A copy of the written permission issued by the Director of the Department of Police shall be produced by the operator of the UAS upon demand by any law enforcement officer to determine whether the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

operator has permission to operate the UAS over the Capitol Complex. If an individual or entity is operating or flying a UAS over the Capitol Complex without authorization, law enforcement may confiscate and hold the UAS until the Director of the Department of Police can make a determination of the intent of the operator as to the purpose of the UAS.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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 ~~that~~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 ~~or~~, reasonably foreseeable, resulted from changed circumstances, or was not in existence within those 48 hours, except that no such request shall take precedence over an activity ~~that~~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 a minimum of one usher marshal per 25 participants. ~~Ushers shall~~Marshals will be identified by insignia and their identities disclosed to security and/or police officials prior to the demonstration. The usher shall identify himself/herself to the law enforcement personnel upon the groups' entrance into the Capitol Complex. If the ushers do not notify law enforcement personnel upon entering the Capitol Complex, law

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

enforcement officials may ask the group to leave the Capitol Complex. The usher's~~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 that the participants remain within the physical boundaries of the permit. If the Department of Police determines that an usher is unable to maintain a peaceful and orderly demonstration within the parameters of the permit, the Department of Police may ask the group to leave the Capitol Complex.

- 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;
 - 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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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 or she 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 or the Director of the ~~Secretary of State~~ Department of Police 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 of State time within which to consider and decide the appeal. The ~~Secretary of State's~~ 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 of State's~~ Secretary's decision shall be final for the purposes of the Administrative Review Law Act [735 ILCS 5/Art. III].
- i) Permitted demonstrations may be canceled without prior notice by the Director of 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 the legislative process.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 2005.60 Use of Building for Non-Demonstration Activity or Fund Raising Events

- a) Not-for-profit organizations that apply to sell baked goods or other items with a price not to exceed \$50.00 in the buildings ~~specified in Section 2005.10 of this Part~~ shall submit a Special Events form to the Department of Physical Services, Special Events Division at least 48 hours in advance of the desired start of their sale. The application shall state the name of the organization, the date requested for the sale or activity, the location requested, and any alternative dates and locations.
- 1) Only one activity at a time will be approved by the Director for each location.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 2) The only locations allowed for ~~the~~~~such~~ sales are the northwest lobby of the Howlett Building, the area on the south side of the Stratton Building Cafeteria, and the designated first floor hallway area at the Department of Driver Services Building at 2701 South Dirksen Parkway.
 - 3) Sales may occur during the public business hours.
 - 4) The Director will only approve applications to sell submitted by not-for-profit organizations, who must submit a copy of the organization's tax exempt number form. No organization without a tax exempt number will be allowed to sell in the areas designated.
- b) No commercial activity, including but not limited to selling real estate, automobiles or insurance, is allowed in the buildings ~~specified in Section 2005.10 of this Part.~~
 - c) No alcohol or alcoholic beverages are allowed to be sold, consumed, delivered, or used in the buildings ~~specified in Section 2005.10 of this Part~~, except as permitted by Section 6-15 of the Liquor Control Act of 1934 [235 ILCS 5/6-15].
 - d) All organizations that are permitted to use the Capitol Complex ~~or the buildings specified in Section 2005.10 of this Part~~ shall indemnify the State and the Secretary of State from any injury or damage caused by their members' or participants' negligence or willful misconduct. The members who cause the damage or injury are primarily responsible. ~~The~~~~Such~~ organization shall also restore the used areas to their pre-use appearance and condition, less reasonable wear and tear, and the Director shall be the final decision-maker on the clean-up of the used area. This subsection applies to those organizations listed in subsection (a) ~~of this Section~~ and any other organization receiving permission from the Director to use the specified buildings for meetings or parties.
 - e) All Special Events forms requesting use of the buildings ~~specified in Section 2005.10 of this Part~~ or the Capitol Complex ~~shall~~~~will~~ be submitted to the ~~Department of Physical Services~~, Special Events Division at least 48 hours in advance of the proposed starting time of the activity.
 - f) Nothing in this Section shall give the Director authority over the use of the Chambers, meeting rooms, or committee rooms of the General Assembly. The use

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

of each room shall be decided according to legislative rules.

- g) Decorations cannot be applied by tape, glue or any type of adhesive material to any part of the building, unless special arrangements have been made and approved by the Special Events Coordinator. No candles, confetti or balloons are allowed. No smoke/fog machines are permitted. Any other special effects equipment must have prior approval of the Special Events Division.
- h) No on-site cooking or warming of food with flames or burners, such as grilling or the use of Sterno or other canned heat, is permitted in the Capital Complex or on the grounds.
- i) Permitted uses of the Capitol Complex may be canceled without prior notice by the Director of the Department of Police, if security concerns warrant ~~that~~such an action.
- j) Any entity that contacts the Special Events Division to erect a display in the Capitol Rotunda between Thanksgiving and New Year's Day shall be granted on a first come, first served basis with a total limit of 5 displays permitted at a time. A request for a display in any calendar year may be made any time on or after January 2 of the same calendar year. The displays, if applicable, must meet the following requirements:
 - 1) any lights used in the displays must be LED lights;
 - 2) decorations must be unbreakable or sufficiently secured to avoid damage;
 - 3) any required equipment to set up or operate the display shall be provided by the entity;
 - 4) be assembled by the entity seeking to place the display; and
 - 5) assembly and disassembly of the display must be coordinated with the Special Events Division for a business day.
- k) No more than two food trucks per calendar day may provide food and nonalcoholic beverages to individuals at the Department of Driver Services Building at 2701 South Dirksen Parkway, provided that the owner or operator of the food truck receives a permit from the Director of Physical Services to operate

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

on a particular day. All food preparation shall be contained within the food truck and the food truck operator shall be responsible for removing all food waste and trash associated with the food truck operations. All water and other utility requirements shall be provided by the food truck operator. The designated food trucks may only be located in an area designated by the Director from 11 a.m. through 2 p.m. on the permitted day. If the Director of Driver Services, Director of Physical Services, or Director of the Department of Police, or their designees, determine that a food truck is interfering with Secretary of State daily operations or is causing a disturbance, the food truck may be asked to leave the premises for the remainder of the day.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Collection of Fees
- 2) Code Citation: 92 Ill. Adm. Code 1003
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1003.20	Amendment
1003.30	Amendment
- 4) Statutory Authority: Implementing Sections 2-124 and 3-824 and authorized by Sections 2-101 and 2-104 of the Illinois Vehicle Title & Registration Law [625 ILCS 5/2-124, 3-824, 2-101 and 2-104]
- 5) Complete Description of the Subjects and Issues Involved: Adds "electronic payments" to the rulemaking and the procedure for dishonored payments. Renames "check writer" as "Payor" considering the several forms of payments that are now made.
- 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 incorporation by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Amy Williams
Legal Advisor
298 Howlett Building
Springfield IL 62756

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

217/785-3094
Awilliams3@ilsos.net

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1003
COLLECTION OF FEES

Section	
1003.10	Definitions
1003.20	Collection and Refund
1003.30	Collection of All Motor Vehicle Fees
1003.40	Audits for Truck License Fees
1003.50	Use of State Comptroller's Offset Authority
1003.60	Bankruptcy Discharge of Fees
1003.70	Invalidity

AUTHORITY: Implementing Sections 2-124 and 3-824 and authorized by Sections 2-101 and 2-104 of the Illinois Vehicle Title & Registration Law [625 ILCS 5/2-124, 3-824, 2-101 and 2-104].

SOURCE: Adopted at 12 Ill. Reg. 14719, effective September 15, 1988; amended at 13 Ill. Reg. 7048, effective May 1, 1989; amended at 29 Ill. Reg. 1966, effective January 20, 2005; amended at 34 Ill. Reg. 10199, effective June 29, 2010; amended at 36 Ill. Reg. 17089, effective November 20, 2012; amended at 41 Ill. Reg. _____, effective _____.

Section 1003.20 Collection and Refund

- a) The refund of registrant fees paid to the Secretary of State shall occur if the registration is cancelled, or a duplicate registration occurred or excess fees were paid.
- b) If cancelled registration meets any of the following criteria, a refund will be paid by the Secretary of State if the registration plate or sticker was not used on the vehicle and is returned to the Secretary. If the cancelled registration does not meet these criteria, then a refund will be denied.
 - 1) If the registrant is moving out of Illinois, a refund request or letter stating that fact is required prior to refund actions being initiated.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 2) If the registrant's vehicle was stolen and not recovered, a statement from the applicant is required stating the date the vehicle was stolen.
 - 3) If the registrant sells the vehicle and the unused registration is returned after the display date, a statement concerning the last operation date of the vehicle is required.
 - 4) If the registered vehicle is damaged or inoperable, a statement concerning the last operation date of the vehicle is required. This applies to requests on refunds applied for after the display date.
 - 5) If the registered vehicle will be stored and not operated for the entire registration year, a statement is required, along with the return of the sticker.
 - 6) If the registrant has died, then the executor or administrator of the estate must sign a statement and attach a copy of the death certificate, surrender the plates or the registration sticker, and comply with Section 3-824(c) of the Illinois Vehicle Code [625 ILCS 5/3-824(c)].
- c) If a registration is a duplicate, then to obtain a refund the duplicate sticker must be returned, with the registration and a photocopy of the retained registration. A written request for a refund must also be submitted.
- d) If an excess fee is paid and a refund sought, the registrant must request the refund in writing within 6 months after the date of payment.
- e) Applicable to all requests for refund are the requirements that:
- 1) The vehicle the refund is requested upon must have been registered in a prior registration year by the same owner.
 - 2) For plates returned after the display date, the applicant must submit a statement indicating the last operation date of the vehicle.
 - 3) Proof of payment must be submitted (cash receipts, cash tickets, a photocopy of the cancelled checks [or electronic payment receipts](#), if the Secretary of State records do not show payment was made).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 4) After the registrant has applied for the registration plates or sticker, no refund can be requested or paid until after the registrant receives the plates or sticker.
- 5) Refunds will not be granted for replacement plates unless the applicant specifically requests the same registration plate number. If the same number is not requested, the refund will be withheld to cover the costs of the transaction.
- f) Refunds will not be granted for any title-related transaction, unless a title application has not been processed by the Secretary of State.
- g) All requests for refunds must be submitted in writing to the Department of Accounting Revenue, Refund Division, Room 222, Howlett Building, Springfield, Illinois 62756.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1003.30 Collection of All Motor Vehicle Fees

- a) If a person has not paid the total fee due and owing, due to miscalculation or any other reason, the Department of Accounting Revenue shall send two notices, each 30 calendar days apart, to the address shown on the records of the Secretary of State, asking for the additional fees to be paid. The notices will be mailed by regular mail. If no payment is made within 30 days following the date of the first letter, then the registration or ~~driver's~~drivers license record of the person shall be tagged on the computer record with a notation that money is owed, and this action will prevent the renewal of the ~~driver's~~drivers license or registration without payment of the additional fee. If no payment is made within 30 calendar days after of the date of the second letter, ~~then~~ the ~~driver's~~drivers license of the person shall be cancelled pursuant to Section 6-201(3) of the Act, unless:
 - 1) ~~except if~~ the driver has demonstrated that the amount owed is not correct and is in dispute; ~~or~~
 - 2) the driver has demonstrated good faith attempts to make restitution of the amount owed; ~~or~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 3) ~~if~~ the amount is \$5.00 or less.
- b) Dishonored Electronic Payment or Check Returned for Any Reason ~~Checks returned because of insufficient funds.~~
- 1) ~~If a personal check for any fee collectible by the Secretary of State pursuant to the Act (Ill. Rev. Stat. 1987, ch. 95½) is returned because of insufficient funds, the Secretary, through the Department of Accounting Revenue, shall send the check to the check writer's bank again for collection.~~
- 12) If the check is ~~again~~-returned for any reason~~because of insufficient funds, or other reasons~~, the Department of Accounting Revenue shall notify the payor~~check writer~~ by mail that:
- A) payment is due within 10 calendar days after~~of~~ the date of the notice;
- B) if the Secretary does not receive payment, he or she~~shall~~ cancel the payor's~~check writer's~~ Illinois driver's~~drivers~~ license and/or ~~he~~ shall revoke and retrieve the registration plate, as the case may be;
- C) the Attorney General may file a lawsuit;
- D) the Comptroller shall deduct from any State funds due to the payor~~check writer~~ the amount of money due and owing to the Secretary of State pursuant to Section 10.05 of the State Comptroller Act [15 ILCS 405]~~(Ill. Rev. Stat. 1987, ch. 15, par. 210.05)~~;
- E) the provisions of Section 3-821(c) of the Act shall apply; and
- F) the Secretary will apply the provisions of the Illinois State Collection Act of 1986 [30 ILCS 210]~~(Ill. Rev. Stat. 1987, ch. 15, pars. 151 et seq.)~~.
- 23) If the fee is not paid within 15 calendar days following the date of the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

notice required by subsection (b)(2) ~~of this Section, then~~ the ~~driver's~~ drivers license of the ~~payor~~ check writer and/or registrant will be cancelled (see Section 6-201(a)(3) of the Act) and the individual or individuals will be ~~individual(s)~~ notified by mail of the cancellation. After this procedure is completed, a collection order is issued and the license plates involved are tagged on the registration computer file so that no renewal can be accomplished without payment of the fee.

- 34) A collector shall call upon the ~~payor~~ check writer to attempt to collect for the returned check or dishonored electronic payment. The collector will take any registration plates from a vehicle for which the fee has not been paid. The collector will not accept partial payment, electronic payment nor personal or business check ~~checks~~. Payment must be in cash, money order or certified check.
- 45) Should any ~~payor~~ check writer contacted, pursuant to this Section, acknowledge the debt and desire to pay on an installment basis, ~~then~~ an installment agreement may be entered into with the Department of Accounting Revenue, if approved by the Director of that Department, after his or her examination of the personal financial data submitted by the ~~payor~~ check writer demonstrates the payor's ~~his or her~~ financial ability to pay on an installment basis and his or her inability to pay the entire amount owed immediately. The installment agreement shall contain the following terms and conditions:
- A) The amount owed must exceed \$500.00.
 - B) The agreement shall not exceed 3 months in duration, with three equal payments being made.
 - C) The ~~payor~~ check writer acknowledges the debt and all penalties and interest.
 - D) The ~~payor~~ check writer waives any statute of limitations defense.
 - E) The ~~payor~~ check writer confesses judgment if the terms of the agreement are not met.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- F) The ~~payor~~~~check writer~~ agrees that the agreement will be cancelled if the payment schedule is not met.
- G) The ~~driver's~~~~drivers~~ license will be cancelled and/or the registration plates revoked and surrendered if the agreement is not fulfilled by the ~~payor~~~~check writer~~.
- c) If an electronic payment is dishonored by the payor's credit card or banking institution, or the payor charges back the electronic payment, the Department of Accounting Revenue shall notify the payor by mail that:
- 1) The Department of Accounting Revenue will send two notices, each 30 days apart, to the address shown on the records of the Secretary of State, asking for the additional fees to be paid. The notices will be mailed by regular mail.
 - 2) If no payment is made within 30 days following the date of the first letter, the registration or driver's license record of the person will be tagged on the Secretary of State database with a notation that money is owed, and this action will prevent the renewal of the driver's license or registration without payment of the additional fees.
 - 3) If no payment is made withing 30 calendar days after the second letter, the driver's license of the person shall be cancelled pursuant to Section 6-201(3) of the Act, unless the driver has demonstrated that the amount owed is not correct and is in dispute, or the amount is \$5.00 or less.
- d) All accounts remaining uncollected after the procedures in this Section have been applied shall be referred to the Attorney General of Illinois for collection and the Comptroller of Illinois shall be notified to withhold any payments due by the State to the ~~payor~~~~check writer~~ pursuant to the State Comptroller Act.
- e) All persons who have had ~~payment~~~~checks~~ returned ~~for any reason~~~~because of~~ ~~insufficient funds~~ must make all future fee payments by cash, certified check, or money order (see Section 3-801 of the Act).
- f) The procedures of this Section shall be applied to corporations or other business entities ~~that~~~~which~~ fail to make payment or payments for any reason ~~pay fees or~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

~~write checks which are returned because of insufficient funds in the corporation's checking account.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: 1010.150 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)]
- 5) Complete Description of the Subjects and Issues Involved: Adds "electronic payment" to the list of acceptable payment options.
- 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 incorporation by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendment does not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Amy Williams
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298 Howlett Building
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SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

- Section
1010.10 Owner – Application of Term
1010.20 Secretary and Department

SUBPART B: TITLES

- Section
1010.110 Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate – Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors
1010.170 Junking Notification
1010.180 Specially Constructed Vehicles – Defined
1010.185 Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190 Issuance of Title and Registration Without Standard Ownership Documents – Bond
1010.193 Procedures for Application for Title for Vehicles Purchased at Mechanic's Lien Sales
1010.195 Procedures and Disclosures for Vehicles Previously Titled in Areas Flooded as a Result of a Natural Disaster

SUBPART C: REGISTRATION

- Section
1010.200 Homemade Trailers – Title and Registration

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1010.210 Application for Registration
- 1010.220 Vehicles Subject to Registration – Exceptions
- 1010.230 Refusing Registration or Certificate of Title
- 1010.240 Registration Plates To Be Furnished by the Secretary of State
- 1010.245 Electronic Registration and Titling (ERT) Program Provisions
- 1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND
CANCELLATION OF REGISTRATION

Section

- 1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
- 1010.310 Improper Use of Evidences of Registration
- 1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
- 1010.330 Operation of Vehicle Without Proper Illinois Registration
- 1010.350 Suspension or Revocation
- 1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section

- 1010.410 Temporary Registration – Individual Transactions
- 1010.420 Temporary Permit Pending Registration In Illinois
- 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State
- 1010.425 Non-Resident Drive-Away Permits
- 1010.426 Seven Day Permits
- 1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
- 1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
- 1010.450 Special Plates
- 1010.451 Purple Heart License Plates
- 1010.452 Special Event License Plates
- 1010.453 Retired Armed Forces License Plates
- 1010.454 Gold Star License Plates
- 1010.455 Collectible License Plates
- 1010.456 Sample License Plates For Motion Picture and Television Studios

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1010.457	Korean War Veteran License Plates
1010.458	Collegiate License Plates
1010.460	Special Plates for Members of the United States Armed Forces Reserves
1010.465	Requests for General Issuance Specialty License Plates
1010.470	Dealer Plate Records
1010.480	State of Illinois In-Transit Plates

SUBPART F: FEES

Section	
1010.510	Determination of Registration Fees
1010.520	When Fees Returnable
1010.530	Circuit Breaker Registration Discount
1010.540	Fees
1010.550	Determining Age of Vehicle

SUBPART G: MISCELLANEOUS

Section	
1010.610	Unlawful Acts, Fines and Penalties
1010.620	Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section	
1010.705	Reciprocity
1010.710	Vehicle Proration
1010.715	Proration Fees
1010.720	Vehicle Apportionment
1010.725	Trip Leasing
1010.730	Intrastate Movements, Foreign Vehicles
1010.735	Interline Movements
1010.740	Trip and Short-term Permits
1010.745	Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750	Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755	Mileage Tax Plates
1010.756	Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760	Transfer for "For-Hire" Loads
1010.765	Suspension or Revocation of Exemptions as to Foreign Registered Vehicles

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B International Registration Plan
1010.APPENDIX C Affirmation Supporting Salvage Certificate
1010.APPENDIX D Specialty License Plates Request Form

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. 14745, effective September 24, 2012; amended at 36 Ill. Reg. 17094, effective November 20, 2012; emergency amendment at 36 Ill. Reg. 17580, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4340, effective March 22, 2013; amended at 37 Ill. Reg. 8941, effective June 14, 2013; amended at 37 Ill. Reg. 12578, effective July 17, 2013; amended at 39 Ill. Reg. 5106, effective March 20, 2015; amended at 41 Ill. Reg. _____, effective _____.

SUBPART B: TITLES

Section 1010.150 Transferring Certificates of Title Upon the Owner's Death

- a) This ~~Section~~~~section~~ sets forth the required documentation to be submitted to the Vehicle Services Department within the Office of the Secretary of State to transfer decedents' certificates of title to vehicles. Upon the death of a vehicle owner, the procedure for transferring the vehicle title depends on whether the title was held individually by the decedent or held in joint tenancy. If the title was in the decedent's name only, the procedure ~~then~~ depends on whether the decedent's estate is being probated. If the title was held jointly by the decedent and another person, the procedures in subsection (c) apply.
- b) **Original Title in Decedent's Name Only**

One of the following three procedures shall be used to transfer the decedent's title to an heir, legatee, or any third party.

 - 1) **Probate**

If the decedent's estate is probated, the Secretary of State requires the following documents to transfer the decedent's certificate of title.

 - A) A certified copy of the letters of administration, letters testamentary, or letters of guardianship naming the legal representative of the decedent's estate.
 - B) The decedent's title must be surrendered, and it must be assigned by the legal representative of the estate to the transferee.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- C) An application for title must be completed and signed by the transferee.
- D) The applicant must submit the required \$3 title fee, any applicable registration fees, and proof of compliance with, or exemption from, the Vehicle Use Tax ([see 86 Ill. Adm. Code 151](#)).

2) Small Estates Affidavit

A Small Estates Affidavit can be used to transfer the decedent's certificate of title if the conditions of Section 25-1 of the Probate Act of 1975 [\[755 ILCS 5\]](#) (~~Ill. Rev. Stat. 1984 Supp., ch. 110½, par. 25-1, as amended by P.A. 84-395, effective September 16, 1985~~), are satisfied, the estate was not probated, and the following documents are submitted to the Secretary of State.

- A) A Small Estates Affidavit describing the vehicle by model year, make, and vehicle identification number. If the vehicle owner dies on or after September 16, 1985, a copy of the death certificate must be attached.
- B) A certified copy of the will if the vehicle owner died testate.
- C) The decedent's title must be surrendered.
- D) An application for title must be completed and signed by the transferee.
- E) The applicant must submit the required \$3 title fee, any applicable registration fees, and proof of compliance with, or exemption from, the Vehicle Use Tax.

3) Attorney's Affidavit

The Attorney's Affidavit can be used to transfer the decedent's certificate of title if the following documents are submitted.

- A) Attorney's Affidavit on the attorney's letterhead stationery, stating:
 - i) The name and last address of the decedent.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- ii) The model year, make, and vehicle identification number of the vehicle.
 - iii) To whom the vehicle is being transferred and the relationship between the transferee and the decedent, if any.
 - B) A copy of the death certificate.
 - C) The decedent's title must be surrendered.
 - D) An application for title must be completed and signed by the transferee.
 - E) The applicant must submit the required \$3 title fee, any applicable registration fees, and proof of compliance with, or exemption from, the Vehicle Use Tax.
- c) Original Title Held Jointly in Decedent's and Surviving Joint Tenant's Names
 - 1) If the title applicant is the surviving joint tenant, the following documents are required to correct the title.
 - A) A copy of the death certificate.
 - B) The original title must be surrendered but need not be assigned.
 - C) An application for a corrected title to remove the decedent's name from the original title.
 - D) If the applicant plans to operate the vehicle, the applicant must submit an application to correct the registration. A current registration thus shall be assigned to the surviving joint tenant.
 - E) The applicant must submit the required \$3 title fee and, if applicable, the \$2 corrected registration fee.
 - 2) If the surviving joint tenant chooses to transfer the vehicle to a third party, the following documents are required to transfer title.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- A) A copy of the death certificate.
 - B) The original title must be assigned by the surviving tenant to the transferee.
 - C) An application for title must be completed and signed by the transferee.
 - D) The applicant must submit the required \$3 title fee and show proof of compliance with, or exemption from, the Vehicle Use Tax.
 - E) If the transferee intends to operate the vehicle upon the public highways, the transferee must pay the applicable registration fees. The application for title will serve as an application for registration.
- d) Miscellaneous
- 1) If the original title is lost, an affidavit explaining that the title cannot be located must be submitted by the transferor.
 - 2) Surviving joint tenants and surviving spouses need not pay vehicle registration fees until the current registration expires. If the surviving spouse is not listed as a joint tenant on the decedent's title, a copy of the death certificate is required to show the marital relationship.
 - 3) Title and registration fees may be combined in one check, [electronic payment](#) or money order made payable to the Secretary of State. Applicable title, registration, and transfer fees are set forth in [IVC Chapter 3 \[625 ILCS 5\]](#) ~~of the Illinois Vehicle Code (Ill. Rev. Stat. 1983, ch. 95½, pars. 3-100 et seq.)~~.
 - 4) Transferees who do not operate the vehicle upon the public highways need not apply for registration at the time of acquisition. (See 92 Ill. Adm. Code 1010.510.)
 - 5) Proof of compliance with the Vehicle Use Tax shall consist of the Illinois Department of Revenue [form](#) ~~for~~ RUT [5043](#), or such other form used by

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

that ~~agency~~Agency.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Remittance Agents
- 2) Code Citation: 92 Ill. Adm. Code 1019
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1019.10	Amendment
1019.30	Amendment
1019.35	Amendment
1019.40	Amendment
- 4) Statutory Authority: Implementing Section 3-900 et seq. and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)]
- 5) Complete Description of the Subjects and Issues Involved: Adds "electronic payments" to the rulemaking and the procedure for dishonored payments.
- 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
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Amy Williams
Legal Advisor
298 Howlett Building
Springfield IL 62756

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

217/785-3094
Awilliams3@ilsos.net

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1019
REMITTANCE AGENTS

Section	
1019.5	Definitions
1019.10	Application for Remittance Agency License and Renewal
1019.20	Denial of Application for Remittance Agent's License
1019.30	Suspension and Revocation of Remittance Agents' Licenses
1019.35	Processing Transactions
1019.40	Recordkeeping Requirements
1019.45	Severability Clause

AUTHORITY: Implementing [Chapter 3, Article IX, Section 3-900 et seq.](#) and authorized by Section 2-104(b), of the ~~Illinois Vehicle Title and Registration Law of the~~ Illinois Vehicle Code [\[625 ILCS 5\]](#). (~~Ill. Rev. Stat. 1987, ch. 95½, pars. 3-900 et seq. and 2-104(b)~~).

SOURCE: Adopted at 13 Ill. Reg. 4944, effective April 1, 1989; amended at 14 Ill. Reg. 5813, effective April 15, 1990; amended at 41 Ill. Reg. _____, effective _____.

Section 1019.10 Application for Remittance Agency License and Renewal

- a) If a person wishes to become a remittance agent, he/she shall file an application and bond pursuant to Sections 3-904 and 3-905 of the ~~Illinois Vehicle Title & Registration Law of the~~ Illinois Vehicle Code [\[625 ILCS 5\]](#) (~~Ill. Rev. Stat. 1987, ch. 95½, pars. 3-904 and 3-905~~). The application shall be filed with the Office of the Secretary of State as set forth in subsection (~~fg~~) ~~of this Section~~.
- b) The notarized application shall contain the following information:
 - 1) the previous year's license number if the person is currently licensed as a remittance agent;
 - 2) the name of the business;
 - 3) the location of the business;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 4) the applicant's home address, home telephone number and business telephone number;
 - 5) the applicant's business, occupation or profession;
 - 6) the total amount of cash, checks, [electronic payments](#) or money orders made payable to the remitter received for remittance to the State in the highest 15 day period in the preceding year if the person is currently licensed;
 - 7) whether the applicant, a member of his/her immediate family, or any employee of the applicant is an employee of the Secretary of State;
 - 8) whether the applicant has ever been involved in civil or criminal litigation and if so, the type of litigation, the date and suit or charge, the court in which the matter was heard, the style or caption of the case, the disposition of the matter, and if the judgment has been satisfied; and
 - 9) a list of the employees.
- c) A surety bond shall be posted for each location ~~where~~[that](#) the applicant intends to do business as a remittance agent. Each bond shall be for \$10,000 or in the amount of cash, checks, [electronic payments](#) or money orders made payable to the remitter received for remittance to the Department during the highest 15 day period in the year preceding the year for which the license is applied, whichever is greater. The bond shall be issued by a bonding or insurance company authorized to do business in Illinois. The Department shall use a list issued by the Department of Insurance to determine if the bonding or insurance company is authorized to issue the bond.
- d) The applicant shall also submit the statutory fee provided in [IVC Section 3-905](#) ~~of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code~~ for application. A license is issued for a period of one year terminating on December 31 each year.
- e) A remittance agent wishing to renew his/her license shall submit the material required by this Section to the Department between September 1 and December 31 of the year before the new license will become effective.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- f) All remittance agent license applications and corresponding materials should be submitted to:

Office of the Secretary of State
~~Vehicle~~Special Services ~~Department~~Division
HowlettCentennial Building, Room ~~069108~~
Springfield, Illinois 62756

- g) The Department will make available the application form to any person who requests one. Only the Department's form ~~will~~shall be accepted to apply for a license to operate as a remittance agent.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1019.30 Suspension and Revocation of Remittance Agents' Licenses

- a) Pursuant to Section 3-907 of the ~~Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-907)~~, the Department shall suspend a person's remittance agent's license under the following circumstances:
- 1) he/she fails to keep records as provided in ~~IVC Section 3-910 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-910)~~;
 - 2) he/she fails to furnish information requested by the Department or file a bond as required by ~~IVC Section 3-905 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-905)~~; or
 - 3) it is discovered that he/she or a member of his/her immediate family is an employee of the Secretary of State.
- b) The suspension shall remain in effect for ~~thirty (30)~~ days during which an audit shall be conducted to determine compliance with ~~IVC Section 3-900 et seq. of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-900 et seq.)~~. If he/she has come into compliance, his/her remittance agent's license shall be restored. If the remittance agent has not come into compliance, he/she shall have his/her remittance agent privileges

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

revoked.

- c) A person shall have his/her remittance agent's license revoked under the following circumstances:
- 1) he/she attempts to do business or does business as a remittance agent while his/her privileges are suspended or revoked;
 - 2) he/she fails to remit to the Department or the Illinois Department of Revenue the proper fees required by ~~pursuant to IVC~~ Section 3-906(4), ~~of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-906(4) to the Department or the Illinois Department of Revenue~~ or the check submitted ~~to the Department or the Illinois Department of Revenue~~ is returned by the bank because of insufficient funds, or the payment submitted electronically is dishonored for any reason, and if he/she fails to submit the proper fees within ~~ten~~ (10) days after a written request by the Department;
 - 3) he/she engages in a fraudulent activity or forgery while operating as a remittance agent, as determined by the Department after the investigation;
 - 4) he/she is guilty of violating any provision of IVC Chapter ~~Chapters~~ 2, 3 or 4 ~~of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 2-101 et seq., 3-100 et seq., and 4-100 et seq.)~~ or the Use Tax Act [35 ILCS 105] ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 439.1 et seq.)~~ or the Service Occupation Tax Act [35 ILCS 115] ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 439.101 et seq.)~~;
 - 5) he/she has been suspended two (2) times or more in one year; or
 - 6) he/she has been convicted of a felony.
- d) The Department shall consider written complaints (i.e., family, friends, neighbors, business associates, customers, other agencies, and auditors from the Department of Accounting Revenue) in determining whether a remittance agent's license shall be suspended or revoked. Upon receipt of a complaint, the Department of Police within the Office of the Secretary of State shall investigate the matter to determine if a basis exists under this Section for a suspension or revocation.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- e) A revocation shall be for at least one year. The remittance agent shall be notified by certified mail that his/her license to operate as a remittance agent is going to be revoked. The notice shall contain the effective date of the revocation, the violation ~~that~~~~which~~ is the cause of the revocation, and how he/she can contest the revocation. The remittance agent shall be given ~~ten~~(10) days from the date of the notice before the revocation will become effective. In order to be reinstated following a revocation, the person shall request an administrative hearing as provided in 92 Ill. Adm. Code ~~Ch. II1001 et seq.~~ The person's remittance agent license shall not be restored until the Secretary is satisfied that he/she will comply with the provisions of ~~Article IX of Chapter 3 of the Illinois Vehicle Title & Registration Law [625 ILCS 5/Ch. 3, Art. IX] of the Illinois Vehicle Code~~ and is of good business integrity.
- f) If a person wishes to contest the suspension or revocation of his/her remittance agent's license, he/she shall request an administrative hearing pursuant to IVC Section 3-907 ~~of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-907)~~ and 92 Ill. Adm. Code 1001.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1019.35 Processing Transactions

- a) Applications for title and registration submitted to the Department by persons acting as remittance agents are processed at the following addresses:
- 1) Office of the Secretary of State
Chicago West Facility
5301 West Lexington Avenue
Chicago, Illinois 60644
 - 2) Office of the Secretary of State
Chicago North Facility
5401 North Elston Avenue
Chicago, Illinois 60630
 - 3) Office of the Secretary of State
Chicago South~~Charles Chew~~ Facility
9901 South Martin Luther King, Jr. Drive

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Chicago, Illinois 60628

- 4) Office of the Secretary of State
Vehicle Services Department
~~Howlett Centennial~~ Building, Room 011
Springfield, Illinois 62756
- b) The business hours are from 7 a.m. until 4:30 p.m. on Monday through Friday at the ~~Howlett Centennial~~ Building in Springfield. At the Chicago West, North and ~~South Charles Chew~~ Facilities the business hours are from 8 a.m. to 4:30 p.m. on Monday, Tuesday, Thursday and Friday and from 12 noon until 8 p.m. on Wednesday. The applications may also be processed by mailing them to the following address:
- Office of the Secretary of State
Vehicle Services Department
~~Howlett Centennial~~ Building
Springfield, Illinois 62756
- c) All transactions shall be delivered to the Department within ~~five (5)~~ days ~~after of~~ receipt by the remittance agent. Failure to comply with this Section shall be grounds for suspension or revocation of the remittance agent's license, based upon the severity of the violation.
- d) Any person who picks ~~up~~ or receives transactions from other remittance agents, dealers, currency exchanges, financial institutions or any other person exempt from being licensed as a remittance agent under ~~IVC Section 3-902 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-902)~~ shall be considered a remittance agent under provisions of ~~IVC chapter 3, Article IX of Chapter 3 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-900 et seq.)~~ and required to be licensed in accordance with this Part.
- e) The names of all employees of the remittance agent shall appear on the remittance agent's license application. ~~Those employees~~ ~~Such persons~~ shall be issued I.D. cards authorizing them to process transactions at authorized Secretary of State facilities. Any person without an I.D. card shall not be allowed to process transactions. The Department shall be notified in writing of any changes in personnel, business location, and/or the business name during the licensing year

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

within ~~ten (10)~~ calendar days of the occurrence ~~of~~ after the change.

- f) No remittance agent shall employ any individual, or any member of that individual's immediate family, who is employed by the Department or by the Office of the Secretary of State ~~or a member of his/her immediate family employed by the Department or the Office of the Secretary of State~~. This prohibition shall not apply to persons employed by a remittance agent prior to April 10, 1983. ~~The and the~~ name of any employee covered by ~~within~~ this exception shall be reported to the Department by April 30, 1989 ~~within thirty (30) days of the effective date of this rule~~.
- g) Any remittance agent delivering a transaction to the Department shall stamp his/her remittance number in the designated space on the front of the application. Any other remittance agent involved in the transaction shall stamp his/her remittance agent number on the back of the application.
- h) The fee submitted to the Department shall be applied to the corresponding applications. Failure of the remittance agent to affix the check, electronic payment, or money order to the proper application shall result in the rejection of the transaction.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1019.40 Recordkeeping Requirements

- a) Each person licensed as a remittance agent as defined in IVC Section 3-900 ~~of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-900)~~ shall maintain for a period of ~~three (3)~~ years a record of each transaction involving a remittance to the Department.
- b) The records shall be maintained in ledger form or be computerized. If computerized, the records should be available to the auditors from the Accounting Revenue Department or the officers from the Department of Police within thirty ~~(30)~~ minutes ~~after~~ after a request. The records shall contain the following information:
- 1) The name and address of the remittance agent. If the remittance agent has more than one licensed location, the records shall reflect the location where the transaction was received and/or, processed, or where the records

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

are kept.

- 2) The name and address of the applicant submitting the transaction. If a remittance agent does not make the initial contact with the applicant but receives a transaction from another remittance agent, dealer, currency exchange, or financial institution, the second remittance agent shall record the original applicant's name and that of the initiating remittance agent, dealer, currency exchange, or financial institution.
- 3) The address of the Secretary of State facility to which the transaction is delivered. If the transaction is delivered to another remittance agent for delivery to the Department, the name and address of the second remittance agent shall be recorded by the first remittance agent.
- 4) The type of application that the transaction involves.
- 5) The amount of fee received by the remittance agent for delivery to the Department for each transaction. The funds shall be identified as "cash", "check", "["electronic payment"](#) or "money order" payable to the Secretary of State, or "check", "["electronic payment"](#) or "money order" payable to the remitter.
- 6) The initiating remittance agent shall record the amount of fee received by the remittance agent for delivery to the Department of Revenue. The funds shall be identified as "cash", "check" or "money order" payable to the Department of Revenue, or "check" or "money order" payable to the remitter.
- 7) The date the fee and transaction were received by the remittance agent.
- 8) The date the fee and transaction were delivered to the Department and the method of delivery.
- 9) The date that the registration plate and/or sticker was delivered to the applicant or initiating remittance agent, dealer, currency exchange or financial institution, if applicable. If it is the policy of the remittance agent to have the applicant pick up the registration plate and/or sticker, the date that the applicant was notified of its availability, the method of notification, and date the items were picked up shall be recorded.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1040.1	Amendment
1040.102	Amendment
- 4) Statutory Authority: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)]
- 5) Complete Description of the Subjects and Issues Involved: Adds definition of "Electronic Payment" and "Payor". Renames Section 102. Adds procedural information as it relates to Bankruptcies and "dishonored payments". Makes one grammatical change.
- 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 incorporation by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Amy Williams
Legal Advisor
298 Howlett Building
Springfield IL 62756

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

217/785-3094

Awilliams3@ilsos.net

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
1040.44	Suspension or Revocation for Violation of Possession of Medical Cannabis in a Motor Vehicle
1040.46	Suspension or Revocation for Personal Injury Suspensions or Revocations

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1040.48 Vehicle Emission Suspensions (Repealed)
- 1040.50 Occupational Driving Permit
- 1040.52 Driver Remedial Education Course
- 1040.55 Suspension or Revocation for Driver's License Classification Violations
- 1040.60 Release of Information Regarding a Disposition of Court Supervision
- 1040.65 Offenses Occurring on Military Bases
- 1040.66 Invalidation of a Restricted Driving Permit
- 1040.70 Problem Driver Pointer System
- 1040.80 Cancellation of Driver's License Upon Issuance of a Disabled Person Identification Card
- 1040.100 Rescissions
- 1040.101 Reinstatement Fees
- 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay, ~~and~~ Returned [Check and Dishonored Electronic Payment](#) ~~Checks~~ Actions
- 1040.105 Suspension for Five or More Tollway Violations and/or Evasions
- 1040.107 Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle
- 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations
- 1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations
- 1040.110 Bribery
- 1040.111 Suspension for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
- 1040.115 Suspension for Theft of Motor Fuel
- 1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings
- 1040.117 Suspension for Concealment or Obstruction of Registration to Hinder Law Enforcement

AUTHORITY: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009; amended at 35 Ill. Reg. 1667, effective January 13, 2011; amended at 35 Ill. Reg. 8512, effective May 31, 2011; amended at 36 Ill. Reg. 10055, effective June 29, 2012; amended at 36 Ill. Reg. 11211, effective July 5, 2012; amended at 37 Ill. Reg. 1762, effective January 25, 2013; amended at 37 Ill. Reg. 8832, effective June 17, 2013; amended at 38 Ill. Reg. 9591, effective April 15, 2014; amended at 39 Ill. Reg. 9475, effective June 23, 2015; amended at 39 Ill. Reg. 11648, effective July 28, 2015; amended at 39 Ill. Reg. 14983, effective October 29, 2015; amended at 40 Ill. Reg. 7372, effective May 2, 2016; amended at 40 Ill. Reg. 15417, effective December 1, 2016; amended at 41 Ill. Reg. _____, effective _____.

Section 1040.1 Definitions

Unless otherwise noted, the following definitions shall apply to this Part.

"Alcohol Related Suspension" – a suspension in accordance with IVC Sections 6-206(a)(6), (a)(17), (a)(23) and (a)(33), 11-501.1, 11-501.6 (only when the driver has a positive test for alcohol or drugs) and 11-501.8.

"Amnesty" – a sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986 (P.L. 99-603).

"Applicant" – a person applying for an Illinois driver's license or permit.

"Authority" – Illinois State Toll Highway Authority.

"Authorized Holder" – an individual issued a disability license plate pursuant to IVC Section 3-616, an individual issued a parking decal or device pursuant to IVC Section 11-1301.2 or an individual issued a disabled veteran's license plate pursuant to IVC Section 3-609 or 3-609.01.

"Authorized Personnel" – the Director, a manager or administrator of the Driver Services Department or an instructor, Secretary of State Police or Inspector General.

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Automated Traffic Law Violation Suspension" – a suspension in accordance with IVC Section 6-306.5 for failure to satisfy fines or penalties for five or more automated traffic law violations.

"BAIID" – Breath Alcohol Ignition Interlock Device.

"Bankruptcy Debtor" – a debtor under any chapter of the federal Bankruptcy Code (11 USC).

"Bribe" – any item or thing of value, payment, or other personal advantage that an employee of the Office of the Secretary of State, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is not authorized by law or administrative rule to accept, knowing or reasonably believing that the item, thing of value, payment or advantage was promised or tendered with the intent to influence or change the performance of any act or duty related to the issuance of a driver's license.

"Bribery" – the solicitation or accepting of any bribe or improper offering.

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to the license or permit.

"Chapter 13 Plan" – an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Clean File" – an electronic file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.

"Clearance Letter" – any document received from another state dated within 30 days prior to the current process date verifying that an individual has had his/her driving privileges restored in that state.

"Cleared Suspension or Revocation" – a suspension or revocation of driving privileges that has terminated.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Commercial Driver's License" or "CDL" – a license issued to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR 383 (October 1, 2014), that authorizes the individual to operate a class of commercial motor vehicle as defined in IVC Section 1-111.6.

"Commercial Driver License Information System" or "CDLIS" – the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 USC 2701 et seq.), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers [625 ILCS 5/1-111.7].

"Commercial Learner's Permit" or "CLP" – a permit issued to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR 383 (October 1, 2014), which, when carried with a valid driver's license issued by the same state or jurisdiction of domicile, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid CDL for purposes of behind-the-wheel training. When issued to a CDL holder, a CLP serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current CDL is not valid.

"Commercial Motor Vehicle" or "CMV" – a motor vehicle or combination of motor vehicles used in commerce designed to transport passengers or property if the motor vehicle:

has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of any towed unit with a gross vehicle weight rating or a gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or

has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds) or more, whichever is greater; or

is designed to transport 16 or more passengers, including the driver; or

is of any size and is used in transporting hazardous materials as defined in 49 CFR 383.5 (October 1, 2014).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Commercial Motor Vehicle does not include:

recreational vehicles, when operated primarily for personal use;

vehicles owned by or operated under the direction of the United States Department of Defense or the United States Coast Guard, only when operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or

firefighting, police, and other emergency equipment (including, without limitation, equipment owned or operated by a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code [55 ILCS 5]), with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations. [625 ILCS 5/6-500(6)]

"Commercial Vehicle" – any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially [625 ILCS 5/1-111.8].

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].

"Conviction-CLP Holder" or "Conviction-CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. [625 ILCS 5/6-500(8)]

"Creditor" – a person to whom a debt is owed by another.

"Curfew" – the hours by which any person under 17 years of age may not lawfully be present at or upon any public assembly, building, place, street or highway as provided in Section 1 of the Child Curfew Act [720 ILCS 555/1].

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act in accordance with IVC Section 6-206(a)(13).

"Debtor" – a person who owes a debt.

"Delayed Search" – the NDR will perform a delayed search of its Pointer File periodically for a duration of at least 104 days following an original inquiry. This search is done in order to insure that if an action occurs following an inquiry, that action will be sent to the SOI in the form of a Delayed Search Response (see 23 CFR 1325 and 1327).

"Deletion" – the permanent removal of an entry from a driving record.

"Denial of Driver's License" – to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instruction permit and limiting privileges to that of an instruction permit, if a driver's license has previously been issued in accordance with IVC Sections 6-107(c) and 6-107(d).

"Denial of Driving Privilege" – to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with IVC Sections 6-107(c) and 6-108.1.

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" – Department of Administrative Hearings within the Office of the Secretary of State.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Department of Vehicle Services" – Department of Vehicle Services within the Office of the Secretary of State.

"Disability License Plate or Parking Decal or Device-Making Implement" – any implement specially designed or primarily used in the manufacture, assembly or authentication of a disability license plate or parking decal or device, or a license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01 issued by the Secretary of State or a unit of local government [625 ILCS 5/11-1301.6(a)].

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled as defined in IVC Section 1-159.1 or who have a disability so severe that it precludes him/her from obtaining an Illinois driver's license (see Section 4A(b)).

"Disqualification" – the suspension, revocation, or cancellation of a CLP or CDL by the state or jurisdiction of issuance; any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations); a determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial vehicle under 49 CFR 391 [625 ILCS 5/1-115.3].

"Disqualified" – the denial of the issuance of a license or permit or the invalidation of any license or permit.

"Driving Abstract" – a record kept by the Department of Driver Services containing all information required by IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driver's License or Permit" – a document that permits a person to legally operate a motor vehicle, including a restricted driving permit, judicial driving permit, instruction permit, traffic ticket issued when the person's driver's license is deposited in lieu of bail, suspension notice in which the suspension is not yet effective, duplicate or corrected driver's license, temporary instruction permit, temporary driver's license, temporary visitor instruction permit, temporary visitor driver's license, or probationary driver's license.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Driver History Record" – a standardized form of limited information obtained from the SOR when an SOI makes a history request.

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Status" – the current status of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes a request to an SOR.

["Electronic Payment" – payment made by any person or corporation to the Office of the Secretary of State by credit card or electronic transfer of funds.](#)

"Facility Administered Test" – an actual demonstration of the driver's license applicant's ability to successfully pass a vision, written and/or drive test administered by a Driver Services Facility employee or individual or entity approved by the Department to administer such tests.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as defined in IVC Section 6-306.3.

"Failure to Pay" – an indication on a driving record that an individual has failed to pay fines and costs in full on a traffic ticket, which prohibits the renewal, reissuance, or reinstatement of driving privileges pursuant to IVC Section 6-306.6.

"False Information" – any information concerning an individual's legal name, address, sex, date of birth, social security number or any photograph that:

falsifies all or in part the actual identity of the individual issued the license, permit or identification card;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

in the case of information concerning an address, is information concerning a non-existent address that is used to obtain a license, permit or identification card; or

is any combination of a false identity and a non-existent address. [625 ILCS 5/6-301.1(a)(2) and 15 ILCS 335/14A(a)(2)]

"False Information – Disability Plate or Parking Placard Decal or Device" – any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information required on the Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to disabled veterans pursuant to IVC Section 3-609 or 3-609.01 that falsifies the content of the application.

"Family Financial Responsibility Suspension" – a suspension in accordance with IVC Section 7-702.

"Farm Tractor" – every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry that is self-propelled, excluding all-terrain vehicles and off-highway motorcycles [625 ILCS 5/1-120].

"Fictitious Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that contains false information concerning the identity of the individual issued the license or permit [625 ILCS 5/6-301.1(a)(1)].

"Fictitious Disability License Plate or Parking Decal or Device" – any issued disability license plate or parking decal or device, or any license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01, that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application [625 ILCS 5/11-1301.5(a)].

"Fictitious Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, or any other state or political subdivision thereof, or

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card [15 ILCS 335/14A(a)(1)].

"Financial Responsibility Suspension" – a suspension in accordance with IVC Section 7-304 and/or 7-305.

"Fraudulent Disability License Plate or Parking Decal or Device" – any disability license plate or parking decal or device that purports to be an official disability license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government [625 ILCS 5/11-1301.6(a)].

"Fraudulent Documents" or "Falsified Documents" – any documents submitted by or on behalf of a petitioner to the Secretary that purport or are represented to be prepared or composed by another person, agency or entity that did not actually prepare or compose the documents, or documents that were prepared for a person acting as the petitioner.

"Fraudulent Driver's License or Permit" – any license or permit that purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction [625 ILCS 5/1-123.4].

"Fraudulent Identification Card" – any identification card that purports to be an official identification card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization. For the purpose of this definition, any identification card that resembles an official identification card in size, color, photograph location, or design, or uses the word "official", "State", "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card. [15 ILCS 335/1A]

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Hearing Officer" – any person designated by the Secretary of State to preside at any hearing conducted pursuant to the rules established by the Office of the Secretary of State (92 Ill. Adm. Code 1001).

"Hospital" – an institution that provides medical or surgical care and treatment for the sick and injured.

"Identification Card" – any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization that, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual [15 ILCS 335/14A(a)(5)].

"Illinois Vehicle Code" or "Code" or "IVC" – the Illinois Vehicle Code [625 ILCS 5].

"Implement of Husbandry" – every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds shall be included under this definition [625 ILCS 5/1-130].

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.1.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Judicial Driving Permit" – a driving permit issued to grant a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Officials" – police agencies, state's attorneys' offices or court officials.

"Law Enforcement Sworn Report" – a confirmation of correctness and truth by an affidavit, oath or deposition, or a verification by certification, executed by a police officer in accordance with Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109] and pursuant to IVC Section 11-501.1(d).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"License Classification" – a notation on a driver's license or permit indicating the type of vehicle a person is qualified to operate.

"Like Period of Time" – an equal amount of time as the original suspension specified.

"Mandatory Conviction Suspension" – a suspension in accordance with IVC Section 3-707.

"Materially Altered Documents" – any documents submitted by or on behalf of a petitioner to the Secretary that have been physically altered or changed by someone other than the author of the documents.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Motor Carrier" – any person engaged in the transport of property or passengers, or both, for hire, over the public roads of this State, by motor vehicle [625 ILCS 5/18C-1104(19)].

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to IVC Sections 6-107.1(b), 6-110(a-1) or 6-110(a-3).

"Night Time Driving Restriction Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with IVC Sections 6-107.1(b) and 6-110(a-1).

"Notice of Automatic Stay" – any notice received by the Department that indicates a debtor has filed a petition in bankruptcy, which automatically stays any proceedings against him or her pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 USC 362).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Notice of Meeting of Creditors" – a notice from the United States Bankruptcy Court informing the entities that have a claim against the debtor that the debtor has filed bankruptcy.

"Occupational Driving Permit" – the document that grants and specifies limited privileges to drivers of commercial vehicles as an occupation who have had their full driving privileges suspended. The occupational driving permit is valid only when in the immediate possession of the driver to whom it is issued.

"Office" – the Office of the Secretary of State.

"Open Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is in effect.

"Open Suspension or Revocation" – a suspension or revocation that appears on the driving record and is in effect.

"Parking Suspension" – a suspension imposed for failure to pay fines or penalties for standing or parking violations pursuant to IVC Section 6-306.5.

"Payor" – a person, business or corporation making payment to the Office of the Secretary of State, whether by check, electronic payment or any other means.

"Pending Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is not yet in effect.

"Pending Suspension or Revocation" – a suspension or revocation that appears on the driving record and is not yet in effect.

"Petition for Discharge Filed in Bankruptcy" – an order by a United States Bankruptcy Court relieving an individual from all of his/her debts that are provable in bankruptcy, except those excluded by the federal Bankruptcy Code.

"Petition in Bankruptcy" – a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the federal Bankruptcy Code.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Petitioner" – any person or party who is the subject of an administrative hearing before the Secretary under the provisions of the Illinois Vehicle Code (see 92 Ill. Adm. Code 1001).

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Probationary License" – a conditional license granting full driving privileges during a period of suspension [625 ILCS 5/1-164.1].

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Record of Judgment" – an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.

"Reinstatement Fee" – the fee required by IVC Section 6-118(b) to restore a person's driving privileges after driving privileges have been suspended or revoked.

"Request" – the written application upon the designated form, an approved electronic format, or an acceptable alternative for obtaining a driving abstract and supervision history record.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Driving Permit" or "RDP" – a document that grants and specifies limited privileges to drivers of motor vehicles who have had their full driving privileges suspended, revoked or cancelled [625 ILCS 5/1-173.1].

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Secretary of State to assure safe operation of a motor vehicle.

"Returned Check" – a check delivered to the Office of the Secretary of State as payment of any fee when the check is not honored due to non-sufficient funds.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation [625 ILCS 5/1-176].

"Safety Responsibility Suspension" – a suspension in accordance with IVC Section 7-205 or 7-208.

"Schedule A-3" – a schedule of liabilities.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"State of Inquiry" or "SOI" – a licensing jurisdiction that originated the inquiry for a driver history record or driver status.

"State of Record" or "SOR" – a licensing jurisdiction that originally took action against a problem driver and reported that driver to the NDR.

"Statutory Summary Revocation" – the revocation by the Secretary of State of a person's license or privilege to operate a motor vehicle on the public highways for the period provided in IVC Section 6-208.1. Reinstatement after the revocation period shall occur after the person has been approved for reinstatement through an administrative hearing with the Secretary of State, has filed proof of financial responsibility, has paid the reinstatement fee as provided in IVC Section 6-118, and has successfully completed all necessary examinations. The basis for this revocation of driving privileges shall be the individual's refusal to submit to or failure to complete a chemical test or tests following an arrest for the offense of driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, involving a motor vehicle accident. [625 ILCS 5/1-197.6]

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Statutory Summary Suspension" – a withdrawal of a person's license or privilege to operate a motor vehicle on the public highways due to refusal to submit to or failure to complete or pass a chemical test or tests following an arrest for driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, for the periods provided in IVC Section 6-208.1.

"Stricken on Leave" or "SOL" – stricken from court docket with permission for charges to be reinstated at a later date.

"Supervision" – a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered [730 ILCS 5/5-1-21].

"Supervision History Record" – a record kept by the Department of Driver Services on each driver containing supervision disposition information provided in accordance with IVC Section 6-204(d).

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

"Suspension or Revocation in Effect" – a suspension or revocation that appears on the driving record and has not terminated.

"Terminated Suspension or Revocation" – a suspension or revocation that appears on the driving record and is no longer in effect.

"Tollway Suspension" – a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for five or more tollway violations, tollway evasions or any combination thereof, in accordance with IVC Section 6-306.7.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries that require the injured party to be carried from the scene.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Trustee Report of No Assets" – a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

"Unlawfully Altered Disability License Plate or Parking Permit or Device" – any disability license plate or parking permit or device, or any license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01, issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device [625 ILCS 5/11-1301.5(a)].

"Unlawfully Altered Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that has been physically altered or changed in such a manner that false information appears upon the license or permit [625 ILCS 5/6-301.1(a)(3)].

"Unlawfully Altered Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card [15 ILCS 335/14A(a)(3)].

"Unsatisfied Judgment Suspension" – a suspension in accordance with IVC Section 7-303 or 7-313.

"Vacate" – to set aside, annul, rescind, render void, or cancel an order.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not been invalidated, denied, cancelled, revoked, suspended, disqualified or used after curfew or during a night time driving restriction.

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.6 of the Illinois Vehicle Code or for failure to pay a fine or penalty for 10 or more standing, parking or compliance regulations in accordance with IVC Section 6-306.5.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay, ~~and Returned Check and Dishonored Electronic Payment~~ ~~Checks~~ Actions

- a) If a debtor's driving privileges have been or will be suspended for a parking suspension pursuant to IVC Section 6-306.5, and if the parking or standing tickets are issued prior to petition for discharge, or, if a debtor's driving privileges have been or will be cancelled as a result of a returned check, dishonored credit card, or dishonored electronic payment pursuant to IVC Section 6-201(a)(3), proper notice to the Department shall result in the rescission of the suspension or cancellation from the driving record.
- b) If a debtor's privilege to renew or be reissued a driver's license has been or will be prohibited based upon a returned check, dishonored credit card, or dishonored electronic payment pursuant to IVC Section 6-201(a)(3), or based upon a report of failure to pay traffic fines and court costs pursuant to IVC Section 6-306.6, proper notice to the Department shall result in the deletion of this indication from the driving record.
- c) Proper notice shall consist of, but not be limited to, one of the following:
 - 1) Petition in Bankruptcy
 - 2) Notice of Meeting~~meeting~~ of Creditors
 - 3) Schedule A-3 or Schedule of Creditors
 - 4) Trustee Report of No Assets
 - 5) Petition for Discharge Filed in Bankruptcy
 - 6) Notice of Automatic Stay
 - 7) Chapter 13 Wage Earner Plan

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- d) Any evidence documenting an event prior in time to actual petition for discharge shall be used by the Department to confirm a petition for discharge in bankruptcy has occurred.
- e) The debtor shall notify the Department if the Petition in Bankruptcy has been dismissed or the debt has been discharged in bankruptcy.
- f) Any previous action taken by the Department to rescind a suspension or prevent the renewal or reissuance of a driver's license or permit based upon proper notice of bankruptcy under this Section shall be reinstated when:
 - 1) the Petition in Bankruptcy has been dismissed; or
 - 2) the United States Bankruptcy Court orders the debt nondischargeable; or
 - 3) a court of competent jurisdiction enters an order finding the debt upon which the action is based nondischargeable pursuant to applicable sections Sections of 11 USC 523(a) and Bankruptcy Rule 4007 as now or hereafter amended.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Securities Valuation Reserve
- 2) Code Citation: 50 Ill. Adm. Code 1601
- 3) Section Number: 1601.10 Adopted Action:
Repealed
- 4) Statutory Authority: Implementing and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1013) [215 ILCS 5/401]
- 5) Effective Date of Repealer: December 27, 2016
- 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 repealer, 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 the *Illinois Register*: 40 Ill. Reg. 10352; August 5, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Parts 1601, 1602, 1604 and 1605 concern assessment legal reserve life companies. These companies were formerly regulated pursuant to Article XVI of the Illinois Insurance Code [215 ILCS 5/254 through 281.1] which was repealed in 2014 and 2015. There are no longer any assessment legal reserve life companies in existence in Illinois; the last one was dissolved in late 2012. Therefore, the rules are being repealed.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

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

Chris Lelys
Life Annuities Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-5226

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: War Clauses
- 2) Code Citation: 50 Ill. Adm. Code 1602
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1602.5	Repealed
1602.10	Repealed
1602.20	Repealed
1602.30	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1013) [215 ILCS 5/401]
- 5) Effective Date of Repealer: December 27, 2016
- 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 repealer, 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 the *Illinois Register*: 40 Ill. Reg. 10355; August 5, 2016
- 10) Has JCAR issued a Statement of Objection to this Repealer? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Parts 1601, 1602, 1604 and 1605 concern assessment legal reserve life companies. These companies were formerly regulated pursuant to Article XVI of the Illinois Insurance Code [215 ILCS 5/254 through 281.1]

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

which was repealed in 2014 and 2015. There are no longer any assessment legal reserve life companies in existence in Illinois; the last one was dissolved in late 2012. Therefore, the rules are being repealed.

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

Chris Lelys
Life Annuities Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-5226

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Valuation of Reserves
- 2) Code Citation: 50 Ill. Adm. Code 1604
- 3) Section Number: 1604.10 Adopted Action:
Repealed
- 4) Statutory Authority: Implementing Section 223 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 835 and 1013) [215 ILCS 5/223 and 401]
- 5) Effective Date of Repealer: December 27, 2016
- 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 repealer, 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 the *Illinois Register*: 40 Ill. Reg. 10359; August 5, 2016
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Parts 1601, 1602, 1604 and 1605 concern assessment legal reserve life companies. These companies were formerly regulated pursuant to Article XVI of the Illinois Insurance Code [215 ILCS 5/254 through 281.1] which was repealed in 2014 and 2015. There are no longer any assessment legal reserve

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

life companies in existence in Illinois; the last one was dissolved in late 2012. Therefore, the rules are being repealed.

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

Chris Lelys
Life Annuities Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-5226

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Legal Reserve Life Blank
- 2) Code Citation: 50 Ill. Adm. Code 1605
- 3) Section Number: 1605.10 Adopted Action:
Repealed
- 4) Statutory Authority: Implementing Section 223 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 835 and 1013) [215 ILCS 5/223 and 401]
- 5) Effective Date of Repealer: December 27, 2016
- 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 repealer, 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 the *Illinois Register*: 40 Ill. Reg. 10362; August 5, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Parts 1601, 1602, 1604 and 1605 concern assessment legal reserve life companies. These companies were formerly regulated pursuant to Article XVI of the Illinois Insurance Code [215 ILCS 5/254 through 281.1] which was repealed in 2014 and 2015. There are no longer any assessment legal reserve

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

life companies in existence in Illinois; the last one was dissolved in late 2012. Therefore, the rules are being repealed.

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

Chris Lelys
Life Annuities Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-5226

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Workers' Compensation Large Deductible Business
- 2) Code Citation: 50 Ill. Adm. Code 2909
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
2909.10	New Section
2909.20	New Section
2909.30	New Section
2909.40	New Section
2909.50	New Section
2909.60	New Section
2909.70	New Section
2909.EXHIBIT A	New Section
- 4) Statutory Authority: Implementing and authorized by Section 155.44 of the Illinois Insurance Code [215 ILCS 5/155.44]
- 5) Effective Date of Rules: December 27, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any 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 the *Illinois Register*: 40 Ill. Reg. 5806; April 8, 2016
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: Section 2909.10 - Deleted all text and added "This Part applies to every insurer as defined in Section 155.44(b) of the Code that issues "large deductible agreements" as defined in Section 155.44(c) of the Code and that does not meet the definition of "exempt insurer" (see Section 2909.30)."

Section 2909.30, definition of "Collateral" - changed "(c)" to "(a)(1)".

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Section 2909.30, under the definition of "Net worth" added: ""Non-exempt insurer" has the meaning ascribed to the term "insurer" by Section 155.44(b) of the Code."

Section 2909.40(c), after "shall" added: "be issued by a company that is authorized to transact business by the Department and whose strength and size ratings from A.M. Best Company are not less than "A" and "V", respectively, shall".

Section 2909.EXHIBIT A - Change the middle column under "COLLATERAL REPORT" to: "215 ILCS 5/155.44 and 136 and 50 Ill. Adm. Code 2909.60".

- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: On August 14, 2015, the Governor signed PA 99-369, which created 215 ILCS 5/155.44 in the Insurance Code. Section 5/155.44 applies to workers' compensation insurers, with an A.M. Best Company rating below "A-" and less than \$200,000,000 in surplus. Section 5/155.44 also requires that insurers limit the size of the policyholder's obligations under a large deductible agreement to no greater than 20% of the total net worth of the policyholder at each policy inception and requires full collateralization of those outstanding obligations owed under a large deductible agreement by surety bond, letter of credit or cash/securities held in trust. The proposed new rule will implement this requirement.
- 16) Information and questions regarding these adopted rules shall be directed to:

Joseph Clennon
Assistant General Counsel
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

217/557-1396

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER hh: WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

PART 2909

WORKERS' COMPENSATION LARGE DEDUCTIBLE BUSINESS

Section

2909.10	Applicability
2909.20	Purpose and Scope
2909.30	Definitions
2909.40	Collateral Requirements
2909.50	Large Deductible Amount
2909.60	Annual Reporting
2909.70	Fines and Penalties

2909.EXHIBIT A Collateral Report

AUTHORITY: Implementing and authorized by Section 155.44 of the Illinois Insurance Code [215 ILCS 5/155.44].

SOURCE: Adopted at 41 Ill. Reg. 78, effective December 27, 2016.

Section 2909.10 Applicability

This Part applies to every insurer as defined in Section 155.44(b) of the Code that issues "large deductible agreements" as defined in Section 155.44(c) of the Code and that does not meet the definition of "exempt insurer" (see Section 2909.30).

Section 2909.20 Purpose and Scope

Subject to Section 155.44 of the Code, the purpose of this Part is to set forth the requirements for maintaining collateral and underwriting large deductible workers' compensation insurance by nonexempt insurers.

Section 2909.30 Definitions

"Audited Financial Statement" means a financial statement audited by a certified public accountant based on the most recent fiscal year, but in no event no more

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

than 15 months old, measured by the end of the audited period, at the time of application or renewal of the applicable large deductible agreement.

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

"Collateral" shall have the meaning ascribed in Section 155.44(a)(1) of the Code.

"Department" means the Illinois Department of Insurance.

"Exempt insurer" means any insurer licensed to write workers' compensation business in Illinois that either has an A- or better rating from A.M. Best Company or has at least \$200 million in surplus. If the insurer only has a group rating from A.M. Best Company, the group rating shall apply. Having no rating from A.M. Best Company is the equivalent of having less than an A- rating.

"Full collateralization" means the collateral required to secure to the 100% level the policyholder obligations described in this Part.

"Large deductible credit" means the amount of credit applied to standard premium due to a large deductible agreement.

"Large deductible agreement" shall have the meaning ascribed in Section 155.44(c) of the Code.

"Net worth" means the amount by which assets exceed liabilities based on an audited financial statement. With respect to a public company, net worth is determined by shareholder equity. A loan to the policyholder can be included in determining net worth as long as the loan is fully funded and repayment is subordinated below general creditors in the event of a bankruptcy of the policyholder.

"Non-exempt insurer" has the meaning ascribed to the term "insurer" by Section 155.44(b) of the Code.

"Standard premium" means the premium charged to a policyholder based on the nonexempt insurer's rates filed with the Department and before applying a large deductible credit. Standard premium also includes any adjustment due to an expense rating factor.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Section 2909.40 Collateral Requirements

- a) Exempt insurers are not required to comply with the requirements of this Part.
- b) As provided in this Part, every nonexempt insurer writing workers' compensation policies that are subject to a large deductible agreement covering employees located in Illinois must require full collateralization of the policyholders' obligations under the agreement, including policyholder obligations for employees located in other states.
 - 1) The initial collateral:
 - A) shall be determined by first computing the standard premium and then determining the amount by which the standard premium is reduced as a result of the large deductible credit; and
 - B) shall be set at the amount of the large deductible credit subject to other adjustments based on the insured's financial status, anticipated payment pattern of losses, the existence and attachment point of an aggregate deductible limit, and the expected development above and below the deductible sufficient to secure the nonexempt insurer against the potential deductible reimbursement liability it is assuming.
 - 2) At least annually, the collateral shall be adjusted periodically pursuant to the large deductible agreement by first determining the amount of open case reserves on all claims reported under the policy plus the expense reserve for those expenses covered by the large deductible agreement and an allowance for incurred but not reported (IBNR) claims, limited by the per claim or aggregate cap as provided in the large deductible agreement. The collateral is then adjusted upward or downward based on the reserve amount as calculated in subsection (b)(1) compared to the collateral being held on the date of each adjustment. If the large deductible agreement or any other law requires the collateral to be an amount higher than the amount required in Section 2909.50, then the higher amount shall apply.
- c) If the collateral is in the form of a surety bond, it shall be issued by a company that is authorized to transact business by the Department and whose strength and size ratings from A.M. Best Company are not less than "A" and "V", respectively,

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

shall contain an evergreen clause and cannot be cancelled or nonrenewed without 60 days' notice to the nonexempt insurer. The nonexempt insurer shall require the policyholder to replace a cancelled or nonrenewed surety bond with collateral that meets the requirements of this Section.

- d) If the collateral is a letter of credit, it must be clean, irrevocable, contain an evergreen clause and be issued by a financial institution with an office physically located within Illinois and whose deposits are federally insured. The nonexempt insurer shall require the policyholder to replace any nonrenewed letter of credit with collateral that meets the requirements of this Section.

Section 2909.50 Large Deductible Amount

Each nonexempt insurer writing workers' compensation policies that are subject to a large deductible agreement that covers employees located in this State must require the policyholder to provide an audited financial statement during the underwriting process. The per occurrence deductible amount under the large deductible agreement cannot exceed 20% of the policyholder's net worth as determined by the audited financial statement. The aggregate limit of the policyholder under the large deductible agreement cannot exceed the net worth of the policyholder as determined by the audited financial statement. A new audited financial statement is required for each successive policy year and shall apply to determine the per occurrence cap and aggregate limits of the renewal policy.

Section 2909.60 Annual Reporting

Every nonexempt insurer licensed to do business in Illinois that has issued a large deductible agreement must file an annual disclosure statement, as a supplement pursuant to 215 ILCS 5/136, with the Department by March 1 of each year using the format provided in Exhibit A.

Section 2909.70 Fines and Penalties

Any nonexempt insurer found to be in violation of any provision of this Part or of Section 155.44 of the Code shall be subject to fines and penalties as provided in Section 403A of the Code.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Section 2909.EXHIBIT A Collateral Report

COLLATERAL REPORT

Annual Disclosure

**Large Deductible Supplement
215 ILCS 5/155.44 and 136 and
50 Ill. Adm. Code 2909.60**

**Due Date: March 1
each calendar year**

(Company Name)

By: _____
(Signature)

Title: _____ Date: _____

Please enter the required information:

Policyholder Name	Net Worth	Per Claim Deductible	Open Reserves*	Collateral Held*
**				

* As calculated pursuant to Section 2909.40(b) of this Part.

** Add additional rows, if needed, for each policy holder.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3) Section Number: 710.70 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20]
- 5) Effective Date of Rule: December 22, 2016
- 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 all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 13527; September 30, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 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: This Part has been amended to remove zones during the youth season and to create a youth spring turkey season that is two consecutive weekends.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Dan Nelson, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 710
THE TAKING OF WILD TURKEYS – SPRING SEASON

Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007; amended at 32 Ill. Reg. 19742, effective December 3, 2008; amended at 34 Ill. Reg. 4868, effective March 19, 2010; amended at 35 Ill. Reg. 3705, effective February 16, 2011; amended at 35 Ill. Reg. 20588, effective December 9, 2011; amended at 37 Ill. Reg. 1898, effective February 4, 2013; amended at 37 Ill. Reg. 20688, effective December 12, 2013; amended at 38 Ill. Reg. 22780, effective November 18, 2014; amended at 39 Ill. Reg. 10951, effective July 27, 2015; amended at 40 Ill. Reg. 10630, effective July 20, 2016; amended at 41 Ill. Reg. 85, effective December 22, 2016.

Section 710.70 Spring Youth Turkey Hunt

- a) Hunting Dates: March 25-26, 2017 and April 1-2, 2017. The North Zone and South Zone are open concurrently for all 4 days.
 - 1) ~~Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.~~
 - 2) ~~Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.~~
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.
- c) Eligibility: The Spring Youth Turkey Hunt is open only to hunters who have not reached the age of 18 prior to the opening date of the youth season. Hunters must have an apprentice or youth hunting license, or they must have completed a State-approved Hunter Education course and have a hunting license, unless exempt. In addition, hunters must have a Habitat Stamp, unless exempt.
- d) Permit Requirements – Spring Youth Turkey Hunt

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). Hunters are eligible to purchase only one Youth Turkey Hunt Permit. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).
 - 2) For a county permit: Youth Turkey Hunt Permits valid for counties open to youth turkey hunting will be available for sale over-the-counter (OTC) from agents beginning the first Tuesday in March through the last day of the Youth Turkey Season.
 - 3) For a Special Hunt Area permit: Youth hunters may apply online (<http://dnr.state.il.us/admin/turkey.htm>) for a site-specific permit valid for one of the Special Hunt Areas. The application period begins the third Tuesday in January and ends the third Monday in February. Permits will be allocated via a lottery drawing in which Illinois residents will be given preference.
 - 4) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
 - 5) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
 - 6) The Youth Turkey Hunt Permit shall be valid only for the dates and counties/Special Hunt Area listed on the permit.
 - 7) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)(3)) an individual can receive for the Spring Wild Turkey Season.
- e) Youth Turkey Hunting Regulations
- 1) Each hunter participating in the Illinois Youth Turkey Hunt while using an Apprentice Hunter License or Youth Hunting License must be accompanied by a non-hunting, validly-licensed (Illinois hunting license) parent, guardian or grandparent. All other hunters (using other types of hunting licenses or license-exempt) participating in the Youth Turkey

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Hunt must each be accompanied by a non-hunting supervisor (parent, guardian or responsible adult) who has a valid Illinois hunting license or who has in his or her possession a valid Firearm Owners Identification (FOID) Card. An Illinois resident serving as a youth supervisor must have a valid FOID card regardless of whether he or she has a valid Illinois hunting license. FOID cards are not issued to non-residents, so non-residents serving as youth supervisors must have a valid Illinois hunting license. The non-hunting supervisor must remain with the hunting youth so as to have the youth under immediate control. Each supervisor may only accompany a single youth at any given time during the hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.

- 2) All regulations prescribed by Section 710.30 apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions. Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (2).

Anderson Lake State Fish and Wildlife Area

Apple River Canyon State Park – Thompson and Salem Units (2)

Argyle Lake State Park

Big Bend State Fish and Wildlife Area (Whiteside County)

Big River State Forest (2)

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake State Fish and Wildlife Area (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Carlyle Lake State Fish and Wildlife Area – East Fork Management Unit
(2)

Copperhead Hollow State Wildlife Area (2)

Crab Orchard National Wildlife Refuge Public Hunting Area

Crawford County State Fish Wildlife Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area

Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area (2)

Hanover Bluff State Natural Area (2)

Horseshoe Lake State Conservation Area – Alexander County

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)
– Moultrie County

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)
– Shelby County

Mackinaw River State Fish and Wildlife Area (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Marshall State Fish and Wildlife Area

Mermet Lake State Fish and Wildlife Area (2)

Moraine View State Park (2)

Mississippi River Area Pools 21, 22, 24, 25 and 26

Mt. Vernon Game Propagation Center (1)

Nauvoo State Park (Max Rowe Unit Only) (2)

Newton Lake State Fish and Wildlife Area (2)

Pere Marquette State Park (open area east of Graham Hollow Road only)
(2)

Pyramid State Park (2)

Pyramid State Park – East Conant Unit (2)

Rall Woods State Natural Area (2)

Ray Norbut State Fish and Wildlife Area (2)

Rend Lake Corps of Engineers-managed land in Jefferson and
Franklin Counties

Rend Lake State Fish and Wildlife Area

Sahara Woods State Fish and Wildlife Area (2)

Sam Parr State Fish and Wildlife Area (2)

Shelbyville State Fish and Wildlife Area (2)

Sielbeck Forest State Natural Area (2)

Siloam Springs State Park (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Siloam Springs State Park (Buckhorn Unit) (2)

Skinner Farm State Habitat Area

Spoon River State Forest (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County State Conservation Area

Weinberg-King State Park (2)

Weinberg-King State Park (Cecil White Unit) (2)

Weinberg-King State Park (Scripps Unit) (2)

Weinberg-King State Park (Spunky Bottoms Unit) (2)

Winston Tunnel State Natural Area (2)

Wise Ridge State Natural Area

Witkowsky State Wildlife Area (2)

- g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

Burning Star State Fish and Wildlife Area (2)

Butterfield Trail State Recreation Area (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Castle Rock State Park (2)

Clinton Lake State Recreation Area (2)

Coffeen Lake State Fish and Wildlife Area (2)

Crab Orchard National Wildlife Refuge (Closed Portion)

Eldon Hazlet State Park (2)

Embarras River Bottoms State Habitat Area (2)

Ferne Clyffe State Park – Ferne Clyffe Hunting Area

Harry "Babe" Woodyard State Natural Area (2)

Hidden Springs State Forest (2)

Iroquois County State Fish and Wildlife Area (2)

Jim Edgar Panther Creek State Fish and Wildlife Area

Kankakee River State Park

Kickapoo State Recreation Area (2)

Middle Fork State Fish and Wildlife Area (2)

Momence Wetlands

Ramsey Lake State Park (2)

Sam Dale Lake State Fish and Wildlife Area (2)

Sand Ridge State Forest

Sangchris Lake State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

South Shore State Park (must have Eldon Hazlet State Park permit)

Stephen A. Forbes State Park (2)

Wayne Fitzgerald State Recreation Area

Weldon Springs – Piatt County Unit (2)

(Source: Amended at 41 Ill. Reg. 85, effective December 22, 2016)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Herptile Code
- 2) Code Citation: 17 Ill. Adm. Code 885
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
885.10	New Section
885.15	New Section
885.20	New Section
885.30	New Section
885.40	New Section
885.45	New Section
885.50	New Section
885.60	New Section
885.70	New Section
885.80	New Section
885.90	New Section
885.100	New Section
885.110	New Section
885.120	New Section
885.130	New Section
885.140	New Section
885.150	New Section
885.160	New Section
885.170	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 5-20, 5-30, 5-35, 10-5, 10-15, 10-40, 20-10, 20-30, 25-10, 25-30, 30-10, 40-10, 45-5, 50-10, 55-5, 60-5, 65-5, 70-5, 75-5, 80-5, 85-5, 90-5, 100-5, 100-10, 100-15, 105-5, 105-10, 105-15, 105-20, 105-25, 105-40, 105-55, 105-60, 105-65 and 105-70 of the Herptiles-Herp Act [510 ILCS 68/5-20, 5-30, 5-35, 10-5, 10-15, 10-40, 20-10, 20-30, 25-10, 25-30, 30-10, 40-10, 45-5, 50-10, 55-5, 60-5, 65-5, 70-5, 75-5, 80-5, 85-5, 90-5, 100-5, 100-10, 100-15, 105-5, 105-10, 105-15, 105-20, 105-25, 105-40, 105-55, 105-60, 105-65 and 105-70], Sections 1-20, 10-30, 10-35, 10-60, 10-65 and 10-115 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 10-30, 10-35, 10-60, 10-65 and 10-115], Sections 4 and 5 of the Wildlife Code [520 ILCS 10/4 and 10/5] and Section 48-10 of the Dangerous Animals Act [720 ILCS 5/48-10]
- 5) Effective Date of Rules: December 22, 2016

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 13112, September 16, 2016
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In the Table of Contents, Section 885.50, "at Strictly Educational Events" has been deleted.

Section 885.40, "Western Chorus Frog" has been changed to read "Western/Midland Chorus Frog"; "Smooth Softshell Turtle" has been changed to read "Midland/Smooth Softshell Turtle"; "Common Snapping Turtle" has been changed to read "Common Eastern Snapping Turtle"; "Common Musk Turtle" has been changed to read "Common/Eastern Musk Turtle"; "Five-lined Skink" has been changed to read "Common Five-lined Skink"; "Ground Skink" has been changed to read "Ground/Little Brown Skink"; "Black King Snake" has been changed to read "Eastern Black King Snake"; "Broad-banded Watersnake" has been corrected to read "Southern/Broad-banded Watersnake"; in "Black Rat Snake" and "Gray Rat Snake", "(spiloides)" has been added after "obsoletus" in the taxonomic name; "Western Fox Snake" has been corrected to read "Western/Eastern Fox Snake" and "ramspottie" has been added after "Pantherophis" in the taxonomic name.

Section 885.45, "at Strictly Educational Events" has been deleted in the title; subsection (a), "school," has been added before "herpetological"; "physical possession" has been moved to after "control"; subsection (b) has been deleted and replaced with:

"In strictly educational events as described in subsection (a), the owner or affiliated agent in control of the boa, python or anaconda shall ensure any contact with the snakes will be supervised and conducted in a manner that results in no physical harm to a member of the public."

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Section 885.45(c) has been added to read:

"In licensed pet stores where someone may wish to handle the boa, python or anaconda prior to purchase, or for other reasons handling shall be supervised and conducted by the owner or affiliated agent in a manner that results in no physical harm to a member of the public while interacting with the snakes."

Section 885.160(b), "times mutually agreeable to the applicant/permit holder and the Department's representative" has been deleted and replaced with "any reasonable hour".

- 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: This Part has been established to govern the taking, acquisition, possession, transport, disposition and commercial use of herptiles defined and specified in the Illinois Herptiles-Herp Act [510 ILCS 68} and the issuance of said permits and reporting requirements for such activities.
- 16) Information and questions regarding these adopted rules shall be directed to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 885
HERPTILE CODE

Section	
885.10	Definitions
885.15	Purpose
885.20	Season, Limits and Methods of Take for Bullfrogs, Snapping Turtles and Other Native Herptiles
885.30	Counties Documented with Ranavirus
885.40	Indigenous or Native Herptile Taxa List
885.45	Use of Boas, Pythons and Anacondas
885.50	Herptile Scientific Collection Permit Application
885.60	Herptile Scientific Collection Permit Provisions
885.70	Herptile Scientific Collection Permit Reports and Renewal
885.80	Herpetoculture Permit Requirements, Application and Fees
885.90	Herpetoculture Permit Provisions
885.100	Herpetoculture Permit Reporting and Renewal
885.110	Medically Significant Rear-fanged Colubridae
885.120	Resident Herptile Special Use Permit Requirements, Application and Fee
885.130	Resident Herptile Special Use Permit Provisions
885.140	Resident Herptile Special Use Permit Reporting Requirements
885.150	Limited Entry (Nonresident) Special Use Herptile Permits; Fees, Reporting and Renewal
885.160	Herptile Facilities and Welfare Standards
885.170	Suspension and Revocation Procedures

AUTHORITY: Implementing and authorized by Sections 5-20, 5-30, 5-35, 10-5, 10-15, 10-40, 20-10, 20-30, 25-10, 25-30, 30-10, 40-10, 45-5, 50-10, 55-5, 60-5, 65-5, 70-5, 75-5, 80-5, 85-5, 90-5, 100-5, 100-10, 100-15, 105-5, 105-10, 105-15, 105-20, 105-25, 105-40, 105-55, 105-60, 105-65 and 105-70 of the Herptiles-Herps Act [510 ILCS 68/5-20, 5-30, 5-35, 10-5, 10-15, 10-40, 20-10, 20-30, 25-10, 25-30, 30-10, 40-10, 45-5, 50-10, 55-5, 60-5, 65-5, 70-5, 75-5, 80-5, 85-5, 90-5, 100-5, 100-10, 100-15, 105-5, 105-10, 105-15, 105-20, 105-25, 105-40, 105-55, 105-60, 105-65 and 105-70], Sections 1-20, 10-30, 10-35, 10-60, 10-65 and 10-115 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 10-30, 10-35, 10-60, 10-65 and 10-115], Sections 4 and 5

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

of the Wildlife Code [520 ILCS 10/4 and 5], and Section 48-10 of the Dangerous Animals Act [720 ILCS 5/48-10].

SOURCE: Adopted at 41 Ill. Reg. 96, effective December 22, 2016.

Section 885.10 Definitions

"Act" means the Herptile-Herps Act [510 ILCS 68].

"Administrative rule" means a regulatory measure adopted, pursuant to the Illinois Administrative Procedure Act [5 ILCS 100], by the Director under the Act.

"Authorized Law Enforcement Officer" means all sworn members of the Law Enforcement Division of the Department and those persons specifically granted law enforcement authorization by the Director.

"Bonafide Scientific or Educational Institution" means confirming educational or scientific tax-exemption from the federal Internal Revenue Service or the applicant's national, state or local tax authority, or a statement of accreditation or recognition as an educational institution.

"Code" means the Fish and Aquatic Life Code [515 ILCS 5].

"Commercialize" means to sell, offer for sale, barter, trade or otherwise assign a commercial value to a herptile protected under this Part.

"Contraband" means all reptile or amphibian life taken, bought, sold or bartered, shipped, or held in possession or held in any conveyance, vehicle, watercraft or other means of transportation whatsoever, except sealed railroad cars or other sealed common carriers, used to transport or ship any reptile or amphibian life or any part of reptile or amphibian life taken, contrary to the Act or this Part, or used to transport, contrary to the Act or this Part, any of the specified species when taken illegally.

"Culling" means picking out from others and removing rejected members because of inferior quality.

"Department" means the Illinois Department of Natural Resources.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

"Director" means the Director of the Illinois Department of Natural Resources.

"Educational Program" means a program of organized instruction or study for providing education intended to meet a public need.

"Endangered or Threatened Species" means any species listed as endangered or threatened to the species level on either the Illinois List of Endangered and Threatened Fauna or the federal U.S. Fish and Wildlife Service List of Threatened or Endangered Species.

"Herptile Special Use Permit" means the permit issued by the Department under Section 10-15 of the Act and Sections 885.120, 885.140 and 885.150 of this Part that authorizes use of special use herptiles for programs of a bonafide educational purpose.

"HSCP" means the Herptile Scientific Collection Permit described in Section 885.50.

"Herptile" means collectively any amphibian or reptile taxon, whether indigenous to this State or not.

"Indigenous" or "Native Taxa" means those amphibians and reptiles to the subspecies level (where applicable) that can be found naturally in this State.

"Individual" means a natural person.

"Limited Entry Special Use Herptile Permit" or "Limited Entry Permit" means a Herpetoculture Permit or Special Use Herptile Permit issued to a nonresident of Illinois allowing that person to bring specified herptiles into Illinois for a limited period not to exceed 30 days.

"Medically Significant" means a venomous or poisonous species whose venom or toxin can cause death or serious illness or injury in humans that may require emergency room care or the immediate care of a physician. These species are categorized as being "medically significant" or "medically important".

"Non-listed" means a species that is not endangered or threatened.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

"Owner" means an individual who has a legal right to the possession of a herptile.

"Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture or group.

"Possession Limit" means the maximum number or amount of herptiles either alive or dead that can be lawfully held or possessed by one person at any time.

"Possessor" means any person who possesses, keeps, harbors, brings into the State, cares for, acts as custodian for, has in his or her custody or control or holds a property right to a herptile.

"Ranavirus" means any group of viruses in the family Iridoviridae that are highly infectious and often lethal to aquatic and terrestrial cold-blooded wildlife. Ranaviruses can cause mass die-offs, especially in aquatic populations. These viruses are found nearly worldwide and can infect any species of fish, amphibian or reptile.

"Reptile Show" means any event open to the public, for a fee or without a fee, that is not a licensed pet store, where herptiles or herptiles together with other animals are exhibited, displayed, sold, bought, traded or otherwise made available for public display.

"Resident" means a person who in good faith makes application for any license or permit and verifies by statement that he or she has maintained his or her permanent abode in this State for a period of at least 30 consecutive days immediately preceding the person's application, and who does not maintain permanent abode or claim residency in another state for the purposes of obtaining any of the same or similar licenses or permits under the Act. A person's permanent abode is his or her fixed and permanent dwelling place, as distinguished from a temporary or transient place of residence. Domiciliary intent is required to establish that the person is maintaining his or her permanent abode in this State. Evidence of domiciliary intent includes, but is not limited to, the location where the person votes, pays personal income tax, or obtains a driver's license. Any person qualifying as a resident under this definition who is on active duty in the Armed Forces shall be considered a resident of Illinois during his or her period of military duty.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

"Special Use Herptile" means any taxon of amphibian or reptile (including, but not limited to crocodilians, Komodo dragons, crocodile monitor lizards, or venomous species) for which a Special Use Herptile Permit is required to acquire and possess.

"Take" means possess, collect, catch, detain, hunt, shoot, pursue, lure, kill, destroy, capture, gig or spear, trap or ensnare or harass, or an attempt to do so.

"Taxidermy Services" means the act of preparing, preserving, stuffing and/or mounting the skins of animals with lifelike effect (e.g., mounting, cleaning, tanning).

"Taxon" or the plural "Taxa" means a taxonomic category such as a genus, species or subspecies.

"Transport" or "Ship" means to convey by parcel post, express, freight, baggage or shipment by common carrier of any description; by automobile, motorcycle or other vehicle of any kind; by water or aircraft of any kind; or by any other means of transportation.

"Turtle Farming" means the act of breeding, hatching, raising or selling turtles, or any combination, commercially for the purpose of providing turtles, turtle eggs or turtle parts to pet suppliers, exporters and food industries.

"Voucher Herptile" means an actual herptile specimen deposited into a museum or scientific institution collection as proof of its existence in the locality at which it was collected.

"Wildlife Sanctuary" means any non-profit organization that:

is exempt from taxation and currently confirmed as exempt under the federal Internal Revenue Code;

operates a place of refuge where wild animals are provided care for their lifetime or released back to their natural range;

does not conduct activities on animals in its possession that are not inherent to the animal's nature;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

does not use animals in its possession for entertainment;

does not sell, trade or barter animals in its possession or parts of those animals; and

does not breed animals in its possession. [510 ILCS 68/1-15]

Section 885.15 Purpose

This Part is established to govern the taking, acquisition, possession, transport, disposition and commercial use of herptiles defined and specified in the Act, the issuance of those permits, and reporting requirements.

Section 885.20 Seasons, Limits and Methods of Take for Bullfrogs, Snapping Turtles and Other Native Herptiles

- a) A sport fishing license is required for residents, unless exempt from a sport fishing license under Section 20-5 of the Code to legally collect or take any native herptile taxon on private land, with the landowner's permission.
- b) Bullfrogs and common snapping turtles may be taken only June 15 through October 15. There is no closed season on all other non-listed native herptiles.
- c) The daily catch limit for bullfrogs is 8, with a possession limit of 16. The daily catch limit for common snapping turtles is 2, with a possession limit of 4.
- d) For non-listed native herptile taxa (excluding bullfrogs), the possession limit is 8 collectively, with no more than 4 per species.
- e) Unless otherwise authorized, turtles other than common snapping turtles may be taken only by hand. Common snapping turtles may be taken only by hand, hook and line or bow and arrow. Common snapping turtles may not be taken by bow and arrow in the following counties: Randolph, Perry, Franklin, Hamilton, White, Gallatin, Saline, Williamson, Jackson, Union, Johnson, Pope, Hardin, Massac, Pulaski and Alexander.
- f) Nonresidents

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 1) Nonresidents may not possess or collect herptiles collected from the wild within this State, except:
 - A) for scientific purposes with a Herptile Scientific Collection permit; or
 - B) for personal consumption with a nonresident sport fishing license.
- 2) Nonresidents not conducting scientific research may photograph and briefly manipulate nonvenomous herptiles not listed as endangered or threatened in the wild, provided the herptiles are not harmed or removed from the site where encountered.

Section 885.30 Counties Documented with Ranavirus

- a) The following Illinois counties have been documented with Ranavirus: Clark, Jackson, Madison, Monroe and Vermilion.
- b) This Section may be amended to add additional counties as ongoing research documents new outbreaks of the virus in Illinois.

Section 885.40 Indigenous or Native Herptile Taxa List

The following list comprises Illinois' indigenous or native herptile taxa to the subspecies level, if applicable. A current list of State endangered/threatened species may be found in 17 Ill. Adm. Code 1010. A single asterisk (*) denotes a venomous and special use species.

Salamanders

Jefferson Salamander	<i>Ambystoma jeffersonianum</i>
Blue-spotted Salamander	<i>Ambystoma laterale</i>
Spotted Salamander	<i>Ambystoma maculatum</i>
Marbled Salamander	<i>Ambystoma opacum</i>
Silvery Salamander	<i>Ambystoma platineum</i>
Mole Salamander	<i>Ambystoma talpoideum</i>
Small-mouthed Salamander	<i>Ambystoma texanum</i>
Eastern Tiger Salamander	<i>Ambystoma tigrinum</i>
Eastern Hellbender	<i>Cryptobranchus alleganiensis</i>
Spotted Dusky Salamander	<i>Desmognathus conanti</i>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Northern Dusky Salamander	<i>Desmognathus fuscus</i>
Southern Two-lined Salamander	<i>Eurycea cirrigera</i>
Eastern Long-tailed Salamander	<i>Eurycea longicauda longicauda</i>
Dark-sided Salamander	<i>Eurycea longicauda melanopleura</i>
Cave Salamander	<i>Eurycea lucifuga</i>
Four-toed Salamander	<i>Hemidactylium scutatum</i>
Common Mudpuppy	<i>Necturus maculosus</i>
Central Newt	<i>Notophthalmus viridescens louisianensis</i>
Eastern Red-backed Salamander	<i>Plethodon cinereus</i>
Northern Zigzag Salamander	<i>Plethodon dorsalis</i>
Northern Slimy Salamander	<i>Plethodon glutinosus</i>
Western Lesser Siren	<i>Siren intermedia nettingi</i>

Frogs and Toads

Blanchard's Cricket Frog	<i>Acris blanchardi</i>
American Toad	<i>Anaxyrus americanus americanus</i>
Dwarf American Toad	<i>Anaxyrus americanus charlesmithi</i>
Fowler's Toad	<i>Anaxyrus fowleri</i>
Eastern Narrow-mouthed Toad	<i>Gastrophryne carolinensis</i>
Western Bird-voiced Treefrog	<i>Hyla avivoca</i>
Cope's Gray Treefrog	<i>Hyla chrysoscelis</i>
Green Treefrog	<i>Hyla cinerea</i>
Eastern Gray Treefrog	<i>Hyla versicolor</i>
Northern Crawfish Frog	<i>Lithobates areolatus circulosus</i>
Plains Leopard Frog	<i>Lithobates blairi</i>
American Bullfrog	<i>Lithobates catesbeianus</i>
Green Frog	<i>Lithobates clamitans</i>
Pickerel Frog	<i>Lithobates palustris</i>
Northern Leopard Frog	<i>Lithobates pipiens</i>
Southern Leopard Frog	<i>Lithobates sphenoccephalus</i>
Wood Frog	<i>Lithobates sylvaticus</i>
Spring Peeper	<i>Pseudacris crucifer</i>
Upland Chorus Frog	<i>Pseudacris feriarum</i>
Illinois Chorus Frog	<i>Pseudacris illinoensis</i>
Boreal Chorus Frog	<i>Pseudacris maculata</i>
Western/Midland Chorus Frog	<i>Pseudacris triseriata</i>
Eastern Spadefoot Toad	<i>Scaphiopus holbrookii</i>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Turtles

Midland Smooth Softshell Turtle	<i>Apalone mutica</i>
Spiny Softshell Turtle	<i>Apalone spinifera</i>
Common/Eastern Snapping Turtle	<i>Chelydra serpentina</i>
Western Painted Turtle	<i>Chrysemys picta bellii</i>
Southern Painted Turtle	<i>Chrysemys picta dorsalis</i>
Midland Painted Turtle	<i>Chrysemys picta marginata</i>
Spotted Turtle	<i>Clemmys guttata</i>
Blanding's Turtle	<i>Emydoidea blandingii</i>
Northern Map Turtle	<i>Graptemys geographica</i>
Northern False Map Turtle	<i>Graptemys pseudogeographica</i> <i>pseudogeographica</i>
Mississippi Map Turtle	<i>Graptemys pseudogeographica kohnii</i>
Ouachita Map Turtle	<i>Graptemys ouachitensis ouachitensis</i>
Yellow Mud Turtle	<i>Kinosternon flavescens</i>
Eastern Mud Turtle	<i>Kinosternon subrubrum</i>
Alligator Snapping Turtle	<i>Macrochelys temminckii</i>
River Cooter	<i>Pseudemys concinna</i>
Common/Eastern Musk Turtle	<i>Sternotherus odoratus</i>
Eastern Box Turtle	<i>Terrapene carolina carolina</i>
Ornate Box Turtle	<i>Terrapene ornata</i>
Red-eared Slider	<i>Trachemys scripta elegans</i>

Lizards

Eastern Six-lined Racerunner	<i>Aspidoscelis sexlineata sexlineata</i>
Western Slender Glass Lizard	<i>Ophisaurus attenuatus attenuatus</i>
Common Five-lined Skink	<i>Plestiodon fasciatus</i>
Broad-headed Skink	<i>Plestiodon laticeps</i>
Eastern Fence Lizard	<i>Sceloporus undulatus</i>
Ground/Little Brown Skink	<i>Scincella lateralis</i>

Snakes

Midwestern Worm Snake	<i>Carphophis amoenus helenae</i>
Western Worm Snake	<i>Carphophis vermis</i>
Northern Scarlet Snake	<i>Cemophora coccinea copei</i>
Kirtland's Snake	<i>Clonophis kirtlandii</i>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Blue Racer	<i>Coluber constrictor foxii</i>
Southern Black Racer	<i>Coluber constrictor priapus</i>
Prairie Ring-necked Snake	<i>Diadophis punctatus arnyi</i>
Northern Ring-necked Snake	<i>Diadophis punctatus edwardsii</i>
Mississippi Ring-necked Snake	<i>Diadophis punctatus stictogenys</i>
Western Mud Snake	<i>Farancia abacura reinwardtii</i>
Western Hog-nosed Snake	<i>Heterodon nasicus</i>
Eastern Hog-nosed Snake	<i>Heterodon platirhinos</i>
Prairie King Snake	<i>Lampropeltis calligaster calligaster</i>
Speckled King Snake	<i>Lampropeltis getula holbrookii</i>
Eastern Black King Snake	<i>Lampropeltis getula nigra</i>
Red Milk Snake	<i>Lampropeltis triangulum sypila</i>
Eastern Milk Snake	<i>Lampropeltis triangulum triangulum</i>
Eastern Coachwhip	<i>Masticophis flagellum</i>
Mississippi Green Watersnake	<i>Nerodia cyclopion</i>
Plain-bellied Watersnake	<i>Nerodia erythrogaster</i>
Southern/Broad-banded Watersnake	<i>Nerodia fasciata</i>
Diamond-backed Watersnake	<i>Nerodia rhombifer rhombifer</i>
Midland Watersnake	<i>Nerodia sipedon pleuralis</i>
Northern Watersnake	<i>Nerodia sipedon sipedon</i>
Rough Green Snake	<i>Opheodrys aestivus</i>
Smooth Green Snake	<i>Opheodrys vernalis</i>
Great Plains Rat Snake	<i>Pantherophis emoryi</i>
Black Rat Snake	<i>Pantherophis obsoletus (spiloides) obsoletus</i>
Gray Rat Snake	<i>Pantherophis obsoletus (spiloides) spiloides</i>
Western/Eastern Fox Snake	<i>Pantherophis ramspotti/vulpinus</i>
Bull Snake	<i>Pituophis catenifer sayi</i>
Graham's Crayfish Snake	<i>Regina grahamii</i>
Queen Snake	<i>Regina septemvittata</i>
Midland Brown Snake	<i>Storeria dekayi wrightorum</i>
Northern Red-bellied Snake	<i>Storeria occipitomaculata occipitomaculata</i>
Flat-headed Snake	<i>Tantilla gracilis</i>
Western Ribbon Snake	<i>Thamnophis proximus proximus</i>
Plains Garter Snake	<i>Thamnophis radix</i>
Eastern Ribbon Snake	<i>Thamnophis sauritus</i>
Chicago Garter Snake	<i>Thamnophis sirtalis semifasciatus</i>
Eastern Garter Snake	<i>Thamnophis sirtalis sirtalis</i>
Lined Snake	<i>Tropidoclonion lineatum</i>
Western Smooth Earth Snake	<i>Virginia valeriae elegans</i>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Southern Copperhead	Agkistrodon contortrix contortrix *
Northern Copperhead	Agkistrodon contortrix mokasen *
Western Cottonmouth	Agkistrodon piscivorus leucostoma *
Timber Rattlesnake	Crotalus horridus *
Eastern Massasauga	Sistrurus catenatus *

Section 885.45 Use of Boas, Pythons and Anacondas

- a) Any person using *a boa, python or anaconda that is not native to the United States*, at strictly educational events with no commercialization, sponsored by a school herpetological society, museum, zoo or nature center, *must maintain control or physical possession of that species at all times.* [510 ILCS 68/15-15] These events include, but are not limited to, the Chicago Herpetological Society's Reptile Fest, Wildlife Discovery Center's Reptile Rampage, Central Illinois Herpetological Society's Reptile Fair and Midwest Museum of Natural History's Rockin for the Reptiles.
- b) In strictly educational events as described in subsection (a), the owner or affiliated agent in control of the boa, python or anaconda shall ensure any contact with the snakes will be supervised and conducted in a manner that results in no physical harm to a member of the public.
- c) In licensed pet stores where someone may wish to handle the boa, python or anaconda prior to purchase, or for other reasons, handling shall be supervised and conducted by the owner or affiliated agent in a manner that results in no physical harm to a member of the public while interacting with the snakes.

Section 885.50 Herptile Scientific Collection Permit Application

- a) Any person who wishes to do research on, take or salvage non-listed Illinois herptiles must obtain and possess a valid Herptile Scientific Collection Permit (HSCP) from the Department. The HSCP will permit, for strictly scientific purposes, the capture, marking, handling, banding or collection (including hide, skin, bones, teeth, claws, nest, eggs or young) of any of the herptiles not protected under federal law or the Illinois Endangered Species Protection Act [520 ILCS 10], but now protected under the Herptiles-Herps Act. Any collections made must be for permanent donation to bonafide public or state scientific, educational or zoological institutions. There is no fee for this permit.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- b) To be eligible for an HSCP for scientific research or salvage, the applicant must:
- 1) be at least 18 years of age;
 - 2) be engaged in scientific research, which may include, but is not necessarily limited to, research sponsored by universities, colleges or scientific institutions; and
 - 3) have public or state scientific, educational or zoological institutions available that will take any voucher herptiles that are collected.
- c) To be eligible for an HSCP for salvage and subsequent rehabilitation of crippled herptiles, the applicant must:
- 1) be at least 18 years of age;
 - 2) have held a salvage permit the previous year or submit a reference statement from a licensed veterinarian, zoological curator, conservation police officer or an IDNR wildlife resources, natural heritage or fisheries biologist, as appropriate, stating that the applicant has experience in treating and handling wild herptiles and has facilities available to treat, care for and produce self-dependent herptiles for release to the wild; and
 - 3) have public or state scientific, educational or zoological institutions available that will take voucher and/or permanently disabled herptiles.
- d) Application for an HSCP shall be made on forms provided by the Department. Information items requested on application forms will include, but are not limited to: name, address, phone number, list of herptile species to be requested for that permit. These forms may be submitted via email at DNR.HerpPermit@illinois.gov.
- e) HSCPs may be issued by the Department provided the applicant has met the eligibility requirements of this Section and the application form has been completed.
- f) Collecting on Department-owned, -managed and -leased properties, including but not limited to, collecting in State Parks or Conservation Areas, Nature Preserves

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

or Land and Water Reserves may require additional permits, pursuant to Section 6 of the State Parks Act [20 ILCS 835], Section 23 of the Illinois Natural Areas Preservation Act [525 ILCS 30], and 17 Ill. Adm. Code 110.70, 4000.570, 4000.580 and 4010.260.

- g) Final judgment of applications will be at the sole discretion of the Department. Permits may be denied for previous herptile-related violations of Scientific Permits (see 515 ILCS 5/20-100, 520 ILCS 5/3.22 and 17 Ill. Adm. Code 520). Other grounds for denial of permits include, but are not limited to: interfering with or obstructing an ongoing investigation, illegal activity involving any herptile-related violations, and misleading or false statements made to the Department or any of its employees.

Section 885.60 Herptile Scientific Collection Permit Provisions

- a) Full-time employees of state or federal conservation agencies shall be issued an HSCP at no charge for the term of their employment, as long as that person continues to submit, by January 31 of each year, an annual report of the past year's activities as defined in Section 885.70.
- b) The HSCP is valid for only the approved type of research and/or collection of a voucher herptile stated on the permit. Under no circumstances shall an HSCP be used in lieu of sport or commercial licenses. HSCPs exempt holders from herptile possession limits for strictly research only, whereas sport fishing licenses do have personal herptile possession limits and Herpetoculture Permits (see Sections 885.80, 885.90 and 885.100) exempt holders from herptile possession limits for personal or commercial purposes only.
- c) The permittee's method of taking herptiles must be approved by the Department. All devices used for taking, which are left unattended, must have the permittee's name, address and Scientific Permit number visible on them.
- d) Taking and/or salvage of herptiles shall be performed by or under the direct supervision of the permittee. The permittee shall disclose in the permit application the name of any other person who will assist the permittee. The permittee must be present when any person named in the application is involved in the actual taking of herptiles.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- e) Taking and/or collection of a voucher herptile is only allowed in areas designated on the permit.
- f) Taking and/or collection of a voucher herptile on private properties requires oral or written landowner's or landowner designee's permission. This permit does not allow the privilege of trespass.
- g) Taking and/or collection of a voucher herptile on Department-owned or -managed lands, including, but not limited to, collection in State Parks, Conservation Areas, Nature Preserves or Land and Water Reserves, is not permitted without additional permits, pursuant to the State Parks Act, Illinois Natural Areas Preservation Act and 17 Ill. Adm. Code 110.70, 4000.570, 4000.580 and 4010.260.
- h) The HSCP must be carried on the person at all times when taking specimens and be presented, upon request, to Department or law enforcement personnel.
- i) Herptiles taken and rehabilitated shall be released to the wild here originally captured or shall be permanently donated to a public or state scientific educational or zoological institution. Any proposed return of a herptile taken under an HSCP to the wild of Illinois must first be pre-approved in writing by the Department. Return of a herptile to the wild of Illinois without written approval by the Department will constitute a violation of this Part.
- j) The permittee is responsible for the taking activities under the permit and for submitting the annual report required by Section 885.70. The permittee must maintain a record of all specimens taken for no less than 2 years and shall present that record, upon request, to Department or law enforcement personnel.
- k) An HSCP does not release the permittee from other provisions under the Act, nor from federal or other State statutes and does not supersede federal permits.
- l) No person shall transfer a permit issued under this Section to another person.

Section 885.70 Herptile Scientific Collection Permit Reports and Renewal

- a) By January 31 annually, the permit holder shall submit to the Department an annual report, either in hardcopy or online, on forms provided by the Department. Failure to provide this report by the due date will result in a violation of this Part

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

and denial of subsequent renewal requests by the permittee for a period of not less than one year.

- b) The permittee shall also provide the Department one copy of all written reports resulting from the permitted activities, in a format specified by the Department, including, but not limited to, reports, technical papers or technical notes. Permits will be renewed only after copies of the annual report and all written reports have been received by the Department. Permittees are required to update, when submitting the annual report, any applicable personal or contact information.

Section 885.80 Herpetoculture Permit Requirements, Application and Fees

- a) A Herpetoculture Permit is required of any persons wishing to:
 - 1) be exempt from his or her possession limits for non-listed native herptile taxa, regardless of whether the permit holder only possesses, or also breeds or commercializes;
 - 2) commercialize any non-listed native herptile taxa that have not originated from the wild in Illinois;
 - 3) breed (either intentionally or unintentionally) any non-listed native herptile taxa.
- b) Residents seeking to obtain a Herpetoculture Permit must submit an application form, provided by the Department, along with a nonrefundable annual fee of \$50. Information items requested on application forms will include, but are not limited to: name, address, phone number, list of herptile species to be requested for that permit. These forms may be submitted via email at DNR.HerpPermit@illinois.gov. The Department will review and act on these permit requests within 60 days after receipt of the request. Residents applying for renewal of their permit must submit an application, along with annual reports for the preceding year's activities and a nonrefundable fee of \$50. Hardcopy applications may be mailed to IDNR, Herptile Permits, One Natural Resources Way, Springfield IL 62702.
- c) Nonresidents seeking to obtain a limited entry Herpetoculture Permit to sell or offer for sale any non-listed native herptile taxa that have not originated from the wild in Illinois must submit an application, provided by the Department, along

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

with a nonrefundable fee of \$25. This permit shall be valid for a specified period that does not exceed 15 consecutive days.

- d) Applicants must be at least 18 years of age. All portions of the permit application must be completed in full and accompanied by the nonrefundable fee. Incomplete applications will be rejected. All non-listed native herptile taxa the applicant wishes to work with or commercialize must be listed on the permit application form.
- e) No Herpetoculture Permit will be issued for any special use herptile taxa. Special use herptile taxa are subject to permitting requirements of Section 885.120.
- f) Indigenous herptile taxa collected from the wild in this State, or any resulting offspring, may not be bred or commercialized, including any lineages of wild-caught Illinois herptiles, unless otherwise authorized by the Department, in writing, for research or recovery purposes.
- g) Release of any propagated indigenous herptile is prohibited unless authorized by the Department in writing.
- h) Issuance, modification or denial of any and all permits shall be at the sole discretion of the Department. The Department's action shall be based on such considerations as completeness of the application, the applicant's history, if any, of violations of the Act or this Part, etc. Additionally, permits may be denied for previous herptile-related violations of aquatic life dealers licenses and aquaculture permits (see 515 ILCS 5/20-70, 20-90 and 20-105 and 17 Ill. Adm. Code 870 and 880). Other grounds for denial of permits include, but are not limited to: interfering with or obstructing an ongoing investigation, illegal activity involving any herptile-related violations, and misleading or false statements made to the Department or any of its employees.

Section 885.90 Herpetoculture Permit Provisions

- a) Additions of native herptile species to Herpetoculture Permits must be approved by the Department prior to acquisition of the species and any changes or reductions in native herptile species identified on the permit must be reported to the Department in writing no later than the first business day after the change or reduction occurs.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- b) Herpetoculture Permit holders must have in possession proof of origin of the native herptiles that are being sold or offered for sale. This can be original receipts from when the permit holder acquired the specimens, along with photo documentation of subsequent hatching eggs and/or hatchlings. Documentation must be presented, upon request, to any authorized officer or agent of the Department or local, state or federal law enforcement officer.
- c) Native herptile species held under a Herpetoculture Permit shall be maintained in facilities that meet the standards of Section 885.160.
- d) Paper receipts/bills of sale must be issued for each sale of native herptile species. Failure to issue paper receipts/bills of sale or issuance of incomplete paper receipts/bills of sale shall constitute a violation of this Part. Receipts/bills of sale shall include:
 - 1) name, address, phone number and Department Herpetoculture Permit number of the seller in the upper left hand corner;
 - 2) name, address and phone number of the buyer;
 - 3) date of transaction;
 - 4) quantities and species of each native herptile sold.
- e) Any sale of a native herptile to a nonresident shall be documented by a receipt/bill of sale as described in subsection (d) to verify, when the herptile is exiting the State, that it was legally obtained.
- f) Permits must be in the possession of the holder or his or her agent (the agent must be disclosed in the permit application) when engaged in activities involving native herptile species and must be presented, upon request, to any authorized officer or agent of the Department or any local, state or federal law enforcement officer.
- g) No person shall transfer a Herpetoculture Permit to another person.
- h) The authorization on the face of a permit that allows specific activities (such as sale, possession, etc.), specifies numbers of native herptile species, or otherwise specifically limits the permit are to be strictly construed and shall not be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

interpreted to permit similar or related matters outside the scope of strict construction.

- i) All records of permit holder sales and purchases must be kept for a minimum of 2 years from the date of disposition of the herptile.

Section 885.100 Herpetoculture Permit Reporting and Renewal

- a) Resident permit holders shall submit a report by January 31 of each year on forms provided by the Department that summarizes activities conducted under the permit during the preceding calendar year. Failure to submit this annual report by the due date will constitute a violation of this Part and may result in denial of subsequent renewal requests.
- b) Any permit holder approved to sell or offer to sell non-listed native herptiles shall present copies of receipts/bills of sale to any agent of the Department or authorized local, state or federal law enforcement officer upon request. Failure to present copies of receipts/bills of sale will constitute a violation of this Part.
- c) Resident permit holders applying for renewal of the Herpetoculture Permit shall do so by January 31 of each year and shall submit the nonrefundable fee (see Section 885.80), along with the annual report.
- d) Nonresident Limited Entry Herpetoculture Permit holders shall submit a report within 30 days after the expiration of the permit, on forms provided by the Department, along with the copies of receipts/bills of sale. Failure to provide to the Department the report and copies will constitute a violation of this Part.

Section 885.110 Medically Significant Rear-fanged Colubridae

- a) The following 15 medically significant colubrid genera are subject to this Section: *Alsophis*, *Boiga*, *Conopsis*, *Hydrodynastes*, *Macropisthodon*, *Malpolon*, *Oligodon*, *Phalotris*, *Philodryas*, *Psammophis*, *Rhamphiophis*, *Thrasops*, *Tomodon*, *Waglerophis* and *Xenodon* [510 ILCS 68/10-5].
- b) Except for boomslangs (*Dispholidus*), twig snakes (*Thelotornis*), keelbacks (*Rhabdophis*), brown tree snake (*Boiga irregularis*), and Lichtenstein's green racer (*Philodryas olfersii*), all other medically significant species within the genera listed in subsection (a) may be kept with a Herptile Special Use Permit and be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

exempt from the required hours of experience needed (see Section 10-15 of the Act) and liability insurance requirement (see Section 60-5 of the Act). Annual permit fee, reporting requirements, prohibition on breeding (intentional or unintentional), and required educational programs remain in effect. The facilities to be used to house rear-fanged colubrids must still meet the standards of Article 10 of the Act (Venomous Reptiles) and Section 885.220. Experience with rear-fanged colubrids will not count towards experience with other venomous species.

Section 885.120 Resident Herptile Special Use Permit Requirements, Application and Fee

- a) A Herptile Special Use Permit is required of any resident who commits to conducting at least 6 educational programs per calendar years, for which he or she is seeking to possess any venomous reptile or other special use herptile species, including, but not limited to, any crocodilian, Komodo dragon or crocodile monitor lizard, pursuant to Articles 10, 20 (Crocodilians) and 25 (Monitor Lizards) of the Act, unless exempted under Section 110-5 of the Act. An application for a Herptile Special Use Permit must file an application with the Department on a form provided by the Department. Information items requested on application forms will include, but are not limited to: name, address, phone number, list of herptile species to be requested for that permit. These forms may be submitted via email at DNR.HerpPermit@illinois.gov, or hardcopy applications may be mailed to IDNR, Herptile Permits, One Natural Resources Way, Springfield IL 62702. A period of 60 days should be allowed for the Department to receive and approve permits. Unless otherwise exempted by the Department, prior to any person obtaining a Herptile Special Use Permit, the following criteria must be met:
- 1) Applicants must be at least 18 years of age and complete all portions of the permit application form. Incomplete applications will be rejected.
 - 2) Each applicant must submit payment for each application. The nonrefundable annual fee for a residential Herptile Special Use Permit shall be \$250 per permittee.
 - 3) The requirements of Article 60 of the Act (Herptile Special Use Requirements) must be met.
 - 4) The venomous or special use herptile species applied for must be included in the approved list in Section 10-20, 20-5 or 25-5 of the Act.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 5) Unless otherwise exempted, proof of the liability insurance or surety bond required by Section 60-5 of the Act shall be provided and maintained during the term of the permit.
- b) In addition to completing a permit application form provided by the Department, the applicant must submit:
- 1) an outline of the educational program to be presented. Every educational program shall include information on the status of the special use herptiles being displayed or utilized and an explanation of the legal acquisition of the specimens;
 - 2) a list of all similar programs conducted by the applicant during the 2 years preceding the application for a Herptile Special Use Permit, including estimates of the number of persons attending each presentation;
 - 3) a statement as to how the possession of the specimens or products of special use herptiles by the applicant will enhance the welfare of the species involved;
 - 4) a description, including photographs, of the facilities intended for use in holding the special use herptile species; and
 - 5) a verified statement that any special use herptiles will be obtained legally.
- c) A permit for special use herptiles may be issued if the applicant meets the following criteria:
- 1) unless exempted (see Section 885.110(b)), the credentials and required hours of experience of the applicant indicate training and experience that will assure the applicant has the ability to conduct the proposed programs;
 - 2) the program promotes the survival of the special use herptile species and its natural habitat;
 - 3) the program promotes understanding of the ecological needs of natural populations of the species;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 4) the program promotes understanding of the role of the special use herptile species in its natural environment;
 - 5) the applicable nonrefundable fee has been submitted (see subsection (a)(2));
 - 6) unless otherwise exempted, the permit holder has obtained the amount of liability insurance applicable to the number of special use herptiles (see Section 885.150(b)(3));
 - 7) the facilities to be used to house special use herptile species are shown to meet the standards defined in Section 885.160; and
 - 8) a pre-inspection of the proposed facilities has been conducted and the Department has approved the facility.
- d) Issuance, modification or denial of a permit shall be at the sole discretion of the Department. Permits may be denied for previous herptile-related violations of the Illinois Endangered Species Protection Act or 17 Ill. Adm. Code 1070 (Possession of Specimens or Products of Endangered or Threatened Species). Other grounds for denial of permits include, but are not limited to: interfering with or obstructing an ongoing investigation, illegal activity involving any herptile-related violations, and misleading or false statements made to the Department or any of its employees.

Section 885.130 Resident Herptile Special Use Permit Provisions

- a) Special use herptiles for which a Herptile Special Use Permit has been issued will not count against an individual's possession limits under the Herpetoculture Permit.
- b) It shall be unlawful for any person to propagate or attempt to propagate any special use herptile, either intentionally or unintentionally, without a Herptile Special Use Permit.
- c) It shall be unlawful for any person to sell or offer for sale any special use herptile without a Herptile Special Use Permit.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- d) Additions of specimens to Herptile Special Use Permits must be approved prior to acquisition of the specimens. Any changes in numbers of specimens possessed must be reported to the Department in writing no later than the first business day after that change occurs.
- e) A minimum of 6 documented educational programs shall be required of each permittee per calendar year.
- f) The special use herptile shall be maintained in a facility that meets the requirements of Sections 10-25, 20-15 and 25-15 of the Act and Section 885.160 of this Part.
- g) Educational program use of special use herptiles shall be in accordance with Sections 10-30, 20-20 and 25-20 of the Act.
- h) Transport of special use herptiles shall be in accordance with Sections 10-35, 20-25 and 25-25 of the Act.
- i) All special use herptiles must be pit-tagged or microchipped to individually identify them unless the specimen is too small to be tagged or chipped. In that case, a color photograph documenting pattern aberrancies unique to that specimen may be accepted until the herptile is larger, at the sole discretion of the Department.
- j) The Herptile Special Use Permit, or a valid copy of the permit, must be in the possession of the holder or his or her agent (the agent must be disclosed in the permit application) when engaged in activities involving special use herptile species and presented upon demand to any authorized officer or agent of the Department or authorized local, state or federal law enforcement officer.
- k) No person shall transfer a Herptile Special Use Permit to another person.
- l) The authorization on the face of a permit that allows specific activities (such as taking, possession, etc.), specifies the number or quantity of special use herptile specimens or products, or otherwise specifically limits the permit are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

Section 885.140 Resident Herptile Special Use Permit Reporting Requirements

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- a) A person who possesses any special use herptile must maintain records pertaining to the acquisition, possession and disposition of the special use herptile.
- b) These records shall be maintained for a minimum of 2 years after the date the special use herptile is no longer in possession of the permit holder. All records are subject to inspection by any authorized officer or agent of the Department or authorized local, state or federal law enforcement officer.
- c) All pit-tag or microchip numbers, and any identifying photographs, are to be maintained as other pertinent records, unless otherwise provided.
- d) Holders of Herptile Special Use Permits shall submit a report by January 31 of each year on forms provided by the Department that summarizes activities conducted under the permit during the preceding calendar year. Failure to submit this annual report by the due date will constitute a violation of this Part.
- e) Permit holders may transfer special use herptiles to other permit holders with written approval by the Department. The transferring permit holder must include copies of receipts/bills of sale with the annual report. Failure to provide copies of receipts/bills of sale will constitute a violation of this Part.
- f) Permit holders seeking to renew their Herptile Special Use Permits must submit the renewal application by January 31 of each year and must submit the nonrefundable permit fee (see Section 885.120(a)(2)), liability insurance renewal (if applicable), and proof of educational programs, along with the annual reports.
- g) A permit holder shall notify the Department in writing of any change in his or her name or address or any change in his or her operations within 10 days after making the change.

Section 885.150 Limited Entry (Nonresident) Special Use Herptile Permits; Fees, Reporting and Renewal

- a) Nonresidents seeking to transport, ship or display venomous or other special use herptiles through or within the State must apply for a Limited Entry Special Use Herptile Permit. The permit shall be valid for a specified period that does not exceed 30 consecutive days. The nonrefundable fee for the Limited Entry Permit is \$25.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- b) *The Department may issue a Limited Entry Permit to an applicant who:*
- 1) *is not a resident of this State;*
 - 2) *complies with the requirements of the Act and this Part;*
 - 3) *provides proof to the Department that he or she shall, during the permit term, maintain sufficient liability insurance coverage of \$100,000 per special use herptile, up to a maximum of \$1,000,000;*
 - 4) *pays to the Department, along with each Limited Entry Permit, a nonrefundable fee of \$25;*
 - 5) *uses the special use herptile for an activity authorized in the Limited Entry Permit [510 ILCS 68/65-5]; and*
 - 6) *meets the standards defined in Article 10 of the Act and Section 885.160 of this Part to house special use herptiles.*
- c) *In addition to completing a Limited Entry Permit application form provided by the Department, the applicant must submit:*
- 1) *a description, including photographs, of the facilities intended for use in holding the special use herptiles while in Illinois;*
 - 2) *the name and address of any venues where the special use herptiles will appear;*
 - 3) *the dates of entry and exit from the State;*
 - 4) *a complete inventory of special use herptiles entering the State with the applicant; and*
 - 5) *a verified statement that any specimens to be possessed while in Illinois have been obtained legally.*
- d) *Limited Entry Permit holders must submit a report to the Department within 30 days after the expiration of the permit, on forms provided by the Department.*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Failure to provide required reports can result in denial of subsequent permit requests.

- e) Issuance, modification or denial of any Limited Entry Permit shall be at the sole discretion of the Department. Permits may be denied for previous herptile-related violations of the Illinois Endangered Species Protection Act or 17 Ill. Adm. Code 1070 (Possession of Specimens or Products of Endangered or Threatened Species). Other grounds for denial of permits include, but are not limited to: interfering with or obstructing an ongoing investigation, illegal activity involving any herptile-related violations, or misleading or false statements made to the Department or any of its employees.

Section 885.160 Herptile Facilities and Welfare Standards

- a) Facility Standards

All Herpetoculture and Herptile Special Use Permit holders shall keep herptiles in a secure, escape-proof enclosure that is large enough to allow the herptiles reasonable movement. The herptiles shall be supplied clean water, cover and a clean environment and shall be fed regularly.

 - 1) Enclosures must be relatively free of feces and multiple shed skins. Non-eaten food items must be removed. Each permit holder must demonstrate that his or her premises and any facilities used in his or her operation comply with this Section.
 - 2) The facility must be constructed of materials of sufficient strength and design to prohibit escape, and enclosures must be of dimensions that allow the intended species to move about freely. Facilities shall be structurally sound and maintained in good repair to protect herptiles from damage by unauthorized persons or from other causes. Electric power, if required to comply with other provisions of this Section, shall be available on the premises.
 - 3) Temperatures in indoor facilities shall be regulated by heating or cooling to simulate conditions of the herptile's natural environment. Indoor facilities shall have lighting, by natural or artificial means or both, of quality, intensity, color, temperature, distribution and duration appropriate for the species.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 4) Outdoor facilities shall be sited and constructed to simulate the natural environment of the herptile with regard to humidity, moisture, temperature, lighting, cover, clean water, and all other factors necessary for survival and growth.
- b) **Inspection of Facilities**
To assure adequacy of facilities when a permit application is being reviewed, or upon receipt of a complaint, the applicant/permit holder shall make the premises, facilities and equipment available at any reasonable hour for the purpose of ascertaining compliance with the Act and this Part. If the applicant's/permit holder's premises, facilities or equipment do not meet the requirements of the Act and this Part, the applicant/permit holder will be advised of deficiencies and the corrective measures that must be taken to bring the premises, facilities and equipment into compliance. The permit holder will be given a deadline by which prescribed corrective measures must be completed.

Section 885.170 Suspension and Revocation Procedures

- a) Failure to comply with any provision of this Part or the Act, or providing false information to obtain any permit under the Act, may result in suspension or revocation of the permit. Additional causes for suspension or revocation include, but are not limited to:
 - 1) The permit holder fails to comply with the provisions and reporting requirements of the permit;
 - 2) Annual reports are not submitted by the stated deadline, are incomplete or contain false information;
 - 3) The permit holder fails to comply with herptile facility and welfare standards of the Act and this Part;
 - 4) Violation of State or federal laws.
- b) Any person whose permit has been revoked or privileges suspended shall not be eligible to apply for a new permit in his or her name or in any other name for a period of one year from the ending date of the revocation or suspension.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- c) Any person who has been or is an officer, agent or employee of a permittee whose permit has been revoked and who was responsible for or participated in the violation upon which the revocation was based shall not receive a permit within the period during which the revocation is in effect.
- d) Failure to comply with the provisions of the Herptile Scientific Collection Permit may result in suspension of privileges and/or revocation of that permit. Any suspension of the HSCP will be for a period of not less than one year.
- e) Failure to comply with the provisions of the Herpetoculture Permit may result in suspension of privileges and/or revocation of that permit. Any suspension of the permit will be for a period of one to 5 years from the date of violation.
- f) Any person who has been convicted of a violation of any provision of the Illinois Endangered Species Protection Act shall not be eligible to apply for a permit under this Part in his or her own name or in any other name for a period of one to 5 years from the date of conviction.
- g) Suspension and revocation of Herptile Special Use Permits are determined pursuant to Article 70 of the Act.
- h) Upon suspension or revocation of any herptile-related permits, previously permitted herptiles owned by the permittee are immediately and permanently forfeited to the Department.
- i) Unless already provided in Article 70 and Sections 105-40 and 105-70 of the Act, suspension and revocation procedures, the rights of permittees to notice and hearing, and the procedures governing hearings are set forth in 17 Ill. Adm. Code 2530.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: 1.425 Adopted Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rule: December 27, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, see Section 1.425(g)(3)
- 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*: 40 Ill. Reg. 12896; September 9, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Calculating "Needs Improvement/High Risk" for aerobic capacity is not part of the free version in FitnessGram. In keeping with the task force's intent that districts should not incur costs with this physical fitness assessment, this language was removed from Section 1.425(b)(5) at First Notice.
- 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
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
1.423	New Section	40 Ill. Reg. 15915; December 2, 2016
1.443	New Section	40 Ill. Reg. 15915; December 2, 2016
1.APPENDIX B	Amendment	40 Ill. Reg. 15915; December 2, 2016

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

1.APPENDIX H New Section 40 Ill. Reg. 15915; December 2, 2016

- 15) Summary and Purpose of the Rulemaking: PA 98-859, effective August 4, 2014, charged the Enhanced Physical Education Task Force with identifying an assessment to be used in schools to measure "aerobic capacity, body composition, muscular strength, muscular endurance, and flexibility" of students in order to ascertain the effectiveness of Goal 20 of the Illinois Learning Standards for Physical Development and Health. The law further required that "health-related fitness testing" be part of a school's curriculum for students in grades 3 and above. The fitness testing used must be appropriate to the students' "developmental levels and abilities", and scores achieved on the testing may not be used as part of a student's grade or to evaluate a teacher. The law also required that rules pertaining to fitness testing be adopted by the State Board no later than December 31, 2015. The rules implementing PA 98-859 were adopted by the Board at its December 16, 2015 meeting and became effective January 27, 2016.

This rule provides a more general website address to access the FitnessGram testing protocols and when applicable, the Brockport Physical Fitness Testing protocols all schools are required to use to assess the physical fitness levels of students. This rule also extended the deadline from May 1 to June 30 for schools to report data. Schools voiced concern to staff that a May 1 reporting deadline means assessments would need to be taken by early April in order to report to districts so that districts in turn had time to report to ISBE by May 1. Pushing the due date back to June 30 not only allows schools more time to assess closer to the end of school year and the end of the instructional period but also aligns with when schools are required to report related physical health data such as dental and vision data in the Illinois State Board of Education Web Application Security System.

- 16) Information and questions regarding this adopted rule should be directed to:

Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777

217/782-5270

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

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)
- 1.79 School Report Card
- 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
- 1.97 Survey of Learning Conditions
- 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
- 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
- 1.422 Electronic Learning (E-Learning) Days Pilot Program
- 1.425 Additional Criteria for Physical Education
- 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

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

- 1.700 Requirements for Staff Providing Professional Development
- 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 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
- 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, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 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, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 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,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

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 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; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016.

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.425 Additional Criteria for Physical Education

The requirements of this Section apply to a school's provision of physical education required under Section 27-6 of the School Code [\[105 ILCS 5\]](#).

- a) There shall be a definite school policy regarding credit earned each semester in physical education, with provisions for allowable variables in special cases.
- b) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- c) *The physical education and training course offered in grades 5 through 10 may include health education (Section 27-5 of the School Code ~~[105 ILCS 5/27-5]~~).*
- d) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act of 1987 [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).*
- e) Pursuant to Section 27-6(a) of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education.
- 1) Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but not be limited to, reliance upon religious prohibitions.
 - 2) A board shall have no authority to honor parental excuses based upon students' participation in athletic training, activities or competitions conducted outside the auspices of the school district, except as otherwise authorized under Section 27-6(b) of the School Code.
 - 3) For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.
- f) Pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 (or grades 3 through 12 for a student eligible for special education) from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have the policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- g) Assessment and Reporting

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

In accordance with Section 27-6.5 of the School Code ~~[105 ILCS 5/27-6.5]~~, each school shall *use a scientifically-based, health-related physical fitness assessment for grades 3 through 12 and periodically report fitness information to the State Board of Education to assess student fitness indicators.*

- 1) For the purposes of this subsection (g), each school shall administer the FitnessGram[®] (<http://www.fitnessgram.net/>; also see subsection (g)(3)) to students in grades 3 through 12 (except as noted in subsection (g)(1)(A)) for the components and using the test items listed in subsections (g)(1)(A) through (g)(1)(D). Beginning in school year 2016-17, the FitnessGram[®] shall be administered at least annually in the second semester of the school year; however, schools also are encouraged to administer the assessment at the start of the school year in order to receive pre- and post-results.
 - A) Aerobic Capacity, grades 4 through 12, either the PACER test or the Mile Run test.
 - B) Flexibility, either the Back-Saver Sit and Reach test or the Trunk Lift test.
 - C) Muscular Endurance, the Curl-up test.
 - D) Muscular Strength, the Push-up test.
- 2) As applicable, a school shall use the methodologies of the Brockport Physical Fitness Testing accessible at <http://www.pyfp.org/> ~~http://www.pyfp.org/assessment/_free-materials.shtml~~ to meet the requirements of this subsection (g) for any student with disabilities whose Individualized Education Program (IEP) identifies the FitnessGram[®] as not appropriate.
- 3) In order to ensure that the FitnessGram[®] and Brockport protocols are followed, school personnel administering the assessments shall participate in training related to the proper administration and scoring of the assessment by reviewing the chapters of the FitnessGram[®] Test Administration Manual titled "Test Administration", "Aerobic Capacity", and "Muscular Strength, Endurance and Flexibility" and, if applicable, the Brockport Physical Fitness Test Manual for students with disabilities, which are accessible at <http://www.pyfp.org/> ~~<http://www.pyfp.org/>~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

~~assessment/free-materials.shtml~~. Each school district shall maintain evidence of an individual's successful completion of the training and make it available to the State Board of Education upon request.

- 4) *Fitness scores shall not be used for grading students or evaluating teachers* under the provisions of Article 24A of the School Code (Section 27-6.5(b) of the School Code).
- 5) Each school district shall annually report aggregate data regarding the total number of students whose fitness results for each of the components listed in subsection (g)(1) were identified as meeting the "healthy fitness zone" or as "needs improvement zone".
 - A) Data shall be submitted electronically to the State Board of Education no later than ~~June 30~~~~May 1~~ of each school year, beginning in school year 2016-17, using the Illinois State Board of Education Web Application Security System (IWAS).
 - B) Data shall be reported for students in grades 5, 7 and 10 only and include:
 - i) the total number of students tested by grade and gender;
 - ii) the total number of students achieving at the "healthy fitness zone" by grade and gender;~~and~~
 - iii) the total number of students identified as "needs improvement zone" by grade and gender.
- h) Each school district shall establish procedures and protocols to ensure the confidentiality of individual student assessment results consistent with the requirements of the Illinois School Student Records Act [105 ILCS 10] and the Family Educational Rights and Privacy Act (20 USC 1232g).

(Source: Amended at 41 Ill. Reg. 126, effective December 27, 2016)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Charter Schools
- 2) Code Citation: 23 Ill. Adm. Code 650
- 3) Section Number: 650.40 Adopted Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/27A-6(e)
- 5) Effective Date of Rule: December 27, 2016
- 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 the *Illinois Register*: 40 Ill. Reg. 12908; September 9, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested and no agreements were issued.
- 13) Will this rulemaking replace any emergency rules currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: PA 98-1048, effective August 25, 2014, amended Section 27A-6(e) of the School Code regarding material revisions to a certified charter school contract. Previously, the law required the State Board to certify any proposed material revision as being "consistent with the provisions" of the Charter Schools Law before the revision could take effect. Under the revised statute, material revisions may go into effect immediately upon agreement by both parties to the charter

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

contract. If either or both parties to the charter contract have a concern that a proposed material revision may run afoul of the Charter Schools Law, however, they may request that the State Board review the revision and certify its compliance with the Charter Schools Law before it may go into effect.

At the time this Public Act was implemented Section 650.40 was inadvertently left out of the rulemaking. This rule removes the obsolete language to align the Section with current statute and practices.

- 16) Information and questions regarding this adopted rule should be directed to:

Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777

217/782-5270

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 0: MISCELLANEOUS

PART 650

CHARTER SCHOOLS

SUBPART A: GENERAL PROVISIONS

Section

- 650.10 Definitions
650.20 Purpose

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION

Section

- 650.30 Submission to the State Board of Education: Local Boards of Education
650.35 Submission to the State Board of Education: Commission
650.40 Review by the State Superintendent of Education of Local or Commission Approvals
650.50 Revision of Certified Charters
650.55 Biennial Reporting Requirements
650.60 Appeal of Local School Board Decisions (Repealed)
650.65 Monitoring of Charter Authorizers by the State Board of Education; Corrective Action
650.70 Procedures for Closing a Charter School

SUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSION

Section

- 650.100 Appeals to, and Requests for Consideration by, the Commission
650.110 Review of Appeals and Requests for Consideration; Decision

650.APPENDIX A Principles and Standards for Authorizing Charter Schools

AUTHORITY: Implementing and authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A].

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

SOURCE: Emergency rules adopted at 20 Ill. Reg. 6329, effective April 23, 1996, for a maximum of 150 days; emergency expired; emergency amendment at 20 Ill. Reg. 8677, effective June 25, 1996, for a maximum of 150 days; new Part adopted at 20 Ill. Reg. 15284, effective November 15, 1996; emergency amendments at 22 Ill. Reg. 1479, effective January 1, 1998, for a maximum of 150 days; emergency expired; emergency amendment at 22 Ill. Reg. 5104, effective February 27, 1998, for a maximum of 150 days; emergency expired; amended at 22 Ill. Reg. 16455, effective September 3, 1998; amended at 36 Ill. Reg. 14801, effective September 20, 2012; amended at 38 Ill. Reg. 21916, effective November 3, 2014; amended at 39 Ill. Reg. 8298, effective May 26, 2015; amended at 41 Ill. Reg. 136, effective December 27, 2016.

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION

Section 650.40 Review by the State Superintendent of Education of Local or Commission Approvals

- a) The State Superintendent shall review each report of an approved application; ~~revision~~ or renewal to determine whether the statutory requirements have been followed and the proposed contractual agreement is complete and compliant with the provisions of Article 27A of the School Code. Proposed contractual agreements that are complete and compliant with the provisions of Article 27A of the School Code shall be certified by the State Superintendent until the maximum authorized numbers of charter schools have been reached. The State Superintendent shall send a certification of the charter to each local school board that is a party to the application or the Commission, as applicable, and the charter school governing body.
- b) If a report is incomplete or a proposed contractual agreement fails to comply with any applicable law, the State Superintendent shall so notify each submitting school board or the Commission, as applicable, and the applicant or charter holder, identifying the areas of deficiency that must be remedied before the proposal can be considered for certification.
- c) The State Superintendent shall notify each local school board that is a party to the application or the Commission, as applicable, and the applicant or charter holder as to a determination made with respect to a report of an approved application or; ~~renewal or revision~~ by certified mail within 30 days after receipt of the report (Section 27A-8(f) of the School Code).

(Source: Amended at 41 Ill. Reg. 136, effective December 27, 2016)

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Acquisition of Control of a Domestic Company
- 2) Code Citation: 50 Ill. Adm. Code 851
- 3) Date of Administrative Code Division Review: December 19, 2016
- 4) Reason for the Recodification: The Index Department requested the re-codification of Part 851 which was formerly found in Subchapter k: Insurance Holding Company Systems. Part 851 is being recodified to Subchapter g: Insurance Holding Company Systems Part 651 to update the codification format.
- 5) Headings and Section Numbers of the Part Being Recodified:

SUBCHAPTER k: INSURANCE HOLDING COMPANY SYSTEMS

<u>Section Numbers:</u>	<u>Headings:</u>
851.10	Authority (Repealed)
851.20	Purpose
851.30	Definitions
851.40	Acquisition of Control – Form of Statement Filing
851.50	Registration of Insurers – Form of Statement Filing (Repealed)
851.60	Pre-acquisition Notification – Form of Statement Filing (Repealed)
851.70	Extraordinary Dividends and Other Distributions (Repealed)
851.ILLUSTRATION A	Statement Regarding the Acquisition of, Control of or Merger With a Domestic Insurer
851.ILLUSTRATION B	Insurance Holding Company System Registration Statement (Repealed)
851.ILLUSTRATION C	Affidavit of Foreign Company Instructions (Repealed)
851.ILLUSTRATION D	FORM CX (Repealed)

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

SUBCHAPTER g: INSURANCE HOLDING COMPANY SYSTEMS

<u>Section Numbers:</u>	<u>Headings:</u>
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DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

651.20	Purpose
651.30	Definitions
651.40	Acquisition of Control – Form of Statement Filing
651.ILLUSTRATION A	Statement Regarding the Acquisition of, Control of or Merger With a Domestic Insurer

7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
851.10	None
851.20	651.20
851.30	651.30
851.40	651.40
851.50	None
851.60	None
851.70	None
851.ILLUSTRATION A	651.ILLUSTRATION A
851.ILLUSTRATION B	None
851.ILLUSTRATION C	None
851.ILLUSTRATION D	None

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: December 19, 2016
- 4) Reason for the Recodification: The Index Department requested the re-codification of Part 852 which was formerly found in Subchapter k: Insurance Holding Company Systems. Part 852 is being recodified to Subchapter g: Insurance Holding Company Systems Part 652 to update the codification format.
- 5) Headings and Section Numbers of the Part Being Recodified:

SUBCHAPTER k: INSURANCE HOLDING COMPANY SYSTEMS

<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:

SUBCHAPTER g: INSURANCE HOLDING COMPANY SYSTEMS

<u>Section Numbers:</u>	<u>Headings:</u>
652.10	Purpose
652.20	Definitions
652.30	Registration of Insurers – Form of Statement Filing
652.40	Summary of Changes to Registration Statement
652.ILLUSTRATION B	Form B – Insurance Holding Company System Registration Statement – Initial, Annual or

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Pre-Acquisition Notification
- 2) Code Citation: 50 Ill. Adm. Code 853
- 3) Date of Administrative Code Division Review: December 19, 2016
- 4) Reason for the Recodification: The Index Department requested the re-codification of Part 853 which was formerly found in Subchapter k: Insurance Holding Company Systems. Part 853 is being recodified to Subchapter g: Insurance Holding Company Systems Part 653 to update the codification format.
- 5) Headings and Section Numbers of the Part Being Recodified:

SUBCHAPTER k: INSURANCE HOLDING COMPANY SYSTEMS

<u>Section Numbers:</u>	<u>Headings:</u>
853.10	Purpose
853.20	Pre-acquisition Notification – Form of Statement Filing
853.ILLUSTRATION A	Form CX

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

SUBCHAPTER g: INSURANCE HOLDING COMPANY SYSTEMS

<u>Section Numbers:</u>	<u>Headings:</u>
653.10	Purpose
653.20	Pre-acquisition Notification – Form of Statement Filing
653.ILLUSTRATION A	Form CX

- 7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
853.10	653.10
853.20	653.20
853.ILLUSTRATION A	653.ILLUSTRATION A

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Prior Notification of Transactions
- 2) Code Citation: 50 Ill. Adm. Code 854
- 3) Date of Administrative Code Division Review: December 19, 2016
- 4) Reason for the Recodification: The Index Department requested the re-codification of Part 854 which was formerly found in Subchapter k: Insurance Holding Company Systems. Part 854 is being recodified to Subchapter g: Insurance Holding Company Systems Part 654 to update the codification format.
- 5) Headings and Section Numbers of the Part Being Recodified:

SUBCHAPTER k: INSURANCE HOLDING COMPANY SYSTEMS

<u>Section Numbers</u> :	<u>Headings</u> :
854.10	Purpose
854.20	Definitions
854.30	Prior Notification of Transactions - Required Information
854.40	Penalties
854.ILLUSTRATION A	Form D-1

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

SUBCHAPTER g: INSURANCE HOLDING COMPANY SYSTEMS

<u>Section Numbers</u> :	<u>Headings</u> :
654.10	Purpose
654.20	Definitions
654.30	Prior Notification of Transactions - Required Information
654.40	Penalties
654.ILLUSTRATION A	Form D-1

- 7) Conversion Table of Present and Recodified Parts:

<u>Present Part</u> :	<u>Recodified Part</u> :
854.10	654.10

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

854.20

654.20

854.30

654.30

854.40

654.40

854.ILLUSTRATION A

654.ILLUSTRATION A

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Prior Notification of Dividends on Common Stock and Other Distributions
- 2) Code Citation: 50 Ill. Adm. Code 855
- 3) Date of Administrative Code Division Review: December 19, 2016
- 4) Reason for the Recodification: The Index Department requested the re-codification of Part 855 which was formerly found in Subchapter k: Insurance Holding Company Systems. Part 855 is being recodified to Subchapter g: Insurance Holding Company Systems Part 655 to update the codification format.
- 5) Headings and Section Numbers of the Part Being Recodified:

SUBCHAPTER k: INSURANCE HOLDING COMPANY SYSTEMS

<u>Section Numbers</u> :	<u>Headings</u> :
855.10	Purpose
855.20	Definitions
855.30	Prior Notification of Dividends and Other Distributions
855.40	Penalties
855.ILLUSTRATION A	Form D-2

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

SUBCHAPTER g: INSURANCE HOLDING COMPANY SYSTEMS

<u>Section Numbers</u> :	<u>Headings</u> :
655.10	Purpose
655.20	Definitions
655.30	Prior Notification of Dividends and Other Distributions
655.40	Penalties
655.ILLUSTRATION A	Form D-2

- 7) Conversion Table of Present and Recodified Parts:

Present Part:Recodified Part:

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

855.10

655.10

855.20

655.20

855.30

655.30

855.40

655.40

855.ILLUSTRATION A

655.ILLUSTRATION A

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Variable Contracts
- 2) Code Citation: 50 Ill. Adm. Code 1451
- 3) Date of Administrative Code Division Review: December 19, 2016
- 4) Reason for the Recodification: The Index Department requested the re-codification of Part 1451 which is found in Subchapter t: Separate Accounts. Part 1451 is being recodified to Subchapter t: Separate Accounts Part 1551 to update the codification format.
- 5) Headings and Section Numbers of the Part Being Recodified:

SUBCHAPTER t: SEPARATE ACCOUNTS

<u>Section Numbers:</u>	<u>Headings:</u>
1451.10	Authority
1451.20	Definitions
1451.30	Qualification of Insurance Companies to Issue Variable Contracts
1451.40	Separate Accounts
1451.50	Filing of Contracts
1451.60	Contracts Providing for Variable Benefits
1451.70	Required Reports
1451.80	Foreign or Alien Companies
1451.90	Licensing of Producers for Variable Contracts
1451.100	Disclosure

1451.APPENDIX A Variable Annuities Only

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

SUBCHAPTER t: SEPARATE ACCOUNTS

<u>Section Numbers:</u>	<u>Headings:</u>
1551.10	Authority
1551.20	Definitions
1551.30	Qualification of Insurance Companies to Issue Variable Contracts

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1551.40	Separate Accounts
1551.50	Filing of Contracts
1551.60	Contracts Providing for Variable Benefits
1551.70	Required Reports
1551.80	Foreign or Alien Companies
1551.90	Licensing of Producers for Variable Contracts
1551.100	Disclosure
1551.APPENDIX A	Variable Annuities Only

7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
1451.10	1551.10
1451.20	1551.20
1451.30	1551.30
1451.40	1551.40
1451.50	1551.50
1451.60	1551.60
1451.70	1551.70
1451.80	1551.80
1451.90	1551.90
1451.100	1551.100
1451.APPENDIX A Variable Annuities Only	1551.APPENDIX A Variable Annuities Only

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of December 20, 2016 through December 27, 2016. The rulemakings are scheduled for review at the Committee's January 10, 2017 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>
2/1/17	<u>Department of Human Services</u> , Schedule of Controlled Substances (77 Ill. Adm. Code 2070)	9/30/16 40 Ill. Reg. 13502	1/10/17
2/2/17	<u>Department of Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	11/4/16 40 Ill. Reg. 14827	1/10/17
2/3/17	<u>Department of Children and Family Services</u> , Intercountry Adoption Services (Repealer) (89 Ill. Adm. Code 333)	7/15/16 40 Ill. Reg. 9308	1/10/17
2/3/17	<u>Office of the Attorney General</u> , Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 (14 Ill. Adm. Code 250)	11/4/16 40 Ill. Reg. 14817	1/10/17
2/4/17	<u>Illinois Commerce Commission</u> , Standards of Service for Local Telecommunications Carriers (83 Ill. Adm. Code 730)	6/17/16 40 Ill. Reg. 8257	1/10/17
2/2/17	<u>Illinois Commerce Commission</u> , Wholesale Service Quality for Telecommunications Carriers (83 Ill. Adm. Code 731)	6/17/16 40 Ill. Reg. 8264	1/10/17

2/2/17	<u>Illinois Commerce Commission</u> , Service Quality Requirements Applicable to Wireless Eligible Telecommunications Carriers (83 Ill. Adm. Code 736)	6/17/16 40 Ill. Reg. 8270	1/10/17
2/9/17	<u>Department of Human Services</u> , Program Description (89 Ill. Adm. Code 676)	8/19/16 40 Ill. Reg. 11079	1/10/17
2/9/17	<u>Department of Human Services</u> , Customer Rights and Responsibilities (89 Ill. Adm. Code 677)	8/19/16 40 Ill. Reg. 11087	1/10/17
2/9/17	<u>Department of Human Services</u> , Service Planning and Provision (89 Ill. Adm. Code 684)	8/19/16 40 Ill. Reg. 11093	1/10/17
2/9/17	<u>Department of Human Services</u> , Provider Requirements, Type Services, and Rates of Payment (89 Ill. Adm. Code 686)	8/19/16 40 Ill. Reg. 11101	1/10/17

ILLINOIS CONCEALED CARRY LICENSING REVIEW BOARD

JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Concealed Carry Licensing Review; 20 Ill. Adm. Code 2900
- 1) Rulemaking:
- A) Description: The rule will be amended order to update procedures associated with meetings of the Concealed Carry Licensing Review Board (CCLRB), conflicts of interest, department liaison to the CCLRB, consideration of objections, hearings, decision, and reporting.
- B) Statutory Authority: 430 ILCS 66
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Mr. Philip F. Ackerman
Executive Director / Chief Legal Counsel
Illinois Concealed Carry Licensing Review Board
801 South 7th Street, Suite 1200-A
Springfield IL 62703
- 312/793-0757
- G) Related rulemakings and other pertinent information: None

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

JANUARY 2017 REGULATORY AGENDA

a) Part (Headings and Code Citations): General Program (35 Ill. Adm. Code 1500)

1) Rulemaking:

- A) Description: 35 Ill. Adm. Code 1500.50 contains the Fund's general program rules related to insurance program requirements. The Council will be amending these regulations to define the operational and reporting requirements of a Council approved compliance program.
- B) Statutory Authority: Implementing and authorized by Section 20 of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)]
- C) Scheduled meeting/hearing dates: Public hearings are not required to prescribe the compliance program requirements.
- D) Date Agency anticipates First Notice: The Council anticipates First Notice publication of the proposed rules in the *Illinois Register* in February of 2017.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Four hundred fifty three (453) active drycleaning facilities which are insured by the Fund Council are subject to participation in a Council approved compliance program. There should be no effect on these drycleaning facilities. There should be no effect on small municipalities or not-for profit corporations.

F) Agency contact person for information:

H. Patrick Eriksen
Drycleaner Environmental Response Trust Fund Council
PO Box 480
Bensenville IL 60106-0480

630/741-0022
hpe@willconsult.com
fax: 630/741-0026

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

JANUARY 2017 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: There are no other related rulemakings.

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Domestic Insurance Companies Service of Process Requirements, 50 Ill. Adm. Code 206
- 1) Rulemaking:
- A) Description: The rulemaking will provide the method and procedure to designate either a registered agent with an Illinois address and/or any Officer or Director of the insurance company at the home office address to accept service of process on behalf of domestic insurance companies. Specifically, the rulemaking will allow domestic insurance companies to amend their Articles of Incorporation to designate a registered agent's name and/or any Officer or Director of the insurance company at the home office address who will accept service on behalf of the domestic insurance company. The rule will also provide for the public dissemination of this information via the Department's website.
- B) Statutory Authority: Implementing and authorized by Sections 14.1, 29, 44, 57, 68, 80 and 401 of the Illinois Insurance Code [215 ILCS 5/14.1, 29, 44, 57, 68, 80 and 401]
- C) Scheduled meeting/hearing dates: None currently scheduled
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:
- Marcy Savage
Corporate Regulation Section
Illinois Department of Insurance
320 West Washington Street, 4th Floor
Springfield IL 62767-0001
- 217/524-0016
- G) Related rulemakings and other pertinent information: None

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

b) Part (Heading and Code Citations): Acquisition of Control of a Domestic Company, 50 Ill. Adm. Code 851

1) Rulemaking:

A) Description: Article VIII ½ of the Illinois Insurance Code (Insurance Holding Company Systems) was amended by PA 98-609. The changes to Illinois statutes were made based on the NAIC Model Law #440 which was passed in December 2010.

Changes to Parts 851 pertain to acquisitions of IL domestic insurance companies. Proposed new Section 851.80 adds a severability clause to the rule. The changes to the Form A (Section 851.Illustration A) include new financial statement requirements for the acquiring party, removal of the previously required Notice and Summary Statement, a statement that the new owners will provide enterprise risk management information going forward, and a few minor additions. Minor edits and additions are also being made to other Sections of the rule.

B) Statutory Authority: 215 ILCS 5/131.1 through 5/131.30 and 5/408.3

C) Scheduled meeting/hearing dates: None currently scheduled

D) Date Agency anticipates First Notice: January 2017

E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

F) Agency contact person for information:

Eric Moser
Assistant Deputy Director, Financial Analysis
Illinois Department of Insurance
320 West Washington Street, 4th Floor
Springfield IL 62767-0001

217/557-3759

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 852, 853, 854, 855. Also, in response to the Secretary of State's request, it is anticipated that these rules will be recodified and renumbered as 50 Ill. Adm. Code 651, 652, 653, 654 and 655.
- c) Part (Heading and Code Citations): Registration of Insurers, 50 Ill. Adm. Code 852
- 1) Rulemaking:
- A) Description: Article VIII ½ of the Illinois Insurance Code (Insurance Holding Company Systems) was amended by PA 98-609. The changes to Illinois statutes were made based on the NAIC Model Law #440 which was passed in December 2010. The statutory amendments are effective January 1, 2014, except for Form F requirements which are effective July 1, 2014.
- The proposed amendments to Part 852 which will implement these changes pertain to registration reporting of Illinois domestic insurance companies. The Form B illustration (Section 852.ILLUSTRATION B) is being modified to include newer Incorporation by Reference language, more detailed requirements for financial statement reporting and updated biographical information requirements. 852.60 adds a severability clause, and proposed new Sections 852.50 and 852.ILLUSTRATION F will add the new Enterprise Risk Reporting (Form F) requirements in 215 ILCS 5/131.14b.
- B) Statutory Authority: 215 ILCS 5/131.1 through 5/131.30 and 5/408.3
- C) Scheduled meeting/hearing dates: None currently scheduled
- D) Date Agency anticipates First Notice: January 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:

Eric Moser
Assistant Deputy Director, Financial Analysis

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

Illinois Department of Insurance
320 West Washington Street, 4th Floor
Springfield IL 62767-0001

217/557-3759

- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 851, 853, 854, 855. Also, in response to the Secretary of State's request, it is anticipated that these rules will be recodified and renumbered as 50 Ill. Adm. Code 651, 652, 653, 654 and 655.
- d) Part (Heading and Code Citations): Pre-Acquisition Notification, 50 Ill. Adm. Code 853
- 1) Rulemaking:
- A) Description: Proposed changes to Part 853 are mainly editorial, for updating, clarification and consistency with other Department rules. New Sections 853.15 and 853.30 add definitions and a severability clause to the rule. The Illustration includes changes to update the reference to applicable annual statement pages for Life, Health and Property and Casualty insurers. It also adds standardized incorporation by reference procedures that eliminate redundant information filing requirements for the Form CX.
- B) Statutory Authority: 215 ILCS 5/131.1 through 5/131.30 and 5/408.3
- C) Scheduled meeting/hearing dates: None currently scheduled
- D) Date Agency anticipates First Notice: January 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:
- Eric Moser
Assistant Deputy Director, Financial Analysis
Illinois Department of Insurance
320 West Washington Street, 4th Floor

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

Springfield IL 62767-0001

217/557-3759

- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 851, 852, 854, 855. Also, in response to the Secretary of State's request, it is anticipated that these rules will be recodified and renumbered as 50 Ill. Adm. Code 651, 652, 653, 654 and 655.
- e) Part (Heading and Code Citations): Prior Notification of Transactions, 50 Ill. Adm. Code 854
- 1) Rulemaking:
- A) Description: Article VIII ½ of the Illinois Insurance Code (Insurance Holding Company Systems) was amended by PA 98-609. The changes to Illinois statutes were made based on the NAIC Model Law #440 which was passed in December 2010.
- Proposed changes to Part 854 are based on updated requirements of the Model Law. Section 854.30 provides significant new requirements for provisions to be included in affiliated cost sharing and management agreements and also minimum requirements for tax allocation agreements. New Section 854.40 adds a severability clause to the rule. The 854 Illustration of a Form D-1 includes updated additional informational requests for affiliated transactions, an updated requirement for affiliated reinsurance transactions (the Model Law excludes some affiliated reinsurance agreements that are considered immaterial) and the addition of tax allocation agreements.
- B) Statutory Authority: 215 ILCS 5/131.1 through 5/131.30 and 5/408.3
- C) Scheduled meeting/hearing dates: None currently scheduled
- D) Date Agency anticipates First Notice: January 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

F) Agency contact person for information:

Eric Moser
Assistant Deputy Director, Financial Analysis
Illinois Department of Insurance
320 West Washington Street, 4th Floor
Springfield IL 62767-0001

217/557-3759

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 851, 852, 853, 855. Also, in response to the Secretary of State's request, it is anticipated that these rules will be recodified and renumbered as 50 Ill. Adm. Code 651, 652, 653, 654 and 655.f) Part (Heading and Code Citations): Prior Notification of Dividends on Common Stock and Other Distributions, 50 Ill. Adm. Code 8551) Rulemaking:A) Description: Article VIII ½ of the Illinois Insurance Code (Insurance Holding Company Systems) was amended by PA 98-609. The changes to Illinois statutes were made based on the NAIC Model Law #440 which was passed in December 2010.

Changes to Part 855 are based on updated requirements of the Model Law. Section 855.30 discloses the change in ordinary dividend reporting which follows the changes made to Section 131.16 of the Illinois Insurance Code. Section 855.50 adds a severability clause. Minor editorial changes were also made throughout the rule.

B) Statutory Authority: 215 ILCS 5/131.1 through 5/131.30 and 5/408.3C) Scheduled meeting/hearing dates: None currently scheduledD) Date Agency anticipates First Notice: January 2017E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

F) Agency contact person for information:

Eric Moser
Assistant Deputy Director, Financial Analysis
Illinois Department of Insurance
320 West Washington Street, 4th Floor
Springfield IL 62767-0001

217/557-3759

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 851, 852, 853, 854. Also, in response to the Secretary of State's request, it is anticipated that these rules will be recodified and renumbered as 50 Ill. Adm. Code 651, 652, 653, 654 and 655.g) Part (Heading and Code Citations): Internal Security Standard and Fidelity Bonds, 50 Ill. Adm. Code 9041) Rulemaking:A) Description: The changes are being made to adjust to the evolution of fidelity and surety bonds being written on a claims made basis rather than an occurrence basis. Also, the amounts of coverage are being transitioned to follow the NAIC examination guidelines. The main issue has been that the rule requires a one year discovery period which was a common element when these bonds were written on an occurrence basis. Currently and for a number of years now these bonds have been written on a "discovery" or claims made basis which renders the "discovery period" language moot. With the change to a "discovery" basis any claim which comes in while the bond is in effect will be covered by the surety bond.

The changes to the deductibles and amounts of coverage have been repealed so that the NAIC examination guidance can be used instead. The self insurance provisions are being repealed as it is the DOI's observation that most companies are obtaining these bonds from other companies and we believe best practice for risk management would be to place this risk with another insurance company.

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- C) Scheduled meeting/hearing dates: None currently scheduled
- D) Date Agency anticipates First Notice: January 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:
- Jeff Jackson
Financial Regulation Section
Illinois Department of Insurance
320 West Washington
Springfield IL 62767
- 217/524-7999
- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 5501
- h) Part (Heading and Code Citations): Required Procedure for Filing and Securing Approval of Policy Forms, 50 Ill. Adm. Code 916
- 1) Rulemaking:
- A) Description: Language is needed in Exhibit A, Certificate of Compliance, that will include forms filed and approved through the Interstate Insurance Product Regulation Commission (IIPRC). Additional amendments will clean the rule up for consistency with 50 Ill. Adm. Code 1405, expand on language for clarification and add additional filing types and explanations.
- B) Statutory 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 109/75], Section 4003 of the Limited Health Service

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

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]

- C) Scheduled meeting/hearing dates: None are scheduled.
- D) Date Agency anticipates First Notice: January 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:

Chris Lelys
Life Annuities Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-5226

- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 1405

- i) Part (Heading and Code Citations): Unclaimed Life Insurance Benefit Policy Locator, 50 Ill. Adm. Code 920

- 1) Rulemaking:

- A) Description: PA 99-893 requires the Illinois Department of Insurance to promulgate rules to implement the Unclaimed Life Insurance Benefit Policy Locator service included within the Act. It also requires the Department to establish by rule what constitutes minimum standards for a good faith effort to locate a beneficiary.
- B) Statutory Authority: 215 ILCS 185
- C) Scheduled meeting/hearing dates: None currently scheduled

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: January 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:

Mike Chrysler
Deputy Director, Life and Annuity Products
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/558-2744

- G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citations): Certificates of Insurance, 50 Ill. Adm. Code 946

1) Rulemaking:

- A) Description: This new rule is added to help prevent the issuance of invalid, false or counterfeit certificates of insurance, and to make sure the certificates get to the proper requesting parties.
- B) Statutory Authority: 215 ILCS 5/155.45
- C) Scheduled meeting/hearing dates: None are scheduled.
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:

Barbara Delano
Assistant General Counsel

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

Illinois Department of Insurance
122 S. Michigan Ave., 19th Fl.
Chicago IL 60603

312/814-0919

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citations): Reinsurance Ceded Contracts, 50 Ill. Adm. Code 1101

1) Rulemaking:

- A) Description: Part 1101 requires all insurance companies to submit a certified copy of a reinsurance ceded contract upon written request of the Director. If a company document needs to be reviewed, 215 ILCS 5/132.4(b), as well as 215 ILCS 5/131.21(1.5), requires companies to provide records as requested by the Director. This is a duplicative Part, unnecessary and should be repealed in its entirety.
- B) Statutory Authority: Implementing Article XI and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 785 et seq. and 1013)
- C) Scheduled meeting/hearing dates: None currently scheduled
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:

Sara Ross
Financial Regulation Section
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

217/782-9760

G) Related rulemakings and other pertinent information: Nonel) Part (Heading and Code Citations): Security Valuation Reserve, 50 Ill. Adm. Code 14011) Rulemaking:

A) Description: Rule 1401 requires certain companies to include a Security Valuation Reserve on the annual statement. This rule was effective in 1952. In 1992, the Security Valuation Reserve was replaced by the Asset Valuation Reserve and the Interest Maintenance Reserve and the annual statement changed to accommodate the AVR and IMR. Therefore, this rule is unnecessary and will be repealed in its entirety.

B) Statutory Authority: Implementing and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1013) [215 ILCS 5/401]

C) Scheduled meeting/hearing dates: None currently scheduled

D) Date Agency anticipates First Notice: Spring 2017

E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

F) Agency contact person for information:

Sara Ross
Financial Regulation Section
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-9760

G) Related rulemakings and other pertinent information: None

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

- m) Part (Heading and Code Citations): Construction and Filing of Life Insurance and Annuity Forms, 50 Ill. Adm. Code 1405
- 1) Rulemaking:
- A) Description: Section 1405.70 will be amended by adding clarifying language consistent with Illinois law. Also, the amendments will clean the rule up for consistency, expand on explanations, add a requirement for Company name and phone number on applications, outline requirements for electronic applications, add language prohibiting amendments to applications and reorganize to provide clarification regarding the applicability of requirements for specific products.
- B) Statutory Authority: 215 ILCS 5/143 and 5/401
- C) Scheduled meeting/hearing dates: None are scheduled.
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:
- Arlene Mehsling
Insurance Analyst IV
Illinois Department of Insurance
320 West Washington
Springfield IL 62767
- 217/785-9022
- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 916
- n) Part (Heading and Code Citations): Explanation of Special and Contingency Reserves, 50 Ill. Adm. Code 1701
- 1) Rulemaking:

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

- A) Description: Part 1701 was promulgated to implement Sections 295 and 297 of the Illinois Insurance Code; both Sections were repealed in 1986. Therefore, this rule is being repealed.
- B) Statutory Authority: Implementing Sections 295 and 297 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 907, 909 and 1013)
- C) Scheduled meeting/hearing dates: None currently scheduled
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:

Susan Lamb, ASA, MAAA
Associate Actuary
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-1974
- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 1706
- o) Part (Heading and Code Citations): Adoption by Fraternal Benefit Societies of CSO 1958 Mortality Table, 50 Ill. Adm. Code 1706
- 1) Rulemaking:
- A) Description: Part 1706 was promulgated to implement Sections 291 and 292 of the Illinois Insurance Code; both Sections were repealed in 1986. Therefore, this rule is being repealed.

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

- B) Statutory Authority: Implementing Sections 291 and 292 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 903, 904 and 1013)
- C) Scheduled meeting/hearing dates: None currently scheduled
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:

Susan Lamb, ASA, MAAA
Associate Actuary
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-1974
- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 1701
- p) Part (Heading and Code Citations): Minimum Standards for Individual and Group Medicare Supplement Insurance, 50 Ill. Adm. Code 2008
- 1) Rulemaking:
- A) Description: A company has proposed an attained-age premium structure for Medicare supplement policies which includes a dip in premium rates for several ages after age 65 (this has been referred to as a "ladle-shaped" premium structure by other regulators). Our proposed rule is necessary to clarify to industry that this premium structure should not be allowed as it would constitute open enrollment discrimination as described in Part 2008.74.
- The "ladle-shaped" structure would destabilize the Medicare supplement market by encouraging healthy 67 or 68 year olds with coverage from

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

other companies to submit to medical underwriting and switch coverage, leaving companies that do not adopt this structure with unhealthy insureds at insufficient premium rates. These other companies would then be forced to copy the "ladle-shaped" rate structure and rates for 65 year olds could become unaffordable. The clear intent of the open enrollment discrimination rule is to spread the additional costs of the open enrollment population over all policyholders.

Additionally, the "ladle-shape" structure could be exploited by raising age 65 open enrollment premiums to astronomical levels followed by dramatically lower premiums in ages subsequent to 65 in order to prevent or otherwise discourage potential applicants from enrolling during the open enrollment period.

Our proposed language is designed to be similar to Option 2 for Section 15G of the Medicare Supplement Model Regulation 651, but the language we employed eliminates ambiguity and includes definitive instructions.

- B) Statutory Authority: Implementing Sections 363 and 363a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/363, 363a and 401]
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:

Bruce Sartain, Life Actuary
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/785-0903

- G) Related rulemakings and other pertinent information: None

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

q) Part (Heading and Code Citations): Long-Term Care Insurance, 50 Ill. Adm. Code 2012

1) Rulemaking:

- A) Description: The Long-Term Care Insurance Model Regulation (NAIC Model 641) was recently modified and the Department intends to revise Part 2012 to reflect these changes. These changes include greater specification of the margin for adverse deviation that company actuaries should consider in initial rates; a new annual rate certification requirement which will help rate stability; additional information that companies should provide in the event of a rate increase request; specific authority to allow rate increases less than the full amount that would be required for the actuary to certify that no future rate increases are anticipated under moderately adverse conditions if, in the opinion of the commissioner, it is in the best interest of policyholders; and some minor changes to the triggers for the contingent non-forfeiture benefit.

Additionally, the Model Bulletin adopted by the Senior Issues Task Force on August 9, 2013 contains numerous items that we intend to incorporate into this Part, in particular, those related to extending protections to pre-rate-stability policies and provisions to allow large rate increases to be implemented as a series of smaller rate increases.

- B) Statutory Authority: 215 ILCS 5/351A-11
- C) Scheduled meeting/hearing dates: None are scheduled.
- D) Date Agency anticipates First Notice: January 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:

Scott Brandt
Actuarial LAH Section
Illinois Department of Insurance
320 West Washington

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

Springfield IL 62767

217/557-7309

G) Related rulemakings and other pertinent information: Noner) Part (Heading and Code Citations): Infertility Coverage, 50 Ill. Adm. Code 20151) Rulemaking:

A) Description: Consistent with PA 99-421, Part 2015 will be amended to require that insurers offering accident and health insurance to groups of more than 25 employees provide coverage for infertility treatments to covered individuals unable to attain a viable pregnancy or maintain a viable pregnancy (previously covered just those unable to sustain a successful pregnancy). The amendments will also expand the definition of infertility to include individuals unable to conceive after one year of attempting to produce conception and those unable to conceive after diagnosis with a condition affecting fertility.

B) Statutory Authority: Implementing Section 356m of the Illinois Insurance Code [215 ILCS 5/356m] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]

C) Scheduled meeting/hearing dates: None currently scheduled

D) Date Agency anticipates First Notice: Spring 2017

E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

F) Agency contact person for information:

Paulette Dove
Deputy Director, Health Products
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

217/785-5044

G) Related rulemakings and other pertinent information: Nones) Part (Heading and Code Citations): Registration of Workers' Compensation Utilization Review Organizations, 50 Ill. Adm. Code 29051) Rulemaking:A) Description: Consistent with PA 99-111, Parts 2905, 5420 and 5430 will be amended to recognize the Accreditation Association for Ambulatory Health Care (AAAHC) among the list of accreditors from which utilization organizations may receive accreditation and qualify for reduced registration and renewal fees.B) Statutory Authority: Implementing Section 8.7 of the Workers' Compensation Act [820 ILCS 305/8.7] and authorized by Section 8.7 of the Workers' Compensation Act and Section 401 of the Illinois Insurance Code [215 ILCS 5/401]C) Scheduled meeting/hearing dates: None currently scheduledD) Date Agency anticipates First Notice: January 2017E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipatedF) Agency contact person for information:

Paulette Dove
Deputy Director, Health Products
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/785-5044

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 5420 and 5430
- t) Part (Heading and Code Citations): Examination and Audit Procedure, 50 Ill. Adm. Code 4401
- 1) Rulemaking:
- A) Description: This Part outlines the procedures for the Pension Division's examination and audit procedure. The Part needs to be updated to reflect current audit procedures and to incorporate the procedures for examinations made pursuant to Section 1A-105 of the Illinois Pension Code.
- B) Statutory Authority: Sections 1A-104 and 1A-105 of the Illinois Pension Code (40 ILCS 5/1A-104, 1A-105), Amended by P.A. 95-950 effective August 29, 2008 and P.A. 90-507, effective August 22, 1997 and authorized by Section 1A-103 added by P.A. 90-507, effective August 22, 1997
- C) Scheduled meeting/hearing dates: None are scheduled.
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:
- Mary Jane Adkins, Deputy Director
Public Pension Division
Illinois Department of Insurance
122 South Michigan Avenue, 19th Floor
Chicago IL 60603
- 312/814-5411
- G) Related rulemakings and other pertinent information: This is part of a larger initiative to update the Pension Division's rules. Also, the Pension

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

Division has submitted, as part of its 2016 legislative agenda, an amendment to Section 1A-104 to permit risk-based audits rather than audits performed on a 3-year cycle. That initiative, if legislated, will not affect this rulemaking.

- u) Part (Heading and Code Citations): Definition of Salary, 50 Ill. Adm. Code 4402
- 1) Rulemaking:
- A) Description: This Part defines salary for the purposes of determining pensionable salary. The Department intends to update this rule to address loopholes and vagueness in the current rule.
- B) Statutory Authority: Implementing Sections 3-125 and 4-118 (defining salary as used in those sections) authorized by Section 1A-103, PA 90-507, effective August 22, 1997
- C) Scheduled meeting/hearing dates: None are scheduled.
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:
- Mary Jane Adkins, Deputy Director
Public Pension Division
Illinois Department of Insurance
122 South Michigan Avenue, 19th Floor
Chicago IL 60603
- 312/814-5411
- G) Related rulemakings and other pertinent information: This is part of a larger initiative to update the Pension Division's rules.
- v) Part (Heading and Code Citations): Payments Reduced on Behalf of Certain Pension Funds, 50 Ill. Adm. Code 4406

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: Sections 3-125 and 4-118 of the Illinois Pension Code were amended by PA 96-1465 to provide that upon certification to the Illinois State Comptroller of delinquent payments from the municipality owed to the pension fund, the Illinois State Comptroller shall intercept any state funds payable to municipalities and divert payment of those funds to the pension fund. These proposed new rules outline the procedures for this process.
 - B) Statutory Authority: Implementing Section 3-110 and 3-110.7 and authorized by Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110 and 3-110.7]
 - C) Scheduled meeting/hearing dates: None are scheduled.
 - D) Date Agency anticipates First Notice: Spring 2017
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
 - F) Agency contact person for information:

Mary Jane Adkins, Deputy Director
Public Pension Division
Illinois Department of Insurance
122 South Michigan Avenue, 19th Floor
Chicago IL 60603

312/814-5411
 - G) Related rulemakings and other pertinent information:
- w) Part (Heading and Code Citations): Noncompliance Notification and Penalties, 50 Ill. Adm. Code 4435
 - 1) Rulemaking:

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

- A) Description: This Part outlines the procedures for issuing Notices of Noncompliance to Pension Funds and Municipalities. Currently, this rule does not comply with the Illinois Pension Code as it is written. The Department is seeking to update this rule to comply with statute.
- B) Statutory Authority: Implementing Section 1A-113 of the Illinois Pension Code and authorized by Section 1A-103, PA 90-507, effective August 22, 1997
- C) Scheduled meeting/hearing dates: None are scheduled.
- D) Date agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:

Mary Jane Adkins, Deputy Director
Public Pension Division
Illinois Department of Insurance
122 South Michigan Avenue, 19th Floor
Chicago IL 60603

312/814-5411

- G) Related rulemakings and other pertinent information: This is part of a larger initiative to update the Pension Division's rules.

x) Part (Heading and Code Citations): Managed Care Reform & Patient Rights, 50 Ill. Adm. Code 5420

1) Rulemaking:

- A) Description: Consistent with PA 99-111, Parts 2905, 5420 and 5430 will be amended to recognize the Accreditation Association for Ambulatory Health Care (AAAHC) among the list of accreditors from which utilization organizations may receive accreditation and qualify for reduced registration and renewal fees. Also, consistent with PA 99-761, Part 5420

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

will be amended to apply the medical exemptions process to all insurers licensed in the State to sell policy of group or individual accident and health insurance or health benefits plan, and provide that certain provisions upon which a step therapy requirement exception request shall be approved.

- B) Statutory Authority: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]; 42 USC 300gg-22; and 45 CFR 150.101(b)(2) and 150.201
- C) Scheduled meeting/hearing dates: None currently scheduled
- D) Date Agency anticipates First Notice: January 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:
- Paulette Dove
Deputy Director, Health Products
Illinois Department of Insurance
320 West Washington
Springfield IL 62767
- 217/785-5044
- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 2905 and 5430. Also, in response to Secretary of State's request, it is anticipated that Parts 5410, 5420, 5421, 5425 and 5430 will be recodified and renumbered as Parts 4510, 4520, 4521, 4525 and 4530.

y) Part (Heading and Code Citations): Health Care External Review, 50 Ill. Adm. Code 5430

1) Rulemaking:

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

- A) Description: Section 5430.40 will be amended to make the deadline for health carriers to submit an external review report to the Director of Insurance consistent with PA 99-537, which becomes effective January 1, 2017. Additionally, consistent with PA 99-111, Parts 2905, 5420 and 5430 will be amended to recognize the Accreditation Association for Ambulatory Health Care (AAAHC) among the list of accreditors from which utilization organizations may receive accreditation and qualify for reduced registration and renewal fees.
- B) Statutory Authority: Implementing the Health Carrier External Review Act [215 ILCS 180] and authorized by Section 50(h) of the Act [215 ILCS 180/50(h)] and Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- C) Scheduled meeting/hearing dates: None currently scheduled
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:

Paulette Dove
Deputy Director, Health Products
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/785-5044
- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 2905 and 5420. Also, in response to Secretary of State's request, it is anticipated that Parts 5410, 5420, 5421, 5425 and 5430 will be recodified and renumbered as Parts 4510, 4520, 4521, 4525 and 4530.
- z) Part (Heading and Code Citations): Internal Security Standards and Fidelity Bonds, 50 Ill. Adm. Code 5501

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

1) Rulemaking:

- A) Description: The changes are being made to adjust to the evolution of fidelity and surety bonds being written on a claims made basis rather than an occurrence basis. Also, the amounts of coverage are being transitioned to follow the NAIC examination guidelines.

The main issue has been that the rule requires a one year discovery period which was a common element when these bonds were written on an occurrence basis. Currently and for a number of years now these bonds have been written on a "discovery" or claims made basis which renders the "discovery period" language moot. With the change to a "discovery" basis any claim which comes in while the bond is in effect will be covered by the surety bond. The change to the amount of coverage has been repealed so that the NAIC examination guidance can be used instead.

- B) Statutory Authority: Implementing the Farm Mutual Insurance Act of 1986 [215 ILCS 120] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]

- C) Scheduled meeting/hearing dates: None currently scheduled

- D) Date Agency anticipates First Notice: January 2017

- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

- F) Agency contact person for information:

Jeff Jackson
Financial Regulation Section
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/524-7999

- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 904. Also, in response to the Secretary of State's request, it is anticipated

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2017 REGULATORY AGENDA

that Part 5501 will be recodified and renumbered as 50 Ill. Adm. Code 5501.

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)
- 1) Rulemaking:
- A) Description: This rulemaking will amend the content and storage of clinical and facility records.
- B) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will enhance record-keeping requirements for ASTCs.
- F) Agency contact person for information:
- Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citations): Hospital Licensing Requirements (77 Ill. Adm. Code 250)
- 1) Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- A) Description: The Department of Public Health will introduce several rulemakings to implement the following: PA 99-480 concerning reporting drug overdoses to the Department; PA 99-454 concerning the billing of sexual assault survivors for hospital emergency and forensic services; PA 99-48 regarding education materials for SIDS; PA 383 concerning requirements for informing patients of patient observation status; PA 99-828 concerning sepsis screening protocols; and updates to the life safety requirements to require facilities to comply with the 2012 NFPA 101 Life Safety Code in accordance with federal CMS regulations.
- B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Hospitals licensed under the Hospital Licensing Act.
- F) Agency contact person for information:
- Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citations): End Stage Renal Disease Facility Code (77 Ill. Adm. Code 285)
- 1) Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- A) Description: This rulemaking will implement the End Stage Renal Disease Facility Act to cover all facets of the regulation of End Stage Renal Disease Facilities, including licensure, inspections, violations, treatment services, patient rights, staffing requirements, record keeping, quality assurance, physical plant requirements and remote stations.
- B) Statutory Authority: End Stage Renal Disease Facility Act [210 ILCS 62]
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: ESRDFs will be required to demonstrate compliance with the new regulations.
- F) Agency contact person for information:
- Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
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- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citations): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
- 1) Rulemaking:
- A) Description: This rulemaking will clean up sections related to construction codes, striking outdated and redundant language and adding statutory language to clarify the requirements.

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will eliminate discrepancies between statutory and regulatory requirements for skilled nursing facilities.
- F) Agency contact person for information:
- Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
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- 217/782-2043
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- G) Related rulemakings and other pertinent information: None
- e) Parts (Headings and Code Citations): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Sheltered Care Facilities Code (77 Ill. Adm. Code 330); Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)
- 1) Rulemaking:
- A) Description: The Department of Public Health will introduce several rulemakings to implement the following: PA 99-430 and PA 99-784 which authorized electronic monitoring by patients in long-term care facilities; PA 96-1372 which created a new classification of long-term care facilities called distressed facilities; PA 98-989 concerning access to residents of long-term care facilities by the State Long Term Care Ombudsman Program; PA 99-872 concerning the Health Care Worker Registry; PA 99-376 concerning medical homes; PA 99-555 concerning new requirements for deadlines for informal dispute resolutions; updates

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

to the life safety requirements to require facilities to comply with the 2012 NFPA 101 Life Safety Code in accordance with federal CMS regulations; and to remove the SSN requirement on ownership disclosure forms.

- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date agency anticipates First Notice: Summer 2017
- E) Affect on small businesses, small municipalities or not-for-profit corporations: These rulemakings will affect long-term care facilities licensed under the Nursing Home Care Act.
- F) Agency contact person for information:

Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
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- G) Related rulemakings and other pertinent information: In conjunction with the rulemaking to implement PA 99-0430, a new Part, Authorized Electronic Monitoring in Long-Term Care Facilities (77 Ill. Adm. Code 389) will be proposed.
- f) Part (Heading and Code Citations): Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
- 1) Rulemaking:
 - A) Description: The Department of Public Health will introduce several rulemakings to update the life safety requirements to require facilities to comply with the 2012 NFPA 101 Life Safety Code in accordance with

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

federal CMS regulations; and the removal of the SSN requirement on ownership disclosure forms.

B) Statutory Authority: ID/DD Community Care Act [210 ILCS 47]

C) Scheduled meeting/hearing dates: Spring 2017

D) Date Agency anticipates First Notice: Summer 2017

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect long-term care facilities licensed under the ID/DD Community Care Act.

F) Agency contact person for information:

Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
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G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, a new Part, Authorized Electronic Monitoring in Long-Term Care Facilities (77 Ill. Adm. Code 389) will be proposed.

g) Part (Heading and Code Citations): The Specialized Mental Health Rehabilitation Facilities Code (77 Ill. Adm. Code 380)

1) Rulemaking:

A) Description: This rulemaking will implement PA 99-712.

B) Statutory Authority: The Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49]

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will modify the time limit for provisional licensure for facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013.
- F) Agency contact person for information:
- Elizabeth Paton
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- G) Related rulemakings and other pertinent information: None
- h) Part (Heading and Code Citations): Authorized Electronic Monitoring in Long-Term Care Facilities (77 Ill. Adm. Code 389)
- 1) Rulemaking:
- A) Description: This rulemaking will implement PA 99-430 which authorized electronic monitoring by patients in long-term care facilities
- B) Statutory Authority: Authorized Electronic Monitoring in Long-Term Care Facilities Act [210 ILCS 32]
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not-for-profit corporations: Facilities will be required to upgrade electrical systems to accommodate electronic monitoring equipment
- F) Agency contact person for information:
- Elizabeth Paton
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- G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, the Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Sheltered Care Facilities Code (77 Ill. Adm. Code 330); Illinois Veterans' Homes Code (77 Ill. Adm. Code 340) and the Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350) will also be amended.
- i) Part (Heading and Code Citations): Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
- 1) Rulemaking:
- A) Description: The Department of Public Health will introduce several rulemakings to implement the following: to update the life safety requirements to require facilities to comply with the 2012 NFPA 101 Life Safety Code in accordance with federal CMS regulations; to remove the SSN requirement on ownership disclosure forms; and PA 99-180 which provided that long-term care for under age 22 facilities shall be licensed under the MC/DD Act rather than the ID/DD Act.
- B) Statutory Authority: MC/DD Act [210 ILCS 46]
- C) Scheduled meeting/hearing dates: Spring 2017

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect long-term care facilities licensed under the MC/DD Act.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, the Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Sheltered Care Facilities Code (77 Ill. Adm. Code 330); Illinois Veterans' Homes Code (77 Ill. Adm. Code 340) and the Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350) will also be amended.
- j) Part (Heading and Code Citations): Long-Term Care Assistance and Aides Training Programs Code (77 Ill. Adm. Code 395)
- 1) Rulemaking:
- A) Description: This rulemaking will seek to increase the ratio of students allowed per instructor for lab training.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45], the ID/DD Community Care Act [210 ILCS 47] and the MC/DD Act [210 ILCS 46]
- C) Scheduled meeting/hearing dates: Spring 2017

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will ease class scheduling conflicts for CAN and aide training programs.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citations): Illinois Vital Records Code (77 Ill. Adm. Code 500)

1) Rulemaking:

- A) Description: This rulemaking will update language, clarify correction and amendment processes based upon implementation of the electronic birth and death registration system and clarify language regarding researchers' access to vital records data.
- B) Statutory Authority: Vital Records Act [410 ILCS 535], Adoption Act [750 ILCS 50], and Jane Doe II v. Lumpkin, United States District Court, Central District of Illinois, Case No. 89-1224
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

- 1) Part (Heading and Code Citations): Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code (77 Ill. Adm. Code 515)

1) Rulemaking:

- A) Description: This rulemaking will implement PA 98-973 concerning the updating to federal EMS education standards. The rulemaking will also implement PA 99-480 to address the carrying and administration of opioid antagonists.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Educational institutions and hospitals that educate and train emergency medical technicians will need to adjust their curriculums to meet the new federal education standards.
- F) Agency contact person for information:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citations): Freestanding Emergency Center Code (77 Ill. Adm. Code 518)

1) Rulemaking:

A) Description: This rulemaking will implement PA 99-490 regarding new requirements for FEC licensure.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled meeting/hearing dates: Spring 2017

D) Date Agency anticipates First Notice: Summer 2017

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will broaden the allowable category of who may apply for FEC licensure to former hospitals.

F) Agency contact person for information:

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DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citations): Heartsaver AED Grant Code (77 Ill. Adm. Code 530)

1) Rulemaking:

A) Description: This rulemaking will implement PA 99-480 and PA 246 concerning the ability of sheriff offices, police departments and public libraries to apply for Heartsaver AED grants.

B) Statutory Authority: Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-371.5]

C) Scheduled meeting/hearing dates: Spring 2017

D) Date Agency anticipates First Notice: Summer 2017

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking could potentially assist sheriff offices and police departments in offset the cost of the purchase of an AED.

F) Agency contact person for information:

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DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- o) Part (Heading and Code Citations): Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661)
- 1) Rulemaking:
- A) Description: This rulemaking will implement PA 99-403, 98-756 and 98-440 to add critical congenital heart disease to the newborn screening panel, increase the newborn screening fee, add guidelines regarding the testing and report of critical congenital heart disease; change where newborn screening specimens should be submitted for testing, modify recommendation for timing of specimen collection for sick infants, address data retention, confidentiality and data sharing; and modify testing exemption requirements.
- B) Statutory Authority: Newborn Metabolic Screening Act [410 ILCS 240]
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The economic effect of the proposed rulemaking is unknown.
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

p) Part (Heading and Code Citations): Hearing Instrument Consumer Protection Code (77 Ill. Adm. Code 682)

1) Rulemaking:

- A) Description: This rulemaking will implement PA 99-847 concerning equivalent academic programs.
- B) Statutory Authority: Hearing Instrument Consumer Protection Act [225 ILCS 50]
- C) Scheduled meeting/hearing date: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The economic effect of the proposed rulemaking is unknown.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citations): Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

1) Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- A) Description: This rulemaking will repeal diseases from the reportable diseases and conditions and will update laboratory testing requirements.
- B) Statutory Authority: Communicable Disease Report Act [745 ILCS 45]
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None
- r) Part (Heading and Code Citations): AIDS Drug Assistance Program (77 Ill. Adm. Code 692)
- 1) Rulemaking:
 - A) Description: This rulemaking will update Appendix A with respect to the federal poverty level.
 - B) Statutory Authority: Implementing the Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87) and authorized by Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310/315]
 - C) Scheduled meeting/hearing dates: Winter 2017

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

s) Part (Heading and Code Citations): Food Service Sanitation Code (77 Ill. Adm. Code 750)

1) Rulemaking:

- A) Description: The Department of Public Health intends to introduce several rulemaking for the following purposes: to make modifications to the grading system for retail food establishment inspections; to update provisions regarding temporary food service establishments with respect to defining and categorizing this type of food service establishment by risk similar to retail food establishments to provide for consistent and standardized criteria for food safety and permits; and to implement PA 99-62 concerning food service sanitation manager certification exam scores and food handler training programs.
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Sanitary Food Preparation Act [410 ILCS 650], and the Food Handling Regulation Enforcement Act [410 ILCS 625]

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The inspection criteria for a particular temporary food establishment may change depending on what criteria the local health department is currently using to inspect facilities within its jurisdiction. The proposed rulemaking will allow for high-risk food processing operations unlike the current rules.
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None
- t) Part (Heading and Code Citations): Structural Pest Control Code (77 Ill. Adm. Code 830)
- 1) Rulemaking:
- A) Description: This rulemaking will provide for online training to fulfill certain education requirements, establish a fee for processing insufficient fund checks, and require pest control companies to advise the Department prior to performing pretreatment for termites on structures under construction.
- B) Statutory Authority: Structural Pest Control Act [225 ILCS 235]
- C) Scheduled meeting/hearing dates: Spring 2017

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for profit corporations: It is anticipated that the amendments will have a minimum impact on the regulated industry.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None
- u) Part (Heading and Code Citations): Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)
- 1) Rulemaking:
- A) Description: This rulemaking will implement PA 98-690 made numerous changes to the Lead Poisoning Prevention Act, including definitions and enforcement provisions.
- B) Statutory Authority: Lead Poisoning Prevention Act [410 ILCS 45]
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: New statutory changes to enforcement and penalties are

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

being codified. It is anticipated that only non-compliant entities will be affected.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: Nonev) Part (Heading and Code Citations): Manufactured Home Installation Code (77 Ill. Adm. Code 870)1) Rulemaking:

- A) Description: This rulemaking will update and clarify incorporated referenced material, add and update definitions, and provide for current requirements for the installation and manufacturing of manufactured homes.
- B) Statutory Authority: Manufactured Home Installers Act [430 ILCS 120], Manufactured Home Quality Assurance Act [430 ILCS 117] and the Illinois Mobile Home Tiedown Act [210 ILCS 120]
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the amendments will have a minimum impact on the regulated industry.

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: Nonew) Part (Heading and Code Citations): Illinois Plumbing Code (77 Ill. Adm. Code 890)1) Rulemaking:

A) Description: This rulemaking will make certain technical updates to the Part, including updating definitions, water distribution provisions, appendices and tables to reflect changes in plumbing material and equipment, and language concerning water quality management.

B) Statutory Authority: Plumbing Licensing Law [225 ILCS 320]

C) Scheduled meeting/hearing dates: Spring 2017

D) Date Agency anticipates First Notice: Spring 2017

E) Effect on small businesses, small municipalities or not-for-profit corporations: The affect on small businesses, small municipalities and nonprofit corporations is unknown at this time. Changes to plumbing requirements may affect a wide range of entities.

F) Agency contact person for information:

Elizabeth Paton
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DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

x) Part (Heading and Code Citations): Plumbing Contractor Registration Code (77 Ill. Adm. Code 894)

1) Rulemaking:

A) Description: This rulemaking will make technical updates, including definitions, and provisions concerning application, bond and insurance requirements, and violations and penalties.

B) Statutory Authority: Plumbing Licensing Law [225 ILCS 320]

C) Scheduled meeting/hearing dates: Spring 2017

D) Date Agency anticipates First Notice: Spring 2017

E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the amendments will have a minimum impact on the regulated industry.

F) Agency contact person for information:

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DEPARTMENT OF PUBLIC HEALTH

JANUARY 2017 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- y) Part (Heading and Code Citations): Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
- 1) Rulemaking:
- A) Description: This rulemaking will update cross-references to be consistent with the Criminal Code of 2012, and to implement PA 99-872.
- B) Statutory Authority: Health Care Worker Background Check Act [225 ILCS 46]
- C) Scheduled meeting/hearing dates: Spring 2017
- D) Date Agency anticipates First Notice: Summer 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the amendments will have minimal impact upon the regulated industry.
- F) Agency contact person for information:
- Elizabeth Paton
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- G) Related rulemakings and other pertinent information: None

STATE UNIVERSITIES RETIREMENT SYSTEM

JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Universities Retirement (80 Ill. Adm. Code 1600)
- 1) Rulemaking:
- A) Description: The System anticipates rulemaking affecting the following:
- Revise Section 1600.130 Procurement to modify existing procedures.
- Add Section 1600.200 Definition of Employee to implement Public Act 99-897, effective January 1, 2017, regarding the definition of "employee" under Section 15-107 of the Illinois Pension Code.
- Revise Section 1600.205 Earnings Subject to Withholding and Crediting to address compensation paid under the Public Employee Disability Act (5 ILCS 345/) and unused sick leave paid at the time of termination of employment.
- Revise Section 1600.300 Effective Beneficiary Designations to address electronic execution and submission of beneficiary designation forms.
- Revise Section 1600.320 Disability Claims Procedure to clarify the treatment of vacation pay with respect to initial eligibility for benefit payments.
- Revise Section 1600.420 Making Preliminary Estimated Payments to include procedures for holding payments when the member has not responded to informational requests, and to terminate the benefit after a period of non-compliance with the request.
- Revise Section 1600.450 Overpayment Recovery to address de minimis revisions to benefit calculations and deductions for overpayments of less than \$100.
- Promulgate rules to establish acceptable documentary evidence for demographic information such as birth dates and marital status.
- Amend Section 1600.140(h)(6) to add SIMPLE IRAs to the list of "eligible retirement plans" to which SURS can make a direct rollover distribution, effective for distributions after December 18, 2015.

STATE UNIVERSITIES RETIREMENT SYSTEM

JANUARY 2017 REGULATORY AGENDA

Clarify QILDRO rule 1600.605 "Requirements for a Valid Qualified Illinois Domestic Relations Order" and 1600.655 "Expiration of a QILDRO" to accommodate the administration of posthumous QILDRO's submitted to SURS with reasonable timeframe after date of date.

Clarify QILDRO rule 1600.605 "Requirements for a Valid Qualified Illinois Domestic Relations Order" and 1600.635 "QILDROs Against Persons Who Became Members Prior to July 1, 1999" to accept an agreed upon divorce decree and martial property settlement in lieu of a Consent to Issuance of a QILDRO if a member refuses to sign consent.

Amend Section 1600.720 Election Materials to permit the electronic distribution of board election materials and the use of electronic balloting measures.

- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearings are anticipated.
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

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STATE UNIVERSITIES RETIREMENT SYSTEM

JANUARY 2017 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: Other Amendments may be necessary based on emergent issues.

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citations): General Provisions (23 Ill. Adm. Code 2700)
- 1) Rulemaking:
- A) Description: ISAC is making non-substantive changes to Rules text regarding numbering references.
- B) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: January 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Lynn Hynes
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- 847/948-8500, ext. 18032
email: lynn.hynes@isac.illinois.gov
fax: 847/831-8299
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citations): Illinois National Guard (ING) Grant Program (23 Ill. Adm. Code 2730)

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2017 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: ISAC is revising the Institutional Procedures related to Illinois National Guard Grant payment processing to reflect implementation of the functions into the Gift Assistance Program (GAP) Access Portal.
 - B) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)]
 - C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
 - D) Date Agency anticipates First Notice: January 2017
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None
 - F) Agency contact person for information:

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 - G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citations): Veterans' Home Nurse Loan Repayment Program (23 Ill. Adm. Code 2757)

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2017 REGULATORY AGENDA

- 1) Rulemaking:
- A) Description: As a result of PA 99-813, signed by the governor, ISAC is changing the name of the program and expanding the types of medical professionals who qualify for loan repayment assistance to include physicians, certified nurse practitioners and certified nursing assistants. The Rules are also being updated to recognize the certification obtained by certified nursing assistants.
- B) Statutory Authority: Implementing the Veterans' Home Nurse Loan Repayment Act [110 ILCS 972] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: January 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
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fax: 847/831-8299
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citations): Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 Ill. Adm. Code 2765)

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2017 REGULATORY AGENDA

- 1) Rulemaking:
- A) Description: ISAC is revising the Rules related to Program Procedures in an effort to maximize the number of available waivers and give consideration to applicants with high test scores who do not rank in the upper half of their class.
- B) Statutory Authority: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15]
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: January 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 41, Issue 1 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

71 - 2005	.....	1
92 - 1003	.....	16
92 - 1010	.....	25
92 - 1019	.....	36
92 - 1040	.....	47

ADOPTED RULES

50 - 1601	12/27/2016	70
50 - 1602	12/27/2016	72
50 - 1604	12/27/2016	74
50 - 1605	12/27/2016	76
50 - 2909	12/27/2016	78
17 - 710	12/22/2016	85
17 - 885	12/22/2016	96
23 - 1	12/27/2016	126
23 - 650	12/27/2016	136

NOTICE OF CODIFICATION CHANGES

50 - 851	.....	140
50 - 852	.....	142
50 - 853	.....	144
50 - 854	.....	145
50 - 855	.....	147
50 - 1451	.....	149

REGULATORY AGENDA

20 - 2900	153
35 - 1500	154
50 - 206	156
77 - 205	183
80 - 1600	206
23 - 2700	209

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