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August 7, 2020 Volume 44, Issue 32

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## INTRODUCTION

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

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

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

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

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2020

| <b>Issue#</b> | <b>Rules Due Date</b> | <b>Date of Issue</b> |
|---------------|-----------------------|----------------------|
| 1             | December 23, 2019     | January 3, 2020      |
| 2             | December 30, 2019     | January 10, 2020     |
| 3             | January 6, 2020       | January 17, 2020     |
| 4             | January 13, 2020      | January 24, 2020     |
| 5             | January 21, 2020      | January 31, 2020     |
| 6             | January 27, 2020      | February 7, 2020     |
| 7             | February 3, 2020      | February 14, 2020    |
| 8             | February 10, 2020     | February 21, 2020    |
| 9             | February 18, 2020     | February 28, 2020    |
| 10            | February 24, 2020     | March 6, 2020        |
| 11            | March 2, 2020         | March 13, 2020       |
| 12            | March 9, 2020         | March 20, 2020       |
| 13            | March 16, 2020        | March 27, 2020       |
| 14            | March 23, 2020        | April 3, 2020        |
| 15            | March 30, 2020        | April 10, 2020       |
| 16            | April 6, 2020         | April 17, 2020       |
| 17            | April 13, 2020        | April 24, 2020       |
| 18            | April 20, 2020        | May 1, 2020          |
| 19            | April 27, 2020        | May 8, 2020          |
| 20            | May 4, 2020           | May 15, 2020         |
| 21            | May 11, 2020          | May 22, 2020         |
| 22            | May 18, 2020          | May 29, 2020         |

|    |                    |                    |
|----|--------------------|--------------------|
| 23 | May 26, 2020       | June 5, 2020       |
| 24 | June 1, 2020       | June 12, 2020      |
| 25 | June 8, 2020       | June 19, 2020      |
| 26 | June 15, 2020      | June 26, 2020      |
| 27 | June 22, 2020      | July 6, 2020       |
| 28 | June 29, 2020      | July 10, 2020      |
| 29 | July 6, 2020       | July 17, 2020      |
| 30 | July 13, 2020      | July 24, 2020      |
| 31 | July 20, 2020      | July 31, 2020      |
| 32 | July 27, 2020      | August 7, 2020     |
| 33 | August 3, 2020     | August 14, 2020    |
| 34 | August 10, 2020    | August 21, 2020    |
| 35 | August 17, 2020    | August 28, 2020    |
| 36 | August 24, 2020    | September 4, 2020  |
| 37 | August 31, 2020    | September 11, 2020 |
| 38 | September 8, 2020  | September 18, 2020 |
| 39 | September 14, 2020 | September 25, 2020 |
| 40 | September 21, 2020 | October 2, 2020    |
| 41 | September 28, 2020 | October 9, 2020    |
| 42 | October 5, 2020    | October 16, 2020   |
| 43 | October 13, 2020   | October 23, 2020   |
| 44 | October 19, 2020   | October 30, 2020   |
| 45 | October 26, 2020   | November 6, 2020   |
| 46 | November 2, 2020   | November 13, 2020  |
| 47 | November 9, 2020   | November 20, 2020  |
| 48 | November 16, 2020  | November 30, 2020  |
| 49 | November 23, 2020  | December 4, 2020   |
| 50 | November 30, 2020  | December 11, 2020  |
| 51 | December 7, 2020   | December 18, 2020  |
| 52 | December 14, 2020  | December 28, 2020  |

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Business Interruption Grant Program
- 2) Code Citation: 14 Ill. Adm. Code 690
- 3) 

| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
|-------------------------|--------------------------|
| 690.10                  | New Section              |
| 690.20                  | New Section              |
| 690.30                  | New Section              |
| 690.40                  | New Section              |
| 690.50                  | New Section              |
| 690.60                  | New Section              |
| 690.70                  | New Section              |
| 690.80                  | New Section              |
| 690.90                  | New Section              |
| 690.100                 | New Section              |
| 690.110                 | New Section              |
| 690.120                 | New Section              |
| 690.130                 | New Section              |
| 690.140                 | New Section              |
| 690.150                 | New Section              |
| 690.160                 | New Section              |
| 690.170                 | New Section              |
| 690.180                 | New Section              |
- 4) Statutory Authority: Implementing Section 75-5 of Article 75 of PA 101-636 and Article 30 of PA 101-637 and authorized by 20 ILCS 605/605-95 and 20 ILCS 605-605-55.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules implement the Business Interruption Grant Program authorized by PA 101-636, Article 30 [20 ILCS 605/605-1050]. The proposed rules provide the administrative framework required for the Department to administer this program, which provides financial support to businesses that have incurred expenditures or suffered losses because of the COVID-19 public health emergency. Also provides for technical assistance grants to help businesses in underserved areas to apply for financial assistance.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? Yes

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF PROPOSED RULES

- 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: This rulemaking will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments regarding these rules shall be presented in writing within 45 days after the date of this issue of the *Illinois Register* to:
- Jolene Clarke  
Rules Administrator  
Department of Commerce and Economic Opportunity  
500 E. Monroe  
Springfield IL 62701
- 217/557-1820  
fax: 217/524-3701  
jolene.clarke@illinos.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Entities affected by the COVID-19 pandemic may be impacted.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No adverse impact
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on any Regulatory Agenda because the enabling legislation was signed into law after the Department's most recent submission.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

The full text of the Proposed Rules is identical to that of the text of the Emergency Rules for this Part, and begins in this issue of the *Illinois Register* on page 13111.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sale of Information
- 2) Code Citation: 92 Ill. Adm. Code 1002
- 3) 

|                         |                          |
|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 1002.10                 | Amendment                |
| 1002.20                 | Amendment                |
| 1002.40                 | Amendment                |
| 1002.60                 | Amendment                |
- 4) Statutory Authority: Implementing Section 2-123, and authorized by Sections 2-104, 2-107, and 2-123, of the Illinois Vehicle Title and Registration Law [625 ILCS 5/2-123, 2-104 and 2-107], Section 5-47(i) of the Anatomical Gift Act [755 ILCS 50] and 18 USC 2721.
- 5) A Complete Description of the Subjects and Issues Involved: These proposed changes to the Part are in response to the enactment of PA 101-179, which authorizes procurement entities serving the State of Illinois to gain access to the Organ Donor Registry data maintained by the Secretary of State. In addition, the definition of "Personally Identifying Information" is updated pursuant to the changes made in PA 101-326.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? 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: No expenditures by units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Pamela Wright  
Office of the General Counsel

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

298 Howlett Building  
Springfield IL 62756

pwright@ilsos.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No impact.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent 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 1002  
SALE OF INFORMATION

|         |   |
|---------|---|
| Section |   |
| 1002.10 | Applicability   |
| 1002.20 | Definitions   |
| 1002.30 | Fees  |
| 1002.40 | Requests  |
| 1002.42 | Impermissible Use of Personally Identifying Information                 |
| 1002.45 | Request for an Individual's Driving, Registration, or Title Information |
| 1002.50 | Lists of Purchasers   |
| 1002.60 | Access Agreement  |
| 1002.70 | Public Records  |
| 1002.80 | Lists of Licenses   |
| 1002.90 | Social Security Numbers   |

**AUTHORITY:** Implementing Section 2-123, and authorized by Sections 2-104, 2-107, and 2-123, of the Illinois Vehicle Title and Registration Law [625 ILCS 5]; 18 USC 2721; Section 5-47 of the Illinois Anatomical Gift Act [755 ILCS 50]; Section 6-117 of the Illinois Vehicle Code; Section 1A of the Illinois Identification Card Act [15 ILCS 335]; and Section 1-159.2 of the Illinois Vehicle Code.

**SOURCE:** Emergency rules adopted at 7 Ill. Reg. 11760, effective September 14, 1983; adopted and codified at 8 Ill. Reg. 2522, effective February 11, 1984; amended at 16 Ill. Reg. 13088, effective August 11, 1992; amended at 18 Ill. Reg. 18118, effective December 9, 1994; amended at 21 Ill. Reg. 466, effective January 1, 1997; amended at 31 Ill. Reg. 11337, effective July 23, 2007; amended at 33 Ill. Reg. 3177, effective January 30, 2009; amended at 34 Ill. Reg. 3666, effective March 5, 2010; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1002.10 Applicability**

This Part applies to the sale and dissemination of information contained in the Office of the Secretary of State that has been collected pursuant to the Illinois Vehicle Code [625 ILCS 5] for the issuance of driver's licenses, vehicle titles, and vehicle registrations and pursuant to the Illinois Identification Card Act [15 ILCS 335] for the issuance of identification cards. [This Part also applies to the dissemination of organ and tissue donor registry information that has been](#)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

collected pursuant to the Anatomical Gift Act [755 ILCS 50] for the purpose of determining whether a potential organ and tissue donor is included in the First Person Consent organ and tissue donor registry. This information is a public record; however, Social Security Numbers are not public information. Personally identifying information shall not be released to requestors unless otherwise permitted by statute or this Part.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1002.20 Definitions**

"Access Agreement" – an agreement entered into under Section 1002.60 of this Part by the Secretary of State and a recipient of drivers, title, vehicle, ~~or~~ identification card information, or organ and tissue donor registry information covered by this Part.

"Attorney" – an individual who is licensed to practice law

"Automobile Associated Businesses" – shall include but not be limited to new or used vehicle dealerships, vehicle rental agencies, and tow truck operators

"Commercial Purchasers" – individuals and business entities who enter into a written agreement to buy all or a portion of the drivers, title, or vehicle list or individual records in bulk

"Commercial Solicitation Purposes" – the use of the drivers, vehicle or title list, or driving or identification card abstracts, to contact individuals for advertising, offering for sale, marketing or sale of products or services; or identifying potential employees, except for the United States armed forces

"Director" – the Director or Acting Director of either Driver Services or Vehicle Services, depending on the context

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

"Drivers List" – the entire list or any part of the list of all drivers licensed by the State of Illinois that includes the driver's name, address, weight, height, gender, color of eyes, color of hair, and date of birth, county of residence, zip code, license, classification, license restriction codes, and license issuance and

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

expiration dates

"Driving Abstract" – a record kept by the Department of Driver Services on each driver licensed by the State of Illinois, containing all information required by IVC Section 6-106(b), all records of each driver's violations of the traffic laws, and administrative actions pertaining to driving privileges

"Employers" – individuals or business entities that permit individuals to work, when requesting information concerning current or prospective employees

"Financial Institutions" – banks, savings and loans, and credit unions, but not including currency exchanges

"Government Agencies" – units of local, state, or federal governmental agencies or elected governmental officials, including, but not limited to, Representatives, Senators, Congressmen, park board members, county board members, and school districts

"Identification Card Abstract" – a record kept by the Department of Driver Services on each person issued an identification card by the Secretary of State, containing all information required by the Illinois Identification Card Act [15 ILCS 335]

"Illinois Vehicle Code", "Vehicle Code", or "IVC" – 625 ILCS 5

"Insurers" – any insurance agent or company as defined in Section 2(e) of the Illinois Insurance Code [215 ILCS 5] authorized by the laws of any state to transact the business of insurance, and including all employees of such agent or company

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

"News Medium" – any newspaper or other periodical issued at regular intervals and having a general circulation; a news service; a radio station; a television station; a community antenna television service; and any person or corporation engaged in the making of news reels or other motion picture news for public showing

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Office" – the Office of the Secretary of State and not any particular department, address, or location

"Other Business Entities for Purposes Consistent with the Illinois Vehicle Code" – licensed remitters when requesting title or registration information; public libraries, public educational institutions, and private educational institutions when requesting driving records or registration or title information

"Personally Identifying Information" –

for driving records, the information regarding the driver's name, address (excluding the 5 digit zip code), [date of birth, height, weight, hair color, eye color, email address](#), telephone number and driver's license number;

for title or vehicle records the:

information regarding the vehicle owner's name, address (excluding the 5 digit zip code), [email address](#), and telephone number; or

registration owner's address (excluding the 5 digit zip code), [email address](#), and telephone number;

for identification card records, the information regarding the identification card holder's name, address (excluding the 5 digit zip code), [date of birth, height, weight, hair color, eye color, email address](#), telephone number, and identification card number

"Reporter" – any person regularly engaged in the business of collecting, writing or editing news for publication through a news medium; includes any person who was a reporter at the time the information sought was procured or obtained

"Request" – the written application upon the designated form or an acceptable alternative for the obtaining of a drivers list, vehicle list, title list, ~~or~~ a driving or identification card abstract, [or organ and tissue donor registry information](#)

"Secretary" – the Secretary of State of Illinois

"Title List" – the list of all vehicles titled by the State of Illinois

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Vehicle List" – the list of all vehicles by identification number, with the name and address of the owners, that are registered by the State of Illinois

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

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1002.40 Requests**

- a) Except as provided in subsection (~~de~~), all requests for any type of information for sale pursuant to IVC Section 2-123 must be in writing, be signed before a notary by the person requesting the information, and include that person's address, the purpose of the request, the specific information or type of information sought, the name and address of any organization represented and the position of the requestor in the organization. This document shall be known as the Certified Statement of Use.
- b) All requests for online access to the organ and tissue donor registry from procurement organizations providing services in the State of Illinois pursuant to Section 5-47(i) of the Anatomical Gift Act [755 ILCS 50] shall be in writing, be signed before a notary by the person requesting organ and tissue donor information, and include that person's address, the name and address of the organization and the position of the requestor in the organization. This document shall be known as the Certified Statement of Use.
- ~~cb~~) Information obtained by means of a computer connection between the Secretary's computers and those of any organization shall be requested in writing, as set forth in subsection (a). Throughout the term of the Access Agreement, the requesting organization shall not deviate from the Certified Statement of Use.
- ~~de~~) A request for an individual driving or identification card abstract must be in writing, signed by the person requesting the abstract, and include the requestor's address, driver's license or identification card number, purpose of the request, the name and address of any organization represented, and an affirmation that the information provided by the requestor is true and correct to the best of the requestor's knowledge. In addition, if the request is not made in person at a Secretary of State facility, the signature of the person making the request must be

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

notarized. Personally identifying information will be released only if the request falls within IVC Section 2-123(f-5).

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1002.60 Access Agreement**

- a) **Access Agreement Required**

All commercial or business purchasers or any federal, State or local entities in receipt of the drivers, vehicle, or title lists or driving or identification card abstracts, and all entities receiving drivers, vehicle or title lists or driving or identification card abstracts in bulk or via a computer connection, shall sign an Access Agreement with the Secretary. All procurement organizations providing services in the State of Illinois that request online access to the organ and tissue donor registry shall sign an Access Agreement with the Secretary.
- b) **Content of Access Agreement**
  - 1) The Access Agreement shall include disclosure of:
    - A) the specific use, which shall not include commercial solicitation purposes; or
    - B) the permissible use of personal information, if applicable.
  - 2) The Access Agreement shall contain those terms the Secretary deems necessary and appropriate to protect the integrity of the lists and abstracts, including, but not limited to:
    - A) a requirement that the data not be used for criminal or immoral purposes; and
    - B) a statement that violation of any terms of the Access Agreement could result in the Secretary's denial of sale or disclosure of the data to the purchaser or recipient for a term of 5 years and the return of the data to the Secretary.
- c) **Redisclosure**

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) The redisclosure of the data is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the data was permitted.
- 2) Any authorized recipient that resells or rediscloses personal data covered by this Part must keep, for a period of 5 years, records identifying each person or entity that receives information and the permitted purpose for which the data will be used. The purchaser must make these records available to the Secretary of State upon request.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

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

|                         |                          |
|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 1030.83                 | Amendment                |
| 1030.92                 | Amendment                |
- 4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed changes to the administrative rule update the procedures and expectations of applying for and receiving a Hazard Materials Endorsement on a driver's Commercial Driver's License. In addition, they update the restrictions that are applied to the vehicle a person is driving under the Type J restrictions.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? 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? Yes

|                         |                          |                                     |
|-------------------------|--------------------------|-------------------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> | <u>Illinois Register Citations:</u> |
| 1030.88                 | Amendment                | 44 Ill. Reg. 9923; June 5, 2020     |
| 1030.160                | Amendment                | 44 Ill. Reg. 11762; July 17, 2020   |
- 11) Statement of Statewide Policy Objective: No expenditures by units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Pamela Wright

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Office of the General Counsel  
298 Howlett Building  
Springfield IL 62756

217/785-3094  
pwright@ilsos.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent 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 1030  
ISSUANCE OF LICENSES

| Section |   |
|---------|---|
| 1030.1  | Definitions   |
| 1030.5  | Procedure for Obtaining a Standard Driver's License or Identification Card  |
| 1030.6  | Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)       |
| 1030.7  | Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5) |
| 1030.8  | Procedure for Obtaining a Real ID Compliant Driver's License or Identification Card                                 |
| 1030.10 | What Persons Shall Not Be Licensed or Granted Permits   |
| 1030.11 | Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)                        |
| 1030.12 | Identification Cards for the Homeless   |
| 1030.13 | Denial of License or Permit   |
| 1030.14 | Emergency Contact Database  |
| 1030.15 | Cite for Re-testing   |
| 1030.16 | Physical and Mental Evaluation  |
| 1030.17 | Errors in Issuance of Driver's License/Cancellation   |
| 1030.18 | Medical Criteria Affecting Driver Performance   |
| 1030.20 | Classification of Drivers – References (Repealed)   |
| 1030.22 | Medical Examiner's Certificate – CLP or CDL Holders   |
| 1030.25 | Safe Driver License Renewals  |
| 1030.26 | Identification Cards for IDOC/IDJJ Applicants   |
| 1030.27 | Identification Cards for Youth in Care  |
| 1030.30 | Classification Standards  |
| 1030.40 | Fifth Wheel Equipped Trucks   |
| 1030.50 | Bus Driver's Authority, Religious Organization and Senior Citizen Transportation                                    |
| 1030.55 | Commuter Van Driver Operating a For-Profit Ridesharing Arrangement  |
| 1030.60 | Third-Party Certification Program   |
| 1030.63 | Religious Exemption for Social Security Numbers (Repealed)  |
| 1030.65 | Instruction Permits   |
| 1030.66 | Adult Driver Education  |
| 1030.70 | Driver's License Testing/Vision Screening   |

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
- 1030.80 Driver's License Testing/Written Test
- 1030.81 Endorsements
- 1030.82 Charter Bus Driver Endorsement Requirements
- 1030.83 Hazardous Material Endorsement
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts – Written and/or Road Tests
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Learner's Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.150 Veteran Designation on Driver's License or Identification Card
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- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Standard Identification Card, Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit (Non-Real ID)
- 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)
- 1030.APPENDIX D Acceptable Identification Documents – Applicants for a Real ID

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## Compliant Driver's License or Identification Card

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

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22

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Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23,

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2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018; amended at 42 Ill. Reg. 20548, effective October 30, 2018; amended at 43 Ill. Reg. 3724, effective March 4, 2019; amended at 43 Ill. Reg. 5322, effective April 24, 2019; amended at 44 Ill. Reg. 2041, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5477, effective March 16, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 5839, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6650, effective April 9, 2020, for the remainder of the 150 days; emergency amendment at 44 Ill. Reg. 10011, effective May 21, 2020, for a maximum of 150 days; emergency amendment effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11603, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11898, effective June 30, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 12607, effective July 7, 2020; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1030.83 Hazardous Material Endorsement**

- a) ~~The Department must notify a holder of an HME at least 90 days before the expiration date of the HME that the applicant must initiate a security threat assessment from the TSA as soon as possible, but no later than 60 days before the expiration of the applicant's HME, and that the applicant's HME cannot be renewed if TSA has not issued to the Department a Determination of No Security Threat. The Department must require that an HME be renewed no more than five years after issuance.~~

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- ab) In order for the Department to issue an HME, all applicants must successfully comply with the following:
- 1) ~~Hold~~possess a valid and properly classified driver's license with a CDL issued by the Department;
  - 2) ~~Pass a TSA security threat assessment or hold a valid Transportation Worker Identification Credential (TWIC; i.e., an identification card issued by TSA to maritime workers with access to maritime facilities and vessels); pay all related application and fingerprinting fees as established by 49 CFR 1572 (October 1, 2014) and submit the fingerprints to the authorized TSA vendor who will transmit fingerprint data to the Federal Bureau of Investigation for a fingerprint-based criminal history background record check for a threat assessment.~~
  - 3) ~~the Department shall not issue a new HME in compliance with subsection (e) until the Department has received a Determination of No Security Threat from TSA.~~
  - 4) ~~upon the receipt of the Determination of No Security Threat from TSA, the Department will notify the driver in writing of an indication on the driving record authorizing the applicant to apply for the written HME test.~~
  - 35) ~~Pass~~passes a written test administered by the Department on the transporting of hazardous materials; ~~and~~.
  - 46) ~~Affirm~~affirms under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for the HME.
- be) TSA Security Threat Procedures
- 1) The applicant shall pay all related application and fingerprinting fees established by 49 CFR 1572 (October 1, 2014) and submit the fingerprints to the authorized TSA vendor who will transmit fingerprint data to the Federal Bureau of Investigation for a fingerprint-based criminal history background record check.

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- 2) Upon receipt of an Initial or Final Determination of Threat Assessment from TSA on an applicant that does not currently hold an HME on his/her CDL, the Department shall place an indication on the driving record of the applicant indicating he/she is not eligible for an HME. Correspondence notifying the applicant of the failed threat assessment shall be sent by TSA directly to the applicant, along with information regarding the applicant's right to due process.
  - 3) Upon receipt of Determination of No Security Threat from TSA on an applicant that currently holds a CDL with an HME, the Department shall place an indication on the driving record and notify the applicant in writing of the Determination of No Security Threat from TSA and direct the applicant to return to a driver services facility to complete the requirements to renew or transfer from another state his/her CDL with an HME.
  - 4) Upon receipt of an Initial or Final Determination of Threat Assessment from TSA on an applicant that currently holds a CDL with an HME, the Department shall place a tag on the driving record and send written notice to the applicant explaining that he/she has failed the Threat Assessment and, therefore, must appear at a driver services facility to have the HME removed from his/her CDL. The applicant will be given at least five days, but no more than 15 days, from the date of the notice to appear at a driver services facility and have the HME removed from his/her CDL. A corrected CDL will then be issued without the HME at no charge to the driver.~~Upon receipt of an Initial or Final Determination of Threat Assessment from TSA on an applicant that does not currently hold an HME on his/her CDL, the Department shall place an indication on the driving record of the applicant indicating he/she is not eligible for an HME. Correspondence notifying the applicant of the failed threat assessment shall be sent by TSA directly to the applicant, along with information regarding the applicant's right to due process.~~
- c) TWIC Procedures
- 1) The applicant shall take his/her valid, unexpired TWIC to an SOS driver services facility employee for visual inspection.

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- 2) The Department shall validate the TWIC against the TWIC Cancelled Card List.
  - 3) If the TWIC passes visual inspection and does not appear on the TWIC Cancellation Card List, the Department shall issue an HME.
  - 4) The Department shall submit a spreadsheet to TSA containing the names of all persons issued an HME indicating the applicant presented a TWIC.
  - 5) Upon notification from TSA that a TWIC was invalid, the Department shall place a tag on the driving record and send written notification to the applicant explaining that his/her TWIC was invalid and, therefore, the applicant must appear at a driver services facility to have the HME removed from his/her CDL. The applicant will be given at least five days, but no more than 15 days, from the date of the notice to appear at a driver services facility and have the HME removed from his/her CDL. A corrected CDL will then be issued with no charge to the driver. Upon receipt of Determination of No Security Threat from TSA on an applicant that currently holds a CDL with an HME, the Department shall place an indication on the driving record and notify the applicant in writing of the Determination of No Security Threat from TSA and direct the applicant to return to a driver license facility to complete the requirements to renew or transfer from another state his/her CDL with an HME.
- e) ~~Upon receipt of an Initial or Final Determination of Threat Assessment from TSA on an applicant that currently holds a CDL with an HME, Department shall place a tag on the driving record and send written notice to the applicant explaining that he/she has failed the Threat Assessment and, therefore, must appear at a driver license facility to have the HME removed from his/her CDL. The applicant will be given at least five days, but no more than 15 days, from the date of the notice to appear at a driver license facility and have the HME removed from his/her CDL. A corrected CDL will then be issued without the HME at no charge to the driver.~~
- d) Refusal or neglect of an applicant to have the HME removed and obtain a corrected CDL, pursuant to subsection (b) or (c)(e), shall result in the cancellation of the driver's CDL privileges pursuant to IVC Sections 6-201(a)(11) and 6-207. An applicant whose CDL privileges were canceled may request an administrative hearing to contest the cancellation. The scope of the hearing shall be limited to

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the reason for the cancellation and shall not address the Threat Assessment conducted by TSA or the determination by TSA that the TWIC was invalid.

- eg) If, after a driver's CDL privileges have been canceled pursuant to subsection (df) for failing to have the HME removed from the license ~~after the Department received an Initial or Final Determination of Threat Assessment from TSA as set forth in subsection (e)~~, the Department receives a Determination of No Security Threat from TSA on the driver, or notification that the TWIC was valid, an order rescinding the cancellation shall be entered and the driver's CDL privileges and the HME will be valid.
- fh) An applicant who obtains a corrected CDL shall be deemed to be in compliance with the Department's request and shall be allowed to retain CDL driving privileges.
- gt) If the Department receives a Determination of No Security Threat after a driver has previously been deemed a security threat by TSA and has had the HME removed from the CDL in compliance with subsection (b) or (c)~~(e)~~, the Department shall send written notice to the driver that he/she is now eligible to have the HME added back to his/her CDL. The written notice shall advise the driver to visit a driver ~~services~~license facility to have a corrected CDL issued reflecting the HME at no cost.
- h) Security Check at Expiration of HME
- 1) The Department shall notify a holder of an HME, at least 90 days before the expiration date of the HME:
- A) that:
- i) the applicant must initiate a security threat assessment from TSA as soon as possible, but no later than 60 days before the expiration of the applicant's HME; and
- ii) the applicant's HME cannot be renewed if TSA has not issued to the Department a Determination of No Security Threat; or
- B) that the Applicant must submit a renewed TWIC.

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- 2) The Department must require that an HME be renewed no more than five years after issuance.
- j) ~~An applicant who possesses a CDL with an HME and who will be applying for renewal of the CDL HME after May 31, 2005 may complete the TSA process as defined in subsection (b). An applicant who possesses a CDL with an HME and who will be applying for renewal of the CDL HME after May 31, 2005 may complete the TSA process as defined in subsection (b). Effective May 31, 2005, the Department shall not renew or transfer from another state an HME in compliance with subsection (d) until the Secretary of State has received a Determination of No Security Threat from TSA. However, the Secretary of State may extend the expiration date of the time for 90 days if TSA has not provided a Determination of No Security Threat or a Final Determination of Threat Assessment before the expiration date of the HME. Any additional extension must be approved in advance by the Director of the Department of Homeland Security.~~

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1030.92 Restrictions**

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

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- e) A Type D restriction requires the driver to use one or more prosthetic aids (e.g., artificial legs, artificial hands, hook on right or left arm, or brace on each leg) while operating a motor vehicle.
- f) A Type E restriction requires automatic transmission. An automatic transmission restriction is added when a driver of a commercial motor vehicle uses an automatic transmission during the pre-trip, skills and road portions of a commercial driver's license test as provided in FMCSR (49 CFR 383.95(c); October 1, 2014).
- g) A Type F restriction requires left and right outside rearview mirrors when a driver is hearing impaired, has a monocular visual acuity reading of 20/100 or worse in either eye, requires a right outside rearview mirror because of problems turning the head while backing, cannot meet the peripheral vision requirements of Section 1030.70(a), and/or takes the road test in a right hand-driven vehicle with the steering wheel on the right side. A driver may be restricted to both left and right rearview mirrors if minimum peripheral standards are met by the use of only one eye in accordance with Sections 1030.70 and 1030.75.
- h) A Type G restriction requires the driver to drive only in the daylight. This restriction is added when a driver has binocular visual acuity that does not meet the 20/40 minimum in accordance with Section 1030.70(a), but is not worse than 20/70. People who want to drive utilizing a non-standard lens arrangement pursuant to Section 1030.75 are restricted to daylight driving only.
- i) A Type J restriction with appropriate numerical indicators includes other restrictions not listed in this Section. These Type J restrictions and numerical indicators are as follows:
  - 1) J01 Driver has been issued an Illinois Medical Restriction Card, which must be carried in addition to a valid Illinois driver's license/permit.
  - 2) J02 Driver authorized to operate a religious organization bus within classification, as provided in IVC Section 6-106.2.
  - 3) J03 Driver authorized to operate a religious organization bus or van within Class D only. The driver took the religious organization bus test in a Class D vehicle, but may hold a Class A, B or C

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license.

- 4) J04 Driver authorized to operate a religious organization bus or van within Class C or a lesser classification vehicle only. The driver took the religious organization bus test in a Class C vehicle, but may hold a Class A or B license.
- 5) J05 Driver authorized to operate a senior citizen transportation vehicle within classification. The driver operates a vehicle that is utilized solely for the purpose of providing transportation for senior citizens, as provided in IVC Section 6-106.3.
- 6) J06 Driver authorized to operate a senior citizen transportation vehicle within Class D only. The driver took the senior citizen transportation vehicle test in a Class D vehicle, but may hold a Class A, B or C license.
- 7) J07 Driver authorized to operate a senior citizen transportation vehicle within written Class C vehicle, or a lesser classification vehicle only. The driver took the senior citizen transportation vehicle test in a Class C vehicle, but may hold a Class A or B license.
- 8) J08 Driver authorized to operate a commuter van in a for-profit ridesharing arrangement within classification, as provided in IVC Section 6-106.4.
- 9) J09 Driver who is 16 or 17 years of age authorized to operate either Class L motor-driven cycles or Class M motorcycles, as provided in IVC Section 6-103(2).
- 10) J10 Driver restricted to the operation of a vehicle with a GVWR of 16,000 pounds or less.
- 11) J11 Indicates the driver took the road test on a three-wheel motorcycle (Class M) or three-wheel motor-driven cycle (Class L) and is restricted to a three-wheel cycle of the proper class.

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- 12) J14 Restricted to the use of a non-standard lens arrangement pursuant to Section 1030.75 when operating a motor vehicle. (Lens arrangement may be designed for monocular or binocular vision.)
- 13) J15 Special Restrictions – An applicant may have special restrictions applied specifically to the vehicle the applicant is operating at the time a road test is being administered by a facility examiner. These special restrictions may apply only when the applicant is operating that particular motor vehicle. This J15 restriction only applies to variations of C, D or ~~J60E~~ restrictions. To remove a special restriction or to operate another motor vehicle would require the applicant to be administered another road test in the new vehicle.
- 14) J16 Moped Only – Authorizes an applicant holding a Class L license to operate a moped only.
- 15) J17 Authorizes a person holding a Class L or M license to operate a motorcycle or motor driven cycle with rear wheel extensions while maintaining a single front wheel.
- 16) J33 Driver authorized to operate a Class D vehicle using a non-standard lens arrangement, pursuant to Section 1030.75, during nighttime hours.
- 17) J50 Farm Waived Non-CDL Farm Vehicle Driver – FVD (Class A truck/tractor, semi-trailer combination vehicles only) – Allows farmers or a member of the farmer's family who is 21 years of age or older and has completed all of the applicable exams (core, combination, air brake, and all three parts of the skills test) to drive a farm waived non-CDL (Class A truck/tractor, semi-trailer combination vehicles only) vehicle. Those eligible may operate the truck/tractor semi-trailer to transport farm products, equipment or supplies to or from a farm, if used within 150 air miles of the farm, and not used in the operations of a common or contract carrier.
- 18) J51 Farm Waived Non-CDL Covered Farm Vehicle Driver – CFV (Class A truck/tractor, semi-trailer combination vehicles only) – Allows farmers, members of the farmer's family or employees of the farmer who are 18 years of age or older driving intrastate or 21 years

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of age or older driving interstate and has completed all of the applicable exams (core, combination, air brake, and all three parts of the skills test) to drive a farm waived non-CDL (Class A truck/tractor, semi-trailer combination vehicles only) covered farm vehicle. Those eligible may operate the truck/tractor, semi-trailer to transport farm products, equipment or supplies to or from a farm, if used within this State or interstate within 150 air miles of the farm, and not used in the operations of a common or contract carrier. The vehicle must be a covered farm vehicle as defined by law with Illinois Farm plates.

- 19) J60 Automatic Transmission – An automatic transmission restriction is added when a driver is unable to operate a standard shift non-commercial vehicle due to the minimal use of one or both arms and/or legs.
- 20) J71 Out of state at the time of issuance – license issued to driver who is temporarily absent from State of Illinois at expiration date of his/her driver's license.
- 21) J72 Out of country at the time of issuance – license issued to driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license.
- 22) J73 Military or military dependent – license issued to the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.
- 23) J74 Military deferral card issued at the expiration of the driver's license to extend the expiration while in the military of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.
- 24) J75 No Photo or Signature – administrative approval license to driver who having his/her photograph taken is against his/her religious convictions or has a serious facial disfigurement.

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- 25) J88 Deaf/Hard of Hearing – requires alternative forms of communication.
- 26) J89 Aphasia – an impairment of language ability.
- 27) J90 BAIID Only – requires the driver to operate only motor vehicles equipped with a Breath Alcohol Ignition Interlock Device (BAIID).
- 28) J91 Mental Health Disorder – made available upon:
- A) the request of the applicant; and
  - B) the submission of an SOS medical report form ([http://www.cyberdriveillinois.com/publications/pdf\\_publications/dsd\\_dc163.pdf](http://www.cyberdriveillinois.com/publications/pdf_publications/dsd_dc163.pdf)) completed by an applicant's treating provider (Doctor licensed to practice medicine in all its branches (MD)/Doctor of Osteopathic Medicine (DO) or Nurse Practitioner (NP)/Physician Assistant (PA)), indicating that the applicant has a mental health disorder and is mentally fit to operate a vehicle.
- 29) J99 Indicates more than two J restrictions have been placed on the license.
- j) A Type K restriction indicates the driver is authorized to operate a commercial motor vehicle intrastate only.
- k) A Type L restriction indicates that the person is not authorized to operate vehicles equipped with air brakes.
- l) A Type M restriction indicates P endorsement only valid in a Class B or lesser classification vehicle.
- m) A Type N restriction indicates P endorsement only valid in a Class C or lesser classification vehicle.
- n) A Type O restriction prohibits a commercial motor vehicle driver from operating a combination vehicle with a fifth wheel assembly as provided by 49 CFR 383.153(a)(10) (October 1, 2014).

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- o) A Type P restriction allows a commercial learner's permit holder to operate a vehicle designed to carry passengers, without passengers aboard, exempting a company trainer or State or federal examiner as provided by 49 CFR 383.153(b)(9) (October 1, 2014).
- p) A type V restriction indicates FMCSA has granted a medical variance to operate a CMV within the boundaries of the United States as provided by 49 CFR 391.41 (October 1, 2014).
- q) A Type X restriction allows a commercial learner's permit holder to operate a tank truck or tank truck tractor/trailer combination void of any type of liquid and/or gaseous materials in the tank as provided by 49 CFR 383.153(b)(9) (October 1, 2014).
- r) A Type Z restriction limits a commercial motor vehicle driver to operating a commercial motor vehicle with air over hydraulic braking system as provided by 49 CFR 383.153(b)(10) (October 1, 2014).
- s) An applicant who wants to appeal a type of restriction that has been added to a driver's license, depending on the type of restriction, shall:
  - 1) For Type B, C, D, F, G, J01, J60 or any other medical restriction that has been added to the driver's license pursuant to the restrictions contained in subsection (i), follow the manner prescribed by this Part.
  - 2) For any other types of restrictions that have been added to the driver's license pursuant to this Section, appeal to the Department of Administrative Hearings pursuant to IVC Section 2-118.
  - 3) Further review of all restrictions shall be conducted by the courts pursuant to the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

|                         |                          |
|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 1040.32                 | Amendment                |
| 1040.44                 | Amendment                |
| 1040.115                | Repealed                 |
- 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) A Complete Description of the Subjects and Issues Involved: The License to Work Act, PA 101-623 effective July 1, 2020, removed the Secretary of State's authority to suspend or revoke a driver's license for certain offenses that did not involve the use of a motor vehicle. This amendment updates our rules to reflect the removal of that authority.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? 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? Yes

|                        |                         |                                     |
|------------------------|-------------------------|-------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u>  |
| 1040.66                | Amendment               | 44 Ill. Reg. 2324; January 31, 2020 |
- 11) Statement of Statewide Policy Objective: No expenditures by units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Pamela Wright  
Office of the General Counsel

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298 Howlett Building  
Springfield IL 62756

pwright@ilsos.gov

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No impact
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the need for it was unanticipated.

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

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## 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  |

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- 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, Returned Check and Dishonored Electronic Payment 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 (Repealed)
- 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 Chapter 6, Articles II and VII of the Illinois Vehicle Code [625 ILCS 5] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code.

**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,

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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

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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. 13705, effective October 30, 2017; amended at 42 Ill. Reg. 235, effective December 19, 2017; amended at 42 Ill. Reg. 7963, effective April 30, 2018; amended at 43 Ill. Reg. 14699, effective December 6, 2019; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently**

- a) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that the person has committed one or more of the following offenses listed in IVC Section 6-206.
  - 1) If any person has permitted an unlawful use of a driver's license, identification card, or permit by allowing another person to use any license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(5):

ACTION TABLE

| Offenses  | Action              |
|---|---------------------|
| 1 <sup>st</sup> Offense                                   | 12-month Suspension |
| 1 <sup>st</sup> Offense (with open or pending revocation) | Revocation          |
| 2 <sup>nd</sup> or subsequent Offense                     | Revocation; or      |

- 2) If any person has made a false statement or made any false affidavit or has knowingly concealed or affirmed falsely to a material fact or used false information or identification in an application for a driver's license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(9):

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ACTION TABLE

| <u>Offenses</u>   | <u>Action</u>       |
|---|---------------------|
| 1 <sup>st</sup> Offense                                 | 12-month Suspension |
| 1 <sup>st</sup> Offense with open or pending revocation | Revocation          |
| 2 <sup>nd</sup> or subsequent Offense                   | Revocation; or      |

- 3) If any person has possessed, displayed or attempted to fraudulently use any driver's license, identification card, or permit not issued to that person, the Department shall take the following action pursuant to IVC Section 6-206(a)(10):

ACTION TABLE

| <u>Offenses</u>   | <u>Action</u>       |
|---|---------------------|
| 1 <sup>st</sup> Offense                                   | 12-month Suspension |
| 1 <sup>st</sup> Offense (with open or pending revocation) | Revocation          |
| 2 <sup>nd</sup> or subsequent Offense                     | Revocation; or      |

- 4) If any person has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a driver's license, identification card or permit for some other person, the Department shall take the following action pursuant to IVC Section 6-206(a)(12):

ACTION TABLE

| <u>Offenses</u>   | <u>Action</u>       |
|---|---------------------|
| 1 <sup>st</sup> Offense                                   | 12-month Suspension |
| 1 <sup>st</sup> Offense (with open or pending revocation) | Revocation          |
| 2 <sup>nd</sup> or subsequent Offense                     | Revocation; or      |

- 5) If any person has violated IVC Section 6-301, 6-301.1 or 6-301.2 or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS

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335/14, 14A or 14B], the Department shall take action appropriate for the violation committed pursuant to IVC Section 6-206.

- A) Unlawful use of driver's license, permit or identification card: If any person has displayed or caused to be displayed or had in his possession any cancelled, revoked or suspended driver's license, permit or identification card; allowed unlawful use of driver's license, permit or identification card; lent his driver's license, permit or identification card to any other person or knowingly allowed the use thereof by another; or displayed or represented as his own any driver's license, permit or identification card issued to another, the Department shall take the following action pursuant to IVC Section 6-301 or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

| <u>Offenses</u>   | <u>Action</u>       |
|---|---------------------|
| 1 <sup>st</sup> Offense                                   | 12-month Suspension |
| 1 <sup>st</sup> Offense (with open or pending revocation) | Revocation          |
| 2 <sup>nd</sup> or subsequent Offense                     | Revocation; or      |

- B) Fictitious or unlawfully altered driver's license, identification card or permit: If any person has knowingly possessed or displayed any fictitious or unlawfully altered driver's license, identification card or permit; knowingly issued or assisted in the issuance of a fictitious driver's license, identification card or permit; or knowingly manufactured, possessed, transferred or provided any identification document for the purpose of obtaining a fictitious driver's license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-301.1 or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

| <u>Offenses</u>                       | <u>Action</u>       |
|---------------------------------------|---------------------|
| 1 <sup>st</sup> Offense               | 12-month Suspension |
| 1 <sup>st</sup> Offense (with open or | Revocation          |

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pending revocation)  
2<sup>nd</sup> or subsequent Offense                      Revocation; or

- C) Fraudulent driver's license or permit: If any person has committed a violation of IVC Section 6-301.2(b)(1) through (6), (11) or (12) or Section 14B(b)(1) through (6) of the Illinois Identification Card Act, the Department shall take the following action pursuant to IVC Section 6-206(a)(14):

ACTION TABLE

| <u>Offenses</u>   | <u>Action</u>       |
|---|---------------------|
| 1 <sup>st</sup> Offense                                   | 12-month Suspension |
| 1 <sup>st</sup> Offense (with open or pending revocation) | Revocation          |
| 2 <sup>nd</sup> or subsequent Offense                     | Revocation; or      |

- D) Fraudulent driver's license or permit: If any person has committed a violation of IVC Section 6-301.2(b)(7) through (10) or Section 14B(b)(7) through (10) of the Illinois Identification Card Act, the Department shall take the following action pursuant to IVC Section 6-206(a)(14):

ACTION TABLE

| <u>Offenses</u>                       | <u>Action</u>  |
|---------------------------------------|----------------|
| 1 <sup>st</sup> or subsequent Offense | Revocation; or |

- 6) If any person has permitted another person to use any form of that person's identification in the application process to obtain a driver's license, identification card, or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(25):

ACTION TABLE

| <u>Offenses</u>   | <u>Action</u>       |
|---|---------------------|
| 1 <sup>st</sup> Offense                                   | 12-month Suspension |
| 1 <sup>st</sup> Offense (with open or pending revocation) | Revocation          |

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2<sup>nd</sup> or subsequent Offense Revocation; or

- 7) If any person has unlawfully altered or attempted to alter or possessed an altered driver's license, identification card, or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(26):

ACTION TABLE

| Offenses  | Action              |
|---|---------------------|
| 1 <sup>st</sup> Offense                                   | 12-month Suspension |
| 1 <sup>st</sup> Offense (with open or pending revocation) | Revocation          |
| 2 <sup>nd</sup> or subsequent Offense                     | Revocation; or      |

- 8) ~~Blank~~If any person has violated Section 6-16 of the Liquor Control Act of 1934 [235 ILCS 5/6-16], the Department shall take the following action pursuant to IVC Section 6-206(a)(27):

ACTION TABLE

| Offenses  | Action                         |
|---|--------------------------------|
| <del>1<sup>st</sup> Offense</del>                                   | <del>12-month Suspension</del> |
| <del>1<sup>st</sup> Offense (with open or pending revocation)</del> | <del>Revocation</del>          |
| <del>2<sup>nd</sup> or subsequent Offense</del>                     | <del>Revocation; or</del>      |

- 9) If any person has been convicted of violating Section 6-20(c) of the Liquor Control Act of 1934, the Department shall take the following action pursuant to IVC Section 6-206(a)(38):

ACTION TABLE

| Convictions  | Action              |
|--|---------------------|
| 1 <sup>st</sup> Conviction                                   | 12-month Suspension |
| 1 <sup>st</sup> Conviction (with open or pending revocation) | Revocation          |
| 2 <sup>nd</sup> or subsequent Conviction                     | Revocation.         |

- b) The sources of acceptable proof of the offenses described in subsection (a) are

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court documents, driver services facility applications, government entity documents, and law enforcement correspondence/reports.

- c) Persons who have applied for federal amnesty pursuant to the Immigration Reform and Control Act of 1986 (P.L. 99-603) shall not be suspended or revoked under subsection (a) if they show proof to the Department that they have applied for federal amnesty, unless they are otherwise ineligible to be licensed as drivers or granted a permit, as provided by IVC Section 6-103. Proof shall be the application documents for federal amnesty issued by the U.S. Citizenship and Immigration Services verifying that the individual has applied for federal amnesty. If an individual seeking federal amnesty has previously been found by the Department to be in violation of this Section or if the Department receives a report from individuals or agencies listed in subsection (b) that a person applying for federal amnesty has been convicted of committing a criminal act involving the use of their identification card, driver's license or permit in violation of the Criminal Code of 1961 [720 ILCS 5], his or her driving privileges shall be suspended or revoked by the Department in accordance with subsection (a).
- d) The Director of the Department shall rescind a suspension or revocation or reduce the period of a suspension for fraudulent activity if the Secretary's Office of the Inspector General provides the Director of the Department of Driver Services with sufficient evidence demonstrating the person has cooperated in the course of an official investigation regarding the sale, manufacture, issuance or receipt of a fraudulent or fictitious driver's license, permit or identification card. Sufficient evidence of cooperation will be shown by a written statement to the Director signed by the supervising official of the Office of the Inspector General. Whether the person cooperated in an investigation will be determined by the Office of the Inspector General.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1040.44 Suspension or Revocation for Violation of Possession of Medical Cannabis in a Motor Vehicle**

If any person has been convicted of violating Section 11-502.1(a), ~~(b)~~ or ~~(c)~~ of the IVC, the Department shall take the following action:;

ACTION TABLE

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| Convictions                              | Action              |
|--|---------------------|
| 1 <sup>st</sup> Conviction               | 6-month Suspension  |
| 2 <sup>nd</sup> Conviction               | 12-month Suspension |
| 3 <sup>rd</sup> or Subsequent Conviction | Revocation          |

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1040.115 Suspension for Theft of Motor Fuel (Repealed)**

- a) ~~A person who has been convicted of theft of motor fuel as defined in Section 16J-15 of the Criminal Code of 1961 [720 ILCS 5/16J-15] prior to August 21, 2007 or Section 16K-15 of the Criminal Code of 1961 [720 ILCS 5/16K-15] on or after August 21, 2007 or Section 16-25 on or after January 1, 2012, shall have his/her driving privileges suspended by the Department.~~
- b) ~~Upon notice of conviction, the Department shall take the following action:~~

ACTION TABLE

| Convictions                              | Action              |
|--|---------------------|
| 1 <sup>st</sup> Conviction               | 6-month Suspension  |
| 2 <sup>nd</sup> or subsequent Conviction | 12-month Suspension |

- e) ~~A conviction for theft of motor fuel may be considered with prior convictions only if the arrest date falls within seven years after any previous conviction for theft of motor fuel.~~

(Source: Repealed at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3) 

|                         |                          |
|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 2700.20                 | Amendment                |
| 2700.30                 | Amendment                |
| 2700.40                 | Amendment                |
- 4) 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)].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to update the name of the financial aid application used by RISE Act-eligible students and to implement statutory amendments as necessary.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? 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: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Jackie Eckley

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Agency Rules Coordinator  
Illinois Student Assistance Commission  
500 West Monroe, 3<sup>rd</sup> Floor  
Springfield IL 62704

217/782.5161  
jackie.eckley@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2020

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2700  
GENERAL PROVISIONS

## Section

|         |  |
|---------|--|
| 2700.10 | Summary and Purpose                              |
| 2700.15 | Incorporations by Reference                      |
| 2700.20 | Definitions                                      |
| 2700.30 | General Institutional Eligibility Requirements   |
| 2700.40 | General Applicant Eligibility Requirements       |
| 2700.50 | Determining Applicant Eligibility                |
| 2700.55 | Use, Security and Confidentiality of Information |
| 2700.60 | Audits and Investigations                        |
| 2700.70 | Appeal Procedures                                |
| 2700.80 | Contractual Agreement Requirements               |

**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.

**SOURCE:** Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003; amended at 29 Ill. Reg. 9884, effective July 1, 2005; amended at 30 Ill. Reg. 11600, effective July 1, 2006; amended at 31 Ill. Reg. 9478, effective July 1, 2007; amended at 32 Ill. Reg. 10269, effective July 1, 2008; amended at 33 Ill. Reg. 9742, effective July 1, 2009; amended at

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

34 Ill. Reg. 8543, effective July 1, 2010; amended at 37 Ill. Reg. 9497, effective July 1, 2013; amended at 38 Ill. Reg. 13356, effective July 1, 2014; amended at 39 Ill. Reg. 8390, effective July 1, 2015; amended at 40 Ill. Reg. 1963, effective January 7, 2016; amended at 43 Ill. Reg. 7269, effective July 1, 2019; amended at 43 Ill. Reg. 15003, effective January 1, 2020; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2700.20 Definitions**

"Academic Level" – The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" – In relation to scholarship and grant programs, a 12 month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.3.

["Alternative Application for Illinois Financial Aid" or "Alternative Application" – The FAFSA substitute application for State student aid and benefits under the Retention of Illinois Students and Equity \(RISE\) Act that may be used only as an alternative to the FAFSA, when appropriate, and shall be substituted accordingly for the FAFSA when FAFSA is referenced in ISAC rules.](#)

["Alternative Application for Illinois Financial Aid Receipt Date" – The date upon which ISAC receives an applicant's initial Alternative Application for an academic year. For a paper Alternative Application sent through the U.S. Postal Service, the receipt date will be the postmark date.](#)

"Alternative Loan" – Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" – Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" – *Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in*

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*the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State.*  
(Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" – The United States Army, Air Force, Navy, Marines and Coast Guard.

"Blanket Certificate of Loan Guaranty" – A process that permits an eligible lender to make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions, as authorized by section 428(n) of the HEA.

"Chargeback" – Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance.  
(See 110 ILCS 805/6-2.)

"Citizen" – One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" – A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" – One of the 2 individuals who are joint borrowers either on a Federal PLUS Loan (parent borrowers) that was certified prior to January 1, 1995 or on any Federal Consolidation loan (married borrowers) and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" – The 10 member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947].

"Compound Accreted Value" – An amount equal to the original amount plus an investment return accrued to the date of determination at a semiannual compounding rate that is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accreted Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

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"Concurrent Registration" – The simultaneous enrollment at 2 or more institutions.

"Consolidation" – A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions, as authorized by section 428C of the HEA.

"Contractual Agreement" – The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among 2 or more eligible institutions only.

"Correctional Officer" – An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Correspondence Course" – A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" – A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" – For the purposes of ISAC's rules, this term is defined at section 472 of the HEA (20 USC 1087ll).

"Cumulative Grade Point Average" – The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" – The failure of a borrower or endorser (if any) to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

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"Delinquency" – For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" – A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" – In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" – A learning and teaching mode characterized by the separation of place or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" – The acronym for the United States Department of Education.

"Educational Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Educational Lender" – An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFT" – The acronym for electronic funds transfer.

"Eligible Noncitizen" – A noncitizen who is eligible for federal student assistance pursuant to section 484 of the HEA (20 USC 1091); or a noncitizen or person who is not a permanent resident of the United States, who does not meet the eligibility criteria for federal student assistance pursuant to section 484 of the HEA but who meets all of the following criteria:

the individual resided with ~~his or her~~ parent or guardian while attending a public or private high school in this State;

the individual graduated from a public or private high school or received the equivalent of a high school diploma in this State;

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the individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma in this State;

the individual provides an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so; and

the individual has not established a residence outside of this State.

"Endorser" – A person fitting the definitions found at 34 CFR 682.200 or 34 CFR 685.102(b) who is secondarily liable for the repayment of a federal student loan.

"Enrolled" – The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" – The chief executive officer of ISAC.

"Expected Family Contribution" – The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution as defined at section 474 of the HEA (20 USC 1087nn) is used to determine a student's eligibility for need based programs administered by ISAC.

"FAFSA" – The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" – The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" – Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" – The acronym for the Federal Family Education Loan Program, as authorized by section 421 of the HEA, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

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"Fire Officer" – For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" – An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least 5 years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" – In relation to scholarship and grant programs, an individual enrolled for 12 or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 668.2(b).

"Gift Assistance" – Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Golden Apple Scholars of Illinois" – A private, not-for-profit program under the auspices of the Golden Apple Foundation that recruits, prepares and provides financial assistance to high school graduates to pursue postsecondary education for careers as teachers for particular Illinois schools.

"Good Moral Character" – An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" – The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan" – Loan assistance through the Federal Family Education Loan Program (FFELP) that includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

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"Half-time Student" – In relation to scholarship and grant programs, an individual enrolled for 6 or more credit hours (but fewer than 12 credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 668.2(b).

"HEA" – The acronym for the Higher Education Act of 1965, as amended (20 USC 1070 et seq.).

"High School Equivalency Certificate" – A certificate received after successfully completing a high school equivalency examination as defined in Section 3-15.12 of the School Code [105 ILCS 5].

"Holder" – An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" – The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" – The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2(b).

"Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Institution of Higher Learning" – An educational organization whose main campus is physically located in Illinois that:

provides at least a 2-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

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is operated:

by the State;

publicly or privately, not for profit; or

for profit, provided it:

offers degree programs that have been approved by the IBHE for a minimum of 3 years under the Academic Degree Act;

enrolls a majority of its students in these degree programs;  
and

maintains accredited status with the Higher Learning Commission of the North Central Association of Colleges and Schools.

For otherwise eligible educational organizations that provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act). For eligible institutions with campuses in multiple states, the term "institution of higher learning" shall include only those campuses located in Illinois.

"Institution of Record" – The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" – The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947] to administer student assistance programs.

"ISBE" – The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

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"Lender" – An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" – The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" – The acronym for the Monetary Award Program administered by ISAC, as authorized by Section 35 of the Higher Education Student Assistance Act and codified at 23 Ill. Adm. Code 2735.

"Master Check" – A single check representing the loan proceeds for more than one borrower.

"Minority Student" – *A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).*

"Parent" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2(b).

"Pell Grant" – A federal gift assistance program administered by ED in accordance with section 401 of the HEA (20 USC 1070a et seq).

"PLUS" – The federal program that provides loans to graduate students or parents of certain undergraduate students, as authorized by section 428B of the HEA (20 USC 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947].

"Police Officer" – For the purposes of ISAC's rules, this term means a law

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enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" – An individual who meets the eligibility requirements of the gift assistance program for which ~~the applicant~~she/he is applying.

"Regular School Year" – An 8 to 9 month period of time that includes 2 semester terms or 3 quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" – The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" –

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the FAFSA or the Alternative Application for Illinois Financial AidRISE Act application, physically resides within the State of Illinois, and Illinois is the parent's~~his or her~~ true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is their~~his or her~~ true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding 2 paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following:

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or

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plans to return) to Illinois within 6 months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that ~~the applicant's his/her~~ domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for 6 continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within 6 months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that ~~the applicant's his/her~~ domicile was the State of Illinois throughout the missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parents' temporary physical absence from Illinois provided the parents would be a resident of Illinois under the preceding 2 paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided ~~it can be demonstrated that the applicant's~~ ~~applicant can demonstrate that his/her~~ absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

~~"RISE Act Application" — The FAFSA substitute application for State student aid and benefits under the Retention of Illinois Students and Equity (RISE) Act that may be used only as an alternative to the FAFSA, when appropriate, and shall be substituted accordingly for the FAFSA when FAFSA is referenced in ISAC rules.~~

~~"RISE Act Application Receipt Date" — The date upon which ISAC receives an applicant's initial RISE Act Application for an academic year. For a paper RISE Act Application sent through the U.S. Postal Service, the postmark date.~~

"Rules" – The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

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"Satisfactory Academic Progress" – An institutional policy that establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to section 484 of the HEA (20 USC 1091).

"Service Academy" – *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" – The acronym for the federal Supplemental Loans for Students Program, as authorized by section 428A of the HEA (20 USC 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" – A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" – The federal subsidized and unsubsidized loan programs as authorized by sections 427, 428 and 428H of the HEA (20 USC 1078).

"Student Beneficiary" – An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" – An undergraduate postsecondary course of study that, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than 4 semesters/6 quarters of postsecondary study, this includes a postsecondary course of study that leads to a teacher education program.

"Teacher Shortage Discipline" – An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

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"Telecommunications Course" – A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

"Term" – A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" – The charge for instruction assessed by an institution.

"Verification" – Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by subpart E of 34 CFR 668 and by ISAC's rules.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2700.30 General Institutional Eligibility Requirements**

- a) ISAC Program Participation Agreement
  - 1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.
  - 2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.
  - 3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.
  - 4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.
- b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.
- c) Institutions shall be subject to possible limitation, suspension or termination of

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eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation. (See 23 Ill. Adm. Code 2790.)

- d) Postsecondary institutions that participate in gift assistance programs shall annually submit to ISAC a copy of their tuition refund policy. The submissions shall not be considered ISAC approval of the policies.
- e) Postsecondary institutions that participate in MAP are required to have in place or establish a program, determined by the institution, that is intended to improve MAP recipients' success, retention and completion in higher education at that institution. Institutions shall annually submit to ISAC retention, completion and graduation rate data as well as advising and support program information. This information is intended to enhance ISAC's ability to evaluate and improve MAP effectiveness.
- f) Postsecondary institutions that participate in gift assistance programs shall annually report their tuition and fee charges, as well as initial MAP advance payment requests, to ISAC on or before June 1 preceding each academic year.
  - 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.
  - 2) The report shall match specific fee charges with the gift assistance programs that may finance the fee. These categorizations by the institution shall not be considered ISAC approval.
  - 3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.30(a) and 2733.30(e).)
    - A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee that is attributable to tuition expenses may be financed with program benefits.
    - B) Institutions with such a fee shall certify what percentage of the fee

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is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.

- g) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.
- h) Annually Provided Information
- 1) *Public universities or community colleges that enroll students who are eligible to receive financial aid, and that receive education loan information for a student enrolled in that institution, are required to annually (on a date determined by the institution) provide to the student or parent or guardian (whichever may be appropriate based on adherence to applicable privacy laws) the following information:*
    - A) *an estimate of the total amount of education loans taken out by the student or parent or guardian;*
    - B) *an estimate of the potential payoff amount of the incurred education loans or a range of the total payoff amount, and monthly repayment amounts that a similarly situated borrower may incur for the amount of loans the student or the parent or the guardian has taken out at the time the information is provided, including principal and interest amounts;*
    - C) *the percentage of the borrowing limit the student or parent or guardian has reached at the time the information is provided; and*
    - D) *any financial resources available to the student or the parent or guardian.*
  - 2) *The information provided under this subsection (h) may include a statement that the estimates and ranges are general in nature and are not meant as a guarantee or promise of the actual projected amount.*
  - 3) *In this subsection (h) education loan means any State or federal education loan or other loan that is used primarily to finance a postsecondary education and cost of attendance at a public university or community*

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*college.* [110 ILCS 947/83]

- i) Additional institutional eligibility requirements are contained in subsequent Parts of ISAC's rules.
- j) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.
- k) Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection (k).
  - 1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.
  - 2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)
  - 3) Institutional applicants that are fully accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided the institution meets and maintains the requirements of subsections (k)(4)(C) and (D).
  - 4) Public or private not for profit institutional applicants that do not meet the requirements of subsection (k)(3) may be approved to participate in ISAC gift assistance programs if the institution has:
    - A) obtained candidate status for the Higher Learning Commission of the North Central Association of Colleges and Schools accreditation.
    - B) applied for and is seeking degree-granting authority.
    - C) obtained at least 3 letters indicating the transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions that are approved to participate in the Monetary Award Program (MAP) and are accredited by the

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Higher Learning Commission of the North Central Association of Colleges and Schools.

- D) an adequate number of qualified persons to administer their responsibilities under ISAC's rules for gift assistance programs. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.
- 5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)
- 6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of 5 academic years. An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (k)(3) and if there are no outstanding audit exceptions.
- l) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED (see section 487 of the HEA (20 USC 1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.
- m) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 and 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)
- n) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes associated with the same main OPE-ID number will not be considered separate entities.

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- o) An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.
- p) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.31 et seq.) and by the submission and Commission approval of a new application for participation with ISAC.
- q) In any program in which ISAC is required by law to participate with approved high schools and/or institutions of higher learning or educational agencies to create awareness of programs offered by any of the foregoing institutions or the State (such as the Public University Uniform Admission Pilot Program Act [110 ILCS 118]), the institution shall coordinate with ISAC. Measures that may be taken by the institution may include, but are not limited to, the following:
  - 1) providing ISAC an institutional contact to serve as the liaison with ISAC to coordinate outreach efforts;
  - 2) timely providing ISAC with the necessary program information or materials for timely communications to the applicable Illinois residents;
  - 3) developing an outreach plan prior to deployment and then reviewing the efficacy of the plan periodically thereafter to ensure that:
    - A) ISAC's coordinated outreach efforts are best used in conjunction with the institution's and are appropriately distributed regionally and demographically; and
    - B) outreach materials and programs are up-to-date and appropriate.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2700.40 General Applicant Eligibility Requirements**

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- a) Except as otherwise provided by this subsection, an applicant with a defaulted loan made pursuant to Title IV of the Higher Education Act is not eligible for benefits under ISAC-administered programs.
  - 1) Eligibility for federally-guaranteed loans may be reinstated in accordance with federal regulations and the following provisions:
    - A) Eligibility for federally-guaranteed loans will be reinstated when:
      - i) the debt has been paid in full;
      - ii) the borrower has made a "satisfactory repayment arrangement," in accordance with 34 CFR 682.200;
      - iii) the borrower's prior defaulted loan has been rehabilitated, in accordance with 34 CFR 682.405; or
      - iv) the borrower has made payments on a defaulted loan to consolidate that loan in accordance with 34 CFR 682.201.
    - B) Borrowers are eligible to use subsections (a)(1)(A)(ii) and (iii) only one time.
    - C) Eligibility for ISAC-administered gift assistance will be reinstated for current and future terms when the applicant has maintained a satisfactory repayment record for at least 6 consecutive months or has met the requirements of subsection (a)(1)(A). Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the applicant, and the frequency of the applicant's contact with ISAC.
  - 2) A qualified applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(C), must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.

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## NOTICE OF PROPOSED AMENDMENTS

- b) No applicant shall receive ISAC-administered assistance if the applicant owes a refund for any ISAC-administered gift assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (FSEOG) (20 USC 1070(b)).
- c) An applicant shall, upon request, provide documentation to establish and verify eligibility. (See Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.
- d) An applicant who has received financial assistance based on fraudulent data shall be denied ISAC-administered assistance until full restitution has been made to ISAC for any fraudulently-obtained funds, and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.
- e) ~~Each applicant must submit his/her~~ [Applicants with a Social Security Number \(SSN\) must submit it at the time of applying.](#)
- f) Recipients who cease to be residents of Illinois after notification of eligibility may complete the academic year with the assistance awarded.
- g) Unless otherwise provided, benefits under gift assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor.
- h) When gift assistance eligibility is limited to a specified number of term payments, the eligibility cap is calculated in accordance with this subsection.
  - 1) For each semester term of full-time payment benefits, the recipient is assessed 6 eligibility units. For each quarter term of full-time payment benefits, the recipient is assessed 4 eligibility units.
  - 2) For each semester term of half-time payment benefits, the recipient is assessed 3 eligibility units. For each quarter term of half-time payment benefits, the recipient is assessed 2 eligibility units.
  - 3) For each semester or quarter term of less than half-time payment benefits, the recipient is assessed one eligibility unit.

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- 4) Sixty eligibility units are the equivalent of payments for 10 semesters/15 quarters of full-time benefits.
- 5) Forty-eight eligibility units are the equivalent of payments for 8 semesters/12 quarters of full-time benefits.
- i) An applicant shall comply with Selective Service registration requirements (~~see, pursuant to~~ 34 CFR 668.37 et seq.) unless contrary to State law (~~see 110 ILCS 986/15(a)~~)(RISE Act (P.A. 101-21)).
- j) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) (ING Grant) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program) (IVG Grant), an applicant must be maintaining satisfactory academic progress in accordance with the institution's policy.
- k) Except for ING and IVG Grants, ISAC gift assistance benefits for courses utilizing distance education are limited to students enrolled in eligible degree or certificate programs that are defined as eligible to receive Title IV, HEA program funds. (See 34 CFR 668.38.)
- l) Except for ING and IVG Grants, students enrolled in academic programs while incarcerated are ineligible for ISAC gift assistance benefits.
- m) For the purpose of determining the timeliness of an individual's application, the postmark date of an application submitted electronically shall be the date on which ISAC receives that individual's submission of complete application data.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: AIM HIGH Grant Pilot Program
- 2) Code Citation: 23 Ill. Adm. Code 2766
- 3) 

|                         |                          |
|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 2766.15                 | Amendment                |
| 2766.30                 | Amendment                |
| 2766.50                 | Amendment                |
- 4) Statutory Authority: Implementing and authorized by Section 65.100 of the Higher Education Student Assistance Act [110 ILCS 947].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being revised due to legislation (PA 101-643) stating that the program's income requirement at the time of initial application will be the income considered for each subsequent application, for the duration of the program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? 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: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Jackie Eckley  
Agency Rules Coordinator

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Illinois Student Assistance Commission  
500 West Monroe, 3<sup>rd</sup> Floor  
Springfield IL 62704

217/782-5161  
jackie.eckley@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2020

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2766  
AIM HIGH GRANT PILOT PROGRAM

## Section

|         |   |
|---------|---|
| 2766.10 | Summary and Purpose                         |
| 2766.15 | Definitions                                 |
| 2766.20 | Institutional Applicant Eligibility         |
| 2766.30 | Program Procedures                          |
| 2766.40 | Institutional Procedures                    |
| 2766.50 | Student Applicant and Recipient Eligibility |

**AUTHORITY:** Implementing and authorized by Section 65.100 of the Higher Education Student Assistance Act [110 ILCS 947].

**SOURCE:** Former Part 2766 repealed at 31 Ill. Reg. 9523, effective July 1, 2007; new Part 2766 adopted by emergency rulemaking at 42 Ill. Reg. 17265, effective September 13, 2018, for a maximum of 150 days; new Part adopted at 43 Ill. Reg. 2263, effective February 1, 2019; amended at 43 Ill. Reg. 15048, effective January 1, 2020; amended at 44 Ill. Reg. 11059, effective July 1, 2020; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2766.15 Definitions**

"Baseline Awards" means the total amount of qualifying non-loan financial aid the public university campus awarded to its Illinois resident undergraduate students in academic year 2017-18, not including the summer term.

*"Illinois High School" – any high school located in Illinois whether or not recognized by the State Board of Education. [110 ILCS 947/65.100]*

"Maintenance of Effort" or "MOE" – a requirement that in the academic year AIM HIGH funds are received by the public university campus, the total amount of qualifying non-loan financial aid the public university campus awards to its Illinois resident undergraduate students must be at least as much as its baseline awards and shall not include AIM HIGH funded awards or matching requirement awards made in that academic year.

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"Matching Requirement" – a requirement that the public university campus use its own funds in the academic year for which the AIM HIGH funds are used: to equally match those AIM HIGH funds ~~allocated to it; and~~ to award non-loan financial aid to its students who meet at least the qualifications described in Section 2766.50(b).

*"Public University"* – any public 4-year university in Illinois. [110 ILCS 947/10]

*"Public University Campus"* – any campus under the governance or supervision of a public university. [110 ILCS 947/10]

"Qualifying Non-loan Financial Aid" – non-loan financial aid, the awarding of which is mostly within the control of the public university campus. The data requested to demonstrate this awarding shall be determined by ISAC and shall be applied uniformly across university campuses.

"Resident of Illinois" or "Illinois Resident" – defined by the laws governing eligibility for in-state tuition at the public university campus.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2766.30 Program Procedures**

- a) Each year, in the month of August, ISAC will request from each public university campus the number of undergraduate students who are residents of Illinois and citizens or eligible noncitizens of the U.S. and who were enrolled at that public university campus in the previous academic year.
- b) ISAC will determine for each public university campus its proportionate allocation of appropriated funds for the upcoming academic year using enrollment data provided in subsection (a).
- c) After determining the allocation of the appropriation for each public university campus, ISAC will inform each public university campus of the amount of its available allocation for the upcoming academic year.
- d) Annually, each public university campus may opt to apply for all or part of its allocation of appropriated funds.

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- e) If a public institution does not request all or part of its allocation, ISAC will reallocate those unclaimed funds, using the same methodology as the initial allocation determination, among the remaining universities that have indicated a desire to receive an additional allocation.
- f) In order to receive a disbursement of AIM HIGH funds, the university campus shall complete an application that shall be in a form provided by ISAC and shall include, at a minimum, the following information and documentation:
  - 1) the amount of the allocation the university has claimed for the upcoming academic year;
  - 2) the total university campus funds used to match funds received from ISAC in the previous academic year, if any;
  - 3) the total number of undergraduate students who are residents of Illinois from the previous academic year;
  - 4) all information and certifications that demonstrate eligibility as described in Section 2766.20; and
  - 5) any other information or certifications required by law or the Grant Agreement.
- g) If the application is incomplete, ISAC will notify the applicant, who will have an opportunity to furnish the missing information. The application will only be considered for processing as of the date the completed application is received at ISAC's Springfield office at 500 West Monroe, 3<sup>rd</sup> Floor, Springfield IL 62704.
- h) A university that does not submit a complete and timely application may not be eligible to receive its allocation. Instead, its share may be distributed by ISAC using the allocation determination methodology in subsection (a) to make the remaining funds available for other universities that filed timely applications and indicate a desire for an additional allocation.
- i) The total amount of grant funds to be distributed among eligible applicant universities in a given academic year is contingent upon available funding from the previous fiscal year and whether all eligible institutions elect to receive their full allocation.

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- j) No funds shall be distributed to the public university campus until all AIM HIGH funds from the previous academic year have been reconciled, including any claimed and unexpended funds that were retained by the public university campus.
- k) Depending upon the number of academic years and the degree to which the public university campus fails to make its matching requirement or MOE, the university campus may be suspended from participating in AIM HIGH in an academic year, but shall be eligible to regain eligibility in the academic year following the suspension.
- l) When making the determination to reduce an award under Section 2766.20(b)(2) and (3), or suspend a university campus from AIM HIGH for not meeting its matching requirement or MOE under subsection (k), ISAC shall take into account the circumstances that may have contributed to this failure, such as, but not limited to:
- 1) a reduction in State appropriations to fund the public university campus in that academic year;
  - 2) the number of matching requirements or MOE qualifying awards offered by the public institution, but not accepted by students in that academic year; ~~and~~
  - 3) the matching award commitments already made to students for the academic year for which the AIM HIGH funds will be used; and
  - 43) the commitment demonstrated by the public university campus to maintaining level tuition and mandatory fees for Illinois residents over multiple academic years.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2766.50 Student Applicant and Recipient Eligibility**

- a) An eligible student applicant for funding from an AIM HIGH allocation shall:
- 1) have attended an Illinois high school;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 2) be engaged in a program of study (i.e., course) that in due course will be completed by the end of the school year;
  - 3) complete an application for the award no later than 12 months from the last date of the school year within which the coursework was completed;
  - 4) apply to be enrolled for the first time at the public university campus where the award will be used; and
  - 5) meet all the student eligibility qualifications and requirements under subsection (b) before receiving an award.
- b) In order to meet the eligibility qualifications and requirements, an award recipient shall:
- 1) *be a resident of Illinois and a citizen or eligible noncitizen of the United States;*
  - 2) *file a Free Application for Federal Student Aid (FAFSA) ~~that demonstrates and demonstrate~~ financial need with a household income no greater than 6 times the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 USC 9902(2). The household income of the applicant at the time of initial application shall be deemed to be the household income of the applicant for the duration of the pilot program;*
  - 3) *meet the minimum cumulative grade point average or ACT or SAT college admissions test score, as determined by the public university campus;*
  - 4) *be enrolled in a participating public university campus as an undergraduate student on a full-time basis;*
  - 5) *have not yet received a baccalaureate degree or the equivalent of 135 semester credit hours;*
  - 6) *not be incarcerated;*

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- 7) *not be in default on any student loan nor owe a refund or repayment on any State or federal grant or scholarship; and*
  - 8) *meet any other reasonable criteria, as determined by the public university campus.* [110 ILCS 947/65.100]
- c) An AIM HIGH funded award recipient who meets the eligibility criteria for renewals shall be eligible for an AIM HIGH renewal award in subsequent academic years, the criteria for which shall be determined by the public university campus consistent with the criteria in this Section. AIM HIGH funded award renewal amounts shall be in an amount not less than the AIM HIGH funded amount from the renewal applicant's first year of attendance at the university campus, unless there is a reduction due to changes in the student's cost of attendance, including, but not limited to:
- 1) a reduction in credit hours in which a student is enrolled, but remains a full time student; or
  - 2) switching to a course of study with a lower tuition rate.
- d) An AIM HIGH funded award recipient under subsection (a) or a renewal applicant shall be eligible for non-loan financial aid in the amount determined by the public university campus during the academic year, not including summer terms, and shall be eligible to receive other financial aid.
- e) The total amount of the AIM HIGH funds awarded to a qualified recipient in a given academic year, when added to other financial aid available to the qualified recipient for that year, shall not exceed the cost of attendance.
- f) Applicants eligible for an award using matching requirement funds must meet the criteria in subsection (b). Renewal availability and eligibility criteria shall be determined by the public university campus as required by subsection (b).

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hours of Service of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 395
- 3) Section Number: 395.2000                      Proposed Action:  
Amendment
- 4) Statutory Authority: 625 ILCS 5/18b-102 and 105
- 5) A Complete Description of the Subjects and Issues Involved:

The Federal Motor Carrier Safety Administration (FMCSA) of the United States Department of Transportation (USDOT) recently published a final rule amending 49 CFR 395, Hours of Service of Drivers. The Department, as it is required under 625 ILCS 5/18b-105(e), proposes to incorporate the FMCSA's final rule by updating its incorporation of the federal regulations. Below is a summary of the key changes made by the FMCSA's final rule. A complete copy of the final rule may be obtained by visiting [www.federalregister.gov](http://www.federalregister.gov) and searching for 85 FR 33396.

#### Short-haul Exception

The final rule extends the short-haul exception from 100 air-miles to 150 air-miles. In addition, the maximum duty period allowed under the short-haul exception has been increased from 12 to 14 hours.

#### Sleeper Berth Requirements

Drivers may take their required 10 hours off-duty in two periods, provided one off-duty period is at least 2 hours long and the other involves at least 7 consecutive hours spent in the sleeper berth.

#### Required Break

The 30-minute break is now only required when a driver has driven for a period of 8 hours without at least a 30-minute interruption. The break may be satisfied by any non-driving period of 30 minutes.

#### Adverse Driving Conditions

Drivers may extend the maximum driving window by up to 2 hours during adverse driving conditions.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Greg Stucka, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel  
2300 South Dirksen Parkway, Room 317  
Springfield IL 62764

217/524-2638

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

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects small businesses that operate commercial motor vehicles; however, no adverse impact is expected.
  - B) Reporting, bookkeeping, or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

- 14) Small Business Impact Analysis: The Department does not anticipate this rulemaking will have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because the need for it was unanticipated.

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

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 395  
HOURS OF SERVICE OF DRIVERS

## Section

|          |  |
|----------|--|
| 395.1000 | Purpose and Applicability                |
| 395.1500 | Enforcement                              |
| 395.2000 | Incorporation by Reference of 49 CFR 395 |

**AUTHORITY:** Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

**SOURCE:** Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 5096, effective March 31, 1999; amended at 24 Ill. Reg. 1944, effective January 19, 2000; amended at 25 Ill. Reg. 2092, effective January 17, 2001; amended at 26 Ill. Reg. 9009, effective June 5, 2002; amended at 26 Ill. Reg. 12766, effective August 12, 2002; amended at 27 Ill. Reg. 9251, effective June 2, 2003; amended at 28 Ill. Reg. 1161, effective January 4, 2004; emergency amendment at 28 Ill. Reg. 6654, effective April 14, 2004, for a maximum of 150 days; emergency expired September 10, 2004; amended at 29 Ill. Reg. 19264, effective November 10, 2005; amended at 30 Ill. Reg. 5642, effective March 8, 2006; amended at 32 Ill. Reg. 10433, effective June 25, 2008; amended at 37 Ill. Reg. 18346, effective November 4, 2013; amended at 40 Ill. Reg. 2050, effective January 8, 2016; emergency amendment at 41 Ill. Reg. 15380, effective December 19, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 5918, effective March 14, 2018; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 395.2000 Incorporation by Reference of 49 CFR 395**

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR Subchapter B) was in effect on [October 1, 2019, as amended by 85 FR 33396 \(June 1, 2020\)](#)~~October 1, 2017~~, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated. Copies of 49 CFR 395 are available for inspection at 2300 South Dirksen Parkway, Springfield,

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

Illinois 62764 or by calling ~~(217)785-1181~~<sup>(217)785-1181</sup>. The incorporated CFR may also be accessed via the U.S. Government Publishing Office's website at <http://www.ecfr.gov>.

- b) References to subchapters, parts, subparts, sections, or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) ~~49 CFR 395.1(h) and 395.1(i) are not incorporated. The following interpretations of, additions to, and deletions from 49 CFR 395 shall apply for purposes of this Part:~~
- ~~1) 49 CFR 395.1(h) and 395.1(i) are not incorporated.~~
  - ~~2) 49 CFR 395.1(e)(1) as it applies to intrastate carriers is amended to establish that drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status. (Section 18b-105(d) of the Law)~~
- d) *A contract carrier shall limit the hours of service by a driver transporting employees in the course of their employment on a road or highway of this State in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in 7 consecutive days. The contract carrier shall require a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least 8 consecutive hours off duty before operating a vehicle again. (Section 18b-106.1 of the Law) If the driver drives over 12 hours per day or performs more than 15 hours of on-duty service per day, the driver must complete a log book for that day.*

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Illinois Speech-Language Pathology and Audiology Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1465
- 3) 

| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
|-------------------------|-------------------------|
| 1465.20                 | Amendment               |
| 1465.35                 | Amendment               |
| 1465.36                 | Amendment               |
| 1465.40                 | Amendment               |
| 1465.41                 | Amendment               |
| 1465.50                 | Amendment               |
| 1465.60                 | Amendment               |
| 1465.70                 | Amendment               |
| 1465.75                 | Amendment               |
| 1465.80                 | Amendment               |
| 1465.85                 | Amendment               |
| 1465.95                 | Amendment               |
| 1465.100                | New Section             |
- 4) Statutory Authority: The Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 410]
- 5) Effective Date of Rules: August 7, 2020
- 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 Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 55; January 3, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Per public comment, the Department further clarified certain educational requirements for license applicants.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This adopted rulemaking implemented the significant changes made to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 410] by its sunset reauthorization. These changes included the expansion, as well as definition, of the scope of practice for audiologists and speech-language pathologists. The adopted changes also clarify the speech-language pathologist licensure requirements for foreign graduates and set parameters for the remote practice of audiology and speech-language pathology. Additionally, the adopted changes established a Continuing Education requirement in ethics for speech-language pathologists and audiologists.
- 16) Information and questions regarding these adopted rules shall be directed to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2nd Floor  
Springfield IL 62786

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

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1465  
THE ILLINOIS SPEECH-LANGUAGE PATHOLOGY  
AND AUDIOLOGY PRACTICE ACT

## Section

|                          |  |
|--------------------------|--|
| 1465.10                  | Application for Licensure Under Section 7 of the Act (Repealed)              |
| 1465.20                  | Approved Programs  |
| 1465.30                  | Professional Experience  |
| 1465.35                  | Supervision  |
| 1465.36                  | Evaluation and Management Related to Speech-Language Pathology and Audiology |
| 1465.40                  | Application for Licensure  |
| 1465.41                  | Temporary License  |
| 1465.45                  | Jurisdiction   |
| 1465.50                  | Examination  |
| 1465.60                  | Endorsement  |
| 1465.70                  | Renewal  |
| 1465.75                  | Fees   |
| 1465.80                  | Restoration  |
| 1465.85                  | Continuing Education   |
| 1465.90                  | Granting Variances   |
| 1465.95                  | Professional Conduct Standards   |
| <a href="#">1465.100</a> | <a href="#">Basic Health Screenings</a>                                      |

AUTHORITY: Implementing the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105].

SOURCE: Emergency rules adopted at 13 Ill. Reg. 1616, effective January 20, 1989, for a maximum of 150 days; emergency expired June 19, 1989; adopted at 13 Ill. Reg. 13882, effective August 22, 1989; amended at 18 Ill. Reg. 12794, effective August 4, 1994; amended at 19 Ill. Reg. 11477, effective July 28, 1995; emergency amendment at 21 Ill. Reg. 11785, effective August 7, 1997, for a maximum of 150 days; emergency expired January 3, 1998; amended at 22 Ill. Reg. 3879, effective February 5, 1998; amended at 22 Ill. Reg. 21978, effective December 1, 1998; amended at 27 Ill. Reg. 15530, effective September 19, 2003;

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

amended at 28 Ill. Reg. 14437, effective October 20, 2004; amended at 35 Ill. Reg. 2002, effective January 20, 2011; amended at 44 Ill. Reg. 13072, effective August 7, 2020.

**Section 1465.20 Approved Programs**

- a) The Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall approve a speech-language pathology or audiology program if it meets the following minimum criteria:
- 1) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate degree.
  - 2) The institution has a faculty that consists of a sufficient number of full-time instructors to ensure educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from professional colleges or institutions.
  - 3) The program director must be trained and hold a master's or doctoral degree in speech-language pathology, in audiology or in speech and hearing science.
  - 4) The institution has an integrated curriculum plan that includes at least the following subject areas in professional education (60 semester hours required):
    - A) Basic Communication Processes
      - i) Anatomic and physiological bases
      - ii) Physical bases and processes of the production and perception of speech, language and hearing
      - iii) Linguistic and psycholinguistic variables related to normal development and use of speech, language and hearing
    - B) Speech-Language Pathology/Audiology
      - i) Speech and language disorders, which must include, at a

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minimum, didactic training in the following subject areas:

- articulation and fluency;
- voice and resonance;
- receptive and expressive language in speaking;
- listening, reading and writing;
- hearing;
- swallowing (oral, pharyngeal, esophageal and related functions (including oral function for feeding and orofacial myology));
- cognitive aspects of communication;
- social aspects of communication; and
- augmentative and alternative communication modalities

- ii) Audiology
- iii) Auditory and vestibular pathology
- iv) Auditory and vestibular habilitation/rehabilitation

5) The institution has a clinical practicum that provides speech-language pathology students with 375 hours of clinical experience supervised in the subject areas in subsection(a)(4)(B)(i) that is by a licensed speech-language pathologist or a minimum of 1500 hours clinical practicum supervised by a licensed ~~an~~ audiologist ~~or a person who is ASHA certified or certified in audiology by the American Board of Audiology~~. The experience shall take place in at least 2 clinical settings (i.e., academic program, school setting, medical facility, community clinics).

- b) The Division shall approve a speech-language pathology assistant program if it

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meets the following minimum criteria:

- 1) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate degree.
- 2) The institution has a faculty that consists of a sufficient number of full-time instructors to ensure educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from professional colleges or institutions.
- 3) The program director must be trained and hold a master's or doctoral degree in speech-language pathology, in audiology or in speech and hearing science.
- 4) The institution has an integrated curriculum plan that includes at least the following:
  - A) 24 semester credit hours or its equivalent in general education;
  - B) 36 semester credit hours or its equivalent in the following technical content areas:
    - i) an overview of normal processes of communication as relates to hearing, speech and language;
    - ii) an overview of communication disorders as relates to hearing, speech and language;
    - iii) instruction in speech-language pathology assistant-level service delivery practices, including basic audiometric screening;
    - iv) instruction in workplace behaviors to minimally include ethics, standards of employee conduct and speech-language pathology assistant duty restrictions;
    - v) cultural and linguistic factors in communication;

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- vi) observation; and
- C) 100 hours of supervised field work experience supervised by a licensed speech-language pathologist at least 50% of the time when the student is engaged in contact with the patient or client.
- c) The Division has determined that all speech-language pathology and audiology master's and doctoral degree programs accredited or approved by the Council on Academic Accreditation in Audiology and Speech-Language Pathology as of January 1, 2008 meet the minimum criteria set forth in this Section and are, therefore, approved.
- d) The Division has determined that all audiology doctoral degree programs accredited or approved by the Accreditation Commission for Audiology Education meet the minimum criteria set forth in this Section and are, therefore, approved.
- e) The Division has determined that foreign applicants can meet the speech-language pathology master's program requirement if an applicant provides a verifiable letter from the American Speech-Language-Hearing Association which states the applicant has met the academic and clinical experience requirements for the Certificate of Clinical Competence.

(Source: Amended at 44 Ill. Reg. 13072, effective August 7, 2020)

**Section 1465.35 Supervision**

- a) Pursuant to Section 3.5(a) of the Act, supervision of students in speech-language pathology and audiology programs means that the supervisor is on-site (but not necessarily in the same room as the student) whenever the student is performing practices normally done by a licensed speech-language pathologist or audiologist. Supervision of students requires that direct supervision must be done no less than 25% of the time for treatment and 25% of the time for diagnostics. The supervisor is directly responsible to the client for all actions of that student. For purposes of this Part, direct supervision means on site, in view of the supervisor. This Part does not apply to students in speech-language pathology assistant programs.
- b) If a person has completed the academic and practicum work for a master's or

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doctoral degree in speech-language pathology and the individual is in the process of completing the equivalent of 9 months of supervised professional experience for his/her initial license, or the individual has finished that experience and is waiting for his/her application for licensure to be processed, supervision shall meet the requirements set forth in Section 1465.30.

- c) Pursuant to Section 8.8 of the Act, a speech-language pathology assistant shall:
- 1) Practice only under the supervision of a licensed speech-language pathologist who has at least 2 years' experience in addition to the supervised professional experience required under Section 8(f) of the Act. A speech-language pathologist who supervises a speech-language pathology assistant must have completed at least ~~6+0~~ clock hours of training in ~~the supervision related to~~ speech-language pathology and must complete at least 2 clock hours of continuing education in supervision related to speech-language pathology in each new licensing cycle after completion of the initial training required under Section 8(f) of the Act assistants.
    - A) The supervision training requirement shall be satisfied by completion of 10 hours of continuing education as defined in Section 1465.85(b).
    - B) Documentation of prior supervisory experience may be submitted to the Board of Speech-Language Pathology and Audiology (Board) with a request for its acceptance in lieu of the supervision training requirement. The Board retains the discretion to approve or deny the request.  - 2) Be under the direct supervision of a licensed speech-language pathologist at least 30% of the speech-language pathology assistant's actual patient or client contact time per patient or client on a weekly basis during the first 90 days of initial employment as a speech-language pathology assistant. Thereafter, a speech-language pathology assistant must be under the direct supervision of a licensed speech-language pathologist at least 20% of the speech-language pathology assistant's actual patient or client contact time per patient or client on a weekly basis. Supervision of a speech-language pathology assistant beyond the minimum requirements of this subsection (c)(2) may be imposed at the discretion of the supervising speech-

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language pathologist. A supervising speech-language pathologist must be available to communicate with a speech-language pathology assistant whenever the assistant is in contact with a patient or client.

- A) A speech-language pathologist who supervises a speech-language pathology assistant must document direct supervision activities. At a minimum, supervision documentation must provide:
  - i) information regarding the quality of the speech-language pathology assistant's performance of assigned duties; and
  - ii) verification that clinical activity is limited to duties specified in Section 8.7 of the Act.
- B) A full-time speech-language pathologist may supervise no more than 2 speech-language pathology assistants. A speech-language pathologist who does not work full-time may supervise no more than one speech-language pathology assistant.
- 3) For purposes of this subsection (c), "direct supervision" means on-site, in-view observation and guidance by a speech-language pathologist while an assigned activity is performed by the speech-language pathology assistant.

(Source: Amended at 44 Ill. Reg. 13072, effective August 7, 2020)

**Section 1465.36 Evaluation and Management Related to Speech-Language Pathology and Audiology**

For purposes of this Part, evaluation and management related to the practice of speech-language pathology and audiology shall be defined as follows:

- a) Speech-Language Pathology
  - 1) Evaluation under speech-language pathology means the application of nonmedical methods and procedures for the identification, measurement, testing and appraisal of communication development, disorders or disabilities of speech, language, voice, swallowing and other speech, language and voice related disorders.

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- 2) Management under speech-language pathology means habilitation, rehabilitation, counseling, consulting, directing or conducting programs that are designed to modify disorders related to communication development, and disorders or disabilities of speech, language, voice or swallowing. This may also include training in the use of augmentative communication systems, communication variation, cognitive rehabilitation, nonspoken language production, ~~and~~ comprehension, performance of hearing screening test consistent with speech-language pathology training, and basic health screenings in accordance with Section 8.3 of the Act.
- b) Audiology
- 1) Evaluation under audiology means the application of nonmedical methods and procedures for the identification, measurement, testing and appraisal of hearing or vestibular function.
  - 2) Management under audiology means the application of nonsurgical methods and procedures for the screening, identification, measurement, monitoring, testing, appraisal, prediction, interpretation, habilitation, rehabilitation, or instruction related to audiologic or vestibular disorders, including hearing, tinnitus and disorders of hearing and balance. ~~habilitation, rehabilitation, counseling, consulting, directing or conducting of programs that are designed to modify disorders related to hearing loss or vestibular malfunction. This includes training in the use of amplification, including dispensing of hearing aids.~~ This also includes intraoperative neurophysiological monitoring of the seventh and eighth cranial nerves, as well as basic speech and language screening tests consistent with audiology training and basic health screenings in accordance with Section 8.3 of the Act. ~~removal of cerumen for the purpose of performing evaluation or management procedures.~~

(Source: Amended at 44 Ill. Reg. 13072, effective August 7, 2020)

**Section 1465.40 Application for Licensure**

- a) Each applicant for a speech-language pathology or audiology license shall file an application with the Department of Financial and Professional Regulation-Division of Professional Regulation (Division), on forms provided by the

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Division. The application shall include:

- 1) Certification, on forms provided by the Division, of a master's or doctoral degree from a program approved by the Division in accordance with Section 1465.20(a). An applicant for licensure as a speech-language pathologist who received education and training at a speech-language pathology program located outside of the United States must meet the requirements of Section 8 of the Act, including, but not limited to, substantially complying with the minimum requirements of an approved program as set forth in Section 1465.20(a)(4)(B)(i); [225 ILCS 110/8]
  - 2) Passage of the PRAXIS examination or a national examination recognized by the Department set forth in Section 1465.50 or certification from the American Speech-Language-Hearing Association or ~~from the American Board of Audiology~~ pursuant to Section 8(e) of the Act. Exam scores shall be submitted directly to the Division from the testing service;
  - 3) Certification, on forms provided by the Division, of completion of the equivalent of 9 months of full-time supervised professional experience as set forth in Section 1465.30 ~~of this Part~~;
  - 4) The required fee as set forth in Section 1465.75 ~~of this Part~~.
- b) The Division, upon recommendation of the Board, will accept a Certificate of Clinical Competence in Speech-Language Pathology or Audiology awarded by the American Speech-Language-Hearing Association's Clinical Certification Board ~~or certification in audiology from the American Board of Audiology~~, in lieu of the documents required in subsections (a)(2) and (3).
- c) Each applicant for a speech-language pathology assistant license shall file an application with the Division on forms provided by the Division. The application shall include:
- 1) Certification, on forms provided by the Division, of completion of either an associate's degree from a speech-language pathology assistant program approved by the Division or a bachelor's degree with proof that the applicant has completed course work from an accredited college or university that meets the minimum requirements in accordance with Section 1465.20(b);

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- 2) The required fee as set forth in Section 1465.75 ~~of this Part~~.

(Source: Amended at 44 Ill. Reg. 13072, effective August 7, 2020)

**Section 1465.41 Temporary License**

On or after July 1, 2005, an applicant pursuing licensure as a speech language pathologist shall obtain a temporary license prior to beginning the supervised professional experience as specified in Section 1465.30.

- a) The application shall include:
  - 1a) Certification, on forms provided by the Division, of a master's or doctoral degree from a program approved by the Division in accordance with Section 1465.20(a);
  - 2b) Passage of the PRAXIS or a national examination recognized by the Department as set forth in Section 1465.50 or certification from the American Speech-Language-Hearing Association pursuant to Section 8(e) of the Act. Exam scores shall be submitted directly to the Division from the testing service;
  - 3e) Certification on forms provided by the Division demonstrating that a licensed speech-language pathologist has agreed to supervise the professional experience of the applicant; and
  - 4d) The required fee set forth in Section 1465.75 ~~of this Part~~.
- be) The temporary license may be renewed one time only for a 12-month period in the following situations:
  - 1) Serving full-time in the Armed Forces;
  - 2) An incapacitating illness documented by a currently licensed physician; or
  - 3) Any other similar extenuating circumstances.

(Source: Amended at 44 Ill. Reg. 13072, effective August 7, 2020)

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**Section 1465.50 Examination**

- a) The examination for licensure as a licensed speech-language pathologist and/or licensed audiologist is the PRAXIS examination or a national examination recognized by the Department that tests the theory and practice of the profession.
- b) Candidates for the examination shall make application and pay the examination fee directly to the designated testing service.
- c) Application to the testing services for purposes of the examination shall not constitute application to the Division for licensure.

(Source: Amended at 44 Ill. Reg. 13072, effective August 7, 2020)

**Section 1465.60 Endorsement**

- a) An applicant for a license as a speech-language pathologist or audiologist who is licensed under the laws of another state or territory of the United States shall file an application with the Division, on forms provided by the Division, that includes:
  - 1) Certification, on forms provided by the Division, of a master's or doctoral degree from a program approved by the Division in accordance with Section 1465.20;
  - 2) Certification, on forms provided by the Division, of completion of the equivalent of 9 months of full-time supervised professional experience as set forth in Section 1465.30 ~~of this Part~~;
  - 3) Proof of successful completion of the examination set forth in Section 1465.50 ~~of this Part~~;
  - 4) The Division, upon recommendation of the Board, will accept a Certificate of Clinical Competence in Speech-Language Pathology or Audiology awarded by the American Speech-Language-Hearing Association's Clinical Certification Board or certification in audiology from the American Board of Audiology, in lieu of the documents required in subsections (a)(2) and (3);

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- 5) Certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed and any state in which the applicant is currently licensed, stating:
    - A) The time during which the applicant was licensed; and
    - B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending;
  - 6) The required fee set forth in Section 1465.75 ~~of this Part~~.
- b) The Division may require additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois at the time of original licensure or to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application. The Division, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification in speech-language pathology ~~or audiology~~ from the American Speech-Language-Hearing Association ~~or certification in audiology from the American Board of Audiology~~; education, training, and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has written textbooks relating to speech-language-hearing; and any other attribute the Director of the Department of Financial and Professional Regulation-Division of Professional Regulation with the authority delegated by the Secretary (Director) accepts as evidence that the applicant has outstanding and proven ability in speech-language-hearing. The Division shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.
- c) A person licensed as a speech-language pathologist or audiologist under the laws of another state, who has made application to the Division for a license to practice, may practice speech-language pathology or audiology without a license for 90 days from the date of application or until disposition of the license application by the Division, whichever is sooner. The person must hold a Certificate of Clinical Competence from the American Speech-Language-Hearing Association in speech-language pathology or audiology ~~or, in the case of an audiologist, a certificate from the American Board of Audiology~~. In order to

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qualify under this subsection, there shall be no discipline or pending discipline against the applicant from the state or territory of the United States in which the applicant was originally licensed or any state in which the applicant is currently licensed.

- d) Application
- 1) An applicant for a license as a speech-language pathology assistant who is licensed under the laws of another state or territory of the United States shall file an application with the Division, on forms provided by the Division, that includes:
    - A) Certification, on forms provided by the Division, of completion of either an associate's degree from a speech-language pathology assistant program approved by the Division or a bachelor's degree with proof that the applicant has completed course work from an accredited college or university that meets the minimum requirements in accordance with Section 1465.20(b);
    - B) The required fee set forth in Section 1465.75 ~~of this Part~~; and
    - C) Certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed and any state in which the applicant is currently licensed, stating:
      - i) The time during which the applicant was licensed; and
      - ii) Whether the file of the applicant contains any record of any disciplinary actions taken or pending.
  - 2) The Division may require additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois at the time of original licensure or to determine whether the requirements of another state or territory, together with education and professional experience qualifications of the applicant, are substantially equivalent to the requirements in Illinois at the time of application. The Division shall either issue a license by endorsement to the applicant or notify him/her of

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the reasons for the denial of the application.

(Source: Amended at 44 Ill. Reg. 13072, effective August 7, 2020)

**Section 1465.70 Renewal**

- a) Every license issued under the Act shall expire on October 31 of odd numbered years. The holder of a license may renew the license during the month preceding the expiration date by paying the required fee. In order to renew a license, a speech-language pathology or audiology licensee will be required to complete 20 hours of continuing education in accordance with Section 1465.85. Beginning with the October 31, 2007 renewal, in order to renew a speech-language pathology assistant license, a licensee will be required to complete 10 hours of continuing education in accordance with Section 1465.85.
- b) It is the responsibility of each licensee to notify the Division of any change of address [or email address](#). ~~Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.~~

(Source: Amended at 44 Ill. Reg. 13072, effective August 7, 2020)

**Section 1465.75 Fees**

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

- a) Application Fees
  - 1) The fee for application for initial speech-language pathologist or audiologist license by examination is \$90.
  - 2) The fee for application as a speech-language pathology assistant is \$45.
  - 3) The fee for application for a person licensed as a speech-language pathologist or audiologist under the laws of another state or territory of the United States or of a foreign country or province is \$100.
  - 4) The fee for a temporary license as a speech-language pathologist is \$75.

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- b) Renewal Fees
- 1) The fee for the renewal of a speech-language pathologist or audiologist license shall be calculated at the rate of \$50 per year. In addition to the renewal fee, an audiologist shall, at renewal, pay a Hearing Instrument Consumer Protection Fee of \$45 as provided in Section 14(b-5) of the Act.
  - 2) The fee for the renewal of a speech-language pathology assistant license shall be calculated at the rate of \$25 per year.
  - 3) The fee for the renewal of a temporary license as a speech-language pathologist shall be \$50.
- c) General Fees
- 1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees.
  - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
  - 3) The fee for a certification of a licensee's record for any purpose is \$20.
  - 4) ~~The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.~~
  - 5) ~~The fee for a roster of persons licensed as speech-language pathologists or audiologists in this State shall be the actual cost of producing the roster.~~

(Source: Amended at 44 Ill. Reg. 13072, effective August 7, 2020)

**Section 1465.80 Restoration**

- a) A person seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of the fees pursuant to Section 1465.75 of this Part. In order to restore a speech-language pathology or audiology license, a

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licensee will be required to complete 20 hours of continuing education in accordance with Section 1465.85. In order to restore a speech-language pathology assistant license, a licensee will be required to complete 10 hours of continuing education in accordance with Section 1465.85.

- b) A person seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the fee pursuant to Section 1465.75 ~~of this Part~~. In order to restore a speech-language pathology or audiology license, a licensee will be required to complete 20 hours of continuing education in accordance with Section 1465.85. In order to restore a speech-language pathology assistant license, a licensee will be required to complete 10 hours of continuing education in accordance with Section 1465.85.
- c) A person seeking restoration of a speech-language pathology or audiology license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the fee required by Section 1465.75 ~~of this Part~~ and be scheduled for an interview before the Board. In order to restore a license, a licensee will be required to complete 20 hours of continuing education in accordance with Section 1465.85. The person shall also submit either:
- 1) Sworn evidence of active practice in another United States jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of said active practice; or
  - 2) An affidavit attesting to military service as provided in Section 11(f) of the Act; or
  - 3) Proof of successful completion of the PRAXIS examination or a national examination recognized by the Department in accordance with Section 1465.50 ~~of this Part~~ within one year prior to application for restoration of a speech-language pathology or audiology license.
- d) A person seeking restoration of a speech-language pathology assistant license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the fee required by Section 1465.75 ~~of this Part~~ and be scheduled for an interview before the Board. In order to restore a license, a licensee will be required to complete 10

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hours of continuing education in accordance with Section 1465.85. The person shall also submit either:

- 1) Sworn evidence of active employment as a speech-language pathology assistant in another United States jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to be employed during the term of active employment as a speech-language pathology assistant; or
  - 2) An affidavit attesting to military service as provided in Section 11(f) of the Act.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of lack of information, discrepancies or conflicts in information given or a need for clarification, the person seeking restoration of a license shall be required to:
- 1) Provide information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Division, an applicant shall have the license restored.

(Source: Amended at 44 Ill. Reg. 13072, effective August 7, 2020)

**Section 1465.85 Continuing Education**

- a) Continuing Education ~~(CE)~~ Hours Requirements
- 1) In order to renew a speech-language pathology or audiology license, a licensee will be required to complete 20 hours of ~~CE~~ continuing education in accordance with this Section. In order to renew a speech-language pathology assistant license, a licensee will be required to complete 10 hours of ~~CE~~ continuing education in accordance with this Section.
  - 2) A prerenewal period is the 24 months preceding October 31 of each odd-numbered year.

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- 3) Except as otherwise provided, CE requirements shall be the same for licensed speech-language pathologists and licensed audiologists. Individuals who hold a license as a speech pathologist and as an audiologist will be required to complete 20 hours of CE continuing education for each license held.
  - 4) An audiologist may not obtain more than 10 clock hours of CE during the 2-year licensing cycle through programs sponsored by hearing instrument or auditory prosthetic manufacturers.
  - 5) An audiologist must provide proof that at least 2 clock hours of training in ethics or legal requirements pertaining to the practice of audiology was completed during the 2-year licensing cycle for which he or she is currently licensed.
  - 6) A speech-language pathologist must provide proof that at least one clock hour of ethics training was completed during the 2-year licensing cycle for which he or she is currently licensed.
  - 74) One CE hour shall equal one clock hour of attendance. Credit~~After completion of the initial CE hour, credit~~ may be given in one-half hour increments.
  - 85) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
  - 96) Speech-language pathologists and audiologists licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- b) Approved Continuing Education (~~CE~~)
- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at, or participation in, a program or course (program) that is offered or sponsored by an approved CE continuing education sponsor who meets the requirements set forth in subsection (c), except for those activities provided in subsections (b)(2), (3) and (4).

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- 2) CE credits may be earned for completion of a distance learning course that is offered by an approved sponsor who meets the requirements set forth in subsection (c). Each distance learning course shall include an examination.
  - 3) CE credit may be earned through postgraduate training programs in speech-language pathology or audiology (e.g., extern, residency or fellowship programs) or completion of speech-language pathology or audiology related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
  - 4) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of speech-language pathology and audiology. The preparation of each published paper, book chapter or professional presentation dealing with speech-language pathology or audiology may be claimed for a maximum of 5 hours of CE credit. A presentation must be before an audience of speech-language pathologists, audiologists or related professionals. Five credit hours may be claimed for only the first time the information is published or presented.
- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
    - A) American Speech-Language-Hearing Association and its affiliates;
    - B) American Academy of Audiology and its affiliates;
    - C) Illinois Speech-Language-Hearing Association and its affiliates.
    - D) Illinois Academy of Audiology and its affiliates;
    - E) Any other accredited college or university, State agency, or any other person, firm, or association that has been approved and

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authorized by the Division in accordance with subsection (c)(2) to coordinate and present ~~CE~~continuing education courses and programs in conjunction with this Section.

- 2) An entity, not listed in subsection (c)(1), seeking approval as a CE sponsor shall submit an application, on forms supplied by the Division, along with a \$500 application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:
  - A) Certification:
    - i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) and all other criteria in this Section;
    - ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and shall provide a certificate of attendance as set forth in subsection (c)(9);
    - iii) That, upon request by the Division, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Division has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
    - iv) That each sponsor shall submit to the Division written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered;
  - B) A copy of a sample program with faculty, course materials and syllabi.
- 3) All programs shall:

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- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of speech-language pathology or audiology;
  - B) Foster the enhancement of general or specialized speech-language pathology or audiology practice and values;
  - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - D) Specify the course objectives, course content and teaching methods to be used; and
  - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
  - 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the approved sponsor. The presenter of the program may also be identified, but should be identified as a presenter. When an approved sponsor subcontracts with a presenter, the approved sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
  - 6) All programs given by approved sponsors shall be open to all licensed speech-language pathologists, licensed audiologists and licensed speech-language pathology assistants and not be limited to members of a single organization or group.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 7) To maintain approval as a sponsor, each shall submit to the Division by October 31 of each odd-numbered year a renewal application, a \$250 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.
- 8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
  - A) The name, address and license number, if applicable, of the sponsor;
  - B) The name and address of the participant;
  - C) A brief statement of the subject matter;
  - D) The number of hours attended in each program;
  - E) The date and place of the program; and
  - F) The signature of the sponsor.
- 9) The sponsor shall maintain attendance records for not less than 5 years.
- 10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 11) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Division, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until ~~such time as~~ the Division receives assurances of compliance with this Section.
- 12) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.

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- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b).
  - 2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
  - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) ~~CE~~Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3)~~-of this Section~~.
  - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval and disapproval of the program using the criteria set forth in subsection (c)(3)~~-of this Section~~.
- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application along with the required fee set forth in Section

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

1465.75 of this Part, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

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

(Source: Amended at 44 Ill. Reg. 13072, effective August 7, 2020)

**Section 1465.95 Professional Conduct Standards**

The Division may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 16 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:

- a) Practicing, condoning, facilitating, or otherwise being involved in, any form of discrimination. The licensee should act to prevent and eliminate discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- handicap, or any other preference or personal characteristic, condition or status;
- b) Engaging in any action that violates or diminishes the civil or legal rights of clients;
  - c) Engaging in the sexual exploitation of clients, students or supervisees;
  - d) Engaging in or condoning sexual harassment, which is defined as unwelcome deliberate or repeated comments, gestures or physical contacts of a sexual nature;
  - e) Failing to offer all pertinent facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to insure a client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged;
  - f) Failing to take appropriate steps to protect the privacy of a client and avoid unnecessary disclosures of confidential information;
  - g) Performing, or pretending to be able to perform, professional services beyond one's scope of practice and one's competency;
  - h) Failing to inform clients of the use of all experimental methods of treatment; safety precautions shall be adhered to by the licensee;
  - i) Failing to establish and maintain client records;
  - j) Deceptive, misleading or false representation. Licensees must assert and imply only credentials possessed and are responsible for correcting any misrepresentations of their credentials by others. Credentials include highest relevant degrees, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, professional membership, or any other credential that might indicate to the public specialized knowledge or expertise in speech-language pathology or audiology;
  - k) Submission of fraudulent claims for services to any person or entity including, but not limited to, health insurance companies or health service plans or third party payors;

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- l) Knowingly providing services to a client when the licensee's ability to practice is impaired. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems;
- m) Permitting a student or supervisee under his/her supervision or control to perform, or permitting the student or supervisee to hold himself or herself out as competent to perform, services beyond the trainee's, intern's, or assistant's level of education, training and/or experience;
- n) Allowing the student or supervisee to violate the rights of clients, permitting a trainee to violate confidentiality standards or failing to ensure that the client is informed that he/she is being treated by a student or supervisee;
- o) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits;
- p) The Division hereby incorporates by reference the "Code of Ethics" of the American Speech-Language-Hearing Association (~~20162010~~), 2200 Research Boulevard, Rockville, ~~MD~~Maryland 20850, and the "Code of Ethics" of the American Academy of Audiology (~~20182009~~), 11730 Plaza American Dr., Suite 300, Reston, ~~VA~~Virginia 20190, with no later amendments or editions.

(Source: Amended at 44 Ill. Reg. 13072, effective August 7, 2020)

**Section 1465.100 Basic Health Screenings**

- a) A speech-language pathologist or audiologist may perform basic health screenings as authorized in Section 8.3 of the Act.
- b) The speech-language pathologist or audiologist must receive training appropriate to the screenings he or she performs from one of the following:
  - 1) as part of the curriculum of an approved program;
  - 2) through worksite training; or
  - 3) through CE.

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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 44 Ill. Reg. 13072, effective August 7, 2020)

## DEPARTMENT OF INNOVATION AND TECHNOLOGY

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 1660
- 3) 

| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
|-------------------------|-------------------------|
| 1660.10                 | New Section             |
| 1660.20                 | New Section             |
| 1660.30                 | New Section             |
| 1660.40                 | New Section             |
| 1660.50                 | New Section             |
| 1660.60                 | New Section             |
| 1660.70                 | New Section             |
| 1660.EXHIBIT A          | New Section             |
- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 1-50 of the Department of Innovation and Technology Act [20 ILCS 1370].
- 5) Effective Date of Rules: August 1, 2020
- 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 Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 3327; March 6, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.
- 13) Does this rulemaking replace an emergency rule currently in effect? No

## DEPARTMENT OF INNOVATION AND TECHNOLOGY

## NOTICE OF ADOPTED RULES

- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Americans With Disabilities Act Grievance Procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and specifically Section 35.107 of the Title II regulations (28 CFR 35) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities.
- 16) Information and questions regarding these adopted rules shall be directed to:

Illinois Department of Innovation and Technology  
Attn: Josué Barba  
120 W. Jefferson St.  
Springfield IL 62702

217/524-1294  
fax: 217/524-0755  
josue.barba@illinois.gov

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

## DEPARTMENT OF INNOVATION AND TECHNOLOGY

## NOTICE OF ADOPTED RULES

## TITLE 4: DISCRIMINATION PROCEDURES

## CHAPTER LII: DEPARTMENT OF INNOVATION AND TECHNOLOGY

## PART 1660

## AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

|         |                         |
|---------|-------------------------|
| Section |                         |
| 1660.10 | Purpose                 |
| 1660.20 | Definitions             |
| 1660.30 | Procedure               |
| 1660.40 | ADA Coordinator Level   |
| 1660.50 | Final Level             |
| 1660.60 | Accessibility           |
| 1660.70 | Case-by-Case Resolution |

1660.EXHIBIT A    Grievance Form

**AUTHORITY:** Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 1-50 of the Department of Innovation and Technology Act [20 ILCS 1370].

**SOURCE:** Adopted at 44 Ill. Reg. 13101, effective August 1, 2020.

**Section 1660.10 Purpose**

- a) This Americans With Disabilities Act Grievance Procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and specifically Section 35.107 of the Title II regulations (28 CFR 35) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the Act or its regulations to understand the rights, privileges and remedies afforded by it, they should contact the ADA Coordinator of the Department of Innovation and Technology.
- b) In general, the Act requires that each program, service and activity offered by the Department, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

## DEPARTMENT OF INNOVATION AND TECHNOLOGY

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- c) It is the Department's intention to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department encourages supervisors of programs, services and activities to respond to requests for reasonable accommodations before they become grievances.

**Section 1660.20 Definitions**

"Act" means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"ADA Coordinator" means the person appointed by the Secretary who is responsible for the coordination of efforts of the Department to comply with and carry out its responsibilities under Title II of the Act, including investigation of grievances filed by complainants.

"Complainant" means an individual with a disability who files a grievance with the Department pursuant to the provisions of this Part.

"Department" means the Illinois Department of Innovation and Technology.

"Grievance" means any complaint under the Act by an individual with a disability who:

meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Department;  
and

believes he or she has:

been excluded from participation in, or denied the benefits of, any program, service or activity of the Department; or

been subject to discrimination by the Department.

"Grievance Form" means a Department created form (attached as Exhibit A) that, when completed by a complainant, includes, but is not limited to, the name, address and telephone number of the complainant; date of incident; a short factual statement of the grievance; and the relief requested, if applicable.

## DEPARTMENT OF INNOVATION AND TECHNOLOGY

## NOTICE OF ADOPTED RULES

"Procedure" means the Americans With Disabilities Act Grievance Procedure set forth in this Part.

"Secretary" means the Secretary of the Illinois Department of Innovation and Technology or anyone to whom the Secretary's responsibilities and authority are lawfully delegated.

**Section 1660.30 Procedure**

- a) Grievances must be submitted in accordance with and follow the procedures set forth in Section 1660.40 and Section 1660.50. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the ADA Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Department's last response.
- c) The Department shall, upon being informed of the complainant's desire to file a formal grievance:
  - 1) instruct the individual how to receive a copy of this procedure; and
  - 2) provide a Grievance Form.

**Section 1660.40 ADA Coordinator Level**

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the ADA Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the ADA Coordinator.
- b) Upon request, assistance shall be provided by the Department to complete the Grievance Form.

## DEPARTMENT OF INNOVATION AND TECHNOLOGY

## NOTICE OF ADOPTED RULES

- c) The ADA Coordinator, or his or her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The ADA Coordinator shall provide a written response to the complainant and the Secretary within 15 business days after receipt of the Grievance Form.

**Section 1660.50 Final Level**

- a) If the grievance has not been resolved at the ADA Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and ADA Coordinator's response to the Secretary for final review. The complainant shall submit these documents to the Secretary, together with a short written statement explaining the reason for dissatisfaction with the ADA Coordinator's written response, within 15 business days after receipt by the complainant of the ADA Coordinator's response.
- b) The complainant shall be afforded an opportunity to appear before the Secretary or the Secretary's designee. The complainant shall have a right to appoint a representative to appear on behalf of the complainant. The Secretary or the Secretary's designee shall review the ADA Coordinator's written response and may conduct interviews and seek advice as the Secretary or the Secretary's designee deems appropriate.
- c) If the Secretary appoints a designee for the procedure under subsection (b), the designee shall present both his/her findings and the written response of the ADA Coordinator to the Secretary.
- d) Upon receipt of recommendations from the Secretary's designee, the Secretary shall approve, disapprove or modify the Secretary's designee's recommendations, shall render a decision in writing, shall state the basis for the decision, and shall cause a copy of the decision to be served on the parties. The Secretary's decision shall be final. If the Secretary disapproves or modifies the Secretary's designee's recommendations, the Secretary shall include written reasons for disapproval or modification.
- e) The Grievance Form, the ADA Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the Secretary's designee, and the decision of the Secretary shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

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**Section 1660.60 Accessibility**

The Department shall ensure that all stages of the procedure are readily accessible to and usable by individuals with disabilities.

**Section 1660.70 Case-by-Case Resolution**

Each grievance involves a unique set of factors that includes, but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

DEPARTMENT OF INNOVATION AND TECHNOLOGY

NOTICE OF ADOPTED RULES

**Section 1660.EXHIBIT A Grievance Form**

**Grievance  
Discrimination Based on Disability**

It is the policy of the Illinois Department of Innovation and Technology to provide assistance in filling out this form. If assistance is needed, please ask:

ADA Coordinator – Department of Innovation and Technology  
120 West Jefferson Street  
Springfield IL 62702

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Email: \_\_\_\_\_

The Best Means and Time for Contacting: \_\_\_\_\_

Program, Service or Activity to which Access was Denied or in which Alleged Discrimination Occurred: \_\_\_\_\_

Date of Alleged Discrimination: \_\_\_\_\_

Nature of Alleged Discrimination: \_\_\_\_\_

(Attach additional sheets, if necessary. If the grievance is based on a denial of requested reasonable modification, please fill out the back of this form.)

I certify that I am qualified or otherwise eligible to participate in the program, service or activity and the above statements are true to the best of my knowledge and belief.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Complainant/Authorized Agent

Please give to the ADA Coordinator at the address listed above.

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NOTICE OF ADOPTED RULES

For Office Use Only

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

## DEPARTMENT OF INNOVATION AND TECHNOLOGY

## NOTICE OF ADOPTED RULES

## (BACK OF FORM)

Please fill out this part of the form if this grievance is based upon the denial of a requested reasonable modification. A reasonable modification will be made to make programs, services and activities accessible. Reasonable accommodations could include such things as providing auxiliary aides and devices and changing some policies and requirements to allow an individual with a disability to participate. This portion of the form should be filled in to the extent you know the answers. The form may be submitted even if this portion is incomplete.

Reasonable modification requested:

The date the reasonable modification was requested:

The person to whom the request was made:

The reason for denial:

Estimated cost of modification (if an assistive device, such as a TTY or optical reader, or commodity or service to which a cost is readily known):

Why is the requested modification necessary to use or participate in the program, service or activity?

Alternative accommodations that may provide accessibility:

Any other information you believe will aid in a fair resolution of this grievance:

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Business Interruption Grant Program
- 2) Code Citation: 14 Ill. Adm. Code 690
- 3) 

| <u>Section Numbers:</u> | <u>Emergency Actions:</u> |
|-------------------------|---------------------------|
| 690.10                  | New Section               |
| 690.20                  | New Section               |
| 690.30                  | New Section               |
| 690.40                  | New Section               |
| 690.50                  | New Section               |
| 690.60                  | New Section               |
| 690.70                  | New Section               |
| 690.80                  | New Section               |
| 690.90                  | New Section               |
| 690.100                 | New Section               |
| 690.110                 | New Section               |
| 690.120                 | New Section               |
| 690.130                 | New Section               |
| 690.140                 | New Section               |
| 690.150                 | New Section               |
| 690.160                 | New Section               |
| 690.170                 | New Section               |
| 690.180                 | New Section               |
- 4) Statutory Authority: Implementing Section 75-5 of Article 75 of PA 101-636 and Article 30 of PA 101-637 and authorized by 20 ILCS 605/605-95 and 20 ILCS 605-605-55.
- 5) Effective Date of Rules: July 21, 2020
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: The Department has not specified an expiration date.
- 7) Date Filed with the Index Department: July 21, 2020
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection: The Department maintains a copy of the adopted rules including any reference materials in its principal office in Springfield, Illinois and is available for public inspection.

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULES

- 9) Reason for Emergency: Emergency rulemaking authorized by 5 ILCS 100/5-45.3; reason for emergency is to provide timely economic assistance to businesses affected by the COVID-19 public health emergency.
- 10) A Complete Description of the Subjects and Issues Involved: The proposed rules implement the Business Interruption Grant Program authorized by PA 101-636, Article 30 [20 ILCS 605/605-1050]. The proposed rules provide the administrative framework required for the Department to administer this program, which provides financial support to businesses that have incurred expenditures or suffered losses because of the COVID-19 public health emergency. Also provides for technical assistance grants to help businesses in underserved areas to apply for financial assistance.
- 11) Are there any other rulemakings pending on this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805].
- 13) Information and questions regarding these emergency rules shall be directed in writing to:

Jolene Clarke  
Rules Administrator  
Department of Commerce and Economic Opportunity  
500 E. Monroe  
Springfield IL 62701

217/557-1820  
fax: 217/524-3701  
jolene.clarke@illinois.gov

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

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULES

## TITLE 14: COMMERCE

## SUBTITLE C: ECONOMIC DEVELOPMENT

## CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## PART 690

## BUSINESS INTERRUPTION GRANT PROGRAM

## SUBPART A: GENERAL PROVISIONS

## Section

690.10 Purpose

EMERGENCY

690.20 Definitions

EMERGENCY

690.30 GATA Requirements

EMERGENCY

690.40 Qualified Partners

EMERGENCY

690.50 Identifying Disproportionately Impacted Areas

EMERGENCY

690.60 Form of Financial Assistance

EMERGENCY

690.70 Financial Assistance Application Process

EMERGENCY

690.80 Selection Process

EMERGENCY

690.90 Eligibility Requirements and Allowable Expenditures

EMERGENCY

690.100 Reporting, Cooperation, and Record Retention

EMERGENCY

690.110 Noncompliance

EMERGENCY

SUBPART B: FINANCIAL ASSISTANCE TO SEVERELY  
IMPACTED AREAS, BUSINESSES, AND INDUSTRIES

690.120 Prioritizing Severely Impacted Businesses and Industries

EMERGENCY

690.130 Applicant Affiliations

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULES

## EMERGENCY

SUBPART C: FINANCIAL ASSISTANCE TO CHILD CARE PROGRAMS  
THROUGH THE CHILD CARE RESTORATION GRANTS PROGRAM

690.140 Requirements for Child Care Restoration Grants

EMERGENCY

690.150 Calculation of Child Care Restoration Grant Award Amounts

EMERGENCY

690.160 Eligible Expenses

EMERGENCY

690.170 Reporting Requirements

EMERGENCY

690.180 Monitoring

EMERGENCY

AUTHORITY: Implementing Section 605-1050, and authorized by Sections 605-95 and 605-55, of the Department of Commerce and Economic Opportunity Law [20 ILCS 605].

SOURCE: Emergency rules adopted at 44 Ill. Reg. 13111, effective July 21, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 690.10 Purpose****EMERGENCY**

The purpose of the Business Interruption Grant Program (Program) is *to provide financial support to businesses that have experienced interruption of business or other adverse conditions attributable to the COVID-19 public health emergency* [20 ILCS 605/605-1050]. Financial assistance provided through the Program established in this Part shall be consistent with the requirements of section 5001 of the federal Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136) and any rules or guidance issued by the U.S. Department of the Treasury or other responsible federal agency. The provision of support to for-profit and not-for-profit businesses that have experienced adversity attributable to the COVID-19 epidemic is necessary response to the public health emergency. Financial assistance shall be prioritized for communities most in need of assistance, as determined by numbers or rates of infection and economic measures identified in this Part. The Program will be implemented in multiple phases of funding.

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULES

**Section 690.20 Definitions  
EMERGENCY**

"Affiliate" means a business that is at least 50% or more owned or controlled by another person with at least 50% ownership or control. Control is not required to be exercised to establish an affiliate relationship; it is sufficient for one person to possess the authority to control the other person to establish an affiliate relationship.

"Allotment Tier" means the classification of a county as either having received a direct allotment from the CRF or not having received a direct allotment from the CRF.

"Allowable Expenditure" means a necessary expenditure that the Department has authorized for reimbursement under the Program in accordance with Section 90 of this Part.

"Applicant" means a qualifying business that applies for funding under the Program.

"Barbershops and Salons" means an entity possessing an active license under Article IIID of the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 [225 ILCS 410], or a person possessing an active barber, cosmetologist, esthetician, nail technician, or hair braider license under that Act who is self-employed and has no employees or contractors.

"Business" means a for-profit enterprise or non-profit organization lawfully conducting business in Illinois. This term does not include any business that is prohibited from receiving funds under section 5001(b) of the CARES Act.

"CARES Act" means the federal Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136).

"Cost of Business Interruption" means:

decreases in revenue caused by closing or limiting access to the business establishment to comply with COVID-19 prevention directives or to otherwise prevent the spread of COVID-19 within the business establishment;

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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decreases in revenue caused by decreased customer demand as a result of the COVID-19 emergency; or

other revenue reductions approved for reimbursement from the CRF by the U.S. Department of the Treasury.

"COVID-19" means *the novel coronavirus disease deemed COVID-19 by the World Health Organization on February 11, 2020*. [20 ILCS 605/605-1050(g)(1)]

"COVID-19 Emergency" means the national public health emergency declared March 13, 2020.

"COVID-19 Prevention Directives" means all laws, orders, regulations, and guidance relevant to and in effect during the COVID-19 emergency that pertain to preventing the spread of COVID-19, including Executive Orders and preventative guidelines issued by the Illinois Governor, the Illinois Emergency Management Agency, the Department, or the Illinois Department of Public Health.

"CRF" means the Coronavirus Relief Fund established by the CARES Act.

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

"Department" means the Illinois Department of Commerce and Economic Opportunity.

"DHS" means the Illinois Department of Human Services.

"Disproportionately Impacted Area" means those ZIP Codes most severely affected by the COVID-19 emergency, to be determined based on positive COVID-19 case per capita rates, and high rates in at least one of the following poverty-related categories relative to other ZIP Codes within their region:

share of population consisting of children age 6 to 17 in households with income less than 125% of the federal poverty level;

share of population consisting of adults over age 64 in households with income less than 200% of the federal poverty level;

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share of population in household with income less than 150% of the federal poverty level; and

share of population consisting of children ages 5 and under in households with income less than 185% of the federal poverty level.

The Department, using these criteria, may determine different eligibility thresholds when allocating funding for the Allotment Tiers.

"DOA" means the Illinois Department of Agriculture.

"Eligible Loan" means *a loan of up to \$50,000 that was deemed eligible for funding under the Department's Emergency Loan Fund Program and for which repayment will be eligible for reimbursement from CRF monies pursuant to section 5001 of the CARES Act and any related federal guidance.* [20 ILCS 605/605-1050(g)(3)]

"Emergency Loan Fund Program" means a program implemented *by the Department by which the State Small Business Credit Initiative Fund is utilized to guarantee loans released by a financial intermediary or qualified partner.* [20 ILCS 605/605-1050(g)(4)]

"Financial Assistance" means financial support to an Illinois business in the form of a grant, expense reimbursement, or subsidy.

"Fitness Center" means a business consisting of at least one fixed establishment that is open to members or the general public to participate in activities related to physical fitness at that location, with those activities including:

instruction, training, or assistance in physical culture, bodybuilding, exercising, weight loss, figure development, judo, karate, self-defense training, or any similar activity;

access to the business' facilities for self-directed exercise; or

membership in any group formed by a physical fitness center for any of the above purposes.

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"Food and Beverage Establishment" means a restaurant or bar business enterprise consisting of at least one establishment that is licensed or otherwise permitted to sell food or beverages for on-site consumption, and does not include event spaces or banquet halls, grocery or convenience stores, night clubs or strip clubs, or a business that derives less than 80% of its gross revenue from food and beverage sales.

"GATA" means the Illinois Grant Accountability and Transparency Act [30 ILCS 708].

"GATA Rule" means 44 Ill. Adm. Code 7000.

"Necessary Expenditure" means an expenditure of funds that is eligible for reimbursement from the CRF and necessary to:

respond to the COVID-19 emergency; or

reimburse the cost of business interruption.

"Non-Profit Organization" means an organization that is registered as a non-profit corporation with the Illinois Secretary of State.

"Program" means the financial assistance program funding opportunities administered by the Department and implemented in this Part. The Department may implement financial assistance programs in cooperation with DHS and DOA to more effectively target specific industries.

"Program Participant" means the business that receives financial assistance under the Program.

"Qualifying Business" means *a business or organization that experienced or is experiencing business interruption due to the COVID-19 public health emergency and for which provision of financial assistance under the Program is eligible for reimbursement as prescribed by section 601(a) of the Social Security Act (42 USC) as added by section 5001 of the CARES Act, or other federal legislation addressing the COVID-19 emergency. A qualifying business includes self-employed individuals and independent contractors.* [20 ILCS 605/605-1050(g)(2)]

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"Qualified Partner" means *a financial institution or nonprofit with which the Department, or another State agency pursuant to an intergovernmental agreement with the Department, has entered into an agreement or contract to provide or incentivize assistance to qualifying businesses.* [20 ILCS 605/605-1050(g)(5)]

"Qualifying Small Business" means a small business that is a qualifying business, as those terms are defined in this Section.

"Restore Illinois Plan" means the framework announced by the Governor of the State of Illinois to safely reopen Illinois in five phases, with any modifications to that plan.

"Severely Disproportionately Impacted Area" means a disproportionately impacted area that has experienced heightened adverse economic conditions since March 13, 2020, which may include high rates of business closures or losses, unemployment, poverty rates, or other economic factors.

"Small Business" means a business enterprise that:

is physically operating in Illinois;

generated 51% or more of its revenue in Illinois in 2019; and

has fewer than 250 full-time employees prior to March 13, 2020 or is not dominant in its field within Illinois, as determined by the Department.

"Uniform Guidance" means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, codified at 2 CFR 200, as amended.

**Section 690.30 GATA Requirements**  
**EMERGENCY**

- a) The Program established in this Part is subject to the Grant Accountability and Transparency Act [30 ILCS 708], with any exceptions granted.
- b) To the extent the Program is implemented using Grant Agreements, at minimum the following provisions of the Uniform Guidance apply to grant recipients: 2 CFR 200.303 and 330 through 332.

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**Section 690.40 Qualified Partners  
EMERGENCY**

- a) The Department may enter into Grant Agreements, contracts, or intermediary agreements with qualified partners to implement the Program. The nature of the services provided by the qualified partner shall determine whether the arrangement is a grant, procurement, or other relationship. The Department may award grants to qualified partners to provide financial assistance to qualifying businesses or contract with qualified partners to secure services to implement the Program.
- b) A qualified partner shall include a non-profit agency or organization registered to conduct business in the State of Illinois or a financial institution that has demonstrated experience providing financing or services to businesses or residents located in disproportionately impacted areas.
- c) An agreement with a qualified partner shall specify the qualified partner's responsibility, if any, for determining eligibility for financial assistance and monitoring program participants for compliance with Program requirements.
- d) Nothing in this Part shall restrict the Department from securing services from entities other than qualified partners to assist in implementing the Program.

**Section 690.50 Identifying Disproportionately Impacted Areas  
EMERGENCY**

- a) The Department will allocate funding within the Program such that no less than 30% will be provided to qualifying businesses located in disproportionately impacted areas. The Department will determine which ZIP Codes constitute disproportionately impacted areas based on available COVID-19 case information and economic data at the time it announces funding opportunities under the Program, and areas may be added or removed from prioritization based on changes in relative COVID-19 rates and economic distress.
- b) Within each Allotment Tier, the Department will rank each ZIP Code by COVID-19 cases per capita and by each of the poverty-related criteria. ZIP Codes with moderate, high, and very high COVID-19 cases per capita will be considered to be disproportionately impacted areas if they also have moderate to high rates of

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economic distress, as demonstrated by high rates within at least one of the poverty-related criteria (see Section 690.20 (Disproportionately Impacted Area)). The Department will include areas with significantly higher rates of COVID-19 cases per capita and lower levels of the poverty-related criteria, as well as areas with significantly higher levels of the poverty-related criteria and lower relative COVID-19 cases per capita.

- c) The Department will reserve funding opportunities for qualifying businesses located in or predominantly serving severely disproportionately impacted areas.

**Section 690.60 Form of Financial Assistance  
EMERGENCY**

Financial assistance under the Program may be in the form of a grant, subsidy, or expense reimbursement. Regardless of the form of assistance, a program participant shall be obligated to comply with requirements set forth in this Part and in any agreement or certification executed as part of applying for financial assistance.

**Section 690.70 Financial Assistance Application Process  
EMERGENCY**

- a) The Department will announce funding availability and application procedures on its website as funding opportunities are made available. The Department may direct prospective applicants to apply via qualified partners or another State agency that has agreed to implement a financial assistance program for a particular industry.
- b) As part of applying for financial assistance, applicants may be required to complete an application form and sign a certification that attests to eligibility for the Program and conditions funding on compliance with programmatic requirements.
- c) Applicants will be required to demonstrate eligibility for the funding. Supporting documents required for the application may include, but are not limited to:
  - 1) applicant's 2018 (for applications prior to August 15, 2020) or 2019 income tax return;
  - 2) completed W-9 form;

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- 3) proof of eligible necessary expenditures;
  - 4) information or records identifying the applicant and its owners;
  - 5) proof of licensure, if applicable;
  - 6) DUNS number or other unique identifier requested by the Department;
  - 7) any other information or proof necessary to confirm the existence of the applicant and its eligibility to participate in the Program.
- d) Completed application materials must be signed by the applicant's authorized representative and received by the Department, or the entity processing the application, by the announced deadline for the submission of applications.

**Section 690.80 Selection Process  
EMERGENCY**

The Department, its qualified partners, or other State agencies administering parts of the Program will select recipients of financial assistance using competitive scoring, first-come first-served basis, lotteries, or discretionary selection procedures set forth in a financial assistance opportunity notice. The method of selection may vary based on industry and population served to maximize the effectiveness of the amount of financial assistance available and the equitable distribution of financial assistance among disproportionately impacted areas and other impacted areas, industries, and businesses.

**Section 690.90 Eligibility Requirements and Allowable Expenditures  
EMERGENCY**

- a) The following business types are excluded from the Program:
- 1) a private club or business that limits membership for reasons other than capacity;
  - 2) a government-owned business entity (except for businesses owned or controlled by a Native American tribe);

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- 3) a business that derives at least 33% of its gross annual revenue from legal gambling activities, unless, subject to the Department's approval, the business is a restaurant with gaming terminals;
  - 4) a business engaged in pyramid sales, in which a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or
  - 5) payday lenders.
- b) A business shall be ineligible to participate in the Program if it:
- 1) did not comply with COVID-19 prevention directives;
  - 2) is delinquent on payment of any State of Illinois tax obligation;
  - 3) is on the Illinois Stop Payment List or in default of any contractual obligation to the Department, DHS, or DOA;
  - 4) is engaged in a business that is unlawful under Illinois or federal law;
  - 5) has already received assistance under the Program, unless the Department allocates funding specifically for severely impacted businesses that have already received assistance;
  - 6) is on the federal System for Award Management excluded parties list; or
  - 7) does not meet any other eligibility criteria established in a financial assistance application.
- c) Allowable expenditures must be incurred on or after March 1, 2020 and by the deadline identified in any announcement or certification applicable to any financial assistance opportunity.
- d) Ineligible expenditures include:
- 1) expenses that have been or will be reimbursed under any State, local, or federal program, such as expense or losses that were reimbursed by a loan forgiven under the CARES Act's Payroll Protection Program;

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- 2) damages covered by insurance;
  - 3) expenditures prohibited by section 5001(b) of the CARES Act;
  - 4) reimbursement to donors for donated items or services;
  - 5) workforce bonuses other than hazard pay or overtime;
  - 6) severance pay;
  - 7) legal settlements; or
  - 8) any other expense not reasonably incurred due to the COVID-19 emergency.
- e) Expenses shall be submitted to the State agency or qualified partners for review, either as part of the application process or following selection for financial assistance. Expenses shall be reviewed for eligibility and funding will be provided to program participants after verifying allowable expenditures.

**Section 690.100 Reporting, Cooperation, and Record Retention  
EMERGENCY**

- a) Program participants shall not deviate from the budget, project scope, or objectives stated in the financial assistance agreement or certification, except with prior approval of the Department and any qualified partner or other State agency administering the Program.
- b) On or before March 31, 2021, Program participants shall submit a report to the Department on the use of financial assistance, in relation to the project and initial budget, and any information about the impact of the Program requested by the Department.
- c) Program participants shall:
  - 1) permit access to their premises, and inspection of records relating to the Program, to any lawful governmental authority, including, but not limited to, the Department, DHS, DOA, the Illinois Attorney General, the Illinois

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Auditor General, the Illinois Office of the Executive Inspector General, the Office of Inspector General of the U.S. Department of the Treasury; and

- 2) cooperate in any audit, monitoring, or investigation relating to the Program.
- d) Program participants shall retain records relating to the Program until at least December 31, 2026, unless another retention period is set forth in the financial assistance agreement or certification or until after the conclusion of all litigation, claims, or audit exceptions involving the records have been resolved and final action taken.
- e) Participation in the Program requires a business to have complied with, and remain in compliance with, all laws, orders, and regulations that are relevant to operation of the business, including the COVID-19 Prevention Directives.

**Section 690.110 Noncompliance  
EMERGENCY**

A Program participant shall return all funds provided under the Program if it makes any material misrepresentation in applying for, or reporting on, the use of financial assistance or if it does not comply with any requirements in this Part or breaches any material term of the financial assistance agreement or certification. A material term is any term that relates to eligibility for Program participation, reimbursement under the CRF, or compliance with State and federal law, including COVID-19 Prevention Directives. Recovery of funds in the event of noncompliance may be effectuated by any means authorized under Illinois law, including the Grant Funds Recovery Act [30 ILCS 705] for any financial assistance in the form of a grant.

SUBPART B: FINANCIAL ASSISTANCE TO SEVERELY  
IMPACTED AREAS, BUSINESSES, AND INDUSTRIES

**Section 690.120 Prioritizing Severely Impacted Businesses and Industries  
EMERGENCY**

- a) The Department will provide targeted funding opportunities for industries and businesses most impacted by the COVID-19 emergency. In determining which industries and businesses to prioritize, the Department will consider the impact of compliance with the COVID-19 Prevention Directives on business operations or

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impact of the COVID-19 emergency on the workforce. The Department will also prioritize funding to qualifying small businesses. The targeted funding opportunities will be announced on the Department's website.

- b) Targeted funding opportunities to qualifying businesses will include financial assistance to:
- 1) Bars and restaurants that: earned between \$80,000 and \$3 million in revenue in 2019, or a pro-rated amount of revenue if the establishment was in business for less than the entire year; operated for at least the three months prior to March 2020; did not provide outdoor food and beverage service during phase 3 of the Restore Illinois Plan; and incurred necessary expenditures of at least \$10,000 since March 21, 2020.
  - 2) Businesses in severely disproportionately impacted areas that: earned between \$80,000 and \$2 million in revenue in 2019, or a pro-rated amount of revenue if the establishment was in business for less than the entire year; operated for at least the three months prior to March 2020; and incurred necessary expenditures of at least \$10,000 since March 21, 2020.
  - 3) Barbershops and salons that: earned between \$80,000 and \$500,000 in revenue in 2019, or a pro-rated amount of revenue if the establishment was in business for less than the entire year; operated for at least the three months prior to March 2020; and incurred necessary expenditures of at least \$10,000 since March 21, 2020.
  - 4) Fitness centers that: earned between \$80,000 and \$2 million in revenue in 2019, or a pro-rated amount of revenue if the establishment was in business for less than the entire year; operated for at least the three months prior to March 2020; incurred necessary expenditures of at least \$10,000 since March 21, 2020; and operated out of a single permanent location.
  - 5) Qualifying small business having experienced severe impacts during the COVID-19 emergency, in particular those whose return to normal activity is limited by phases of the Restore Illinois Plan or COVID-19 Prevention Directives.

**Section 690.130 Applicant Affiliations  
EMERGENCY**

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In a financial assistance opportunity that may be applied for on or after July 21, 2020, a business' revenue and headcount shall include that of any parent company, affiliate, and subsidiary for the purposes of any revenue or employee headcount eligibility criteria set forth in this Subpart.

SUBPART C: FINANCIAL ASSISTANCE TO CHILD CARE PROGRAMS  
THROUGH THE CHILD CARE RESTORATION GRANTS PROGRAM

**Section 690.140 Requirements for Child Care Restoration Grants  
EMERGENCY**

In order to qualify for a Child Care Restoration Grant, the applicant must:

- a) be a licensed child care provider holding a valid day care license from DCFS (see 89 Ill. Adm. Code 406, 407 or 408).
- b) regularly provide full-day, year-round child care services.
- c) typically rely on private-pay tuition receipts and/or payments through the Child Care Assistance Program (CCAP) for at least 25% of its revenues.
- d) be open and receiving children at the time of application.
- e) comply with all COVID-19 requirements outlined in DCFS rules for child care providers.
- f) certify that their operating capacity has been reduced due to the group size and restrictions imposed by DCFS emergency rules.

**Section 690.150 Calculation of Child Care Restoration Grant Award Amounts  
EMERGENCY**

- a) Grant amounts will be determined based on four factors:
  - 1) The licensed capacity of the applicant, as indicated on its day care license as of March 1, 2020. If the applicant received its license after March 1, 2020, then its grant award amount will be determined based on its licensed capacity as of the date of its application.

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- 2) The applicant's current Circle of Quality in the ExceleRate Illinois Quality Rating and Improvement System (see 23 Ill. Adm. Code 235.65).
  - 3) The CCAP county grouping in which the applicant is located.
  - 4) Whether the applicant is in a disproportionately impacted area.
- b) If an applicant is located in a disproportionately impacted area, its grant amount will be increased by 10%.
  - c) The first round of grants will be issued between July 1, 2020 and September 30, 2020. If funds allow, a second round of grants will be made in September 2020 to cover the period of October 1, 2020 through November 30, 2020. The amount of the grants will be determined using the same criteria as the first round (see Section 690.140).

**Section 690.160 Eligible Expenses****EMERGENCY**

- a) Grant awards may be used to cover any operational cost that is not otherwise covered by a grant or refundable loan from any source (e.g., Paycheck Protection Program, Economic Disaster Injury Loan, other disaster relief, Head Start or Early Head Start, Early Childhood Block Grant, philanthropic grants) and is eligible for reimbursement through the CRF.
- b) Examples of eligible operational costs include, but are not limited to, staff wages and benefits, occupancy costs, materials and supplies, and professional services.

**Section 690.170 Reporting Requirements****EMERGENCY**

- a) Program participants shall provide monthly expenditure reports documenting how grant funds were used. Reporting will be in a format determined by DHS. Expenditure reports will be due the 15<sup>th</sup> of the month following the month of expenditure. Documented expenses will be reconciled with grant funds received on a quarterly basis.
- b) Program participants shall provide a final expenditure report of all grant funds by December 15, 2020.

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**Section 690.180 Monitoring  
EMERGENCY**

Program participants will be monitored for compliance with contractual obligations, applicable administrative rules, and legislation, ensuring that Child Care Restoration Grant funds are spent appropriately as specified in the financial assistance agreement/certification. Monitoring may include desk reviews and on-site reviews of the Program participant.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received during the period of July 21, 2020 through July 27, 2020. These rulemakings are scheduled for the August 11, 2020 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.

| Second Notice Expires | Agency and Rule  | Start of First Notice            | JCAR Meeting |
|-----------------------|--|----------------------------------|--------------|
| 9/3/20                | <u>Department of Insurance</u> , Construction and Filing of Accident and Health Insurance Policy Forms (50 Ill. Adm. Code 2001)                | 4/24/20<br>44 Ill. Reg.<br>6218  | 8/11/20      |
| 9/3/20                | <u>Department of Insurance</u> , Temporary Health Coverage Requirements During an Epidemic or Public Health Emergency (50 Ill. Adm. Code 2040) | 5/1/20<br>44 Ill. Reg.<br>6693   | 8/11/20      |
| 9/4/20                | <u>Department of Human Services</u> , Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)   | 3/13/20<br>44 Ill. Reg.<br>3825  | 8/11/20      |
| 9/4/20                | <u>Department of Children and Family Services</u> , Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)                             | 9/27/19<br>43 Ill. Reg.<br>10613 | 8/11/20      |
| 9/4/20                | <u>Department of Children and Family Services</u> , Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407)                           | 9/27/19<br>43 Ill. Reg.<br>10634 | 8/11/20      |
| 9/4/20                | <u>Department of Children and Family Services</u> , Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)                       | 9/27/19<br>43 Ill. Reg.<br>10661 | 8/11/20      |
| 9/5/20                | <u>Department of Human Services</u> , Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)  | 3/13/20<br>44 Ill. Reg.<br>3807  | 8/11/20      |

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

|        |  |                                 |         |
|--------|--|---------------------------------|---------|
| 9/5/20 | <u>Department of Employment Security,</u><br>Claims, Adjudication, Appeals and<br>Hearings (56 Ill. Adm. Code 2720)  | 5/29/20<br>44 Ill. Reg.<br>8601 | 8/11/20 |
| 9/5/20 | <u>Department of Employment Security,</u><br>Employment (56 Ill. Adm. Code 2732)   | 5/29/20<br>44 Ill. Reg.<br>8604 | 8/11/20 |
| 9/5/20 | <u>Department of Employment Security,</u><br>Recovery of Benefits (56 Ill. Adm. Code<br>2835)  | 5/29/20<br>44 Ill. Reg.<br>8607 | 8/11/20 |
| 9/5/20 | <u>State Board of Education,</u> Agriculture<br>Education Program (23 Ill. Adm. Code 75)   | 4/3/20<br>44 Ill. Reg.<br>5545  | 8/11/20 |
| 9/9/20 | <u>Secretary of State,</u> Uniform Partnership Act<br>(1997) (14 Ill. Adm. Code 166)   | 4/3/20<br>44 Ill. Reg.<br>5714  | 8/11/20 |
| 9/9/20 | <u>State Board of Education,</u> Pupil<br>Transportation Reimbursement (23 Ill.<br>Adm. Code 120)  | 5/8/20<br>44 Ill. Reg.<br>7874  | 8/11/20 |
| 9/9/20 | <u>State Board of Education,</u> Special<br>Education (23 Ill. Adm. Code 226)  | 5/8/20<br>44 Ill. Reg.<br>7881  | 8/11/20 |
| 9/9/20 | <u>Department of Public Health,</u> Emergency<br>Medical Services, Trauma Center,<br>Comprehensive Stroke Center, Primary<br>Stroke Center and Acute Stroke Ready<br>Hospital Code (77 Ill. Adm. Code 515) | 3/27/20<br>44 Ill. Reg.<br>5185 | 8/11/20 |
| 9/9/20 | <u>Pollution Control Board,</u> Design, Operation<br>and Maintenance Criteria (35 Ill. Adm.<br>Code 604)   | 6/5/20<br>44 Ill. Reg.<br>9352  | 8/11/20 |

## EXECUTIVE ORDERS

2020-47

**EXECUTIVE ORDER 2020-47  
(COVID-19 EXECUTIVE ORDER NO. 44)**

**WHEREAS**, Coronavirus 2019 (COVID-19), a novel severe acute respiratory illness, has rapidly spread throughout Illinois in a short period of time, necessitating stringent guidance from federal, state, and local public health officials and significant measures to respond to the increasing public health disaster; and,

**WHEREAS**, COVID-19 can spread among people through respiratory transmissions, asymptomatic people can transmit the virus, and there is currently no effective treatment or vaccine; and,

**WHEREAS**, on March 9, 2020, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19; and,

**WHEREAS**, on April 1, 2020, I declared all counties in the State of Illinois as a disaster area due to the exponential spread of COVID-19; and,

**WHEREAS**, on April 30, 2020, due to the expected continuing spread of COVID-19, the resulting health impacts across the State, and the need to address the potential shortages of hospital beds, ICU beds, ventilators, personal protective equipment and materials for testing for the virus, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on May 29, 2020, due to the thousands of lives lost to COVID-19 in Illinois, the continued increase of cases, the continued threat of shortages of hospital beds, ER beds, and ventilators, the improved but still insufficient testing capacity, and the economic devastation caused by the virus, I again declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on June 26, 2020, due to the ongoing burden on hospital resources, the expected continuing spread of COVID-19, and the ongoing health and economic impacts caused by COVID-19, I again declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on July 24, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I again declared all counties in the State of Illinois as a disaster area (together with the previous proclamations identified in this Executive Order, the Gubernatorial Disaster Proclamations); and,

## EXECUTIVE ORDERS

**WHEREAS**, it is necessary and appropriate for the State of Illinois to continue to take immediate and significant measures to prevent or slow the spread of COVID-19 and protect public health during the COVID-19 outbreak; and,

**WHEREAS**, Restore Illinois is a five-phased plan to reopen Illinois, guided by health metrics and involving the cautious resumption of distinct business, education, and recreation activities in each phase; and,

**WHEREAS**, the Restore Illinois plan establishes four health regions in Illinois, each with the ability to independently move through the phased approach; and,

**WHEREAS**, as of July 24, 2020, all four health regions are in Phase 4 of the Restore Illinois plan; and,

**WHEREAS**, Phase 4 allows for schools to reopen and provide in-person instruction, in accordance with Illinois Department of Public Health (IDPH) guidance; and,

**WHEREAS**, on June 4, 2020, I issued Executive Order 2020-40 allowing all public and nonpublic schools in Illinois to reopen for limited in-person instruction during Phase 3 and requiring schools to adhere to IDPH guidance to ensure the safety of students, staff, and visitors; and,

**WHEREAS**, on June 26, 2020 I issued Executive Order 2020-44, which amended Executive Order 2020-40 to accommodate the transition to Phase 4, under which gatherings of up to fifty people are permitted; and,

**WHEREAS**, at my request and under my authority, the Illinois State Board of Education and IDPH issued the Transition Joint Guidance with requirements and recommendations to make the reopening of schools for in-person instruction during the 2020-2021 school year as safe as possible; and,

**WHEREAS**, on July 15, 2020, I issued an updated mitigation plan as part of Restore Illinois which further divides the State into eleven health regions but has no effect on the applicability of the Transition Joint Guidance to preK-12 schools;

**THEREFORE**, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(8), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective July 24, 2020:

## EXECUTIVE ORDERS

**Section 1.** All public and nonpublic schools in Illinois serving pre-kindergarten through 12th grade students may open for in-person educational purposes following the completion of the regular 2019-2020 school term. All public and nonpublic schools must follow IDPH and ISBE guidance during Phase 4 and take proactive measures to ensure the safety of students, staff, and visitors, including, but not limited to the following public health guidelines:

- a. Limiting the number of people in one space to fifty or fewer.
- b. Ensuring compliance with social distancing requirements to the greatest extent possible. For purposes of this Executive Order, social distancing includes maintaining at least six-foot distance from other individuals and discouraging physical contact between individuals.
- c. Requiring symptom screenings and temperature checks or requiring individuals to self-certify that they are free of COVID-19 symptoms before entering school buildings.
- d. Ensuring appropriate hygienic practices, including washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), discouraging the sharing of personal items, and regularly cleaning and disinfecting high-touch surfaces.
- e. Requiring the use of appropriate personal protective equipment by students, staff, and visitors, including the use of face coverings by individuals who are over age two and able to medically tolerate a face covering. Schools must provide face coverings to all employees who are not able to maintain a minimum six-foot social distance at all times and, to the extent possible, make face coverings available for all students.

**Section 2.** This Executive Order supersedes any contrary provision of any other prior Executive Order. Any provisions that are not contrary to those in this Executive Order shall remain in full force and effect.

**Section 3.** If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor: July 24, 2020

Filed by the Secretary of State: July 24, 2020

## EXECUTIVE ORDERS

**EXECUTIVE ORDER 2020-48  
(COVID-19 EXECUTIVE ORDER NO. 45)**

**WHEREAS**, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 140,000 and growing, and taking the lives of thousands of residents; and,

**WHEREAS**, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

**WHEREAS**, as Illinois adapts and responds to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions and that continues to be without an effective treatment or vaccine, the burden on residents, healthcare providers, first responders, and governments throughout the State is unprecedented; and,

**WHEREAS**, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

**WHEREAS**, in addition to causing the tragic loss of more than 7,300 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

**WHEREAS**, on July 24, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-13, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-31, 2020-34, 2020-35, 2020-36, 2020-42, 2020-43, and 2020-45 and hereby incorporate the WHEREAS clauses of those Executive Orders;

**THEREFORE**, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective July 24, 2020:

## EXECUTIVE ORDERS

**Part 1: Re-Issue of Executive Orders.**

Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-13, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-31, 2020-34, 2020-35, 2020-36, 2020-42, 2020-43, and 2020-45 hereby are re-issued by this Executive Order 2020-48 as follows:

**Executive Order 2020-04 (Closure of James R. Thompson Center; waiver of sick leave requirement for State employees):**

Sections 2 and 3 of Executive Order 2020-04 are re-issued and extended through **August 22, 2020**. Nothing in Section 2 precludes the Department of Central Management Services from designating specific points of ingress and egress and controlling traffic flow in the James R. Thompson Center for State employees, members of the public attending to State business, and members of the public patronizing the businesses and food court.

**Executive Order 2020-07 (In-person meeting requirements):**

Section 6 of Executive Order 2020-07, as amended by Executive Order 2020-33 and Executive Order 2020-44, is re-issued and extended through **August 22, 2020**.

**Executive Order 2020-08 (Secretary of State operations):**

Sections 2, 3, 4, and 5 of Executive Order 2020-08, as amended by Executive Order 2020-39 and Executive Order 2020-44, are re-issued and extended through **August 22, 2020**.

**Executive Order 2020-09 (Telehealth):**

Executive Order 2020-09 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-11 (Revisions to prior Executive Orders; Department of Corrections notification period):**

Section 4 of Executive Order 2020-11 is re-issued and extended through **August 22, 2020**.

## EXECUTIVE ORDERS

**Executive Order 2020-12 (Health care worker background checks; Department of Juvenile Justice notification period):**

Sections 1, 2, and 3 of Executive Order 2020-12 are re-issued and extended through **August 22, 2020**, whereafter Section 2 shall be rescinded.

**Executive Order 2020-13 (Suspending Illinois Department of Corrections admissions from county jails):**

Executive Order 2020-13 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-15 (Suspending provisions of the Illinois School Code):**

Sections 5, 6, 7, 8, and 9 of Executive Order 2020-15 are re-issued and extended through **August 22, 2020**.

**Executive Order 2020-16 (Repossession of vehicles; suspension of classroom training requirement for security services):**

Executive Order 2020-16 is re-issued in its entirety and extended through **August 22, 2020**, whereafter Section 1 shall be rescinded.

**Executive Orders 2020-03 and 2020-17 (Cannabis deadlines and applications):**

Executive Orders 2020-03 and 2020-17, as modified by Executive Order 2020-18, are re-issued and shall remain in effect as specified by Executive Order 2020-18.

**Executive Order 2020-20 (Public assistance requirements):**

Executive Order 2020-20 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-21 (Furlough of Illinois Department of Corrections inmates):**

Executive Order 2020-21 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-22 (Township meetings; Funeral Directors and Embalmers Licensing Code; placements under the Child Care Act of 1969; fingerprint submissions under Health Care Worker Background Check Act):**

## EXECUTIVE ORDERS

Sections 4, 5, and the Savings Clause of Executive Order 2020-22 are re-issued and extended through **August 22, 2020**.

**Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):**

Executive Order 2020-23 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-24 (Illinois Department of Human Services Forensic Treatment Program; investigations of Illinois Department of Human Services employees):**

Executive Order 2020-24 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-25 (Garnishment and wage deductions):**

Executive Order 2020-25 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-26 (Hospital capacity):**

Executive Order 2020-26 is re-issued in its entirety and extended through **August 22, 2020**, whereafter Sections 2(a)-(d) and (f)-(h), 3, 4, and 5 shall be rescinded.

**Executive Order 2020-27 (Cadavers testing positive for COVID-19):**

Executive Order 2020-27 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-28 (Industrial radiography certifications):**

Executive Order 2020-28 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-29 (In-person education or exams for professional insurance licenses):**

## EXECUTIVE ORDERS

Executive Order 2020-29 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-30 (Filing of residential eviction actions; enforcement of non-residential eviction orders; expired consular identification documents; electronic filings for the Illinois Human Rights Commission):**

Executive Order 2020-30, as amended by Executive Order 2020-33 and as further amended and revised below, is re-issued in its entirety and extended through **August 22, 2020**, whereafter the prohibition on enforcement of orders of eviction for non-residential premises shall be rescinded.

Section 7. The provisions of Section 2 and 3 of Executive Order 2020-30, as amended by Executive Order 2020-33, prohibiting the commencement of residential eviction actions and the enforcement of orders of eviction for residential properties, shall remain in effect to allow the Illinois Housing Development Authority to distribute monetary assistance under the Emergency Rental Assistance and Emergency Mortgage Assistance programs directly to landlords or property owners on behalf of eligible tenants or, for eligible homeowners, directly to the mortgagor's loan servicer.

**Executive Order 2020-31 (Educator licensure and student graduation requirements):**

Executive Order 2020-31 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-34 (Cannabis requirements):**

Executive Order 2020-34 is re-issued in its entirety and extended through **August 22, 2020**, whereafter Section 2 shall be rescinded.

**Executive Order 2020-35 (IDPH regulatory activities):**

Sections 1 and 3-17 of Executive Order 2020-35 are re-issued and extended through **August 22, 2020**, whereafter Sections 1 and 3-13 shall be rescinded.

**Executive Order 2020-36 (Marriage licenses):**

Executive Order 2020-36 is re-issued in its entirety and extended through **August 22, 2020**.

## EXECUTIVE ORDERS

**Executive Order 2020-42 (State Fairs):**

Executive Order 2020-42 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-43 (Phase 4 Community Revitalization Order):**

Executive Order 2020-43 is re-issued in its entirety and extended through **August 22, 2020**.

**Executive Order 2020-45 (Cannabis licenses):**

Executive Order 2020-45 is re-issued in its entirety and extended through **August 22, 2020**.

**Part 2: Savings Clause.** If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor: July 24, 2020

Filed by the Secretary of State: July 24, 2020

**2020-49****EXECUTIVE ORDER 2020-49****ESTABLISHING THE STATE'S JOINT ANALYSIS CENTER AND ITS  
COMMITMENT TO PROTECTING CRITICAL INFRASTRUCTURE  
AND KEY RESOURCES**

**WHEREAS**, the timely exchange of critical information among local, state, federal agencies and private partners remains one of the most serious challenges affecting homeland security; and,

**WHEREAS**, cyber threats pose personal, professional, and financial risks to the citizens of Illinois and threaten the security and economy of the state; and,

**WHEREAS**, critical infrastructure and key resource sectors rely heavily on information technology to manage complex systems including public utility lifelines, healthcare, telecommunications, transportation, financial services, manufacturing, education, research and public safety; and,

## EXECUTIVE ORDERS

**WHEREAS**, the protection of critical infrastructure and key resources is beyond the reach of any single entity and requires a proactive approach; and,

**WHEREAS**, the diverse authorities, roles and responsibilities of critical infrastructure and key resources stakeholders require a collaborative public-private partnership that encourages a unity of effort; and,

**WHEREAS**, in the Intelligence Reform and Terrorism Prevention Act of 2004, the President and the Congress of the United States directed that an Information Sharing Environment be established within the federal government, and between federal, state, local, and private-sector entities, to allow for the seamless exchange of homeland security information, terrorism information, and law enforcement information related to terrorism; and,

**WHEREAS**, on November 16, 2006, the President of the United States, through the Office of the Director of National Intelligence, submitted to the Congress an implementation plan for creating an Information Sharing Environment, which in part calls for the establishment of an integrated network of state and major urban area fusion centers; and,

**WHEREAS**, the Illinois Department of Military Affairs, sponsored by the Department of Homeland Security and supported by the National Guard Bureau, may operate as a mechanism for which State stakeholders can advance their partnerships, facilitate coordinated information sharing and enable planning and preparedness for interdependent infrastructure protection whose efforts would be integrated into the overarching federal homeland security response strategy; and,

**WHEREAS**, it is the policy of the State of Illinois to prepare for and, if possible, prevent disasters including but not limited to those arising from technological causes, in order to preserve the lives and property of the people of the State of Illinois; and,

**WHEREAS**, in order to protect the security and economy of the State; it is appropriate and necessary for state government to establish a joint effort involving government, private-sector, military, research and academic stakeholders to enhance Illinois cybersecurity;

**THEREFORE**, I, JB Pritzker, Governor of Illinois, by virtue of the executive authority vested in me by Article V of the Constitution of the State of Illinois, hereby order as follows:

**I. The Establishment of the Illinois Joint Analysis Center**

An Illinois Joint Analysis Center (IL-JAC) shall be established. The IL-JAC shall be constituted and operated as provided by state and federal law. Under the authority granted by the Federal

## EXECUTIVE ORDERS

government in 32 CFR Subpart A, the IL-JAC shall be housed within a sensitive compartmentalized information facility (SCIF), thereby allowing the IL-JAC to access classified threat information pertaining to the State of Illinois and to obtain the best information available to predict, prevent, and respond to threats facing its citizens.

**A. The Mission of the Illinois Joint Analysis Center**

The mission of the Illinois Joint Analysis Center is to protect the people and property of Illinois by providing a multi-disciplinary, information sharing network designed to gather, analyze, and disseminate cyber analysis and information to public and private stakeholders in a timely manner and consistent with the privacy rights of our citizens.

**B. Governance of the Illinois Joint Analysis Center by the Oversight Board**

The IL-JAC is governed by the IL-JAC Oversight Board ("the Board"). The Board is comprised of the State of Illinois Homeland Security Advisor, The Adjutant General (TAG) of Illinois, and the Director of the Illinois State Police. The Homeland Security Advisor will act as the Chair of the Board, and each member, including the Chair, has an equal vote on all matters before the Board. The Board will adopt policies, procedures, rules, and regulations concerning operation of the IL-JAC.

**II. Savings Clause**

Nothing in this Executive Order shall be construed to contravene any federal or State law or regulation. Nothing in this Executive Order shall affect or alter the existing statutory powers of any State agency or be construed as a reassignment or reorganization of any State agency.

**III. Prior Executive Orders**

This Executive Order supersedes any contrary provision of any other prior Executive Order.

**IV. Severability Clause**

If any part of this Executive Order is found to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

**V. Effective Date**

This Executive Order shall take effect immediately upon its filing with the Secretary of State.

Issued by the Governor: July 24, 2020

## EXECUTIVE ORDERS

Filed with the Secretary of State: July 24, 2020

**2020-50**  
**EXECUTIVE ORDER IN RESPONSE TO COVID-19**  
**(COVID-19 EXECUTIVE ORDER NO. 46)**

**WHEREAS**, Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness, has rapidly spread throughout Illinois in a short period of time, necessitating stringent guidance from federal, state, and local public health officials and significant measures to respond to the increasing public health disaster; and,

**WHEREAS**, COVID-19 can spread among people through respiratory transmissions, asymptomatic people can transmit the virus, and there is currently no effective treatment or vaccine; and,

**WHEREAS**, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 ("Gubernatorial Disaster Proclamation") in response to the outbreak of Coronavirus Disease 2019 ("COVID-19"); and,

**WHEREAS**, in a short period of time, COVID-19 has rapidly spread throughout Illinois, necessitating updated and more stringent guidance from federal, state, and local public health officials; and,

**WHEREAS**, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I have found it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19; and,

**WHEREAS**, on April 1, 2020, I declared all counties in the State of Illinois as a disaster area due to the exponential spread of COVID-19; and,

**WHEREAS**, on April 30, 2020, due to the continuing spread of COVID-19, the resulting health impacts across the State, and the need to address the potential shortages of hospital beds, ICU beds, ventilators, personal protective equipment and materials for testing for the virus, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on May 29, 2020, due to the thousands of lives lost to COVID-19 in Illinois, the continued increase of cases, the continued threat of shortages of hospital beds, ER beds, and ventilators, the improved but still insufficient testing capacity, and the economic devastation caused by the virus, I again declared all counties in the State of Illinois as a disaster area; and,

## EXECUTIVE ORDERS

**WHEREAS**, on June 26, 2020, due to the ongoing burden on hospital resources, the expected continuing spread of COVID-19, and the ongoing health and economic impacts caused by COVID-19, I again declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on July 24, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I again declared all counties in the State of Illinois as a disaster area (together with the previous proclamations identified in this Executive Order, the Gubernatorial Disaster Proclamations); and,

**WHEREAS**, numerous counties all around the State (Gallatin, Union, St. Clair, Cass, Hardin, Saline, Jackson, Randolph, Jo Daviess, Adams, Coles, Madison, Alexander, Lawrence, Kankakee, Rock Island, Logan, Scott, Champaign, White, Johnson, Peoria, Perry, Monroe, Whiteside, Washington, Mercer, Iroquois, DuPage, McHenry, Sangamon, Clinton and LaSalle) have reported more than 75 cases per 100,000 people over the past 10 days; and,

**WHEREAS**, social distancing, which consists of maintaining at least a six-foot distance between people, is the paramount strategy for minimizing the spread of COVID-19 in our communities; and,

**WHEREAS**, certain populations are at a higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic health conditions such as heart disease, diabetes, lung disease or other mental or physical conditions; and,

**WHEREAS**, the Illinois Department of Corrections (IDOC) currently has a population of more than 31,000 male and female individuals in 28 facilities, the vast majority of whom, because of their close proximity and contact with each other in housing units and dining halls, are especially vulnerable to contracting and spreading COVID-19; and,

**WHEREAS**, the Centers for Disease Control (CDC) have issued recommendations specific to correctional and detention settings in order to control the spread of COVID-19 in those uniquely situated environments, available at <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/testing.html>; and,

**WHEREAS**, the CDC recommends that in order to effectively isolate COVID-positive individuals and quarantine those who have come into contact with COVID-positive individuals, correctional facilities must consider a number of operational factors; and,

## EXECUTIVE ORDERS

**WHEREAS**, although it has taken significant steps throughout the COVID-19 pandemic to reduce the number of individuals in each facility, IDOC continues to have limited housing capacity to isolate and quarantine individuals who present as symptomatic of, or test positive for, COVID-19; and,

**WHEREAS**, individuals in county jails awaiting transfer to IDOC facilities, because of their close proximity to and contact with each other, may have been infected with COVID-19; and,

**WHEREAS**, IDOC historically receives daily transfers of individuals from county jails who have been convicted of criminal offenses and sentenced by Illinois courts to the custody and control of IDOC; and,

**WHEREAS**, it remains critical that the Director of IDOC take all necessary steps, consistent with public health guidance, to prevent the spread of COVID-19 in the IDOC facilities and provide necessary healthcare to those impacted by COVID-19; and,

**WHEREAS**, on March 26, 2020, I issued Executive Order 2020-13, which suspended all admissions to the Illinois Department of Corrections from all Illinois county jails, with exceptions at the Director's discretion; and,

**WHEREAS**, in Executive Order 2020-48, I re-issued Executive Order 2020-13 and extended it through August 22, 2020;

**THEREFORE**, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(2), 7(8), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers set forth in the State's public health laws, I hereby order the following, effective July 27, 2020 at 5:00 pm and for the remainder of the duration of the Gubernatorial Disaster Proclamation, which currently extends through August 22, 2020:

Section 1. The Illinois Department of Corrections (IDOC) will resume accepting the transfer of individuals from Illinois county jails. The scheduling of the arrival of individuals from county jails and the intake process to ensure the health and safety of the transferring individuals, as well as all individuals and staff at IDOC, shall be within the sole discretion of the Director of IDOC. In determining the timing of the arrival of individuals from county jails and the specific process for transfers to IDOC, the Director shall take into account several health and safety factors including (a) the capacity and safety of IDOC reception centers, and (b) whether the individuals to be transferred have been quarantined for 14 days and, following that quarantine period, have tested negative for COVID-19 before their transfer to IDOC. All approved transfers to IDOC shall follow the protocol established by IDOC in conjunction with the Illinois Department of Public Health (IDPH), available at <https://www2.illinois.gov/idoc/facilities/Pages/Covid19>

## EXECUTIVE ORDERS

Response.aspx. The Director of IDOC will work closely with county sheriffs and other partners in the criminal justice system to determine whether transfer from specific county jails is feasible and to ensure that the guidelines will be implemented.

Section 2. Executive Order 2020-13 is hereby rescinded.

Section 3. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor July 27, 2020

Filed by the Secretary of State July 27, 2020

## PROCLAMATION

**2020-57****Gubernatorial Disaster Proclamation**

**WHEREAS**, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 168,000 and growing, and taking the lives of thousands of residents; and,

**WHEREAS**, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

**WHEREAS**, it is critical that Illinoisans who become sick are able to be treated by medical professionals, including when a hospital bed, emergency room bed, or ventilator is needed; and,

**WHEREAS**, it is also critical that the State's health care and first responder workforce has adequate personal protective equipment (PPE) to safely treat patients, respond to public health disasters, and prevent the spread of communicable diseases; and,

**WHEREAS**, as Illinois adapts and responds to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions and that continues to be without an effective treatment or vaccine, the burden on residents, healthcare providers, first responders, and governments throughout the State is unprecedented; and,

**WHEREAS**, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

**WHEREAS**, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic, and has now reported more than 15 million confirmed cases of COVID-19 and 625,000 deaths attributable to COVID-19 globally; and,

**WHEREAS**, despite efforts to contain COVID-19, the World Health Organization and the federal Centers for Disease Control and Prevention (CDC) indicated that the virus was expected to continue spreading and it has, in fact, continued to spread rapidly, resulting in the need for federal and State governments to take significant steps; and,

**WHEREAS**, on March 9, 2020, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19; and,

## PROCLAMATION

**WHEREAS**, on March 13, 2020, the President declared a nationwide emergency pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"), covering all states and territories, including Illinois; and,

**WHEREAS**, on March 26, 2020, the President declared a major disaster in Illinois pursuant to Section 401 of the Stafford Act; and,

**WHEREAS**, on April 1, 2020, due to the exponential spread of COVID-19 in Illinois, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on April 30, 2020, due to the continued spread of COVID-19 in Illinois, the threatened shortages of hospital beds, ER beds, and ventilators, and the inadequate testing capacity, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on May 29, 2020, due to the continued spread of COVID-19 in Illinois, and the resulting health and economic impacts of the virus, and the need to increase testing capacity, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on June 26, 2020, due to the further spread of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, as circumstances surrounding COVID-19 rapidly evolve and new evidence emerges, there have been frequent changes in information and public health guidance; and,

**WHEREAS**, the unprecedented nature of COVID-19, including the health consequences it has on not just the respiratory system but the heart, brain, kidneys, and the body's immune response, has made the virus's effects and its path difficult to predict; and,

**WHEREAS**, from the outset, data suggested that older adults and those with serious underlying health conditions are more likely to experience severe and sometimes fatal complications from COVID-19; and,

**WHEREAS**, emerging evidence has shown that young people, including infants and toddlers, are also at risk of such complications; and,

**WHEREAS**, young and middle-aged people have comprised a significant proportion of hospitalized COVID-19 patients, and there is evidence that COVID-19 causes blood clots and strokes, and has caused deadly strokes in young and middle-aged people who exhibited few symptoms; and,

## PROCLAMATION

**WHEREAS**, the understanding of spread from infected individuals who have not shown symptoms has changed and, on April 12, 2020, the CDC changed the period of exposure risk from "onset of symptoms" to "48 hours before symptom onset"; and,

**WHEREAS**, some people infected by the virus remain asymptomatic but nonetheless may spread it to others; and,

**WHEREAS**, although the CDC initially recommended against wearing cloth face coverings or masks as protection, as a result of research on asymptomatic and pre-symptomatic transmission, the CDC revised its conclusions and recommends wearing cloth face coverings in public settings where social distancing measures are difficult to maintain; and,

**WHEREAS**, public health research and guidance increasingly supports wearing cloth face coverings in public settings where social distancing measures are difficult to maintain, and indicates that the risk of transmission outdoors is less than the risk of transmission indoors; and,

**WHEREAS**, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

**WHEREAS**, at the time I issued the first Gubernatorial Disaster Proclamation, there were 11 confirmed cases of COVID-19 in one Illinois county; and,

**WHEREAS**, as of today, July 24, 2020, there have been over 168,000 confirmed cases of COVID-19 in all 102 Illinois counties; and,

**WHEREAS**, the first death attributed to COVID-19 in Illinois was announced on March 17, 2020; and,

**WHEREAS**, as of today, July 24, 2020, more than 7,300 residents of Illinois have died due to COVID-19; and,

**WHEREAS**, from the outset, studies have suggested that for every confirmed case there are many more unknown cases, some of which are asymptomatic individuals who can pass the virus to others without knowing; and,

**WHEREAS**, the CDC now estimates that total cases of COVID-19 may be up to 13 times higher than currently reported for certain regions; and,

## PROCLAMATION

**WHEREAS**, although the number of new COVID-19 cases has decreased in recent weeks, followed by an uptick, the virus continues to infect thousands of individuals and claim the lives of too many Illinoisans each day; and,

**WHEREAS**, the COVID-19 pandemic is not limited to the most populous counties, and as of today the four counties that the Illinois Department of Public Health has identified as exhibiting warning signs of increased COVID-19 risk (Adams, LaSalle, Peoria, and Randolph) are located in all parts of the State; and,

**WHEREAS**, without precautions COVID-19 can spread exponentially, even in less populous areas; for example, in Jasper County, a single infected first responder visited a nursing home and instigated series of infections that resulted in one of highest infection rates in the State; and similarly, in Randolph County, a single infected person attended an event in mid-March that caused that county likewise to suffer one of the State's highest infection rates; and,

**WHEREAS**, numerous counties all around the State (Gallatin, Union, St. Clair, Cass, Hardin, Saline, Jackson, Douglas, Randolph, Jo Daviess, Adams, Coles, Madison, Alexander, Lawrence, Kankakee, Rock Island, Logan, Scott, Champaign, White, Johnson, Peoria, Perry, Monroe, Whiteside, Washington, Mercer, Iroquois, DuPage, McHenry, Sangamon, Clinton and LaSalle) have reported more than 75 cases per 100,000 people over the past 7 days; and,

**WHEREAS**, while the precautions taken by Illinoisans led to a decline in the number of COVID-19 cases and deaths in the State, other states that have resisted taking public health precautions or that lifted those precautions earlier are now experiencing exponential growth and record high numbers of cases; and,

**WHEREAS**, although the number of COVID-19 cases and deaths in the State remain well below the earlier peak, they have begun to increase again; and,

**WHEREAS**, on July 23, 2020, the U.S. reported approximately 70,000 new COVID-19 cases, and the U.S. has surpassed 4 million total cases and 144,000 deaths; and,

**WHEREAS**, public health experts have warned of a "second wave" of COVID-19 cases; and,

**WHEREAS**, COVID-19 has claimed the lives of and continues to impact the health of Black and Hispanic Illinoisans at a disproportionately high rate – magnifying significant health disparities and inequities; and,

**WHEREAS**, the Illinois Department of Public Health activated its Illinois Emergency Operations Plan and its Emergency Support Function 8 Plan to coordinate emergency response

## PROCLAMATION

efforts by hospitals, local health departments, and emergency management systems in order to avoid a surge in the use of hospital resources and capacity; and,

**WHEREAS**, as the virus has progressed through Illinois, the crisis facing the State continues to develop and requires an evolving response to ensure hospitals, health care professionals and first responders are able to meet the health care needs of all Illinoisans and in a manner consistent with CDC guidance that continues to be updated; and,

**WHEREAS**, in order to ensure that health care professionals, first responders, hospitals and other facilities are able to meet the health care needs of all residents of Illinois, the State must have critical supplies, including PPE, such as masks, face shields, gowns, and gloves; and,

**WHEREAS**, the State of Illinois maintains a stockpile that supports the existing PPE supply chains and stocks at various healthcare facilities; and,

**WHEREAS**, while the State continues to make every effort to procure PPE, if those procurement efforts are disrupted or Illinois experiences a surge in COVID-19 cases, the State faces a life-threatening shortage of respirators, masks, protective eyewear, face shields, gloves, gowns, and other protective equipment for health care workers and first responders; and,

**WHEREAS**, while hospitalizations have declined, Illinois is using a significant percentage of hospital beds and ICU beds, and, if COVID-19 cases were to surge, the State could face a shortage of critical health care resources; and,

**WHEREAS**, over the course of the COVID-19 crisis, the State has been constrained in the number of COVID-19 tests that can be taken and processed due to a limited number of testing sites and labs, as well as a shortage of necessary supplies, including the swabs needed to take samples; and,

**WHEREAS**, at the time I issued the first Gubernatorial Disaster Proclamation, Illinois had capacity to test no more than a few hundred people per day for COVID-19 at a small number of testing sites; and,

**WHEREAS**, the State has developed testing sites throughout Illinois and now often exceeds 40,000 tests per day, and the State continues to focus efforts on increasing testing capacity; and,

**WHEREAS**, Illinois now has tested nearly 2.5 million total specimens for COVID-19; and,

**WHEREAS**, national projections adjusted for Illinois' population suggest the State must continue to increase the number of tests processed per day as part of an effective effort to permanently slow and reduce the spread of COVID-19; and,

## PROCLAMATION

**WHEREAS**, in addition to causing the tragic loss of more than 7,300 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

**WHEREAS**, nationwide, more than 50 million people have filed unemployment claims since the start of the pandemic – representing more than one in four U.S. workers; and,

**WHEREAS**, the Illinois Department of Employment Security announced that the State's unemployment rate continues to be extremely high at 14.6% in July; and,

**WHEREAS**, the Illinois Department of Employment Security is responding to the economic crisis in a number of ways, including through the Pandemic Unemployment Assistance program; and,

**WHEREAS**, the Department of Commerce and Economic Opportunity is working to address the economic crisis, including through assistance programs such as the Business Interruption Grants Program for businesses that experienced a limited ability to operate due to COVID-19 related closures; and,

**WHEREAS**, the economic loss and insecurity caused by COVID-19 threatens the viability of business and the access to housing, medical care, food, and other critical resources that directly impact the health and safety of residents; and,

**WHEREAS**, COVID-19 also has been extraordinarily disruptive to schools, and it is among the highest priorities of the State to ensure as the new school year approaches that students are able to obtain a quality education and that schools are able to provide an environment that is safe for students, teachers, and the community; and,

**WHEREAS**, based on the foregoing facts, and considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that will be felt over the coming month by people across the State, the current circumstances in Illinois surrounding the spread of COVID-19 constitute an epidemic emergency and a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

**WHEREAS**, based on the foregoing, the continuing burden on hospital resources, the potential shortages of these resources in the event of a surge in infections, and the critical need to increase the purchase and distribution of PPE as well as to expand COVID-19 testing capacity constitute a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

## PROCLAMATION

**WHEREAS**, it is the policy of the State of Illinois to be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure that that our healthcare delivery system is capable of serving those who are sick and that Illinoisans remain safe and secure and able to obtain medical care; and,

**WHEREAS**, this proclamation will assist the State in facilitating economic recovery for individuals and businesses in an effort to prevent further devastating consequences from the economic instability COVID-19 has caused; and,

**WHEREAS**, this proclamation will assist Illinois agencies in coordinating State and Federal resources, including materials needed to test for COVID-19, personal protective equipment, and medicines, in an effort to support the State responses as well as the responses of local governments to the present public health emergency; and,

**WHEREAS**, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act for the new issuance of a proclamation of disaster; and,

**WHEREAS**, the Illinois Constitution, in Article V, Section 8, provides that "the Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws," and states, in the Preamble, that a central purpose of the Illinois Constitution is "provide for the health, safety, and welfare of the people";

**NOW, THEREFORE**, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

**Section 1.** Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare all counties in the State of Illinois as a disaster area. The proclamation authorizes the exercise of all of the emergency powers provided in Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, including but not limited to those specific emergency powers set forth below.

**Section 2.** The Illinois Department of Public Health and the Illinois Emergency Management Agency are directed to coordinate with each other with respect to planning for and responding to the present public health emergency.

**Section 3.** The Illinois Department of Public Health is further directed to cooperate with the Governor, other State agencies and local authorities, including local public health authorities, in

## PROCLAMATION

the development and implementation of strategies and plans to protect the public health in connection with the present public health emergency.

**Section 4.** The Illinois Emergency Management Agency is directed to implement the State Emergency Operations Plan to coordinate State resources to support local governments in disaster response and recovery operations.

**Section 5.** To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.

**Section 6.** Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation activates the Governor's authority, as necessary, to transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.

**Section 7.** The Illinois Department of Public Health, Illinois Department of Insurance and the Illinois Department of Healthcare and Family Services are directed to recommend, and, as appropriate, take necessary actions to ensure expanded access to testing for COVID-19 and that consumers do not face financial barriers in accessing diagnostic testing and treatment services for COVID-19.

**Section 8.** The Illinois State Board of Education is directed to recommend, and, as appropriate, take necessary actions to address any impact to learning associated with the present public health emergency and to alleviate any barriers to the use of remote learning during the effect of this proclamation that exist in the Illinois School Code, 105 ILCS 5/1-1 et. seq.

**Section 9.** All State agencies are directed to cooperate with the Governor, other State agencies and local authorities in the development and implementation of strategies and plans to cope with and recover from the economic impact of the present public health emergency.

**Section 10.** Pursuant to Section 7(14) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(14), increases in the selling price of goods or services, including medical supplies, protective equipment, medications and other commodities intended to assist in the prevention of or treatment and recovery of COVID-19, shall be prohibited in the State of Illinois while this proclamation is in effect.

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**Section 11.** This proclamation can facilitate requests for federal emergency and/or disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

**Section 12.** For purposes of Senate Bill 2135 (101st General Assembly), Article 15, section 15-5, amending the Open Meetings Act, new section 5 ILCS 120/7(e)(4), I find that the public health concerns at issue in this proclamation render in-person attendance of more than fifty people at the regular meeting location not feasible.

**Section 13.** This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor July 24, 2020

Filed by the Secretary of State July 24, 2020

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