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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 NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Camping on Department of Natural Resources Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3) Section Number: 130.70                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to allow for more opportunities for constituents that do not possess camping equipment to be able to rent, from a concessionaire, camping equipment and enjoy camping at select DNR sites.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking:

George Sisk, Legal Counsel  
Department of Natural Resources  
One Natural Resources  
Springfield IL 62702

217/785-8693

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 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 Amendment begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER a: LANDS

## PART 130

## CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section	
130.10	Location
130.20	Purpose of Campground
130.30	Classification of Camps by Equipment Used – Definitions
130.40	Definitions
130.50	Registrations
130.60	Permits, Extensions and Time Limits
130.70	Fees and Charges
130.80	Refunds
130.90	Check-in and Check-out Times
130.100	Unoccupied Camps
130.110	Vehicles per Camp (Refer to 17 Ill. Adm. Code 130.30)
130.120	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.130	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.135	Campground Host Program
130.140	Use of Campground
130.150	Violation of Rule

**AUTHORITY:** Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805].

**SOURCE:** Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October 2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg. 9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective July 7, 1999; amended at 24 Ill. Reg. 1634, effective January 13, 2000; amended at 24 Ill. Reg. 13699, effective August 23, 2000; amended at 27 Ill. Reg. 12630, effective July 21, 2003; amended at 28 Ill. Reg. 6118, effective April 15, 2004; amended at 29 Ill. Reg. 20445, effective December 2, 2005; amended at 32 Ill. Reg. 181, effective December 19, 2007; amended at 32 Ill. Reg. 8406, effective May 21, 2008; amended at 34 Ill. Reg. 10791, effective July 16, 2010; amended at 43 Ill. Reg. 4826, effective April 11, 2019; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 130.70 Fees and Charges**

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary according to the type of campground and are as follows:
  - 1) Spring-Summer Camping (rates apply May 1 through September 30, except at the WSRC during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department)
    - A) Class AA Sites: Camping fee of \$15 per night per site, \$10 utility fee. Sites having availability to showers, electricity, water hookups, sewer hookups, and vehicular access. The camping fee shall be \$25 per night on Friday, Saturday and Sunday of the Memorial Day and Labor Day holiday weekends and on Friday, Saturday and Sunday nights of the Independence Day weekend if July 4 falls on a Friday, Saturday, Sunday or Monday.
    - B) Class A Sites: Camping fee of \$10 per night per site, \$10 utility fee. Sites having availability to showers, electricity and vehicular access. The camping fee shall be \$20 per night on Friday, Saturday and Sunday of the Memorial Day and Labor Day holiday weekends and on Friday, Saturday and Sunday nights of the Independence Day weekend if July 4 falls on a Friday, Saturday,

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Sunday or Monday.

- C) Class A Premium Sites: Camping fee of \$15 per night per site, \$10 utility fee. Sites having availability to showers, electricity and vehicular access. The camping fee shall be \$25 per night on Friday, Saturday and Sunday of the Memorial Day and Labor Day holiday weekends and on Friday, Saturday and Sunday nights of the Independence Day weekend if July 4 falls on a Friday, Saturday, Sunday or Monday.
- D) Class B-E Sites: Camping fee of \$8 per night per site, \$10 utility fee. Sites having availability to electricity and vehicular access.
- E) Class B-E Premium Sites: Camping fee of \$10 per night per site, \$10 utility fee. Sites having availability to electricity and vehicular access.
- F) Class B-S Sites: Camping fee of \$10 per night per site. Sites having availability to showers and vehicular access.
- G) Class B-S Premium Sites: Camping fee of \$12 per night per site. Sites having availability to showers and vehicular access.
- H) Class C Sites: Camping fee of \$8 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.
- I) Class D Sites: Camping fee of \$6 per night per site. Tent camping or primitive sites with no vehicular access.
- J) Youth Group Camping: \$2 per person, minimum daily camping fee of \$20.
- K) Adult Group Camping: \$4 per person, minimum daily camping fee of \$40.
- L) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette State Park shall pay

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

a fee of \$4 per night. At Dixon Springs and Horseshoe Lake State Fish and Wildlife Area (Alexander County), a deposit of \$40 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette, a deposit of \$100 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette and Dixon Springs, deposit balances will not be refunded until inspection is made of the facilities after the group departs. If damages warrant, Pere Marquette and Dixon Springs will have authority to retain this deposit. Fees for day use of the group camps at Dixon Springs, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette shall be \$75 per day.

## M) Rent-A-Camp Tents

If resources and funding allow, the Department, or the Department's concessionaire, Tents will ~~make be made~~ available Rent-A-Camp Tents at designated State parks and recreational areas throughout the Department's statewide system. A Rent-A-Camp Tent ~~areas~~ will provide, at a minimum: an already erected tent on a platform, one sleeping mattress, additional fees of \$8 and \$12 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with ~~wood floor~~, one charcoal grill, one picnic table, and one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a Rent-A-Camp Tent will be based on the basic ~~feefees~~ of \$68 or \$12 per night for a primitive (Class D) camping site and the per-night fee charged by the Rent-A-Camp Tent concessionaire for access to their addition to the class of camping amenities listed in this subsection (a)(1)(M) and set-up costs rate on which the Rent A Camp site is located.

## N) Rent-A-Camp Cabin areas will provide, at a basic cabin rental fee of \$25 per night, one 2-bedroom cabin with 2 bunk beds, one full-sized bed, ceiling fans, electric heaters, table with chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin will be based on the basic fee plus Class specific utility and camping fees, as follows:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- i) Rent-A-Camp Cabins at Class A Sites:  
\$25 cabin rental plus \$10 utility fee and \$10 camping fee per night, per site at all sites having availability to showers and vehicular access.
  - ii) Rent-A-Camp Cabins at Class A Premium Sites:  
\$25 cabin rental plus \$10 utility fee and \$15 camping fee per night, per site at all sites having availability to showers and vehicular access.
  - iii) Individual Rent-A-Cabins at Dixon Springs State Park:  
rented individually – not by organized groups pursuant to subsection (a)(1)(L); \$60 cabin rental, \$45 barrack fee per unit.
- O) A \$5 per campsite non-refundable reservation fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group campsites as well as individual site reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. In addition to the \$5 non-refundable fee, the full amount of the camping and utility fee (if applicable) is required at the time reservations are made.
- P) Dumping of wastewater from recreational vehicles and camping trailers by persons who are not registered campers will cost \$5 per vehicle.
- 2) Fall-Winter Camping (rates apply October 1 through April 30, except at the WSRC during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department)
- A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.
  - B) When cold weather requires closing down buildings and shutting off water in any Class A or B campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- C) The fee for primitive campsites shall be \$6 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.
- b) Exceptions: Employees, Concessionaires, and Special Legislation
- 1) Persons who qualify and are placed in the campground host program at approved camping sites will not be required to pay the established camping fee.
  - 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.
  - 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.
    - A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday, or Thursday, at Class AA, A Premium, A, B-E Premium, B-E, B-S Premium, and B-S sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.
    - B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Secretary of State will be charged one-half the established camping fee for Class AA, A Premium, A, B-E Premium, B-E, B-S Premium and B-S sites on any Monday, Tuesday, Wednesday or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites. Parents or legal guardians, aged 18 or over, of minors who have a current Class 2 Illinois Disabled Person Identification Card may register the campsite at the reduced rate specified in this subsection (b)(3)(B) for disabled persons, provided the disabled minor is present and camping at the same site as the parent or legal guardian.

- C) An Illinois resident who is a disabled veteran or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS 2805/5).

- c) World Shooting and Recreational Complex  
The Department may establish the fees for use of all or parts of the campground at the WSRC through the negotiation of contracts for events to be held at the WSRC. The Department shall consider the numbers of camping spaces reserved and the services provided at each campsite when establishing fees by contract. All other fees set forth in this Section shall apply to public camping at the WSRC.

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

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Remittance Agents
- 2) Code Citation: 92 Ill. Adm. Code 1019
- 3) Section Number: 1019.35                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing Chapter 3, Article IX, and authorized by Section 2-104(b), 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 sets forth a requirement that all applications for title, registration or both must be done electronically. In addition, those remittance agents (or their employees) must present identification, issued by SOS, when conducting business related to an electronically submitted application.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does 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  
298 Howlett Building  
Springfield IL 62756

pwright@ilsos.gov

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Licensed vehicles dealers, remittance agents, and currency exchanges.
  - B) Reporting, bookkeeping or other procedures required for compliance: Each must maintain an accurate listing of employees to be shared with SOS.
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
    - 44-45 Retail Trade
    - 52 Finance and Insurance
    - 81 Other Services (except Public Administration)
  - B) Categories that the agency reasonably believes the rulemaking will impact, including:
    - viii. record keeping;
- 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 Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in this issue of the *Illinois Register* on page 14360.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: General Grantmaking (DOT)
- 2) Code Citation: 44 Ill. Adm. Code 7050
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
7050.10	New Section
7050.20	New Section
7050.30	New Section
7050.40	New Section
- 4) Statutory Authority: Implementing and authorized by the Grant Accountability and Transparency Act [30 ILCS 708].
- 5) A Complete Description of the Subjects and Issues Involved: The Department proposes to adopt 2 CFR 200 by reference as required by Section 50(a) of the Grant Accountability and Transparency Act and 44 Ill. Adm. Code 7000.200(b).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? 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.
- 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  
Illinois Department of Transportation  
Office of Chief Counsel  
2300 South Dirksen Parkway, Room 317

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED RULES

Springfield IL 62764

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 will affect those small municipalities, small businesses and not-for-profit corporations that receive grant funding from the Department.
  - B) Reporting, bookkeeping, or other procedures required for compliance: Grant recipients will be required to comply with the reporting, invoicing, and audit requirements of 2 CFR 200.
  - C) Types of professional skills necessary for compliance: Bookkeeping skills necessary to comply with the reporting, invoicing, and audit requirements of 2 CFR 200.
- 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 did not appear on either of the two most recent regulatory agendas because the need for it was unanticipated.

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

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED RULES

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING,  
PROCUREMENT AND PROPERTY MANAGEMENT  
SUBTITLE F: GRANTMAKING  
CHAPTER VI: DEPARTMENT OF TRANSPORTATIONPART 7050  
GENERAL GRANTMAKING (DOT)

Section	
7050.10	Scope
7050.20	Definitions
7050.30	Incorporation by Reference
7050.40	Exceptions and Exemptions

AUTHORITY: Implementing and authorized by Section 50 of the Grant Accountability and Transparency Act [30 ILCS 708].

SOURCE: Adopted at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 7050.10 Scope**

This Part applies to all nonfederal entities that receive State and federal pass-through grant awards from the Department. This Part does not apply to private grant awards.

**Section 7050.20 Definitions**

For purposes of this Part, the words, terms, and phrases listed shall have the meanings ascribed to them as follows:

"Catalog of State Financial Assistance" or "CSFA" means the single, authoritative, Statewide, comprehensive source document of State financial assistance program information maintained by the Governor's Office of Management and Budget (available at <http://grants.illinois.gov>).

"CFR" means the Code of Federal Regulations.

"Department" means the Illinois Department of Transportation.

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

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED RULES

"GATU" means the Grant Accountability and Transparency Unit within the Illinois Governor's Office of Management and Budget.

**Section 7050.30 Incorporation by Reference**

- a) The Department hereby incorporates by reference 2 CFR 200, Subparts A through F and Appendices I through XII as those parts of the Code of Federal Regulations were in effect on January 1, 2020. No later amendments to or editions of the CFR are incorporated.
- b) The terminology equivalencies listed at 44 Ill. Adm. Code 7000.200(b)(1) shall be used for State funded grants.
- c) Copies of the materials incorporated by reference are available for inspection at the Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield, Illinois 62764 or online via the U.S. Government Publishing Office at <http://www.ecfr.gov>.

**Section 7050.40 Exceptions and Exemptions**

The Department may submit a request for program-specific exceptions or exemptions from GATA. Those exceptions or exemptions granted by GATU will be recorded in the CFSA. This Part is not applicable when different provisions are required by State or federal law.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Cannabis Regulation and Tax Act
- 2) Code Citation: 68 Ill. Adm. Code 1291
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1291.10	New Section
1291.50	New Section
- 4) Statutory Authority: Cannabis Regulation and Tax Act [410 ILCS 705]
- 5) Effective Date of Rules: August 24, 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 *Illinois Register*: 44 Ill. Reg. 10343; June 19, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive differences between the proposed version and the adopted version of this rule except for a few minor technical changes recommended by JCAR
- 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 rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 101-27 created the Cannabis Regulation and Tax Act [410 ILCS 705]. These adopted rules relate to the lottery process if there are ties for the last remaining licenses in a particular BLS region, and also clarified that unsuccessful applicants who wish to file suit against the Department should do so in court rather than first going through the administrative process before going on to court. These

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adopted rules may potentially change some applicant's behavior in terms of how many applications they submit in a region and directs applicants toward the appropriate venue for relief.

- 16) Information and questions regarding these adopted rules shall be directed to:

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

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

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1291  
CANNABIS REGULATION AND TAX ACT

## Section

1291.10	Definitions
1291.50	Tied Applicant

AUTHORITY: Implementing and authorized by the Cannabis Regulation and Tax Act [410 ILCS 705]

SOURCE: Adopted by emergency rulemaking at 43 Ill. Reg. 14934, effective December 9, 2019, for a maximum of 180 days; emergency rule expired June 5, 2020; adopted at 44 Ill. Reg. 14103, effective August 24, 2020.

**Section 1291.10 Definitions**

Terms not defined in this Section shall have the same meaning as in the Cannabis Regulation and Tax Act [410 ILCS 705]. Nothing in this Part is intended to confer a property or other right, duty, privilege or interest entitling an applicant to an administrative hearing upon denial of a dispensing organization application. The denial of a dispensing organization application does not preclude judicial review of the denial. The following definitions are applicable for purposes of this Part:

"Act" means the Cannabis Regulation and Tax Act [410 ILCS 705].

"Applicant" means the Proposed Dispensing Organization Name as stated on a license application.

"Application points" means the number of points an applicant receives at the conclusion of the scoring process.

*"BLS region" means a region in Illinois used by the United States Bureau of Labor Statistics to gather and categorize certain employment and wage data. The 17 regions in Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion, Champaign-Urbana, Chicago-Naperville-Elgin, Danville, Davenport-Moline-*

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*Rock Island, Decatur, Kankakee, Peoria, Rockford, St. Louis, Springfield, Northwest Illinois nonmetropolitan area, West Central Illinois nonmetropolitan area, East Central Illinois nonmetropolitan area, and South Illinois nonmetropolitan area. (Section 1-10 of the Act)*

"By lot" means a randomized method of choosing between two or more eligible applicants.

"Department" means the Department of Financial and Professional Regulation.

"Dispensing Organization License" means any Early Approval Adult Use Dispensing Organization License, Conditional Adult Use Dispensing Organization License, or Adult Use Dispensing Organization License.

"Eligible applicant" means a tied applicant that is eligible to participate in the process by which a remaining available license is distributed by lot.

"License" means a Conditional Adult Use Dispensing Organization License.

*"Principal officer" includes a cannabis business establishment applicant or licensed cannabis business establishment's board member, owner with more than 1% interest of the total cannabis business establishment or more than 5% interest of the total cannabis business establishment of a publicly traded company, president, vice president, secretary, treasurer, partner, officer, member, manager member, or person with a profit sharing, financial interest, or revenue sharing arrangement. This definition includes a person with authority to control the cannabis business establishment or a person who assumes responsibility for the debts of the cannabis business establishment. (Section 1-10 of the Act)*

"Remaining available license" means a license in a BLS region that has not been awarded by the Department at the conclusion of the scoring process period. There may be more than one remaining available license in a BLS region. For example, if four licenses are available in a BLS region and the five highest scoring applicants receive scores of 245, 240, 235, 235, and 235 points, the applicants receiving 245 and 240 application points will be awarded licenses and the three applicants receiving 235 points may become eligible applicants. Likewise, if one license is available in a BLS region and there are five applicants with the highest score, all five applicants may become eligible applicants.

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"Scoring process period" is the period of time between the conclusion of the submission period for a license application and when the Department publishes the names of tied applicants that may become eligible applicants.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Tied applicant" means an applicant that has received the same number of application points as one or more other applicants in the same BLS region and would have been awarded a license but for the one or more other applicants that received the same number of application points.

**Section 1291.50 Tied Applicant**

- a) A tied applicant may qualify as an eligible applicant subject to the following:
  - 1) A tied applicant is prohibited from becoming an eligible applicant if a principal officer of the tied applicant is a principal officer of more tied applicants than the number of remaining available licenses. For example, if an individual is a principal officer of four tied applicants and there are two remaining available licenses, no more than two of those tied applicants may become eligible applicants.
  - 2) A tied applicant is prohibited from becoming an eligible applicant if a principal officer of a tied applicant resigns after the conclusion of the scoring process period.
  - 3) A tied applicant is prohibited from becoming an eligible applicant if, after the conclusion of the declination period identified in subsection (b), a principal officer of the applicant is a principal officer of more tied applicants than the number of remaining available licenses.
- b) A tied applicant may decline to become an eligible applicant by informing the Department within five business days after the conclusion of the scoring process. The declination must be submitted on forms approved by the Department.
- c) If, at the conclusion of the scoring process period, there are two or more eligible applicants, the Department may distribute the remaining available licenses by lot subject to the following:

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- 1) The Department shall publish a list of eligible applicants at least five business days before the day the remaining available licenses are distributed.
- 2) The drawing by lot for all remaining available licenses will occur on the same day.
- 3) For each BLS region, the Department will draw a number of eligible applicants equal to five times the number of remaining eligible applicants.
- 4) Within each BLS region, the first eligible applicant drawn will have the first right to a remaining available license. The second eligible applicant drawn will have the second right to a remaining available license. The same pattern will continue for each subsequent eligible applicant drawn.
- 5) The process for distributing remaining available licenses will be recorded by the Department in a format selected by the Department.
- 6) If, upon being selected for a remaining available license, the eligible applicant has a principal officer that is a principal officer in more than 10 Early Approval Adult Use Dispensing Organization Licenses, Conditional Adult Use Dispensing Organization Licenses, Adult Use Dispensing Organization Licenses, the licensees and the eligible applicant listing that principal officer must choose which license to abandon pursuant to Section 15-36(d) of the Act, and notify the Department in writing within the timeframe identified in 1291.50(b). If the eligible applicant or licensees do not notify the Department as required, the Department will refuse to issue to the eligible applicants all remaining available licenses obtained by lot in all BLS regions.
- 7) All remaining available licenses that have been abandoned shall be distributed to the next eligible applicant drawn by lot. If there are no additional eligible applicants, the license shall be awarded to the applicant receiving the next highest number of application points in the BLS region.

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- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Number: 117.50                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].
- 5) Effective Date of Rule: August 21, 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 5993; April 17, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Due to an increase in the Consumer Price Index and the COVID-19 crisis, this rulemaking increases the maximum reimbursement amount for funeral expenses of an eligible descendant to \$1370.00 effective April 6, 2020. It also increases the maximum reimbursement amount for burial (including cremation) expenses to \$686.00 effective April 6, 2020.

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

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield IL 62762

217/785-9772

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 117  
RELATED PROGRAM PROVISIONS

## Section

117.1	Incorporation By Reference
117.10	Payee for Financial Assistance
117.11	Issuance of Cash Assistance Benefits
117.12	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
117.13	Replacement of the EBT Card
117.15	Reinstatement Upon Cooperation
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance – Aid to the Aged, Blind or Disabled and General Assistance (Repealed)
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care – TANF and AABD
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match
117.91	New Hire Match
117.92	Electronic Finger Imaging

**AUTHORITY:** Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

**SOURCE:** Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective

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May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. 5263, effective April 19, 1999; amended at 23 Ill. Reg. 11174, effective August 27, 1999; amended at 23 Ill. Reg. 12638, effective October 15, 1999; emergency amendment at 24 Ill. Reg. 6723, effective April 14, 2000, for maximum of 150 days; amended at 24 Ill. Reg. 13422, effective August 18, 2000; amended at 24 Ill. Reg. 16305, effective October 17, 2000; amended at 27 Ill. Reg. 14028, effective August 7, 2003; amended at 30 Ill. Reg. 11549, effective June 20, 2006; amended at 32 Ill. Reg. 9614, effective June 23, 2008; emergency amendment at 36 Ill. Reg. 10503, effective July 1, 2012 until June 30, 2013; amended at 37 Ill. Reg. 1884, effective February 4, 2013; amended at 38 Ill. Reg. 18659, effective August 29, 2014; amended at 42 Ill. Reg. 7696, effective April 13, 2018; emergency amendment at 44 Ill. Reg. 6114, effective April 6, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 14109, effective August 21, 2020.

**Section 117.50 Funerals and Burials**

- a) Funeral and burial services shall be provided to eligible deceased individuals in accordance with Section 117.53.
- b) Payment for Funeral Expenses
  - 1) The maximum allowable amount which the Department may pay for

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## NOTICE OF ADOPTED AMENDMENT

funeral expenses of an eligible decedent is:

- A) \$700 effective 11/17/99, \$850 effective 7/1/00, and \$1000 effective 7/1/01 for an adult or child 5 years of age or older;
  - B) \$436 effective 11/17/99, \$529 effective 7/1/00, \$622 effective 7/1/01, and \$1000 effective 1/1/02 for a child between the ages of 3 months and 5 years; and
  - C) \$350 effective 11/17/99, \$425 effective 7/1/00, \$500 effective 7/1/01, and \$1000 effective 01/1/02 for a child under 3 months of age or stillborn.
- 2) On January 1, 2006, July 1, 2006, and July 1, 2007, the Department shall increase the maximum reimbursement amount by a percentage equal to the percentage increase in the Consumer Price Index for All Urban Consumers, if any, during the 12 months immediately preceding that January 1 or July 1. On April 6, 2020, the Department shall increase the maximum reimbursement amount for funeral expenses of an eligible decedent to \$1370.
  - 3) Prior to 1/1/02, the maximum allowable amount the Department would pay for funeral expenses of an eligible decedent was based on the decedent's age.
- c) The maximum allowable amount which the Department will pay for burial (including cremation) expenses of an eligible decedent is \$350 effective 11/17/99, \$425 effective 7/1/00, and \$500 effective 7/1/01. On January 1, 2006, July 1, 2006, and July 1, 2007, the Department shall increase the maximum reimbursement amount by a percentage equal to the percentage increase in the Consumer Price Index for All Urban Consumers, if any, during the 12 months immediately preceding that January 1 or July 1. On April 6, 2020, the Department shall increase the maximum reimbursement amount for burial (including cremation) expenses to \$686.
  - d) When there is no hospital facility for disposal of amputated limbs by cremation or if burial is desired by the recipient, an allowance of \$15 for burial of amputated limbs may be paid to a funeral director.

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- e) No additional payment shall be made for burial of amputated limbs with the remainder of the body.
- f) The maximum allowable amount which the Department will pay for an Anatomical Gift case is \$100 effective 11/17/99, \$121 effective 7/1/00, and \$142 effective 7/1/01 for the funeral home services and \$50 for a memorial service held in the funeral home. In a Anatomical Gift case, the body has been donated for scientific study.

(Source: Amended at 44 Ill. Reg. 14109, effective August 21, 2020)

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- 1) Heading of the Part: Access to Records of the Department of Juvenile Justice
- 2) Code Citation: 2 Ill. Adm. Code 1010
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1010.100	New Section
1010.105	New Section
1010.200	New Section
1010.205	New Section
1010.210	New Section
1010.300	New Section
1010.305	New Section
1010.310	New Section
1010.315	New Section
1010.400	New Section
1010.405	New Section
1010.410	New Section
1010.415	New Section
1010.420	New Section
1010.425	New Section
1010.430	New Section
1010.435	New Section
1010.500	New Section
1010.505	New Section
1010.510	New Section
1010.APPENDIX A	New Section
- 4) Statutory Authority: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140], authorized by Sections 3-2.5.20 and 3-2-5 of the Unified Code of Corrections [730 ILCS 5] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100].
- 5) Effective Date of Rules: August 18, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

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- 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 *Illinois Register*: This internal rulemaking does not require a First Notice publication.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking created a new Part regarding access to the Department of Juvenile Justice's records. Currently the Department is operating under the shared Department of Corrections administrative rules located at 2 Ill. Admin. Code 851.
- 16) Information and questions regarding these adopted rules shall be directed to:

Lindsay M. Bentivegna  
Policy Staff Attorney  
Department of Juvenile Justice  
2715 W. Monroe St.  
Springfield IL 62704

217/557-1030  
DJJ.Rules@illinois.gov

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

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NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE D: CODE DEPARTMENTS  
CHAPTER XII: DEPARTMENT OF JUVENILE JUSTICE

PART 1010  
ACCESS TO RECORDS OF THE  
DEPARTMENT OF JUVENILE JUSTICE

SUBPART A: INTRODUCTION

Section	
1010.100	Summary and Purpose
1010.105	Definitions

SUBPART B: CLASSIFICATION OF RECORDS

Section	
1010.200	Records that Will Be Disclosed
1010.205	Records that Will Be Withheld from Disclosure
1010.210	Statutory Exemptions

SUBPART C: PROCEDURES FOR REQUESTING  
RECORDS FROM THE AGENCY

Section	
1010.300	Submittal of Requests for Records
1010.305	Information To Be Provided in Requests for Records
1010.310	Requests for Records for Commercial Purposes
1010.315	Records Maintained Online

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

Section	
1010.400	Timeline for Agency Response
1010.405	Requests for Records that the Agency Considers Unduly Burdensome
1010.410	Recurrent Requesters
1010.415	Requests for Records that Require Electronic Retrieval
1010.420	Denials of Requests for Records
1010.425	Requests for Review of Denials – Public Access Counselor

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1010.430 Circuit Court Review  
1010.435 Administrative Review

## SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

## Section

1010.500 Inspection and Copying of Records  
1010.505 Fees for Records  
1010.510 Reduction and Waiver of Fees

## 1010.APPENDIX A Fee Schedule for Duplication and Certification of Records

**AUTHORITY:** Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140], authorized by Sections 3-2.5.20 and 3-2-5 of the Unified Code of Corrections [730 ILCS 5] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100].

**SOURCE:** Adopted at 44 Ill. Reg. 14115, effective August 18, 2020.

## SUBPART A: INTRODUCTION

**Section 1010.100 Summary and Purpose**

- a) This Part states the policy of the Department of Juvenile Justice (Agency) for making its records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality.
- b) This Part:
  - 1) Establishes the following classifications for records in the Agency's possession:
    - A) Records that shall be disclosed; and
    - B) Records that shall be withheld from disclosure;
  - 2) Contains the procedures by which requesters may obtain records in the Agency's possession; and

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- 3) Contains the procedures for claiming and determining that records submitted to the Agency are exempt from disclosure.

**Section 1010.105 Definitions**

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act [5 ILCS 140]. The following definitions are applicable for purposes of this Part:

"Act" means the Unified Code of Corrections [730 ILCS 5].

"Agency" means the Department of Juvenile Justice as established by the Act.

*"Commercial purpose" means the use of any part of a record or records, or information derived from records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is:*

*to access and disseminate information concerning news and current or passing events;*

*for articles or opinion or features of interest to the public; or*

*for the purpose of academic, scientific, or public research or education.*  
(Section 2(c-10) of FOIA)

*"Copying" means the reproduction of any record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the Agency. (Section 2(d) of FOIA)*

"Director" means the Director of the Agency.

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records.

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*"News media" means a newspaper or other periodical issued at regular intervals, news service in paper or electronic form, radio station, television station, television network, community antenna television service, or person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)*

*"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA)*

*"Private information" means unique identifiers, including a person's Social Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)*

*"Public Access Counselor" means an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].*

*"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the foregoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)*

*"Records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Agency. (Section 2(c) of FOIA)*

*"Recurrent requester" means a person that, in the 12 months immediately preceding the request, has submitted to the same public body a minimum of 50 requests for records, a minimum of 15 requests for records within a 30-day*

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*period, or a minimum of 7 requests for records within a 7 day period. For the purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time periods, in this definition when the principal purpose of the requests is to access and disseminate information concerning news and current or passing events, for articles of opinion or features of interest to the public, or for the purpose of academic, scientific, or public research or education. For the purposes of this definition, "request" means a written document (or oral request, if the public body chooses to honor oral requests) that is submitted to a public body via personal delivery, mail, telefax, electronic mail, or other means available to the public body and that identifies the particular public record the requester seeks. One request may identify multiple records to be inspected or copied. (Section 2(g) of FOIA)*

"Requester" is any person who has submitted to the Agency a written request, electronically or on paper, for records.

*"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)*

## SUBPART B: CLASSIFICATION OF RECORDS

**Section 1010.200 Records that Will Be Disclosed**

Upon request meeting the requirements of this Part, the Agency shall disclose to the requester all records requested except that it shall not disclose certain records as provided in Section 1010.205 or 1010.210. Records covered under this Section shall include, but are not limited to:

- a) *Records of funds. All records relating to the obligation, receipt and use of public funds of the Agency are records subject to inspection and copying by the public. (Section 2.5 of FOIA)*
- b) *Payrolls. Certified payroll records submitted to the Agency under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers will be redacted by the Agency prior to disclosure. (Section 2.10 of FOIA)*

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- c) *Criminal history records. The following documents maintained by the Agency pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:*
- 1) *Court records that are public;*
  - 2) *Records that are otherwise available under State or local law; and*
  - 3) *Records in which the requesting party is the individual identified, except as provided under Section 7(1)(d)(vi) of FOIA. (Section 2.15(b) of FOIA)*
- d) *Settlement agreements. All settlement agreements entered into by or on behalf of the Agency are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 1010.205 or 1010.210 may be redacted. (Section 2.20 of FOIA)*

**Section 1010.205 Records that Will Be Withheld from Disclosure**

- a) For exemptions from FOIA that are stated in FOIA, see Section 7(1) of FOIA.
- b) *A record that is not in the possession of the Agency but is in the possession of a party with whom the Agency has contracted to perform a governmental function on behalf of the Agency, and that directly relates to the governmental function and is not otherwise exempt under FOIA, shall be considered a record of the Agency for purposes of Subpart C. (Section 7(2) of FOIA)*

**Section 1010.210 Statutory Exemptions**

For exemptions from FOIA that are stated in other statutes, see Section 7.5 of FOIA.

**SUBPART C: PROCEDURES FOR REQUESTING  
RECORDS FROM THE AGENCY****Section 1010.300 Submittal of Requests for Records**

- a) Any request for public records should be submitted in writing to the FOI Officer at the Agency.

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- b) The Agency has one FOI Officer, located in Chicago.
- c) Contact information for each FOI Officer can be found online at [www2.Illinois.gov/Pages/FOIA-Contacts.aspx](http://www2.Illinois.gov/Pages/FOIA-Contacts.aspx).
- d) FOIA requests may be submitted via mail, e-mail, fax, or hand delivery. Requests should be mailed or hand delivered to:

Department of Juvenile Justice  
1112 South Wabash Avenue, 2<sup>nd</sup> Floor  
Chicago IL 60605  
Attn: FOI Officer

- e) E-mailed requests should be sent to [DJJ.FOIA@illinois.gov](mailto:DJJ.FOIA@illinois.gov), contain the request in the body of the e-mail, and indicate in the subject line of the e-mail that it contains a FOIA request. Faxed FOIA requests should be faxed to 312/814-0701, Attn: FOI Officer.

**Section 1010.305 Information To Be Provided in Requests for Records**

A request for records should include:

- a) The complete name, mailing address and telephone number of the requester;
- b) As specific a description as possible of the records sought. Requests that the Agency considers unduly burdensome or categorical may be denied. (See Section 3(g) of FOIA and Section 1010.405 of this Part.);
- c) A statement as to the requested medium and format for the Agency to use in providing the records sought: for example, paper, specific types of digital or magnetic media, or videotape;
- d) A statement as to the requested manner for the Agency to use in providing the records sought: for example, inspection at Agency headquarters or providing paper or electronic copies;
- e) A statement as to whether the requester needs certified copies of all or any portion of the records, including reference to the specific documents that require certification; and

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- f) A statement as to whether the request is for a commercial purpose.

**Section 1010.310 Requests for Records for Commercial Purposes**

- a) *It is a violation of FOIA for a person to knowingly obtain a record for a commercial purpose without disclosing that it is for a commercial purpose if requested to do so by the Agency. (Section 3.1(c) of FOIA)*
- b) *The Agency shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:*
- 1) *Provide to the requester an estimate of the time required by the Agency to provide the records requested and an estimate of the fees to be charged, which the Agency may require the person to pay in full before copying the requested documents;*
  - 2) *Deny the request pursuant to one or more of the exemptions set out in Section 1010.205 or 1010.210;*
  - 3) *Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
  - 4) *Provide the records requested. (Section 3.1(a) of FOIA)*
- c) *Unless the records are exempt from disclosure, the Agency shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes. (Section 3.1(b) of FOIA)*

**Section 1010.315 Records Maintained Online**

- a) *Notwithstanding any provision of FOIA to the contrary, a public body is not required to copy a public record that is published on the public body's website. The public body shall notify the requester that the public record is available online and direct the requester to the website where the record can be reasonably accessed.*

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- b) *If the person requesting the public record is unable to reasonably access the record online after being directed to the website pursuant to subsection (a), the requester may resubmit his or her request for the record stating his or her inability to reasonably access the record online, and the public body shall make the requested record available for inspection or copying as provided in Section 3 of FOIA. (Section 8.5 of FOIA)*

## SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

**Section 1010.400 Timeline for Agency Response**

- a) *Except as stated in subsection (b) or (c), the Agency will respond to any written request for records within 5 business days after its receipt of the request. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. If the Agency fails to respond to a request within the requisite periods in this subsection (a) but thereafter provides the requester with copies of the requested records, it will not impose a fee for those copies. If the Agency fails to respond to a request received, it will not treat the request as unduly burdensome as provided under Section 1010.405. (Section 3(d) of FOIA) A written request from the Agency to provide additional information shall be considered a response to the FOIA request.*
- b) *The time limits prescribed in subsection (a) may be extended for not more than 5 business days from the original due date for any of the following reasons:*
- 1) *The requested records are stored in whole or in part at locations other than the office having charge of the requested records;*
  - 2) *The request requires the collection of a substantial number of specified records;*
  - 3) *The request is couched in categorical terms and requires an extensive search for the records responsive to it;*
  - 4) *The requested records have not been located in the course of routine search and additional efforts are being made to locate them;*

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- 5) *The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be revealed only with appropriate deletions;*
  - 6) *The request for records cannot be complied with by the Agency within the time limits prescribed by subsection (a) without unduly burdening or interfering with the operations of the Agency; or*
  - 7) *There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (Section 3(e) of FOIA)*
- c) *The person making a request and the Agency may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Agency agree to extend the period for compliance, a failure by the Agency to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)*
  - d) *When additional time is required for any of the reasons set forth in subsection (b), the Agency will, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Agency fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records, it may not impose a fee for those copies. If the Agency issues an extension and subsequently fails to respond to the request, it will not treat the request as unduly burdensome under Section 1010.405. (Section 3(f) of FOIA)*

**Section 1010.405 Requests for Records that the Agency Considers Unduly Burdensome**

- a) *The Agency will fulfill requests calling for all records falling within a category unless compliance with the request would unduly burden the Agency, there is no way to narrow the request, and the burden on the Agency outweighs the public interest in the information. Before invoking this exemption, the Agency will extend to the requester an opportunity to confer with it in an attempt to reduce the*

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*request to manageable proportions.* (Section 3(g) of FOIA) The amended request must be in writing.

- b) If the Agency determines that a request is unduly burdensome, *it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Agency. The response shall be treated as a denial of the request for information.* (Section 3(g) of FOIA)
- c) *Repeated requests from the same person for records that are unchanged or identical to records previously provided or properly denied under this Part shall be deemed unduly burdensome.* (Section 3(g) of FOIA)

**Section 1010.410 Recurrent Requesters**

- a) *Notwithstanding any provision of this Part to the contrary, the Agency will respond to a request from a recurrent requester, as defined in Section 1010.105, within 21 business days after receipt. The response shall:*
  - 1) *provide to the requester an estimate of the time required by the Agency to provide the records requested and an estimate of the fees to be charged, which the Agency may require the person to pay in full before copying the requested documents;*
  - 2) *deny the request pursuant to one or more of the exemptions set out in this Part;*
  - 3) *notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
  - 4) *provide the records requested.*
- b) *Within 5 business days after receiving a request from a recurrent requester, the Agency will notify the requester that the Agency is treating the request as a recurrent request, of the reasons why the Agency is treating the request as a recurrent request, and that the Agency will send an initial response within 21 business days after receipt in accordance with subsection (a). The Agency will also notify the requester of the proposed responses that can be asserted pursuant to subsection (a).*

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- c) *Unless the records are exempt from disclosure, the Agency will comply with a request within a reasonable period considering the size and complexity of the request.* (Section 3.2 of FOIA)

**Section 1010.415 Requests for Records that Require Electronic Retrieval**

- a) A request for records that requires electronic retrieval will be treated the same as any other request for records, with the same timeline and extensions as allowed for other records.
- b) The Agency will retrieve and provide electronic records only in a format and medium that is available to the Agency.

**Section 1010.420 Denials of Requests for Records**

- a) The Agency will deny requests for records when:
- 1) Compliance with the request would unduly burden the Agency, as determined pursuant to Section 1010.405, and the requester has not reduced the request to manageable proportions; or
  - 2) The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or Section 1010.205 or 1010.210 of this Part.
- b) The denial of a request for records must be in writing.
- 1) The notification shall include a description of the records denied; *the reason for the denial, including a detailed factual basis for the application of any exemption claimed; and the names and titles or positions of each person responsible for the denial* (Section 9(a) of FOIA);
  - 2) *Each notice of denial shall also inform the person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor* (Section 9(a) of FOIA); and
  - 3) *When a request for records is denied on the grounds that the records are exempt under Section 7 or 7.5 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for*

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*the denial, including a detailed factual basis and a citation to the supporting legal authority* (Section 9(b) of FOIA).

- c) A requester may treat the Agency's failure to respond to a request for records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor.
- d) If the Agency has given written notice pursuant to Section 1010.400(d), failure to respond to a written request within the time permitted for extension may be treated as a denial for purposes of the right to review by the Public Access Counselor.
- e) *Any person making a request for records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Agency fails to act within the time periods provided in Section 1010.400.* (Section 9(c) of FOIA)

**Section 1010.425 Requests for Review of Denials – Public Access Counselor**

- a) *A person whose request to inspect or copy a record is denied by the Agency may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. The request for review shall be in writing, be signed by the requester, and include a copy of the request for access to records and any response from the Agency.* (Section 9.5(a) of FOIA)
- b) *A person whose request to inspect or copy a record is made for a commercial purpose may not file a request for review with the Public Access Counselor. A person whose request to inspect or copy a record was treated by the Agency as a request for a commercial purpose may file a request for review with the Public Access Counselor for the limited purpose of reviewing whether the Agency properly determined that the request was made for a commercial purpose.* (Section 9.5(b) of FOIA)
- c) *Within 7 business days after the Agency receives a request for review from the Public Access Counselor, the Agency shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor.* (Section 9.5(c) of FOIA)

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- d) *Within 7 business days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Agency may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. (Section 9.5(d) of FOIA)*
- e) *The requester may, but is not required to, respond in writing to the answer within 7 business days and shall provide a copy of the response to the Agency. (Section 9.5(d) of FOIA)*
- f) *In addition to the request for review, and the answer and response to the request, if any, a requester or the Agency may furnish affidavits or records concerning any matter germane to the review. (Section 9.5(e) of FOIA)*
- g) *A binding opinion from the Attorney General shall be binding upon both the requester and the Agency, subject to administrative review under Section 1010.435. (Section 9.5(f) of FOIA)*
- h) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable. (Section 9.5(f) of FOIA)*
- i) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Agency will either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 1010.435. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 1010.435. (Section 9.5(f) of FOIA)*
- j) *If the Agency discloses records in accordance with an opinion of the Attorney General, the Agency is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA. (Section 9.5(f) of FOIA)*
- k) *If the requester files suit under Section 1010.430 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor. (Section 9.5(g) of FOIA)*

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- 1) *The Attorney General may also issue advisory opinions to the Agency regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the Director of the Agency or the Agency's Chief Legal Counsel, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Agency in order to assist in the review. If the Agency relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Agency is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor. (Section 9.5(h) of FOIA)*

**Section 1010.430 Circuit Court Review**

A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

**Section 1010.435 Administrative Review**

*A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook County or Sangamon County. An advisory opinion issued to the Agency shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)*

## SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

**Section 1010.500 Inspection and Copying of Records**

- a) The Agency may make available records for personal inspection at the Agency's headquarters office located at 1112 South Wabash Avenue, Chicago, or at another location agreed to by both the Agency and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record. The Agency may provide records in duplicate forms, including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs, computer disks and diazo.

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- b) *When a person requests a copy of a record maintained in an electronic format, the Agency shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the records in the specified electronic format, then the Agency shall furnish it in the format in which it is maintained by the Agency, or in paper format at the option of the requester. (Section 6(a) of FOIA)*
- c) A requester may inspect records by appointment only, scheduled subject to space availability. The Agency will schedule inspection appointments to take place during normal business hours, which are 8:30 a.m. to 5:00 p.m. Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Agency as soon as possible before the appointment.
- d) In order to maintain routine Agency operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area.
- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. An Agency employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

**Section 1010.505 Fees for Records**

- a) In accordance with Section 1010.510, unless a fee is otherwise fixed by statute, the Agency will provide copies of records and certifications of records in accordance with the fee schedule set forth in Appendix A.
- b) *In calculating its actual cost for reproducing records or for the use of the equipment of the Agency to reproduce records, the Agency will not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(b) of FOIA)*

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- c) In order to expedite the copying of records that the Agency cannot copy, due to the volume of the request or the operational needs of the Agency, in the timelines established in Section 1010.400, the requester may provide, at the requester's expense, the copy machine, all necessary materials, and the labor to copy the public records at the Agency headquarters in Section 1010.500, or at another location agreed to by both the Agency and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record.
- d) Copies of records will be provided to the requester only upon payment of any fees due. *The Agency may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Agency will not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records.* (Section 6(a) of FOIA) Payment must be by check or money order sent to the Agency, payable to "Treasurer, State of Illinois".
- e) If a contractor is used to inspect or copy records, the following procedures shall apply:
- 1) The requester, rather than the Agency, must contract with the contractor;
  - 2) The requester is responsible for all fees charged by the contractor;
  - 3) The requester must notify the Agency of the contractor to be used prior to the scheduled on-site inspection or copying;
  - 4) Only Agency personnel may provide records to the contractor;
  - 5) The Agency must have verification that the requester has paid the Agency, if payment is due, for the copying of the records before providing the records to the contractor; and
  - 6) The requester must provide to the Agency the contractor's written agreement to hold the records secure and to copy the records only for the purpose stated by the requester.
- f) *The Agency may charge up to \$10 for each hour spent by personnel in searching for and retrieving a requested record. No fees shall be charged for the first 8*

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*hours spent by personnel in searching for or retrieving a requested record. The Agency may charge the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the Agency. If the Agency imposes a fee pursuant to this subsection (f), it must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records. The provisions of this subsection (f) apply only to commercial requests. (Section 6(f) of FOIA)*

**Section 1010.510 Reduction and Waiver of Fees**

- a) *Fees may be reduced or waived by the Agency if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. In making this determination, the Agency will consider the following:*
  - 1) *Whether the principal purpose of the request is to disseminate information regarding the health, safety, welfare or legal rights of the general public; and*
  - 2) *Whether the principal purpose of the request is personal or commercial benefit. For purposes of this subsection (a), "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public. (Section 6(c) of FOIA)*
- b) *In setting the amount of the waiver or reduction, the Agency will take into consideration the amount of materials requested and the cost of copying them. (Section 6(c) of FOIA)*
- c) *The Agency will provide copies of records without charge to federal, State and municipal agencies, Constitutional officers and members of the General Assembly, and not-for-profit organizations providing evidence of good standing with the Secretary of State's Office.*
- d) *Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of records when furnished in a paper format will not be*

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*applicable to those records when furnished to a requester in an electronic format.*  
(Section 6(a) of FOIA)

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**Section 1010.APPENDIX A Fee Schedule for Duplication and Certification of Records**

TYPE OF DUPLICATION	FEE (PER COPY)
Paper copy from original, up to and including 50 copies of black and white, letter or legal sized copies	No charge
Paper copy from original, in excess of 50 copies of black and white, letter or legal sized copies	\$.15/page
Paper copy from microfilm original	\$.15/page
Microfilm diazo from original	\$.50/diazo
VHS video copy of tape	Actual cost of the reproduction
Audio tape copy of tape	Actual cost of the reproduction
CD ROM disk	Actual cost of the reproduction
Photograph from negative	Actual cost of the reproduction
Blueprints/oversized prints	Actual cost of the reproduction
Paper copies in color or in a size other than letter or legal	Actual cost of the reproduction
Certification fee	\$1.00/record

NOTE: Expense for delivery other than by First Class U.S. Mail must be borne by the requester.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
710.10	Amendment
710.20	Amendment
710.50	Amendment
710.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5].
- 5) Effective Date of Rules: August 20, 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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 8122, May 15, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 710.20(c), the quotation marks have been deleted on the word "transfer"; In Section 710.20(f), "exceed the limit of, or" has been deleted.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This Part has been amended to make Statewide program changes, open and close State-owned or -managed sites, amend procedures at State sites, and allow for permit cancellations and refunds for unforeseen circumstances, including the closure of State properties resulting from emergency declarations in response to COVID19.
- 16) Information and questions regarding these adopted rules shall be directed to:

John Heidinger, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

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

## Section

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

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

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007; amended at 32 Ill. Reg. 19742, effective December 3, 2008; amended at 34 Ill. Reg. 4868, effective March 19, 2010; amended at 35 Ill. Reg. 3705, effective February 16, 2011; amended at 35 Ill. Reg. 20588, effective December 9, 2011; amended at 37 Ill. Reg. 1898, effective February 4, 2013; amended at 37 Ill. Reg. 20688, effective December 12, 2013; amended at 38 Ill. Reg. 22780, effective November 18, 2014; amended at 39 Ill. Reg. 10951, effective July 27, 2015; amended at 40 Ill. Reg. 10630, effective July 20, 2016; amended at 41 Ill. Reg. 85, effective December 22, 2016; amended at 41 Ill. Reg. 8727, effective June 28, 2017; amended at 41 Ill. Reg. 12599, effective September 20, 2017; amended at 42 Ill. Reg. 13174, effective June 22, 2018; amended at 43 Ill. Reg. 9581, effective August 23, 2019; amended at 44 Ill. Reg. 14137, effective August 20, 2020.

**Section 710.10 Hunting Seasons**

## a) Northern Zone Season Dates:

- 1<sup>st</sup> Season: Monday, April ~~12~~<sup>13</sup>-Friday, April ~~16~~<sup>17</sup>, ~~2021~~<sup>2020</sup>
- 2<sup>nd</sup> Season: Saturday, April ~~17~~<sup>18</sup>-Thursday, April ~~22~~<sup>23</sup>, ~~2021~~<sup>2020</sup>
- 3<sup>rd</sup> Season: Friday, April ~~23~~<sup>24</sup>-Wednesday, April ~~28~~<sup>29</sup>, ~~2021~~<sup>2020</sup>
- 4<sup>th</sup> Season: Thursday, April ~~29~~<sup>30</sup>-Wednesday, May ~~5~~<sup>6</sup>, ~~2021~~<sup>2020</sup>
- 5<sup>th</sup> Season: Thursday, May ~~6~~<sup>7</sup>-Thursday, May ~~13~~<sup>14</sup>, ~~2021~~<sup>2020</sup>

## b) Southern Zone Season Dates:

- 1<sup>st</sup> Season: Monday, April ~~5~~<sup>6</sup>-Friday, April ~~9~~<sup>10</sup>, ~~2021~~<sup>2020</sup>
- 2<sup>nd</sup> Season: Saturday, April ~~10~~<sup>11</sup>-Thursday, April ~~15~~<sup>16</sup>, ~~2021~~<sup>2020</sup>

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NOTICE OF ADOPTED AMENDMENTS

- 3<sup>rd</sup> Season: Friday, April ~~16+7~~-Wednesday, April ~~21~~22~~~~, ~~2021~~2020~~~~
- 4<sup>th</sup> Season: Thursday, April ~~22~~23~~~~-Wednesday, April ~~28~~29~~~~, ~~2021~~2020~~~~
- 5<sup>th</sup> Season: Thursday, April ~~29~~30~~~~-Thursday, May ~~6~~7~~~~, ~~2021~~2020~~~~

c) Open Counties:

NORTHERN ZONE

- Adams
- Boone
- Brown
- Bureau
- Calhoun
- Carroll
- Cass
- Champaign
- Christian
- Clark
- Coles
- Cumberland
- DeKalb
- DeWitt
- Douglas
- Edgar
- Ford
- Fulton
- Greene
- Grundy
- Hancock
- Henderson
- Henry
- Iroquois
- Jersey
- Jo Daviess
- Kane
- Kankakee
- Kendall
- Knox

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Lake  
La Salle  
Lee  
Livingston  
Logan  
Macon  
Macoupin  
Marshall-Putnam  
Mason  
McDonough  
McHenry  
McLean  
Menard  
Mercer  
Montgomery  
Morgan  
Moultrie  
Ogle  
Peoria  
Piatt  
Pike  
Rock Island  
Sangamon  
Schuyler  
Scott  
Shelby  
Stark  
Stephenson  
Tazewell  
Vermilion  
Warren  
Whiteside  
Will  
Winnebago  
Woodford

SOUTHERN ZONE

Alexander  
Bond

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Clay  
Clinton  
Crawford  
Edwards  
Effingham  
Fayette  
Franklin  
Hamilton  
Gallatin-Hardin  
Jackson  
Jasper  
Jefferson  
Johnson  
Lawrence  
Madison  
Marion  
Massac  
Monroe  
Perry  
Pope  
Pulaski  
Randolph  
Richland  
Saline  
St. Clair  
Union  
Wabash  
Washington  
Wayne  
White  
Williamson

- d) [Permit quotas shall be set by the Department of Natural Resources on a county or special hunt area basis.](#)

(Source: Amended at 44 Ill. Reg. 14137, effective August 20, 2020)

**Section 710.20 Statewide Turkey Permit Requirements**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- a) All turkey hunters must have a current, valid Spring Wild Turkey Hunting Permit. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident turkey permit. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1] are also required to obtain a hunting license before hunting wild turkey. Fees for spring turkey permits are as follows:
- 1) Permits issued via lottery by Permit Office:  
Illinois Resident lottery permit – \$15  
Nonresident lottery permit – \$125
  - 2) Over-the-Counter (OTC) Permits sold by license vendors pursuant to subsection (g); all prices include vendor's issuing fee:  
Illinois Resident OTC Permit – \$15.50  
Nonresident OTC Permit – \$125.50
- b) Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits shall be completed and submitted by visiting one of the Illinois Department of Natural Resources' DNR license vendors, by applying on-line at [www.dnr.illinois.gov](http://www.dnr.illinois.gov) or by writing to:
- Department of Natural Resources – Spring Turkey  
One Natural Resources Way  
P.O. Box 19446  
Springfield, Illinois 62794-9446
- c) Applicants must supply all information necessary to complete the application. Incomplete applications will be rejected and fees returned. Each applicant must submit payment for his/her individual application at the time of application. Permits are allocated via computerized lottery drawings held in Springfield, Illinois. Permits are not transferable. For the purpose of this Section, transfer means the modification or changing, by the Department or any other person, individual or group, of the name or the location on an issued permit to another person or location. ~~Not more than 6 applications may be submitted for group hunters.~~
- d) Applications from Illinois residents will be accepted through December 1 for the First Lottery Drawing. Applicants for the First Lottery Drawing that have applied

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

for or already are in possession of a valid landowner permit are not eligible to apply for the First Lottery Drawing. Applications received in the permit office after December 1 will be included in the next computerized drawing. ~~Permits are not transferable and refunds will not be granted. Permits will be allocated in a computerized drawing to be held in Springfield.~~ Applicants rejected in this drawing will receive preference in the next year's drawing for spring season permits subject to guidelines outlined in subsection (h). Only one application may be submitted per applicant for the First Lottery Drawing.

- e) Permits not issued during the First Lottery Drawing~~first computerized drawing~~ will be available in a Second Lottery Drawing. Applications for this drawing will be accepted through the first working day after January 10. Applications received after this date will be included in the next drawing. All hunters ~~not receiving a permit in the first computerized drawing and non-residents~~ are eligible to apply for permits remaining for this Second Lottery Drawing, but hunters who have not already been awarded a permit will receive preference in the Second Lottery Drawing. Only one application may be submitted per applicant for the Second Lottery Drawing. All resident permit applications will receive preference over non-resident applications.
- f) Permits not issued during the first two lottery drawings will be available in the Third Lottery Drawing.~~Any hunter who has not received a permit, and hunters that have received only one permit, may apply for a first or a second permit in a third computerized lottery drawing for the remaining permits. All resident permit applications will receive preference over non-resident applications.~~ Applications for this Third Lottery Drawing will be accepted through the first working day after February 8. Applications received after this date will be rejected and fees refunded. Applicants may submit up to three applications for the Third Lottery Drawing. No applicant may receive more than three permits in total for spring turkey hunting, including lottery drawn, OTC, youth and landowner permits.
- g) Permits remaining after the Third Lottery Drawing will be available ~~over the counter (OTC)~~ from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the second Tuesday in March on a first-come, first-served basis. Permits will be sold until quotas are exhausted, or until the close of the specific turkey season segment (i.e., of seasons 1 through 5) in the Zone (north vs. south) for which the permit is being requested. ~~Hunters~~Persons may purchase one or more permits during this period, subject to availability, except that no one may exceed the limit of three permits in total for spring turkey

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

hunting, including [lottery drawn, OTC, youth and landowner permits](#).

- h) The following criteria must be met to obtain preference in the first computerized drawing:
- 1) The applicant must apply using the official agency application.
  - 2) The applicant must be a resident of the State, be eligible to receive a spring turkey permit, and not had turkey hunting privileges revoked.
  - 3) The applicant must apply for the same county and season choices which he/she listed on the previous year's application. Preference will not be granted for special hunt areas as listed in Section 710.25 or for permit areas listed in Section 710.50(c).
- i) A \$3 service fee will be charged for replacement permits issued by the Department.
- j) The periods for accepting applications for the lotteries may be extended if applications are not available to the public by November 1. A news release will announce the extension of the application periods.
- k) It shall be unlawful to:
- 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person.
  - 2) Submit applications before the third computerized lottery drawing for more than two permits for the same person.
  - 3) Apply for or receive more than three permits for the spring turkey season. The three-permit total includes [lottery drawn, OTC, youth and any landowner permits](#)~~permit or youth turkey permit received~~.
  - 4) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this ~~Section~~ shall have their ~~applications~~~~application~~ rejected, permit revoked, and fees forfeited. Rejection, revocation and forfeiture is subject to the notice and hearing requirements set out in 17 Ill. Adm. Code 2530.

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## NOTICE OF ADOPTED AMENDMENTS

1) Refunds and Cancellations

1) A refund shall be issued by the Department for a permit that has been granted, or for an application that has been submitted, under the following circumstances:

- A) The State managed or owned site for which the permit was issued was closed due to a national or State issued emergency or disaster declaration or any other emergency circumstance that resulted in the Department closing access to the hunting site, park or area. Issued permits shall be cancelled by the Department. This subsection (1) shall include, but is not limited to, closure of State parks, fish and wildlife areas, and recreation areas by the Department as a response to the Gubernatorial Disaster Proclamations regarding COVID-19 or Department closures reflecting those proclamations or orders;
- B) The applicant for a permit was unsuccessful in obtaining a permit in the lottery for which the applicant applied; or
- C) Upon the request of the permit holder, a permit was issued due to an error of the Department, the OTC point-of-sale vendor or the applicant. The permit that was issued in error and the request for a refund must be delivered to the Department before the last day of the season listed on the permit. Permits shall be considered delivered to the Department if the permit is received by the Department at its headquarters in Springfield, Illinois or postmarked before the last day of the season listed on the permit; or
- D) Upon the return of an issued permit to the Department before the first day of the season listed on the issued permit. Permits shall be considered delivered to the Department if the permit is received by the Department at its headquarters in Springfield, Illinois or postmarked before the first day of the season listed on the permit. No refund shall be issued under this subsection (1)(1)(D) if the permit is returned or postmarked after the first day of the season listed on the permit.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 2) A permit shall be cancelled if a refund is approved pursuant to subsection (1)(1)(A), (C) or (D). Once a permit has been cancelled, the cancelled permit shall not count towards the total number of permits that an applicant may obtain for the Spring Turkey Hunting Season.
- 3) Upon the request of a permit holder, a refund may be issued by the Department for a permit that has been granted under the following circumstances:
- A) A medical condition or death of the permit holder that prevented the permit holder from hunting. A death certificate or medical documentation showing that the permit holder was unable to or advised not to hunt may be required by the Department before any refund is issued. Requests must be made within 90 days after the start of the season that the permit was issued for and must accompany the return of the permit to the Department at its headquarters in Springfield, Illinois. No refunds shall be issued under this subsection if the request or permit is delivered to the Department at its headquarters in Springfield, Illinois or postmarked 90 days after the first day of the season listed on the permit; or
- B) The permit holder was unable to travel or use the permit that was issued to him or her due to a national or State issued emergency or disaster declaration that resulted in a danger to the health or safety of the permit holder had they attempted to use the issued permit. Requests must be made within 60 days after the start of the season for which the permit was issued and must accompany the return of the permit to the Department at its headquarters in Springfield, Illinois. No refund shall be issued under this subsection (1)(3)(B) if the request or permit is delivered or postmarked 60 days after the first day of the season listed on the permit.
- C) A permit holder choosing not to, or being unable to, use the issued spring turkey hunting permit due to the COVID-19 Gubernatorial Proclamations. Requests for refunds on the basis of the COVID-19 disaster period must include the unused issued permit. The request for refund must be submitted to, and the unused permit that

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

was issued for a spring turkey hunting season during the COVID-19 disaster period must be returned to, the Department at its headquarters in Springfield, Illinois or postmarked on or before December 1, 2020. No refund shall be issued on this basis if the request and issued unused permit is received or postmarked after December 1, 2020.

D) A permit that was issued due to an error of the Department, the OTC point-of-sale vendor, or the applicant, if the permit is returned to the Department before the last day of the season for which the permit was issued.

m) Group Hunt Application Requirements

- 1) Up to six individuals may apply to hunt as a group during the First and Second Lottery Drawings. Group hunt applications will not be accepted for the Third Lottery as all applications in that lottery will be processed individually.
- 2) Each individual must sign his or her own paper application.
- 3) Groups must identify a group leader, and all applicants must list the same group leader in their submitted application. For online applications, the group leader customer ID number must be included on all group members' applications.
- 4) Groups must list the same county or special hunt area of choice and complete, in an identical fashion, all options regarding hunting locations and the season choices. This does not include the personal identification information of the applicant or type of permit.
- 5) In order to receive preference for the group hunt, all members must have the same county of choice. If any member does not designate the group's county of choice, the entire group will not receive preference.
- 6) Applicants applying as a group will be rejected if any member does not list the identical information as all other members of the applicant group, other than the applicant's personal identification information.

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## NOTICE OF ADOPTED AMENDMENTS

- 7) Group applications will be accepted for the First Lottery Drawing. Only one application per hunter will be accepted. All members of the group must be Illinois residents.
- 8) Group applications will be accepted for the Second Lottery Drawing. Only one application per hunter will be accepted.
- 9) Since applicants that have not been awarded a permit are given preference for permits allocated in the Second Lottery Drawing, groups containing both applicants that have not been awarded a permit and applicants that have been awarded a permit will not receive preference in the Second Lottery Drawing.
- 10) Providing false information on an application is a violation of 520 ILCS 5/2.38.

(Source: Amended at 44 Ill. Reg. 14137, effective August 20, 2020)

**Section 710.50 Regulations at Various Department-Owned or -Managed Sites**

- a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations are encouraged to contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent will make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.
- b) Hunters must sign in/sign out at all sites that are followed by a (1). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (2).
- c) Statewide regulations shall apply for the following sites:
  - Alvah Borah State Habitat Area (2)
  - Anderson Lake State Conservation Area (1)

## DEPARTMENT OF NATURAL RESOURCES

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Argyle Lake State Park (2)

Cache River State Natural Area (1)

Campbell Pond State Wildlife Management Area (2)

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake State Fish and Wildlife Area (2)

Copperhead Hollow State Wildlife Area (2)

Cretaceous Hills State Natural Area (2)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area (2)

Ferne Clyffe State Park – Cedar Draper Bluff Hunting Area (1)

Flag Pond State Natural Area

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only; no in-line muzzleloading shotguns or muzzleloaders with scopes allowed) (1)

~~Fort Massac State Park (2)~~

Giant City State Park (1)

Horseshoe Lake State Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Units (all hunters must obtain a free site permit)

## DEPARTMENT OF NATURAL RESOURCES

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Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of the Dry Lake access road; a hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake State Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

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

Oakford State Conservation Area

Peabody River King State Fish and Wildlife Area (except South Subunit)  
(1)

Pere Marquette State Park (designated area only) (2)

Ray Norbut State Fish and Wildlife Area (2)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County State Fish and Wildlife Area (2)

Sanganois State Conservation Area (2)

Sielbeck Forest State Natural Area (2)

Skinner Farm State Habitat Area (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County State Conservation Area – Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (2)

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

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

Wildcat Hollow State Habitat Area (2)

Wise Ridge State Natural Area

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

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

Beaver Dam State Park (2)

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (2)

Burning Star State Fish and Wildlife Area (2)

Butterfield Trail State Recreation Area (2)

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

Castle Rock State Park (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Clinton Lake State Recreation Area (2)

Coffeen Lake State Fish and Wildlife Area (2)

Crawford County State Fish and Wildlife Area (2)

Dixon Springs State Park ~~(youth under the age of 18 prior to the first day of the season only)~~ (1)

Eagle Creek State Park (first two seasons only) (2)

Eldon Hazlet State Park (2)

Embarras River Bottoms State Habitat Area (2)

Ferne Clyffe State Park – Ferne Clyffe Hunting Area (1)

Fort Massac State Park ~~(youth under the age of 18 prior to the first day of the season only)~~ (1)

Fox Ridge State Park (2)

French Bluff State Natural Area (2)

Green River State Wildlife Area (2)

Hamilton County State Conservation Area (2)

Hanover Bluff State Natural Area (2)

Harry "Babe" Woodyard State Natural Area (2)

Hidden Springs State Forest (2)

Horseshoe Lake State Park (Madison County)

Iroquois County State Wildlife Area (2)

Jim Edgar Panther Creek State Fish and Wildlife Area (2)

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Johnson-Sauk Trail State Park (2)

Jubilee College State Park (1)

Kankakee River State Park (hunting hours are from ½ hour before sunrise until 12:00 noon) (1)

Kickapoo State Park (2)

Kishwaukee River State Fish and Wildlife Area (2)

Lowden Miller State Forest (2)

Mackinaw River State Fish and Wildlife Area (2)

Marseilles State Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from ½ hour before sunrise until 8:30 a.m. with potential additional hunting hours being posted by the site; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

Marshall State Fish and Wildlife Area (2)

Matthiessen State Park (South of Vermilion River Area) (1)

Mautino State Fish and Wildlife Area (2)

Meeker State Habitat Area (2)

Mermet Lake State Fish and Wildlife Area (2)

Middle Fork State Fish and Wildlife Management Area (2)

Mississippi Palisades State Park (closed during the fifth season) (2)

Momence Wetlands (1)

## DEPARTMENT OF NATURAL RESOURCES

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Moraine View State Park (no hunting on weekends during 4<sup>th</sup> and 5<sup>th</sup> season) (2)

Morrison Rockwood State Park (closed during the fifth season) (1)

Mt. Vernon Game Propagation Center

Newton Lake State Fish and Wildlife Area (2)

Paul C. Burrus State Habitat Area (2)

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends) (2)

Pyramid State Park (2)

Pyramid State Park – Captain Unit (2)

Pyramid State Park – Denmark Unit (2)

Pyramid State Park – East Conant Unit (2)

Pyramid State Park – Galum Unit (2)

Rall Woods State Natural Area (2)

Ramsey Lake State Park (2)

Randolph County State Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit; these hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Ray Norbut State Fish and Wildlife Area – Dutch Creek Unit (2)

Red Hills State Park (2)

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Red Hills State Park/Chauncey Marsh (2)

Sahara Woods State Fish and Wildlife Area (2)

Sam Dale Lake State Fish and Wildlife Area (2)

Sam Parr State Fish and Wildlife Area (2)

Sand Ridge State Forest (2)

Sandy Ford State Natural Area

Sangamon County State Conservation Area

Sanganois State Conservation Area (Squirrel Timber Unit) (2)

Sangchris Lake State Park

Shelbyville State Fish and Wildlife Area (must have valid permit for Lake Shelbyville Project Lands – Moultrie County) (2)

Siloam Springs State Park (2)

Siloam Springs State Park (Buckhorn Unit) (2)

Spoon River State Forest (2)

Starved Rock State Park (1)

Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Ten Mile Creek State Fish and Wildlife Area (2)

Vesely Land and Water Reserve (2)

Washington County State Conservation Area (1)

## DEPARTMENT OF NATURAL RESOURCES

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Wayne Fitzgerald State Recreation Area

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

Weldon Springs State Park – Piatt County Unit (2)

Winston Tunnel State Natural Area (2)

Witkowsky State Wildlife Area (2)

Wolf Creek State Park (first 2 seasons only) (2)

Zoeller State Natural Area (2)

(Source: Amended at 44 Ill. Reg. 14137, effective August 20, 2020)

**Section 710.70 Spring Youth Turkey Hunt**

- a) Hunting Dates: March ~~27<sup>28</sup>~~ and ~~28<sup>29</sup>~~, ~~2021<sup>2020</sup>~~ and April ~~34~~ and ~~45~~, ~~2021<sup>2020</sup>~~. The North Zone and South Zone are open concurrently for all 4 days.
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.
- c) Eligibility: The Spring Youth Turkey Hunt is open only to hunters who have not reached the age of 18 prior to the opening date of the youth season. Hunters must have an apprentice or youth hunting license, or they must have completed a State-approved Hunter Education course and have a hunting license, unless exempt. In addition, hunters must have a Habitat Stamp, unless exempt.
- d) Permit Requirements – Spring Youth Turkey Hunt
  - 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). Hunters are eligible to purchase only one Youth Turkey Hunt Permit. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).
  - 2) For a county permit: Youth Turkey Hunt Permits valid for counties open to youth turkey hunting will be available for sale over-the-counter (OTC)

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from agents beginning the first Tuesday in March through the last day of the Youth Turkey Season.

- 3) For a Special Hunt Area permit: Youth hunters may apply online (<http://dnr.state.il.us/admin/turkey.htm>) for a site-specific permit valid for one of the Special Hunt Areas. The application period begins the third Tuesday in January and ends the third Monday in February. Permits will be allocated via a lottery drawing in which Illinois residents will be given preference.
  - 4) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
  - 5) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
  - 6) The Youth Turkey Hunt Permit shall be valid only for the dates and counties/Special Hunt Area listed on the permit.
  - 7) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)(3)) an individual can receive for the Spring Wild Turkey Season.
- e) Youth Turkey Hunting Regulations
- 1) Each hunter participating in the Illinois Youth Turkey Hunt while using an Apprentice Hunter License or Youth Hunting License must be accompanied by a non-hunting, validly-licensed (Illinois hunting license) adult who is 21 years of age or older.
  - 2) All other hunters (using other types of hunting licenses or license-exempt) participating in the Youth Turkey Hunt must each be accompanied by a non-hunting supervisor (parent, guardian or responsible adult). If the youth is hunting with a firearm, a nonresident supervisor must have a valid Illinois hunting license.

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- 3) The non-hunting supervisor must remain with the hunting youth so as to have the youth under immediate control. Each supervisor may only accompany a single youth at any given time during the hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.
- 4) All regulations prescribed by Section 710.30 apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions. Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (2).

Anderson Lake State Fish and Wildlife Area

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

Argyle Lake State Park

Big Bend State Fish and Wildlife Area (Whiteside County)

Big River State Forest (2)

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake State Fish and Wildlife Area (2)

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

Copperhead Hollow State Wildlife Area (2)

Crab Orchard National Wildlife Refuge Public Hunting Area

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Crawford County State Fish Wildlife Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area

Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area (2)

Hanover Bluff State Natural Area (2)

Horseshoe Lake State Conservation Area – Alexander County

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

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

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

Mackinaw River State Fish and Wildlife Area (2)

Marshall State Fish and Wildlife Area

Mermet Lake State Fish and Wildlife Area (2)

[Mississippi River Area Pools 21, 22, 24, 25 and 26](#)

Moraine View State Park (2)

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

Mt. Vernon Game Propagation Center (1)

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

Newton Lake State Fish and Wildlife Area (2)

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

Pyramid State Park (2)

Pyramid State Park – East Conant Unit (2)

Rall Woods State Natural Area (2)

Ray Norbut State Fish and Wildlife Area (2)

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

Rend Lake State Fish and Wildlife Area

Sahara Woods State Fish and Wildlife Area (2)

Sam Parr State Fish and Wildlife Area (2)

Shelbyville State Fish and Wildlife Area (2)

Sielbeck Forest State Natural Area (2)

Siloam Springs State Park (2)

Siloam Springs State Park (Buckhorn Unit) (2)

Skinner Farm State Habitat Area

## DEPARTMENT OF NATURAL RESOURCES

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Spoon River State Forest (2)

Tapley Woods State Natural Area (2)

~~Trail of Tears State Forest~~

Ten Mile Creek State Fish and Wildlife Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County State Conservation Area

Weinberg-King State Park (2)

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

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

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

Winston Tunnel State Natural Area (2)

Wise Ridge State Natural Area

Witkowsky State Wildlife Area (2)

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

Burning Star State Fish and Wildlife Area (2)

Butterfield Trail State Recreation Area (2)

Castle Rock State Park (2)

## DEPARTMENT OF NATURAL RESOURCES

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Clinton Lake State Recreation Area (2)

Coffeen Lake State Fish and Wildlife Area (2)

Crab Orchard National Wildlife Refuge (Closed Portion)

[Dixon Springs State Park](#)

Eldon Hazlet State Park (2)

Embarras River Bottoms State Habitat Area (2)

Ferne Clyffe State Park – Ferne Clyffe Hunting Area

[Fort Massac State Park \(2\)](#)

Harry "Babe" Woodyard State Natural Area (2)

Heidecke State Fish and Wildlife Area (Jugtown Unit)

Hidden Springs State Forest (2)

Iroquois County State Fish and Wildlife Area (2)

Jim Edgar Panther Creek State Fish and Wildlife Area

Kankakee River State Park

Kickapoo State Recreation Area (2)

Middle Fork State Fish and Wildlife Area (2)

Momence Wetlands

Ramsey Lake State Park (2)

Sam Dale Lake State Fish and Wildlife Area (2)

Sand Ridge State Forest

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DEPARTMENT OF NATURAL RESOURCES

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Sangchris Lake State Park

Stephen A. Forbes State Park (2)

Wayne Fitzgerald State Recreation Area

Weldon Springs – Piatt County Unit (2)

(Source: Amended at 44 Ill. Reg. 14137, effective August 20, 2020)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organization, Public Information, and Types of Proceedings
- 2) Code Citation: 2 Ill. Adm. Code 2175
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2175.100	Amendment
2175.105	Amendment
2175.110	Amendment
2175.120	Amendment
2175.125	Amendment
2175.130	Amendment
2175.135	Amendment
2175.140	Amendment
2175.200	Amendment
2175.205	Amendment
2175.210	Amendment
2175.215	Amendment
2175.300	Amendment
2175.305	Amendment
2175.310	Amendment
2175.320	Amendment
2175.400	Amendment
2175.500	Amendment
2175.505	Amendment
2175.510	Amendment
2175.515	Amendment
2175.525	Amendment
2175.530	Amendment
2175.535	Amendment
2175.540	Amendment
2175.545	Amendment
2175.555	Amendment
2175.600	Amendment
2175.800	New Section
2175.Appendix A	Amendment
- 4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5 of the Illinois Environmental Protection Act [415 ILCS 5/5].

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 5) Effective Date of Rules: August 21, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendments are available on the Board's website (<https://pcb.illinois.gov/>) and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.
- 9) Notice of Proposal published in *Illinois Register*: Pursuant to Section 5-15 of the Administrative Procedure Act [5 ILCS 100/5-15] these rules were not published as a proposed rule in the *Illinois Register*.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were requested.
- 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: The Board is amending its administrative rules, which describe the Board's organization, the types of Board proceedings, how to pay filing and copying fees, and how the public may access information. The Board is updating the organizational provisions and organization chart in this rulemaking. Finally, the board made changes to reflect current Board practices in holding meetings, under the Open Meetings Act.
- 16) Information and questions regarding these adopted rules shall be directed to:

Marie Tipsord  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500

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Chicago IL 60601

312/814-6931

marie.tipsord@illinois.gov

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (<https://pcb.illinois.gov/>). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to docket number R21-17 in your request.

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

## POLLUTION CONTROL BOARD

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TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
CHAPTER XXVIII: POLLUTION CONTROL BOARD

## PART 2175

## ORGANIZATION, PUBLIC INFORMATION, AND TYPES OF PROCEEDINGS

## SUBPART A: INTRODUCTION AND ORGANIZATION

Section	
2175.100	Summary and Purpose
2175.105	Board Membership
2175.110	Organization and Supervisory Relationships
2175.115	Location of Offices
2175.120	Board Meetings
2175.125	Public Notice of Open Board Meetings and Closed Deliberative Sessions
2175.130	Agenda of Open Board Meetings and Closed Deliberative Sessions
2175.135	Minutes of Open Board Meetings; Minutes and Verbatim Record of Closed Deliberative Sessions
2175.140	Accessibility of Open Board Meetings and Hearings

## SUBPART B: FEES AND FORMS OF PAYMENT

Section	
2175.200	Filing Fees
2175.205	Copying Fees
2175.210	Copying Procedures
2175.215	Forms of Payment
2175.220	Other Fees/Costs

## SUBPART C: PUBLIC INFORMATION

Section	
2175.300	Files Open to Reasonable Public Inspection
2175.305	Publications
2175.310	Board <del>Website</del> <a href="#">Web Site</a>
2175.315	Documents Available from the Clerk's Office
2175.320	Requests For Information

## POLLUTION CONTROL BOARD

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## SUBPART D: ACCESS TO BOARD RULES

## Section

2175.400 Access to Board Rules in the Illinois Administrative Code

## SUBPART E: RULEMAKING

## Section

2175.500 Proposals  
2175.505 Hearing  
2175.510 First Notice  
2175.515 Second Notice  
2175.520 Adopted Rules  
2175.525 Emergency Rules  
2175.530 Peremptory Rules  
2175.535 Rules Identical-In-Substance to Federal Regulations  
2175.540 Federally Required Rules  
2175.545 Generally Applicable Rules and Site-Specific Rules  
2175.550 Clean Air Act Fast-Track Rulemaking  
2175.555 Updating Incorporations By Reference

## SUBPART F: ADJUDICATORY PROCEEDINGS

## Section

2175.600 Adjudicatory Proceedings

## SUBPART G: EMERGENCY PROCEDURES

2175.700 Emergency Procedures  
2175.710 Emergency Procedures For Hearings

SUBPART H: TIME LIMITED WATER QUALITY STANDARDS

2175.800 Time Limited Water Quality Standards

2175.APPENDIX A Organizational Chart

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5 of the Environmental Protection Act [415 ILCS 5/5].

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

SOURCE: Administrative rules adopted at 3 Ill. Reg. 23, p. 96, effective May 29, 1983; repealed by operation of law effective October 1, 1984; new rules adopted at 9 Ill. Reg. 107, effective December 21, 1984; old Part repealed at 20 Ill. Reg. 4796 and new Part adopted at 20 Ill. Reg. 4798, effective March 5, 1996; amended in R04-9 at 30 Ill. Reg. 14990, effective August 29, 2006; amended in R11-21 at 35 Ill. Reg. 4549, effective March 4, 2011; amended in R15-10 at 38 Ill. Reg. 22834, effective November 24, 2014; amended in R21-17 at 44 Ill. Reg. 14166, effective August 21, 2020.

## SUBPART A: INTRODUCTION AND ORGANIZATION

**Section 2175.100 Summary and Purpose**

As required by Section 5-15 of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-15] and Section 140/4 of the Freedom of Information Act (FOIA) [5 ILCS 140/4], this Part ~~specifiessets forth~~ the administrative rules that apply to the Illinois Pollution Control Board (Board). These rules ~~are intended to~~ generally explain what the Board is, how the Board is organized and operates, and how the public can get information from the Board. These rules do not explain, ~~and are not intended to explain,~~ the Board's procedural requirements for processing rulemakings, ~~and~~ adjudicatory cases, ~~and other proceedings~~. Those procedural rules are found at 35 Ill. Adm. Code 101-130. If there is a conflict between the Board's procedural rules (35 Ill. Adm. Code 101-130) and this Part, the procedural rules will control.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.105 Board Membership**

- a) The Board was created ~~underpursuant to~~ Section 5 of the Environmental Protection Act (Act) [415 ILCS 5/5]. The Board is a quasi-legislative and quasi-judicial administrative agency responsible for adopting environmental regulations and deciding certain environmental disputes and cases brought ~~underpursuant to~~ the Act. The Board determines, defines, and implements environmental control standards in ~~complianceaccordance~~ with the Act.
- b) The Board is comprised of five technically qualified members. The members are appointed by the Governor with the advice and consent of the Senate, for a term of three years.
- c) The Governor designates one member to serve as ~~Chair~~Chairman. The

## POLLUTION CONTROL BOARD

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~~Chair~~Chairman serves at the pleasure of the Governor and is responsible for the administration of the Board.

- d) ~~Under Pursuant to~~ Section 3.1 of the Executive Reorganization Implementation Act [15 ILCS 15/3.1], the Board is an agency of State government that is *created by law with the primary responsibility of exercising regulatory or adjudicatory functions independently of the Governor*. As such, the Board is excluded from the term "Agency directly responsible to the Governor" or "agency" as defined in the Executive Reorganization Implementation Act [15 ILCS 15/3.1].

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.110 Organization and Supervisory Relationships**

- a) Each member of the Board is aided by a confidential ~~advisor~~assistant who may be an attorney or who may have an advanced technical degree, ~~and a personal secretary~~. The ~~Chair~~Chairman may have two confidential ~~advisors~~assistants ~~and a personal secretary~~.
- b) To carry out its functions, the Board is comprised of the following offices and units: Clerk's Office, Legal Unit, Technical Unit, and Fiscal Unit. The function of each is as follows:
- 1) Clerk's Office. This office is responsible for the processing, ~~maintaining~~maintenance, and ~~distributing~~distribution of all Board regulatory and adjudicatory case related materials ~~of the Board~~. The Clerk's Office is located in Chicago.
  - 2) Legal Unit. This unit is responsible for general legal functions of the Board and case or rule-related legal responsibilities, ~~as designated by the Chairman. Under the direction of the Senior Attorney, this unit consists of attorneys responsible for conducting Board adjudicatory hearings throughout the State, making such rulings as may be necessary at hearing, and generally managing the Board's adjudicatory caseload.~~
  - 3) Technical Unit. This unit is ~~responsible for~~responsible for ~~comprised of engineering and environmental specialists responsible for~~ gathering ~~such~~ technical and scientific data ~~as may be~~ required by the Board in the performance of its duties and for advising the Board on technical issues related to pending

## POLLUTION CONTROL BOARD

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adjudicatory cases and rulemakings, ~~as assigned by the Chairman.~~

- 4) ~~Fiscal, Personnel, and Information Technology~~ Unit. ~~This~~Under the direction of a Fiscal Officer, this unit is responsible for budgeting, expenditures, procurement, computer operations, personnel, and related duties.
- c) The Board may also employ other professional staff to carry out its functions and mandates, including an Executive Director, a General Counsel, ~~a Public Information Coordinator~~, a Human Resources Manager, an Information Systems Analyst, and a Rulemaking Coordinator.
- d) Organizational relationships are shown in the organizational chart in Appendix A ~~at the end of this Part~~. Detailed descriptions of the specific responsibilities and duties of each of the job titles are maintained in the Board's Springfield ~~or Chicago~~ office.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.120 Board Meetings**

- a) The Board makes all decisions on adjudicatory cases and regulatory matters at open meetings of the Board noticed and held in compliance~~accordance~~ with the Open Meetings Act [5 ILCS 120]. The Board may also hold meetings that are closed to the public underpursuant to Section 2(c) of the Open Meetings Act [5 ILCS 120/2(c)], including closed deliberative sessions under Section 2(c)(4) of the Open Meetings Act [5 ILCS 120/2(c)(4)].
- b) Open Board meetings may be held when a quorum of Board members is present. *~~Three members of the Board shall constitute a quorum to transact business; and the affirmative vote of 3 members is necessary to adopt any order. If there is no vacancy on the Board, four members of the Board constitute a quorum; otherwise, a majority of the Board constitutes a quorum, and no vacancy impairs the right of the remaining members to exercise all of the powers of the Board. Every action approved by a majority of the members of the Board constitutes the action of the Board.~~* [415 ILCS 5/5(a)]
- c) The Board may hold a closed meeting upon a majority vote of a quorum present taken at an open meeting for which notice has been given as required by the Open

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Meetings Act [5 ILCS 120/2a]. Closed meetings may be held when a majority of a quorum is present. (See [5 ILCS 120/1.02]).

- d) Board members may attend meetings in the following ways:
- 1) Meetings, whether open or closed, may be held with Board members present physically or by videoconference. Closed meetings may also be held with Board members present telephonically. (See 5 ILCS 120).
  - 2) If a quorum of Board members is present physically or by videoconference at an open meeting, a majority of the Board may allow a Board member to attend the meeting telephonically if the member cannot otherwise attend because of personal illness or disability, the business of the Board, or a family or other emergency. (See 5 ILCS 120/7(a)). In ~~thesesuch~~ instances, the Board member who wishes to attend telephonically will notify the Clerk of the Board before the meeting unless advance notice is impractical.
  - 3) Meetings, whether open or closed, may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the meeting meets the conditions of Section 7(e) of the Open Meetings Act [ 5 ILCS 120/7(e)].
- e) Section 5 of the Act requires the Board to hold at least one open meeting each month and allows the Board to hold special and emergency meetings. (See [415 ILCS 5/5]). The ~~Chair~~Chairman or two Board members may call a special or emergency meeting of the Board that is open to the public.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.125 Public Notice of Open Board Meetings and Closed Deliberative Sessions**

- a) Public Notice of Regular Open Board Meetings and Closed Deliberative Sessions.
- 1) The Board adopts annual schedules of open meetings. Regular open Board meetings are generally held twice a month, ~~generally~~usually every first and third Thursday of the month at the James R. Thompson Center (JRTC) in Chicago, ~~or~~ at the Board's Springfield office, or by video conference between the two offices. ~~The~~but dates, times and locations are

## POLLUTION CONTROL BOARD

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subject to change.

- 2) Notification of regular open Board meetings is given in the Board's Environmental Register, a ~~quarterly~~monthly publication available in hard copy and on the Board's ~~Website~~Web-site (see Section 2175.310-~~of this Part~~). Notification of all regular open Board meetings and closed deliberative sessions is also provided ~~underpursuant to~~ Sections 2.02 and 2.03 of the Open Meetings Act [5 ILCS 120/2.02 and 2.03].
  - A) At least 48 hours before each regular open Board meeting and closed deliberative session, an agenda for the meeting or session is posted at the Board's Chicago office and at any other location where the meeting or session is to be held. Each such agenda is also posted on the Board's ~~Website~~Web-site and remains so posted at least until the ~~conclusion of the~~ regular meeting or session-~~is concluded~~.
  - B) Notification of the annual schedule of regular open Board meetings is given at the beginning of each calendar year by posting a copy of the schedule at the Board's Chicago office. In addition, the annual schedule is posted on the Board's ~~Website~~Web-site and remains so posted at least until a new public notice of the schedule of regular meetings and sessions is approved ~~and posted~~.~~The schedule of regular open Board meetings also appears at the end of every regular open Board meeting agenda.~~
- b) Public Notice of Special or Emergency Meetings.
  - 1) Whether a special or emergency meeting is an open Board meeting or a closed deliberative session, notice of a special or emergency meeting will generally be given to all Board members and the public at least 48 hours prior to the meeting. If, however, a majority of the Board certifies that an emergency exists and exigencies of time are such that the 48-hour notice must be dispensed with, notice to the public of an emergency meeting will be given as soon as is reasonably practicable, but prior to~~the~~ holding~~of~~ ~~thesuch~~ meeting.
  - 2) Notice of a special or emergency meeting will include a copy of the meeting agenda and will be posted at the Boards Chicago office, at any

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other location where the meeting is to be held, and on the Board's ~~Website~~ Web site (see Section 2175.310 ~~of this Part~~), underpursuant to Section 2.02 of the Open Meetings Act [5 ILCS 120/2.02].

- 3) ~~Despite Notwithstanding~~ subsections (b)(1) and (2) ~~of this Section~~, at any open Board meeting for which notice has been given as required by the Open Meetings Act, the Board may, without additional notice under Section 2.02 of the Open Meetings Act [5 ILCS 120/2.02], hold a special or emergency closed deliberative session. Only topics specified in the vote to close the meeting may be considered during the closed deliberative session [5 ILCS 120/2a] (see Section 2175.120(c) ~~of this Part~~).
- c) Notice to Media. The Board gives notice of regular, special, or emergency meetings, whether the meeting is an open Board meeting or a closed deliberative session, to any news medium that has filed an annual request for such notice under Section 2.02(b) of the Open Meetings Act [5 ILCS 120/2.02(b)].
- d) Videoconference and Teleconference. Whether the meeting is a regular, special, or emergency meeting, the Board may hold its open meetings and closed deliberative sessions by videoconference between Chicago and Springfield locations. ~~Open~~ Such open Board meetings may be attended by the public at both locations.
  - 1) A Board member may attend an open Board meeting telephonically ~~underonly in accordance with~~ Section 2175.120(d)(2) and (3) and the Open Meetings Act [5 ILCS 120/7(a), (e)]of this Part.
  - 2) The Board may hold its closed deliberative sessions by teleconference.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.130 Agenda of Open Board Meetings and Closed Deliberative Sessions**

- a) The Board maintains an agenda for each of its open Board meetings and closed deliberative sessions in ~~compliance~~ accordance with Section 2.02 of the Open Meetings Act [~~5 ILCS 120/2.02~~]. Open Board meeting agendas contain the list of rulemakings, adjudicatory cases, and motions that may be decided by the Board at that meeting. Closed deliberative session agendas contain the list of ~~rulemakings, adjudicatory cases, and motions~~ on which the Board may deliberate

## POLLUTION CONTROL BOARD

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at that session. Agendas are posted at the Board's Chicago office, at any other location where the meeting or session is to be held, and on the Board's [Website](#)~~Web site~~ (see Section 2175.310 ~~of this Part~~).

- b) The Board does not generally place any item on an open Board meeting agenda that has been filed less than two full days before the meeting.
- c) The Board may also issue an addendum to the agenda of an open Board meeting or closed deliberative session and, as provided for in Section 2.02(a) of the Open Meetings Act [5 ILCS 120/2.02(a)], may consider items not specifically ~~set forth~~ on the agenda.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.135 Minutes of Open Board Meetings; Minutes and Verbatim Record of Closed Deliberative Sessions**

- a) The Board will keep minutes of all open Board meetings in ~~compliance~~~~accordance~~ with Section 2.06(a) of the Open Meetings Act [~~5~~ ILCS 120/2.06(a)]. Minutes of all ~~open~~~~such~~ meetings will be available to the public at the Clerk's Office and on the Board's [Website](#)~~Web site~~ (see Section 2175.310 ~~of this Part~~) within seven days of approval of the minutes. The minutes will remain posted on the Board's [Website](#)~~Web site~~ for at least 60 days after their initial posting [~~5~~ ILCS 120/2.06(b)]. The minutes will include the time, date, and place of the meeting, the items decided and the numeric decision vote, the Board members recorded as present or absent, and whether the members were present physically, by videoconference, or telephonically.
- b) The Board will keep a verbatim record of open meetings held under Section 7(e) of the Open Meetings Act [5 ILCS 120/7(e)], either in the form of audio or video recording. Verbatim records will be made available to the public, and are otherwise subject to, the provisions of Section 2.06 of the Open Meetings Act [5 ILCS 120/2.06].
- ~~c~~b) The Board will keep minutes of all its closed deliberative sessions in ~~compliance~~~~accordance~~ with Section 2.06(a) of the Open Meetings Act [5 ILCS 120/2.06(a)]. Minutes of all ~~these~~~~such~~ sessions will be available to the public only as ~~required by~~~~provided in~~ Sections 2.06(d) and (f) of the Open Meetings Act [~~5~~ ILCS 120/2.06(d) and (f)]. The minutes will include the time, date, and place

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of the session, the items on which the Board deliberated, the Board members recorded as present or absent, and whether the members were present physically, by videoconference, or telephonically.

- ~~de~~) The Board will keep a verbatim record of all its closed deliberative sessions in the form of an audio or video recording in ~~compliance~~ ~~accordance~~ with Section 2.06(a) of the Open Meetings Act (5 ILCS 120/2.06(a)). Verbatim recordings of all ~~closed~~ ~~such~~ sessions will be available to the public only as ~~required by~~ ~~provided~~ ~~in~~ Sections 2.06(c) and (e) of the Open Meetings Act [~~5 ILCS 120/2.06(c) and (e)~~].

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.140 Accessibility of Open Board Meetings and Hearings**

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the Board will make every effort to hold public meetings and hearings in facilities that are accessible to people with disabilities. Persons requiring ~~these~~ ~~such~~ services should contact the Clerk of the Board at 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601 or at 312/814-3620 at least five days prior to a Board meeting or hearing.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

## SUBPART B: FEES AND FORMS OF PAYMENT

**Section 2175.200 Filing Fees**

- a) A person filing an action for which a filing fee is prescribed by Section 7.5 of the Act [415 ILCS 5/7.5] must pay that fee at the time the petition is presented to the Clerk for filing.
- b) The following initial filings require filing fees and will only be considered filed when accompanied by the appropriate fee:
  - 1) Petition for Site-Specific Regulation, \$75;
  - 2) Petition for Variance, \$75;
  - 3) Petition for Review of Illinois Environmental Protection Agency (Agency)

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Permit Decision, Underground Storage Tank (UST) Decision, or any other final determination ~~underpursuant to~~ Section 40 of the Act [415 ILCS 5/40], \$75;

- 4) Petition to Contest Local Government Pollution Control Facility Siting Decision, ~~underpursuant to~~ Section 40.1 of the Act [415 ILCS 5/40.1], \$75; ~~and~~
  - 5) Petition for Adjusted Standard, ~~underpursuant to~~ Section 28.1 of the Act [415 ILCS 5/28.1], \$75; ~~and~~
  - 6) Petitions for a time-limited water quality standard, \$75.
- c) The Clerk will refuse to file any petition that is not accompanied by the required fee. The fee must be paid in the form specified in Section 2175.215 ~~of this Part.~~

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.205 Copying Fees**

- a) Most files, records, and data are available on the Board's ~~Website~~ Web site (see Section 2175.310 ~~of this Part~~), where they may be viewed, searched, and downloaded free of charge. Copies may also be made at the Board office in Chicago upon payment of reasonable reproduction fees as prescribed by Section 6 of ~~the~~ FOIA [5 ILCS 140/6]. When reasonably practicable, materials may be provided electronically in the form of compact disk, or other appropriate portable electronic storage device. The fee for ~~this~~ such material will be based on actual costs incurred by the Board.
- b) State agencies are, upon request, provided a hard copy of opinions and orders and transcripts free of charge.
- c) Fees will be waived or reduced if:
  - 1) The requestor is a constitutional officer or a member of the General Assembly; or
  - 2) *The requestor states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or*

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*reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the purpose of personal or commercial benefit [5 ILCS 140/6(c)].*

- d) No fee will be charged to inspect records. Inspection of records can only take place in Chicago at the Clerk's Office.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.210 Copying Procedures**

- a) All files, records, and data may be copied at the Board's Chicago office upon payment, except for information exempted ~~underpursuant to~~ Section 7 of FOIA [5 ILCS 140/7]. (See Section 2175.300 ~~of this Part.~~)
- b) The Board will contract for any copying that would impose a substantial administrative burden on the Board. The person requesting ~~thosesuch~~ copies will be charged the reproduction charges incurred by the Board.
- c) Requests for copies will be honored in as timely a manner as is reasonably practicable. Requests to receive copies by mail will be honored. However, the Board reserves the right to charge the requesting party for the mailing costs incurred by the Board.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.215 Forms of Payment**

- a) Any amount over \$10 must be paid by check or money order made payable to the Illinois Pollution Control Board, except as provided in subsection (b) ~~of this Section.~~
- b) Filing fees may be paid:
- 1) ~~In~~ the form of a check or money order made payable to the Illinois Pollution Control Board; ~~or~~
  - 2) ~~Cash~~, but cash payment is strongly discouraged; ~~;~~

## POLLUTION CONTROL BOARD

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- 3) [Electronic Payment using Illinois ePAY; or](#)
- 4) A State agency may use an Office of the Comptroller voucher to remit payment for filing fees (see Section 2175.200 ~~of this Part~~) and copy fees (see Section 2175.205 ~~of this Part~~).
- c) If a check for filing fees is not honored by petitioner's bank, the Fiscal Officer may require that payment be made within 48 hours by certified check or money order. Failure to make payment may subject petitioner to sanctions as provided in the Board's procedural rules. (See 35 Ill. Adm. Code 101.800.)
- d) If a check for copying fees is not honored by the remitter's bank, the Fiscal Officer may require that payment be made within 48 hours by certified check or money order. The Fiscal Officer may also require that copy fees be paid only by certified check or money orders prior to the conveyance of material for any entity or individual who remits to the Board a check that subsequently is not honored by the remitter's bank.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

## SUBPART C: PUBLIC INFORMATION

**Section 2175.300 Files Open to Reasonable Inspection**

- a) The Clerk will maintain files containing all information submitted to or produced by the Board or any of its members relating to matters within the Board's jurisdiction. The files will include: pleadings, motions, notices, minutes, transcripts, exhibits, orders and opinions, proposed and adopted regulations, the Environmental Register and other Board releases, business records, and informal complaints.
- b) ~~Under Pursuant to~~ the Illinois State Records Act, the Clerk will maintain for five years all documents submitted by the parties in adjudicatory cases and participants in rulemakings [5 ILCS 160]. After five years, the documents will be microfilmed and the microfilm will be maintained by the Board. Documents microfilmed for the Board's record are subject to destruction unless the parties or participants request that the documents be returned at the closure of the five year period. Over-sized exhibits that are not capable of being microfilmed will be

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returned to the parties or participants at their request or destroyed.

- c) All files, records, and data, other than personnel files, are maintained by the Clerk's Office and are available from the Clerk of the Board, in the Board's Chicago office. Most of these materials are also available through the Board's ~~Website~~ Web site (see Section 2175.310 ~~of this Part~~), where they may be viewed, searched, and downloaded. ~~These materials~~ Such types of material include:
- 1) Documents filed in an adjudicatory case or a rulemaking, including appearances, pleadings, exhibits, motions, transcripts of hearings, and public comments;
  - 2) Opinions and orders of the Board;
  - 3) Documents published by the Board for use by the general public, such as the Environmental Register.
- d) The files, records, and data of the Board are open to reasonable public inspection and copying in the Board's Chicago office, except for information exempted ~~under pursuant to~~ Section 7 of FOIA [5 ILCS 140/7], including information that constitutes a trade secret; information privileged against introduction in judicial proceedings; internal communication between or among the Board and staff; draft orders and opinions and orders; and technical unit memoranda.
- e) The Board has adopted procedural rules at 35 Ill. Adm. Code 130 to establish the procedures to be ~~followed~~ taken by any person to obtain protection for trade secrets and other non-disclosable information as described in Section 7 of the Act [415 ILCS 5/7]. (See 35 Ill. Adm. Code 130.)

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.305 Publications**

- a) ~~Environmental Register~~ Environmental Register
- 1) The Board's ~~quarterly~~ monthly publication, the ~~Environmental Register~~ Environmental Register, contains reports of the Board's activities and notices of meetings and hearings. Single hard copies are provided free of charge at the Board's Chicago and Springfield offices.

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- 2) The ~~*Environmental Register*~~*Environmental Register* is provided free of charge on the Board's ~~Website and by email subscription~~*Web site* (see Section 2175.310 ~~of this Part~~).
- b) Opinions, Orders, Regulations
- 1) Copies of opinions and orders of the Board are available as provided at Section 2175.205 ~~of this Part~~, including through the Board's ~~Website~~*Web site* (see Section 2175.310 ~~of this Part~~).
  - 2) The Board's opinions and orders are also available through various commercial services including LEXIS and Westlaw.
  - 3) The Board's regulations are published in the Illinois Register (see Section 2175.305(d) ~~of this Part~~) and by various commercial services. ~~The Board's regulations are provided free of charge on the Board's Website (see Section 2175.310). They are also published periodically by the Agency by subtitle and are available in hard copy as quantities permit free of charge from the Board's Chicago office. Additionally, the Board maintains on its Web site the text of the Board's regulations set forth in Title 35 of the Illinois Administrative Code.~~
- c) Annual Report
- 1) The Board publishes an Annual Report ~~of the Chairman~~. The report includes information regarding the Board's membership, regulatory and case activities for the fiscal year, a summary of legislative activity affecting the Board, a summary of Board decisions reviewed by the courts during the fiscal year, and information on administrative activities.
  - 2) When completed and printed, the Annual Report is available in hard copy free of charge in reasonable quantities from the Board's Chicago and Springfield offices. The Annual Report is also available free of charge from the Board's ~~Website~~*Web site* (see Section 2175.310 ~~of this Part~~).
- d) Illinois Register
- 1) Required Filings. The Illinois Register is a publication containing all State

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regulations and is published by and available from the Office of the Secretary of State and various commercial services. The Board is required to publish the following information in the Illinois Register:

- A) Notice of all proposed and adopted regulations as required by Section 5-40 of the IAPA [5 ILCS 100/5-40]. The notices describe the rules, contain contact names for questions, and provide directions for participation at public hearings and submission of written comments.
  - B) Notice of all emergency and peremptory regulations as required by Sections 5-45 and 5-50 of the IAPA [5 ILCS 100/5-45 and 5/50]. The notices describe the rules and contain contact names for questions.
  - C) Results of Board determinations in adjusted standards proceedings ~~underpursuant to~~ Section 28.1 of the Act [415 ILCS 5/28.1]. The Board publishes this list at the close of each fiscal year, in July or August depending upon the Illinois Register publication schedule.
  - D) A regulatory agenda setting forth rules that the Board may be considering during a six-month period. This agenda lists rules before publication of the notice described in subsection (d)(1)~~of this Section~~. The regulatory agenda appears in January/February or July/August of each year, depending upon the Illinois Register publication schedule. The agenda describes the anticipated rules, contains contact names for questions, and provides directions for public participation.
- 2) Discretionary filings. Section 7.3 of the Act [415 ILCS 5/7.3] and Section 5-70(b) of the IAPA [5 ILCS 100/5-70(b)] allow the Board to publish other documents concerning its activities. These include notices of public hearings, and notices of proposed and adopted identical-in-substance rules as discussed in Section 7.2 of the Act [415 ILCS 5/7.2].

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.310 Board [Website](#)~~Web Site~~**

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- a) The Board maintains a ~~Website~~~~Web site~~ with information that includes the following:
- 1) Board Members' Profiles and a Citizen's Guide to the Board;
  - 2) Environmental Register;
  - 3) Open Board Meeting and Closed Deliberative Session Dates and Agendas;
  - 4) Procedural Rules in Title 35 of the Illinois Administrative Code;
  - 5) Administrative Rules in Title 2 of the Illinois Administrative Code;
  - 6) Annual Reports;
  - 7) Pending Rulemakings;
  - ~~8) [Recent Legislation](#);~~
  - ~~89)~~ Open Board Meeting Minutes;
  - ~~910)~~ The Clerk's Office On-Line (COOL); COOL is the Board's searchable electronic docketing system for rulemakings and adjudicatory cases, containing Board opinions and orders, hearing transcripts, and participant and party filings, all of which may be viewed, searched, and downloaded;
  - ~~1011)~~ Environmental Regulations in Title 35 of the Illinois Administrative Code;
  - ~~1112)~~ The Act [~~415 ILCS 5~~]; and
  - ~~1213)~~ Formal and informal complaint forms.
- b) The information on the Board's ~~Website~~~~Web site~~ can be downloaded free of Board charges. ~~The Web site can be accessed through the Internet using any commercially available on-line service.~~ The ~~Website~~~~Web site~~ can be accessed directly at the following electronic address:

<http://pcb.illinois.gov>/~~http://www.ipcb.state.il.us~~

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- c) The Board's ~~Website~~ ~~Web site~~ can also be accessed through the State of Illinois Web site at the following electronic address:

<https://www2.illinois.gov/agencies/IPCBAgent/agency.cfm>~~http://www.illinois.gov/government/agency.cfm~~

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.320 Requests for Information**

- a) Informal requests for information may be made to any Board office. Informal requests will be filled promptly upon receipt of the request. However, where a request for information maintained by the Clerk's Office is made at a Board office other than the Chicago office, some delay may be necessary to allow for the Clerk's Office to provide the material. Inspection of documents can only take place at the Clerk's Office.
- b) FOIA Requests:
- 1) A formal request for information ~~underpursuant to~~ FOIA must state that it is a formal request ~~underpursuant to~~ FOIA. The formal request must be addressed to the Board's FOI officer, who:
    - A) Notes the date the public body receives the written request;
    - B) Computes the day on which the period for response will expire and makes a notation of that date on the written request;
    - C) Maintains an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
    - D) Provides a copy to the Clerk's Office to create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.
  - 2) The Board will either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for

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response is properly extended under Section 3(e) of FOIA [5 ILCS 140/3(e)].

- 3) If denied, the requests will be denied ~~underpursuant to~~ Section 7 and 7.5 of FOIA [5 ILCS 140/7 and 7.5]. Upon a decision to deny a request, the FOI officer shall notify the requester in writing of the decision and provide:
  - A) The reasons for denial, including a detailed basis for the exemption claimed,
  - B) The names and titles or positions of each person responsible for the denial,
  - C) Information on the right to review by the Public Access Counselor, and include the address and phone number for the Public Access Counselor, and
  - D) Information on the right to judicial review.
- c) Information that is immediately available on request from the Clerk's Officer, includes, but is not limited to:
  - 1) Board Meeting Agendas,
  - 2) Board Meeting Minutes,
  - 3) Board Opinions and Orders, and
  - 4) Filings in cases available in the Clerk's Office On-Line.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

## SUBPART D: ACCESS TO BOARD RULES

**Section 2175.400 Access to Board Rules in the Illinois Administrative Code**

- a) All Board rules have been codified under Title 35 of the Illinois Administrative Code since October, 1983. Each general area of regulation has been assigned a

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particular Subtitle as set out below:

SUBTITLE	SUBJECT MATTER
A	Procedural Rules
B	Air Rules
C	Water Rules
D	Mine Rules
E	Livestock Waste
F	Public Water Supplies
G	Waste Disposal
H	Noise Rules
I	Nuclear Radiation
M	Biological Materials

- b) The Subtitles listed in subsection (a) ~~of this Section~~ also include some rules of the Agency. The Board's rules appear at Chapter I of each of the Subtitles.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

## SUBPART E: RULEMAKING

**Section 2175.500 Proposals**

- a) Rulemaking procedures are ~~set out~~ in the Board's procedural rules at 35 Ill. Adm. Code 102.
- 1) The Act provides for five types of rulemakings:
- A) Identical-in-substance rulemakings, as defined in Sections 7.2, 10(H), 13.3, 13, 17.5, 22.4, 22.7, and 22.40, 28.2, and 28.4 of the Act (415 ILCS 5/7.2, 10(H), 13.3, 13, 17.5, 22.4, 22.7, and 22.40, 28.2, and 28.4) (see 35 Ill. Adm. Code 102.610);
  - B) Federally required rules, as defined in Section 28.2 of the Act [415 ILCS 5/28.2] (see 35 Ill. Adm. Code 102.Subpart E);
  - C) Other regulatory proposals, both of general applicability and not of general applicability, as allowed by Sections 26, 27, and 28 of the

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Act ~~[(415 ILCS 5/26, 27, and 28)]~~ (see 35 Ill. Adm. Code 102.Subpart B);

- D) Clean Air Act fast-track rulemakings, as defined by Section 28.5 of the Act ~~[(415 ILCS 5/28.5)]~~ (see 35 Ill. Adm. Code 102.Subpart C); and
  - E) Updating incorporations by reference, as allowed by Section 28.6 of the Act ~~[(415 ILCS 5/28.6)]~~ (see 35 Ill. Adm. Code 102.211).
- 2) The IAPA provides for three types of rulemakings:
- A) General rulemaking ~~underpursuant to~~ Section 5-40 of the IAPA ~~[(5 ILCS 100/5-40)]~~, which includes first notice and second notice (see 35 Ill. Adm. Code 102.600-102.608);
  - B) Emergency rulemaking ~~underpursuant to~~ Section 5-45 of the IAPA ~~[(5 ILCS 100/5-45)]~~ (see 35 Ill. Adm. Code 102.612); and
  - C) Peremptory rulemaking ~~underpursuant to~~ Section 5-50 of the IAPA ~~[(5 ILCS 100/5-50)]~~ (35 Ill. Adm. Code 102.614).
- b) Proposals for the adoption, amendment, or repeal of a substantive regulation may be made by the Agency, the Illinois Department of Natural Resources (Department), the Board, or any member of the public. Only the Agency may propose a Clean Air Act fast-track rulemaking ~~[(415 ILCS 5/28.5)]~~. Proposals made by the Agency, Department, or Board are automatically scheduled for hearings.
- c) In the case of a proposal made by a member of the public, the proposal must be accompanied by a petition signed by 200 persons, specifying home addresses, unless that requirement is waived by the Board. When the proposal is accompanied by a petition, the matter is placed on the agenda for Board decision. ~~Generally, the Board will authorize a hearing unless it determines that the proposal is plainly devoid of merit, or deals with a subject on which a hearing has been held within the preceding six months, or is not accompanied by an adequate statement of supporting reasons. The proponent will be notified of an adverse decision and of the reasons for such a decision.~~

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(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.505 Hearing**

- a) All hearings on regulatory proposals are conducted according to the Board's procedural rules at 35 Ill. Adm. Code 102. These hearings are open to the public, and at ~~thesuch~~ hearings, the public is permitted to examine the record, examine witnesses, testify, and submit evidence, except as limited by the Hearing Officer or Board procedural ~~rulesrule~~.
- b) Unless otherwise directed by the Hearing Officer or the Board, the rulemaking record remains open for written public comment for a minimum of 14 days following the Board's receipt of the hearing transcript. Any person may make a written submission on the proposal within this period or during the first notice period ~~underpursuant to~~ the IAPA [~~5 ILCS 100~~].

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.510 First Notice**

- a) The Board may adopt a proposed rule for first notice ~~underpursuant to~~ Section 5-40 of the IAPA at any time after a regulatory proceeding is initiated [~~5 ILCS 100/5-40~~]. The proposed rules are filed with the Secretary of State for first-notice publication in the Illinois Register. ~~Generally, the Board does not proceed to first notice until merit and economic hearings have concluded and comments have been received unless there is a need to proceed more expeditiously.~~
- b) The public has a right to comment on the proposed rules during the first-notice period and retains all other rights set out in Section 5-40 of the IAPA [~~5 ILCS 100/5-40~~].
- c) ~~UnderPursuant to~~ Section 28 of the Act, the Board may, after hearing, revise the proposed regulation before adoption without conducting further hearings [~~415 ILCS 5/28~~].

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.515 Second Notice**

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- a) Upon termination of the first-notice period, the Board may adopt the proposal for second notice ~~underpursuant to~~ Section 5-40 of the IAPA [5 ILCS 100/5-40], for review by the Joint Committee on Administrative Rules (JCAR).
- b) After the second-notice period has commenced, the proposed rules will only be amended in response to JCAR ~~suggestions, recommendations, or objection~~.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.525 Emergency Rules**

~~Underpursuant to~~ the Illinois Emergency Management Agency Act [~~20 ILCS 3305/7~~], on proclamation by the Governor that a disaster exists, or when the Board finds that a severe public health emergency is involved in relation to any proposed regulation, then such regulation will take effect without delay and the Board may proceed with the required economic impact hearings while the regulation continues in effect [~~415 ILCS 5/27(c)~~]. When such an emergency exists, or when the Board finds another situation exists that reasonably constitutes a threat to the public interest, safety, or welfare, the customary 45-day notice period is waived; however, notice and text of the emergency rule must be published in the Illinois Register [~~5 ILCS 100/5-45(b)~~]. An emergency rule is effective for a maximum period of 150 days ~~underpursuant to~~ Section 5-45(c) of the IAPA [~~5 ILCS 100/5-45(c)~~], but it may be adopted as a permanent rule by following usual rulemaking procedures.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.530 Peremptory Rules**

When the Board is required by federal law, federal rules and regulations, or by a court order to adopt a certain rule, that rule need not be published in the Illinois Register until it has been adopted ~~underpursuant to~~ Section 5-50 of the IAPA [~~5 ILCS 100/5-50~~]. However, notice and text of the adopted rule must be published in the Illinois Register ~~underpursuant to~~ Section 5-70 of the IAPA [5 ILCS 100/5-70].

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.535 Rules Identical-In-Substance to Federal Regulations**

- a) The Board adopts regulations in the following programs ~~underpursuant to~~ Section 7.2 of the Act [415 ILCS 5/7.2] that are identical-in-substance to federal

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regulations and which are exempt from Sections 5-35 and 5-40 of the IAPA [5 ILCS 100/5-35 and 5-40]:

- 1) Exemptions from the definition of volatile organic material: Section 9.1(e) of the Act [415 ILCS 5/9.1(e)];
  - 2) Ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere: [415 ILCS 5/10(H)];
  - 3) Underground injection control (UIC): Section 13(c) of the Act [415 ILCS 5/13(c)];
  - 4) Wastewater pretreatment: Section 13.3 of the Act [415 ILCS 5/13.3],
  - 5) Safe Drinking Water Act (SDWA): Section 17.5 of the Act [415 ILCS 5/17.5];
  - 6) Resource Conservation and Recovery Act (RCRA), Subtitle C, hazardous waste: Section 22.4(a) of the Act [415 ILCS 5/22.4(a)];
  - 7) RCRA, Subtitle I, UST: Section 22.4(d) of the Act [415 ILCS 22.4(d)];
  - 8) RCRA, Subtitle D, municipal solid waste landfills: Section 22.40(a) of the Act [415 ILCS 5/22.40(a)].
- b) Section 7.2(b) of the Act [415 ILCS 5/7.2(b)] provides timetables for rule adoption, but generally the Board must adopt rules within one year after the United States Environmental Protection Agency's (USEPA) adoption of the corresponding federal rule. The Board adopts a proposal for public comment that is published in the Illinois Register. The Board then accepts public comments for 45 days, after which the Board adopts final rules that are published in the Illinois Register.
- c) Because Sections 5-35 and 5-40 of the IAPA [5 ILCS 100/5-35 and 5-40] do not apply to identical-in-substance rulemaking under Section 7.2 of the Act [415 ILCS 5/7.2], the Board does not follow the IAPA's procedure of first notice, second notice, and final adoption.

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(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.540 Federally Required Rules**

Under Section 28.2 of the Act [~~(415 ILCS 5/28.2)~~], the Board may adopt a "required rule." A "required rule" means a rule that is needed to meet the requirements of the federal Clean Water Act, SDWA, Clean Air Act (including required submission of a State Implementation Plan), or RCRA, other than a rule required to be adopted as an identical-in-substance rule (see Section 2175.535 ~~of this Part~~) [~~(415 ILCS 5/28.2(a))~~].

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.545 Generally Applicable Rules and Site-Specific Rules**

- a) Under Sections 27 and 28 of the Act [~~(415 ILCS 5/27 and 28)~~], the Board may adopt substantive environmental rules of ~~general~~generally applicability and of site-specific applicability.
- b) Under Section 26 of the Act [415 ILCS 5/26], the Board may adopt ~~such~~ procedural rules as may be necessary to accomplish the purposes of the Act.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

**Section 2175.555 Updating Incorporations By Reference**

Under Section 28.6 of the Act [~~(415 ILCS 5/28.6)~~], the Board may update an incorporation by reference included in a Board rule without conducting hearings if no objection is filed or hearing is requested during the first-notice period ~~underpursuant to~~ Section 5-40 of the IAPA [~~(5 ILCS 100/5-40)~~]. ~~This~~Such rulemaking is limited to replacing a reference in a Board rule to an older or obsolete version of an incorporated document with a reference to the current version of that document or its successor document.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

## SUBPART F: ADJUDICATORY PROCEEDINGS

**Section 2175.600 Adjudicatory Proceedings**

- a) The Board is authorized to hear the following types of adjudicatory cases: (See 35

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Ill. Adm. Code 101-130 for procedural rules governing the processing of these cases-):

- 1) Enforcement Action. The Illinois Attorney General, any State's Attorney, or any person may initiate an enforcement action by ~~the filing of a complaint~~ underpursuant to Section 31 of the Act [~~415 ILCS 5/31~~].
- 2) Permit Appeal. Any person who, underpursuant to Section 39 of the Act [415 ILCS 5/39], has been denied a permit by the Agency, or issued a permit by the Agency with one or more conditions to which that person objects, may file a petition with the Board for review of the Agency's action. If the Agency grants a RCRA permit for a hazardous waste disposal site or grants or denies a National Pollutant Discharge Elimination System (NPDES) permit, certain third parties may petition the Board for a hearing to contest the decision of the Agency [~~415 ILCS 5/40(b), (e)(1)~~]. (See 35 Ill. Adm. Code 105.)
- 3) Pollution Control Facility Siting Review. An applicant for local siting approval of a pollution control facility who has been denied ~~this such~~ approval or granted conditional approval by a county board or the governing body of a municipality may contest that decision by filing a petition for hearing underpursuant to Section 40.1(a) of the Act [~~415 ILCS 5/40.1(a)~~]. A third party who participated in the public hearing conducted by a county board or the governing body of a municipality may contest a grant of local siting approval by filing a petition for hearing underpursuant to Section 40.1(b) of the Act [~~415 ILCS 5/40.1(b)~~]. (See 35 Ill. Adm. Code 107.)
- 4) Variances/Adjusted Standards. Any person adversely affected by a Board rule or order may file a petition for a variance underpursuant to Section 37 of the Act [~~415 ILCS 5/37~~] or a petition for an adjusted standard underpursuant to Section 28.1 of the Act [~~415 ILCS 5/28.1~~]. (See 35 Ill. Adm. Code 104.)
- 5) Trade Secret Determination. Any person who is adversely affected by a trade secret determination made by the Agency or the Department may contest that determination before the Board. (See 35 Ill. Adm. Code 130.)
- 6) Appeal of Office of the State Fire Marshal (OSFM) UST Fund Eligibility

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or Deductibility Determination. Owners or operators of USTs who have been denied eligibility by the OSFM to access the UST reimbursement fund, or who disagree with an OSFM determination of the applicable deductible for UST Fund reimbursement, may petition for review ~~underpursuant to~~ Section 57.9(c) of the Act [~~(415 ILCS 5/57.9(c))~~]. (See 35 Ill. Adm. Code 105.)

- 7) Appeal of Agency Decisions Regarding UST Program. Owners or operators of USTs who have been denied requested UST Fund reimbursement or UST cleanup approvals by the Agency may petition for review ~~underpursuant to~~ Section 40 of the Act [~~(415 ILCS 5/40)~~]. (See 35 Ill. Adm. Code 105.)
- 8) Tax Certifications. Under the Property Tax Code, the Board may issue a certificate finding that a facility is a "pollution control facility" or that a device is a "low sulfur dioxide emission coal fueled device" for property tax purposes [~~(35 ILCS 200/11-10, 11-40)~~]. A person seeking a tax certificate must first submit an application to the Agency. The Agency is then required to file with the Board a recommendation on whether the Board should issue the certificate. An applicant who wishes to contest an Agency recommendation that the Board deny tax certification may file a petition with the Board. (See 35 Ill. Adm. Code 125.)
- 9) Administrative Citations. The Agency or a unit of local government delegated authority by the Agency may issue administrative citations for violations of Sections 21(o), ~~and~~ (p), 22.51, 22.51a, 31.1(c), 42(b)(4), 42(b)(4-5), 55(k) of the Act [~~(415 ILCS 5/21(o), and (p), 22.51, 22.51a, 31.1(c), 42(b)(4), 42(b)(4-5), 55(k))~~]. These citations are enforceable by filing copies with the Board ~~underpursuant to~~ Section 31.1 of the Act [~~(415 ILCS 5/31.1)~~]. The respondent named in the administrative citation may file a petition for review with the Board. (See 35 Ill. Adm. Code 108.)
- 10) Water Well Setback Exceptions. A water well owner may petition the Board for an exception from the water well setback requirements of the Act by filing a petition with the Board ~~underpursuant to~~ Section 14.2 of the Act [~~(415 ILCS 5/14.2)~~]. (See 35 Ill. Adm. Code 106.)
- 11) Other. Any other proceedings authorized by the Act or the Board's

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procedural rules may be brought before the Board ~~underpursuant to~~ statutory authority and any Board regulations adopted thereunder.

(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

SUBPART H: TIME LIMITED WATER QUALITY STANDARDSSection 2175.800 Time Limited Water Quality Standards

A Time-Limited Water Quality Standard (TLWQS) provides temporary relief from water quality standards as set forth in 35 Ill. Adm. Code 302 and 303. A TLWQS proceeding is a non-adjudicatory proceeding. A TLWQS is also not subject to rulemaking requirements. The procedural rules governing a TLWQS proceeding are at 35 Ill. Adm. Code. 104.Subpart E.

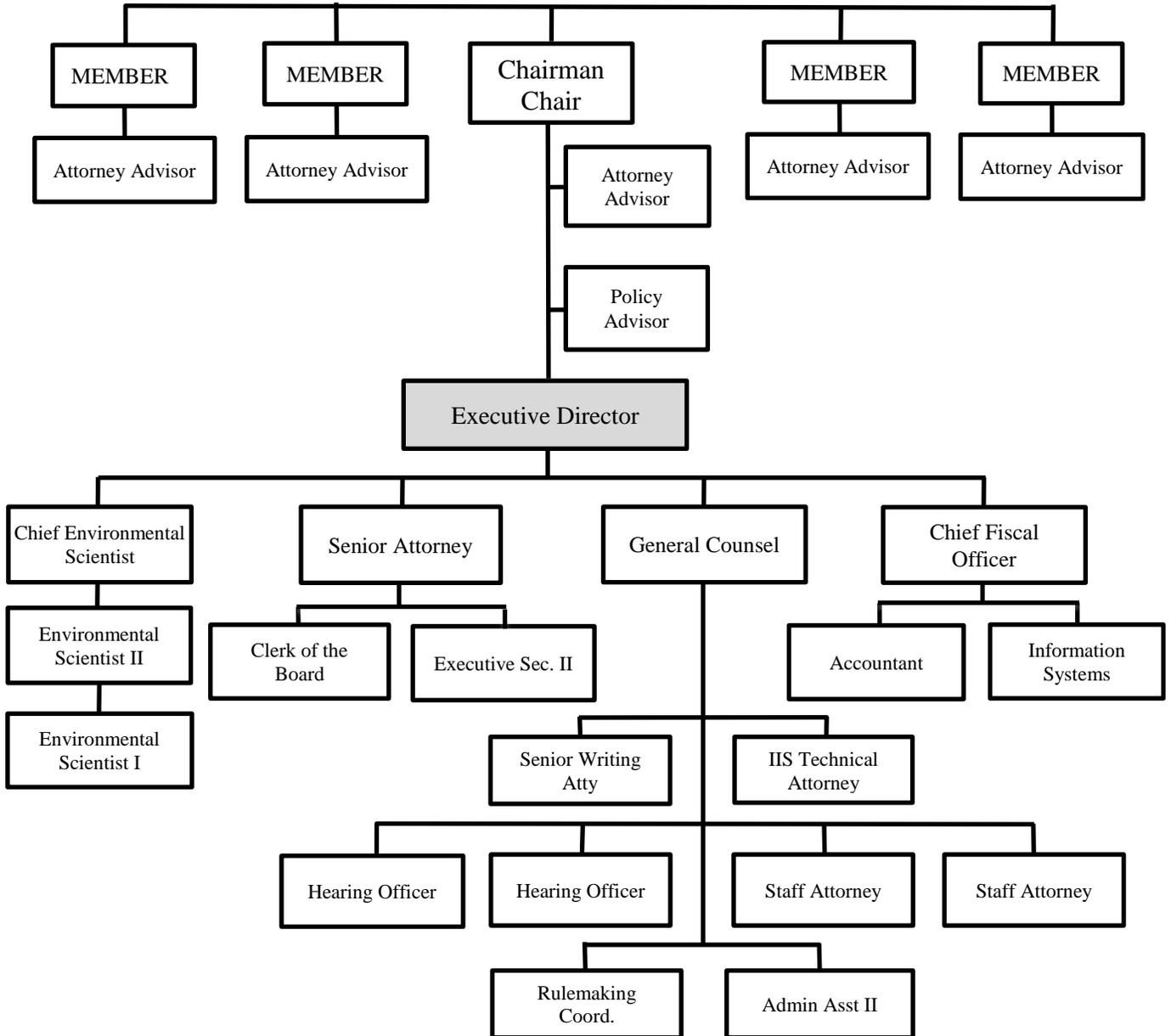
(Source: Added at 44 Ill. Reg. 14166, effective August 21, 2020)

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Section 2175.APPENDIX A Organizational Chart

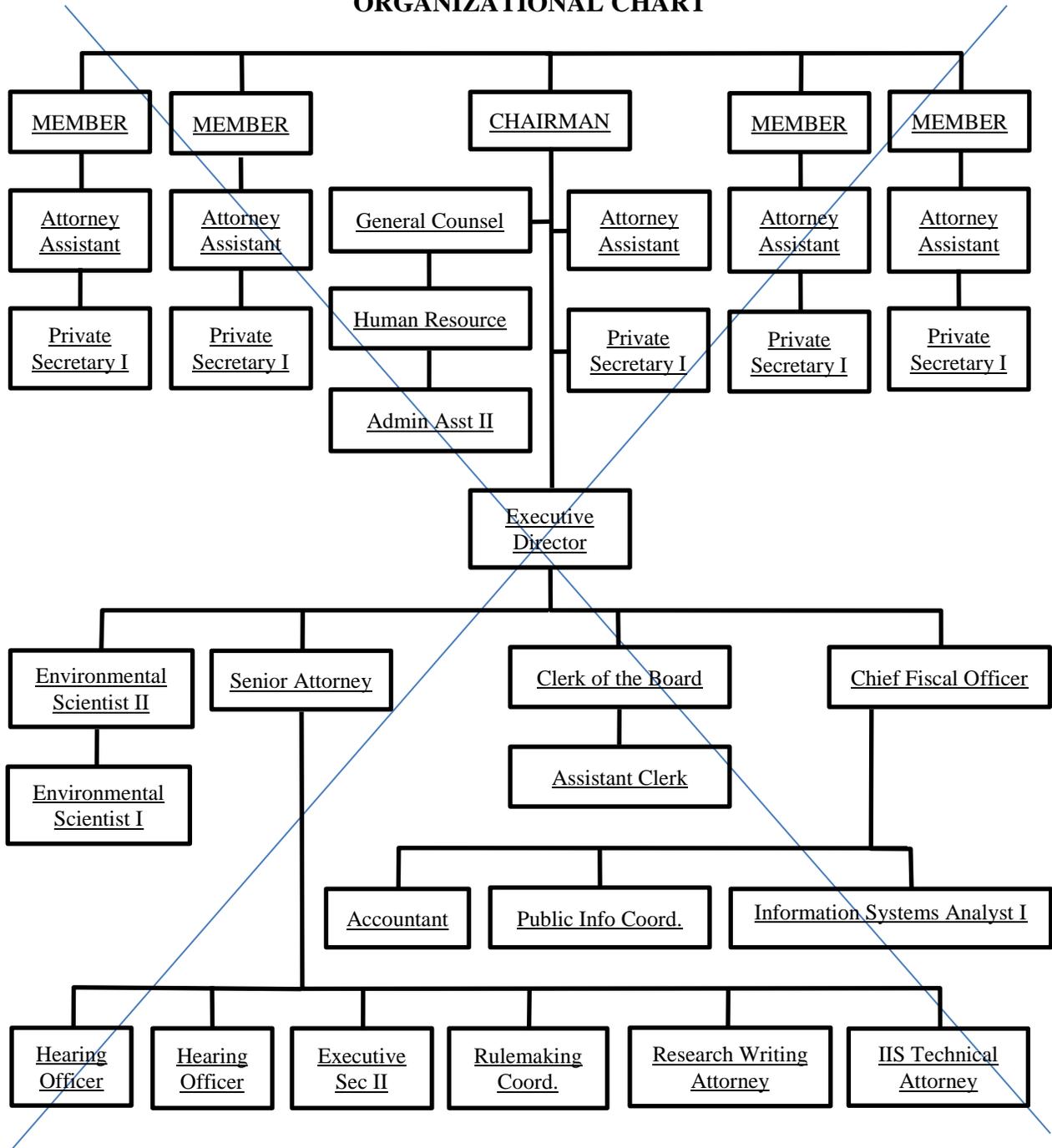
ORGANIZATION CHART



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ORGANIZATIONAL CHART



(Source: Amended at 44 Ill. Reg. 14166, effective August 21, 2020)

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- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Number: 211.7150                      Adopted Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 9.1(e), and 27.
- 5) Effective Date of Rule: August 18, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted rule, a copy of the Board's opinion and order adopted August 13, 2020 in docket R19-15, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9305; June 5, 2020
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the Proposal and the Final Version: A table that appears in a document entitled "Identical-in –Substance Rulemaking Addendum (Final)" (IIS-RA(F)) that the Board added to docket R19-15 summarizes the differences between the amendment adopted in the August 13, 2020 in docket R19-15 and those proposed by the Board in an opinion and order dated May 21, 2020. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendment.

The differences are limited to minor corrections and stylistic changes. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without

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deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendment appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the IIS-RA(F) in docket R19-15, as indicated in item 11 above. See the IIS-RA(F) in docket R17-10 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in the IIS-RA(F) itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
211.7150	Amendment	44 Ill. Reg. 4463; March 20, 2020

- 15) Summary and Purpose of Rulemaking: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of August 13, 2020, adopting an amendment in docket R19-15, which opinion and order is available from the address below.

The R19-15 proceeding relates to the listings of compounds exempted from the State definition of "volatile organic material" (VOM) or "volatile organic compound" (VOC) in 35 Ill. Adm. Code 211.7150 of the Illinois air pollution control rules. This amendment would update the definition of to correspond with an amendment to the corresponding definition of VOC at 40 C.F.R. 51.100(s) that the United States Environmental Protection Agency (USEPA) adopted during the second half of 2018:

November 28, 2018

USEPA added one hydrofluoroolefin compound to the list

## POLLUTION CONTROL BOARD

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(83 Fed. Reg. 61127) of chemical species excluded from the federal definition of VOC.

Tables appear in the IIS-RA(F) that the Board added to docket R19-15 that list the revisions to the text of the corresponding federal rule, the amendments that are not based on current federal amendments, and the revisions to the text since the Board's August 13, 2020 proposal for public comment. The tables contain deviations from the literal text of the federal amendments underlying this amendment, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(F) in docket R19-15.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

- 16) Information and questions regarding this adopted rule shall be directed to: Please reference consolidated docket R19-15 and direct inquiries to the following person:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph, 11-500  
Chicago IL 60601

312/814-6924  
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of August 13, 2020 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCESPART 211  
DEFINITIONS AND GENERAL PROVISIONS

## SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporated and Referenced Materials
211.102	Abbreviations and Conversion Factors

## SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.200	Acrylonitrile Butadiene Styrene (ABS) Welding
211.210	Actual Heat Input
211.230	Adhesive
211.233	Adhesion Primer
211.235	Adhesive Primer
211.240	Adhesion Promoter
211.250	Aeration
211.260	Aerosol Adhesive and Adhesive Primer
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment

## POLLUTION CONTROL BOARD

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211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol
211.479	Allowance
211.481	Ammunition Sealant
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.492	Antifoulant Coating
211.493	Antifouling Sealer/Tie Coat
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.540	Architectural Structure
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.665	Auxiliary Boiler
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.715	Bedliner
211.730	Binders
211.735	Black Coating
211.740	Brakehorsepower (rated-bhp)
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant

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211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.825	Camouflage Coating
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.880	Cap Sealant
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber
211.954	Cavity Wax
211.955	Cement
211.960	Cement Kiln
211.965	Ceramic Tile Installation Adhesive
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.995	Circulating Fluidized Bed Combustor
211.1000	Class II Finish
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1128	Closed Molding
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System

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211.1315	Combustion Tuning
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensable PM-10
211.1435	Container Glass
211.1455	Contact Adhesive
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1560	Cove Base
211.1565	Cove Base Installation Adhesive
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1655	Cyanoacrylate Adhesive
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1700	Deadener
211.1710	Degreaser
211.1730	Delivery Vessel
211.1740	Diesel Engine
211.1745	Digital Printing
211.1750	Dip Coating
211.1770	Distillate Fuel Oil

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211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1872	Ejection Cartridge Sealant
211.1875	Elastomeric Materials
211.1876	Electric Dissipating Coating
211.1877	Electric-Insulating Varnish
211.1878	Electrical Apparatus Component
211.1880	Electrical Switchgear Compartment Coating
211.1882	Electrodeposition Primer (EDP)
211.1883	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2040	Etching Filler
211.2050	Ethanol Blend Gasoline
211.2055	Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2200	Extreme High-Gloss Coating
211.2210	Extreme Performance Coating

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211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2320	Finish Primer Surfacer
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2355	Flare
211.2357	Flat Glass
211.2358	Flat Wood Paneling
211.2359	Flat Wood Paneling Coating Line
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2368	Flexible Packaging
211.2369	Flexible Vinyl
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2415	Fog Coat
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2525	Gasket/Gasket Sealing Material
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2615	General Work Surface
211.2620	Generator
211.2622	Glass Bonding Primer
211.2625	Glass Melting Furnace

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211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2800	Hardwood Plywood
211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
211.2825	Heat-Resistant Coating
211.2830	Heatset
211.2840	Heatset Web Letterpress Printing Line
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2955	High Bake Coating
211.2956	High Build Primer Surfacer
211.2958	High Gloss Coating
211.2960	High-Performance Architectural Coating
211.2965	High Precision Optic
211.2970	High Temperature Aluminum Coating
211.2980	High Temperature Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3095	Indoor Floor Covering Installation Adhesive
211.3100	Industrial Boiler
211.3110	Ink
211.3120	In-Line Repair

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211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3215	Janitorial Cleaning
211.3230	Lacquers
211.3240	Laminate
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3300	Lean-Burn Engine
211.3305	Letterpress Printing Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3355	Lime Kiln
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3475	Load Shaving Unit
211.3480	Loading Event
211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO <sub>x</sub> Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3505	Lubricating Wax/Compound
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3555	Maintenance Cleaning
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment

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211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3665	Mask Coating
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3705	Medical Device
211.3707	Medical Device and Pharmaceutical Manufacturing
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3760	Metallic Coating
211.3770	Metallic Shoe-Type Seal
211.3775	Metal to Urethane/Rubber Molding or Casting Adhesive
211.3780	Mid-Kiln Firing
211.3785	Military Specification Coating
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3820	Miscellaneous Industrial Adhesive Application Operation
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3925	Mold Seal Coating
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3961	Motor Vehicle Adhesive
211.3965	Motor Vehicle Refinishing
211.3966	Motor Vehicle Weatherstrip Adhesive
211.3967	Mouth Waterproofing Sealant
211.3968	Multi-Colored Coating
211.3969	Multi-Component Coating
211.3970	Multiple Package Coating
211.3975	Multipurpose Construction Adhesive
211.3980	Nameplate Capacity

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211.3985	Natural Finish Hardwood Plywood Panel
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4052	Non-Convertible Coating
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO <sub>x</sub> Trading Program
211.4070	Offset
211.4080	One-Component Coating
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4220	Optical Coating
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4280	Other Glass
211.4285	Outdoor Floor Covering Installation Adhesive
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4455	Pan-Backing Coating
211.4460	Panel
211.4470	Paper Coating

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211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4540	Perimeter Bonded Sheet Flooring
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4720	Pipeline Natural Gas
211.4730	Plant
211.4735	Plastic
211.4740	Plastic Part
211.4750	Plasticizers
211.4760	Plastic Solvent Welding Adhesive
211.4765	Plastic Solvent Welding Adhesive Primer
211.4768	Pleasure Craft
211.4769	Pleasure Craft Surface Coating
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4895	Polyvinyl Chloride Plastic (PVC Plastic)
211.4900	Porous Material
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5012	Prefabricated Architectural Coating
211.5015	Preheater Kiln

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211.5020	Preheater/Precalciner Kiln
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Coating
211.5062	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5075	Primer Sealant
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5140	Printed Interior Panel
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5195	Process Heater
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5335	Radiation Effect Coating
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5400	Red Coating
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant

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211.5510	Reid Vapor Pressure
211.5520	Reinforced Plastic Composite
211.5530	Repair
211.5535	Repair Cleaning
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5585	Research and Development Operation
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5640	Rich-Burn Engine
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5800	Rubber
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5860	Scientific Instrument
211.5870	Screening
211.5875	Screen Printing
211.5880	Screen Printing on Paper
211.5885	Screen Reclamation
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5985	Sheet Rubber Lining Installation
211.5987	Shock-Free Coating
211.5990	Shotblasting

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211.6010	Side-Seam Spray Coat
211.6012	Silicone-Release Coating
211.6015	Single-Ply Roof Membrane
211.6017	Single-Ply Roof Membrane Adhesive Primer
211.6020	Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6063	Solar-Absorbent Coating
211.6065	Solids Turnover Ratio ( $R_T$ )
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6405	Sterilization Indicating Ink
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6425	Stripping
211.6427	Structural Glazing
211.6430	Styrene Devolatilizer Unit

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211.6450	Styrene Recovery Unit
211.6460	Subfloor
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6535	Surface Preparation
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6585	Thin Metal Laminating Adhesive
211.6587	Thin Particleboard
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6635	Tileboard
211.6640	Tire Repair
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6740	Translucent Coating
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6780	Trunk Interior Coating
211.6790	Turnaround
211.6810	Two-Piece Can
211.6825	Underbody Coating
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6885	Vacuum Metalizing Coating

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211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7220	Waterproof Resorcinol Glue
211.7230	Weak Nitric Acid Manufacturing Process
211.7240	Weatherstrip Adhesive
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

211.APPENDIX A Rule into Section Table

211.APPENDIX B Section into Rule Table

**AUTHORITY:** Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, and 27].

**SOURCE:** Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21,

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1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011; amended in R12-24 at 37 Ill. Reg. 1662, effective January 28, 2013; amended in R13-1 at 37 Ill. Reg. 1913, effective February 4, 2013; amended in R14-7 at 37 Ill. Reg. 19824, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12876, effective June 9, 2014; amended in R15-5 at 39 Ill. Reg. 5410, effective March 24, 2015;

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amended in R17-2 at 41 Ill. Reg. 1096, effective January 23, 2017; amended in R17-9 at 41 Ill. Reg. 4173, effective March 24, 2017; amended in R17-11 at 41 Ill. Reg. 13389, effective October 23, 2017; amended in R19-15 at 44 Ill. Reg. 14199, effective August 18, 2020.

## SUBPART B: DEFINITIONS

**Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)**

"Volatile organic material" (also "VOM") or "volatile organic compound" (also "VOC") means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

- a) This definition of VOM includes any organic compound that participates in atmospheric photochemical reactions, other than the compounds listed in this subsection (a). USEPA has determined that the compounds listed in this subsection (a) have negligible photochemical reactivity.

2-Amino-2-methylpropan-1-ol (CAS No. 124-68-5)

Bis(difluoromethoxy)difluoromethane (HFE-236cal2, CAS No. 78522-47-1)

1,2-Bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane  
(HFE-338pcc13, CAS No. 188690-78-0)

tertiary-Butyl acetate (1,1-dimethylethyl acetic acid ester, CAS No. 540-88-5)

1-Chloro-1,1-difluoroethane (HCFC-142b, CAS No. 75-68-3)

Chlorodifluoromethane (CFC-22, CAS No. 75-45-6)

1-Chloro-1-fluoroethane (HCFC-151a, CAS No. 1615-75-4)

Chlorofluoromethane (HCFC-31, CAS No. 593-70-4)

Chloropentafluoroethane (CFC-115, CAS No. 76-15-3)

2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124, CAS No. 2837-89-0)

1-Chloro-4-(trifluoromethyl)benzene (parachlorobenzotrifluoride  
(PCBTF), CAS No. 98-56-6)

(1E)-1-Chloro-3,3,3-trifluoroprop-1-ene (trans-1-chloro-3,3,3-trifluoroprop-1-ene, CAS No. 102687-65-0)

1,1,1,2,2,3,4,5,5,5-Decafluoro-3-methoxy-4-trifluoromethylpentane (HFE-7300, CAS No. 132182-92-4)

1,1,1,2,3,4,4,5,5,5-Decafluoropentane (~~HFC-4310mee~~, ~~HFC-43-10mee~~,  
CAS No. 138495-42-8)

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Dichlorodifluoromethane (CFC-12, CAS No. 75-71-8)  
1,1-Dichloro-1-fluoroethane (HCFC-141b, CAS No. 1717-00-6)  
Dichloromethane (methylene chloride, CAS No. 75-09-2)  
1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb, CAS No. 507-55-1)  
3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca, CAS No. 422-56-0)  
~~1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb, CAS No. 507-55-1)~~  
1,2-Dichloro-1,1,2,2-tetrafluoroethane (CFC-114, CAS No. 76-14-2)  
1,1-Dichloro-2,2,2-trifluoroethane (HCFC-123, CAS No. 306-83-2)  
1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a, CAS No. 354-23-4)  
1,1-Difluoroethane (HFC-152a, CAS No. 75-37-6)  
Difluoromethane (HFC-32, CAS No. 75-10-5)  
(Difluoromethoxy)difluoromethane (HFE-134, CAS No. 1691-17-4)  
1-(Difluoromethoxy)-2-[(difluoromethoxy)(difluoro)methoxy]-1,1,2,2-tetrafluoroethane (HFE-43-10pccc124, CAS No. 188690-77-9)  
2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane (CAS No. 163702-08-7)  
Dimethyl carbonate (CAS No. 616-38-6)  
Ethane (CAS No. 74-84-0)  
2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane (CAS No. 163702-06-5)  
3-Ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane (HFE-7500, CAS No. 297730-93-9)  
1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (HFE-7200, CAS No. 163702-05-4)  
~~Ethylfluoride (HFC-161, CAS No. 353-36-6)~~  
Fluoroethane (ethyl fluoride, HFC-161, CAS No. 353-36-6)  
1,1,1,2,2,3,3-Heptafluoro-3-methoxypropane (HFE-7000, CAS No. 375-03-1)  
1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea, CAS No. 431-89-0)  
(Z)-1,1,1,4,4,4-Hexafluorobut-2-ene (HFO-1336mzz-Z, CAS No. 692-49-9)  
1,1,1,2,3,3,3-Hexafluoropropane (HFC-236ea, CAS No. 431-63-0)  
1,1,1,3,3,3-Hexafluoropropane (HFC-236fa, CAS No. 690-39-1)  
Methane (CAS No. 74-82-8)  
Methyl acetate (methyl ethanoate, CAS No. 79-20-9)  
4-Methyl-1,3-dioxolan-2-one (propylene carbonate, CAS No. 108-32-7)

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Methyl formate (methyl methanoate, CAS No. 107-31-3)  
1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane (HFE-7100, CAS No. 163702-07-6)  
1,1,1,3,3-Pentafluorobutane (HFC-365mfc, CAS No. 406-58-6)  
Pentafluoroethane (HFC-125, CAS No. 354-33-6)  
[1,1,1,2,3-Pentafluoropropane \(HFC-245eb, CAS No. 431-31-2\)](#)  
[1,1,1,3,3-Pentafluoropropane \(HFC-245fa, CAS No. 460-73-1\)](#)  
1,1,2,2,3-Pentafluoropropane (HFC-245ca, CAS No. 679-86-7)  
1,1,2,3,3-Pentafluoropropane (HFC-245ea, CAS No. 24270-66-4)  
~~1,1,1,2,3-Pentafluoropropane (HFC-245eb, CAS No. 431-31-2)~~  
~~1,1,1,3,3-Pentafluoropropane (HFC-245fa, CAS No. 460-73-1)~~  
Perfluorocarbon compounds that fall into the following classes:  
    Cyclic, branched, or linear, completely fluorinated alkanes  
    Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations  
    Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations  
    Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine  
Propan-2-one (acetone or dimethylketone, CAS No. 67-64-1)  
Siloxanes: cyclic, branched, or linear completely-methylated  
Tetrachloroethene (perchloroethylene, CAS No. 127-18-4)  
[1,1,1,2-Tetrafluoroethane \(HFC-134a, CAS No. 811-97-2\)](#)  
1,1,2,2-Tetrafluoroethane (HFC-134, CAS No. 359-35-3)  
~~1,1,1,2-Tetrafluoroethane (HFC-134a, CAS No. 811-97-2)~~  
(1E)-1,3,3,3-Tetrafluoropropene (trans-1,3,3,3-tetrafluoropropene, HFO-1234ze, CAS No. 29118-24-9)  
2,3,3,3-Tetrafluoroprop-1-ene (HFO-1234yf, CAS No. 754-12-1)  
[1,1,2,2-Tetrafluoro-1-\(2,2,2-trifluoroethoxy\)ethane \(HFE-347pcf2, CAS No. 406-78-0\)](#)  
1,1,1-Trichloroethane (methyl chloroform, CAS No. 71-55-6)  
~~1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxy)ethane (HFE-347pcf2, CAS No. 406-78-0)~~  
Trichlorofluoromethane (CFC-11, CAS No. 75-69-4)  
1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113, CAS No. 76-13-1)  
1,1,1-Trifluoroethane (HFC-143a, CAS No. 420-46-2)  
Trifluoromethane (HFC-23, CAS No. 75-46-7)

- b) For purposes of determining VOM emissions and compliance with emissions

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limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR 60, appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112, and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued under a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR 51, subpart I or appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly reactive~~negligibly reactive~~ compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusion is approved by the Agency.

- c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly reactive~~negligibly reactive~~ compounds in the source's emissions.
- d) The USEPA will not be bound by any State determination as to appropriate methods for testing or monitoring negligibly reactive~~negligibly reactive~~ compounds if such determination is not reflected in any of the test methods in subsection (b).

(Source: Amended at 44 Ill. Reg. 14199, effective August 18, 2020)

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- 1) Heading of the Part: Air Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 243
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
243.108	Amendment
243.120	Amendment
243.122	Amendment
243.123	Amendment
243.124	Amendment
243.126	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27.
- 5) Effective Date of Rules: August 18, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 13, 2020 in consolidated docket R19-14/R20-3/R20-11, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9330; June 5, 2020
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the Proposal and the Final Version: The differences between the amendment adopted August 13, 2020 in consolidated docket R19-14/R20-3/R20-11 and those proposed by the Board in an opinion and order dated May 21, 2020 are limited to minor corrections that have no substantive effect. The Board listed the changes in a document entitled, "Identical-in-Substance Rulemaking Addendum (Final) to the August

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13, 2020 Opinion and Order of the Board" (IIS-RA(P)) that the Board added to consolidated docket R19-14/R20-3/R20-11.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.
- 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: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of July 13, 2020, adopting amendments in consolidated docket R19-14/R20-3/R20-11, which opinion and order is available from the address below.

The consolidated R19-14/R20-3/R20-11 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. This amendment would update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted during the second half of 2018 through the end of 2019.

The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended implementation of its NAAQSs as follows:

October 16, 2018 (83 Fed. Reg. 52157)	USEPA corrected the November 16, 2017 and June 4, 2018 area designations for the 2015 NAAQS for ozone (O3). USEPA omitted McHenry and Monroe Counties in Illinois on November 16, 2017 (82 Fed. Reg. 54232, 54243-45) and June 4, 2018 (83 Fed. Reg. 75776, 25801-04). USEPA corrected the omissions, designating both "attainment/unclassifiable." No Board action will be required based on this USEPA action.
December 27, 2018 (83 Fed. Reg. 66631)	USEPA redesignated all areas in Illinois, formerly designated unclassifiable, as unclassifiable/attainment for the 2012

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- primary annual average NAAQS for fine particulate matter (PM<sub>2.5</sub>). No Board action will be required based on this USEPA action.
- March 18, 2019  
(84 Fed. Reg. 9866)
- USEPA concluded after review to retain the existing 2010 primary NAAQS for sulfur dioxide (SO<sub>2</sub>). No Board action will be required based on this USEPA action.
- March 29, 2019  
(84 Fed. Reg. 11973)
- USEPA designated a new FEM for O<sub>3</sub> in ambient air. The Board must incorporate this method into the Illinois rules. USEPA's issuing an updated version of the List of Designated Reference and Equivalent Methods will allow the Board to incorporate that latest version by reference and obviate action on the March 29, 2019 designation individually.
- May 28, 2019  
(84 Fed. Reg. 24395)
- USEPA redesignated the Metro East area from "unclassifiable/attainment" to "attainment" for the 1997 primary and secondary NAAQS for PM<sub>2.5</sub>. The effect is that the 1997 primary annual average NAAQS for PM<sub>2.5</sub> no longer applies in any area in Illinois. No Board action will be required based on this USEPA action. However, evaluating this action prompts the Board to remove the 1997 primary annual average NAAQS for PM<sub>2.5</sub> from the Illinois rules.
- May 28, 2019  
(84 Fed. Reg. 24508)
- USEPA designated a new FRM for monitoring carbon monoxide in ambient air. The Board must incorporate this method into the Illinois rules. USEPA's issuing an updated version of the List of Designated Reference and Equivalent Methods will allow the Board to incorporate that latest version by reference and obviate action on the May 28, 2019 designation individually.
- August 23, 2019  
(84 Fed. Reg. 44238)
- USEPA reclassified the Chicago-Naperville area from moderate to serious nonattainment for the 2008 primary and secondary NAAQS for O<sub>3</sub>. This action changes the state implementation plan (SIP) requirements and attainment deadline for this area, but it does not affect the NAAQS

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standards that apply and how they apply. No Board action will be required based on this USEPA action.

- September 13, 2019  
(84 Fed. Reg. 48286)
- USEPA reconsidered its 2016 designation of Williamson County as nonattainment for the 2010 NAAQS for SO<sub>2</sub>. The effective date of the reconsideration is October 15, 2019. USEPA's reconsideration of the Williamson County area designation does not directly require Board action, but it does prompt Board action.
- September 26, 2019  
(84 Fed. Reg. 50833)
- USEPA designated a new FRM for monitoring nitrogen dioxide in ambient air. The Board must incorporate this method into the Illinois rules. USEPA's issuing an updated version of the List of Designated Reference and Equivalent Methods will allow the Board to incorporate that latest version by reference and obviate action on the September 26, 2019 designation individually.
- December 15, 2019
- USEPA released an updated version of the List of Designated Reference and Equivalent Methods. This update version adds the FRMs and FEM that USEPA designated on March 29, 2019; May 28, 2019; and September 26, 2019. Updating the incorporation by reference in 35 Ill. Adm. Code 243.108 to this version of the List will incorporate those FRMs and FEM.

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than listing the designated methods. The Board removed the 1997 primary and secondary NAAQS for PM<sub>2.5</sub> from the Illinois rules and limited applicability of the 2010 NAAQS for SO<sub>2</sub> to Macon County. The Board further updated incorporations by reference to Code of Federal Regulations provisions to the latest version available.

Tables appear in a document entitled "Identical-in –Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to consolidated docket R19-14/R20-3/R20-11 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal actions underlying this amendment, as well as updates to incorporations by reference to the Code of Federal Regulations that the Board made in the base text involved. Persons interested in the

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details of those corrections and amendments should refer to the IIS-RA(P) in consolidated docket R19-14/R20-3/R20-11.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R19-6 and direct inquiries to the following person:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago IL 60601

312/814-6924  
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of August 13, 2020 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at [www.illinois.gov](http://www.illinois.gov).

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

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODESPART 243  
AIR QUALITY STANDARDS

## SUBPART A: GENERAL PROVISIONS

## Section

243.101	Definitions
243.102	Scope
243.103	Applicability
243.104	Nondegradation (Repealed)
243.105	Air Quality Monitoring Data Influenced by Exceptional Events
243.106	Monitoring (Repealed)
243.107	Reference Conditions
243.108	Incorporations by Reference

## SUBPART B: STANDARDS AND MEASUREMENT METHODS

## Section

243.120	PM <sub>10</sub> and PM <sub>2.5</sub>
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator)
243.125	Ozone
243.126	Lead
243.APPENDIX A	Rule into Section Table (Repealed)
243.APPENDIX B	Section into Rule Table (Repealed)
243.APPENDIX C	Past Compliance Dates (Repealed)
243.TABLE A	Schedule for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations (Repealed)

AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].

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SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, filed and effective April 14, 1972; amended in R80-11, at 6 Ill. Reg. 5804, effective April 22, 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19 at 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882, effective July 29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12900, effective June 9, 2014; amended in R15-4 at 39 Ill. Reg. 5434, effective March 24, 2015; amended in R16-2 at 40 Ill. Reg. 4906, effective March 3, 2016; amended in R17-1 at 41 Ill. Reg. 1121, effective January 23, 2017; amended in R17-10 at 41 Ill. Reg. 13413, effective October 23, 2017; amended in R18-15 at 42 Ill. Reg. 9308, effective May 29, 2018; amended in R19-6 at 43 Ill. Reg. 3034, effective February 19, 2019; amended in R19-14/R20-3/R20-11 at 44 Ill. Reg. 14223, effective August 18, 2020.

## SUBPART A: GENERAL PROVISIONS

**Section 243.108 Incorporations by Reference**

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions:

Government Printing Office (GPO), 732 Capitol Street NW, Washington, DC 20401 (telephone: 202-512-1800 or 866-512-1800; website: [www.gpo.gov](http://www.gpo.gov)).  
The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 ~~(2018)~~(2019) (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 ~~(2018)~~(2019) (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 ~~(2018)~~(2019) (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

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Appendix C to 40 CFR 50 [\(2019\)](#)~~(2018)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

Appendix D to 40 CFR 50 [\(2019\)](#)~~(2018)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere), referenced in Section 243.125.

Appendix F to 40 CFR 50 [\(2019\)](#)~~(2018)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced in Section 243.124.

Appendix G to 40 CFR 50 [\(2019\)](#)~~(2018)~~ (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix H to 40 CFR 50 [\(2019\)](#)~~(2018)~~ (Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix I to 40 CFR 50 [\(2019\)](#)~~(2018)~~ (Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix J to 40 CFR 50 [\(2019\)](#)~~(2018)~~ (Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 [\(2019\)](#)~~(2018)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix L to 40 CFR 50 [\(2019\)](#)~~(2018)~~ (Reference Method for the Determination of Fine Particulate Matter as PM<sub>2.5</sub> in the Atmosphere), referenced in Section 243.120.

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Appendix N to 40 CFR 50 ~~(2019)(2018)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix O to 40 CFR 50 ~~(2019)(2018)~~ (Reference Method for the Determination of Coarse Particulate Matter as PM<sub>10-2.5</sub> in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 ~~(2019)(2018)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 ~~(2019)(2018)~~ (Reference Method for the Determination of Lead in Particulate Matter as PM<sub>10</sub> Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 ~~(2019)(2018)~~ (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 ~~(2019)(2018)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

Appendix T to 40 CFR 50 ~~(2019)(2018)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Appendix U to 40 CFR 50 ~~(2019)(2018)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Clean Air Act, 42 USC 7401 et seq. ~~(2019)(2016)~~ (for definitions of terms only), referenced in Section 243.102.

BOARD NOTE: Segments of the Code of Federal Regulations and the United States Code are available for free download as PDF documents from the GPO FDsys website: <http://www.gpo.gov/fdsys/>.

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USEPA, National Exposure Research Laboratory, Human Exposure & Atmospheric Sciences Division (MD-D205-03), Research Triangle Park, NC 27711. The following documents incorporated by reference are available from this source:

"List of Designated Reference and Equivalent Methods" ([December 15, 2019](#))~~(June 15, 2018)~~ (referred to as the "List of Designated Methods" and referenced in Sections 243.101, 243.120, 243.122, 243.123, 243.124, 243.125, and 243.126.

BOARD NOTE: The List of Designated Methods is available for free download as a PDF document from the USEPA, Technology Transfer, Ambient Monitoring Technology Information Center website: <http://www.epa.gov/ttn/amtic/criteria.html>.

(Source: Amended at 44 Ill. Reg. 14223, effective August 18, 2020)

## SUBPART B: STANDARDS AND MEASUREMENT METHODS

**Section 243.120 PM<sub>10</sub> and PM<sub>2.5</sub>**

- a) 1987 Primary and Secondary 24-Hour NAAQS for PM<sub>10</sub>
  - 1) The level of the 1987 primary and secondary 24-hour NAAQS for PM<sub>10</sub> is 150 µg/m<sup>3</sup>, 24-hour average concentration. The 1987 primary and secondary NAAQS for PM<sub>10</sub> is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup>, as determined in accordance with appendix K to 40 CFR 50, incorporated by reference in Section 243.108, is equal to or less than one.
  - 2) This subsection (a)(2) corresponds with 40 CFR 50.6(b), a provision marked "reserved" by USEPA. This statement maintains structural consistency with the corresponding federal regulation.
  - 3) For the purpose of determining attainment of the 1987 primary and secondary 24-hour NAAQS for PM<sub>10</sub>, particulate matter must be measured in the ambient air as PM<sub>10</sub> by a method that fulfills either of the following requirements:

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- A) An FRM based on appendix J to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108; or
- B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.6. ~~USEPA adopted 1997 primary NAAQS for PM<sub>10</sub> at 62 Fed. Reg. 38652 (July 18, 1997). As a result of a judicial vacatur, USEPA later removed the transitional provision relative to the 1987 NAAQS at 65 Fed. Reg. 80776 (Dec. 22, 2000) and the 1997 NAAQS at 69 Fed. Reg. 45595 (July 30, 2004). Thus, the 1987 primary and secondary NAAQS for PM<sub>10</sub> are included in this subsection (a).~~

- b) 1997 ~~Primary and~~ Secondary Annual Average and Primary and Secondary 24-Hour NAAQS for PM<sub>2.5</sub>
  - 1) The 1997 ~~primary and~~ secondary annual average NAAQS for PM<sub>2.5</sub> is 15.0 µg/m<sup>3</sup>, annual arithmetic mean concentration, and the 1997 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is 65 µg/m<sup>3</sup>, 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> by a method that fulfills either of the following requirements:
    - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or
    - B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
  - 2) The 1997 ~~primary and~~ secondary annual average NAAQS for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 µg/m<sup>3</sup>.

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- 3) The 1997 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98<sup>th</sup> percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 65 µg/m<sup>3</sup>.
- 4) ~~The 1997 primary annual PM<sub>2.5</sub> NAAQS in this subsection (b) does not apply in any area of Illinois except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. The primary NAAQS for PM<sub>2.5</sub> in this subsection (b) will no longer apply in any area of Illinois after USEPA has redesignated that area as attainment for that standard. The 1997 secondary annual NAAQS for PM<sub>2.5</sub> and the 1997 24-hour PM<sub>2.5</sub> NAAQS in this subsection (b) remain applicable.~~

~~BOARD NOTE: USEPA has codified the area designations for Illinois in 40 CFR 81.314. All areas of Illinois were designated attainment or unclassifiable/attainment except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County.~~

~~BOARD NOTE: This subsection (b) is derived from 40 CFR 50.7, and 50.13(d). The Board added the revocation clause of 40 CFR 50.13(d) as both this subsections (b)(4) and (c)(4), even though USEPA did not add the text to corresponding 40 CFR 50.7.~~

- c) 2006 ~~Primary and~~ Secondary Annual Average and Primary and Secondary 24-Hour NAAQS for PM<sub>2.5</sub>
  - 1) The 2006 ~~primary and~~ secondary annual average NAAQS for PM<sub>2.5</sub> is 15.0 µg/m<sup>3</sup>, annual arithmetic mean concentration, and the 2006 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is 35 µg/m<sup>3</sup>, 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> by a method that fulfills either of the following requirements:
    - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or
    - B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.

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- 2) The 2006 ~~primary and~~ secondary annual average NAAQS for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 µg/m<sup>3</sup>.
- 3) The 2006 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98<sup>th</sup> percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 µg/m<sup>3</sup>.
- 4) ~~The primary annual PM<sub>2.5</sub> NAAQS in this subsection (c) does not apply in any area of Illinois except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. The primary annual PM<sub>2.5</sub> NAAQS in this subsection (c) will no longer apply in any area of Illinois after USEPA has redesignated that area as attainment for that standard. The secondary annual PM<sub>2.5</sub> NAAQS in this subsection (c) remains applicable.~~

~~BOARD NOTE: USEPA has codified the area designations for Illinois in 40 CFR 81.314. All areas of Illinois were designated attainment or unclassifiable/attainment except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County.~~

~~BOARD NOTE: The primary and secondary annual average NAAQS for PM<sub>2.5</sub> in this subsection (c) is the 1997 primary annual average NAAQS for PM<sub>2.5</sub>. USEPA retained the standard and included it with the 2006 standard in corresponding 40 CFR 50.13. See 71 Fed. Reg. 61144, 61176 (Oct. 17, 2006). This subsection (c) is derived from 40 CFR 50.13.~~

- d) 2012 Primary Annual Average and 24-Hour NAAQS for PM<sub>2.5</sub>
  - 1) The 2012 primary annual average NAAQS for PM<sub>2.5</sub> is 12.0 µg/m<sup>3</sup> annual arithmetic mean concentration, and the 2012 primary 24-hour NAAQS for PM<sub>2.5</sub> is 35 µg/m<sup>3</sup> 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> by a method that fulfills either of the following requirements:
    - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed

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in List of Designated Methods, incorporated by reference in Section 243.108; or

- B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 2012 primary annual NAAQS for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 12.0 µg/m<sup>3</sup>.
- 3) The 2012 primary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98<sup>th</sup> percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 µg/m<sup>3</sup>.

BOARD NOTE: This subsection (d) is derived from 40 CFR 50.18.

(Source: Amended at 44 Ill. Reg. 14223, effective August 18, 2020)

**Section 243.122 Sulfur Oxides (Sulfur Dioxide)**

- a) 1971 Primary Annual Average and 24-Hour NAAQS for Sulfur Oxides (as Sulfur Dioxide (SO<sub>2</sub>))
- 1) The level of the 1971 primary annual average NAAQS for sulfur oxides is 0.030 ppm, not to be exceeded in a calendar year. The annual arithmetic mean must be rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up).
- 2) The level of the 1971 primary 24-hour NAAQS for sulfur oxides is 0.14 ppm, not to be exceeded more than once per calendar year. The 24-hour averages must be determined from successive non-overlapping 24-hour blocks starting at midnight each calendar day and must be rounded to two decimal places (fractional parts equal to or greater than 0.005 ppm must be rounded up).
- 3) Sulfur oxides must be measured in the ambient air as SO<sub>2</sub> by the FRM described in appendix A-2 to 40 CFR 50, incorporated by reference in

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Section 243.108, or by an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.

- 4) To demonstrate attainment, the annual arithmetic mean and the second-highest 24-hour averages must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A 24-hour block average must be considered valid if at least 75 percent of the hourly averages for the 24-hour period are available. In the event that only 18-, 19-, 20-, 21-, 22-, or 23-hour averages are available, the 24-hour block average must be computed as the sum of the available hourly averages using the number of hours (i.e., 18, 19, etc.) as the divisor. If less than 18-hour averages are available, but the 24-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subsection (b) of this Section, this must be considered a valid 24-hour average. In this case, the 24-hour block average must be computed as the sum of the available hourly averages divided by 24.
- 5) The 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) ~~apply only in Macon County~~ remains applicable to all areas notwithstanding the promulgation of the 2010 primary one-hour NAAQS for sulfur oxides in subsection (c) of this Section. The Board will delete the 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) after fulfillment of the conditions recited by USEPA in corresponding 40 CFR 50.4(c).

BOARD NOTE: ~~Derived~~ This subsection (a) is derived from 40 CFR 50.4. This subsection (a) no longer applies in any area of the following areas in Illinois outside Macon County. The Board will delete the 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) after 40 CFR 50.4 no longer applies: one year after the effective date of a USEPA area designation for Macon County: Cook County (Lemont Township only), Peoria County (Hollis Township only), Tazewell County (Cincinnati and Pekin Townships only), Will County (DuPage and Lockport Townships only), Bureau County, Jasper County, Madison County (Wood River Township, an area of southeastern Alton Township, and an area of northern Chouteau Township only), Massac County, Putnam County, and Williamson County.

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- b) 1971 Secondary Three-Hour NAAQS for Sulfur Oxides (as SO<sub>2</sub>)
- 1) The level of the 1971 secondary three-hour NAAQS for sulfur oxides is 0.5 ppm, not to be exceeded more than once per calendar year. The three-hour averages must be determined from successive non-overlapping three-hour blocks starting at midnight each calendar day and must be rounded to one decimal place (fractional parts equal to or greater than 0.05 ppm must be rounded up).
  - 2) Sulfur oxides must be measured in the ambient air as SO<sub>2</sub> by the FRM described in appendix A-2 to 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.
  - 3) To demonstrate attainment, the second-highest three-hour average must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A three-hour block average must be considered valid only if all three hourly averages for the three-hour period are available. If only one or two hourly averages are available, but the three-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subsection (b)(1), this must be considered a valid three-hour average. In all cases, the three-hour block average must be computed as the sum of the hourly averages divided by three.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.5.

- c) 2010 Primary One-Hour NAAQS for Sulfur Oxides (as SO<sub>2</sub>)
- 1) The level of the 2010 primary one-hour NAAQS for sulfur oxides is 75 ppb, measured in the ambient air as SO<sub>2</sub>.
  - 2) The 2010 one-hour primary NAAQS for sulfur oxides is met at an ambient air quality monitoring site when the three-year average of the annual (99<sup>th</sup> percentile) of the daily maximum one-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with appendix T of 40 CFR 50, incorporated by reference in Section 243.108.

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- 3) The level of the 2010 one-hour primary NAAQS for sulfur oxides must be measured by an FRM based on appendix A-1 or A-2 of 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (c) is derived from 40 CFR 50.17. The 1971 primary NAAQS for SO<sub>2</sub> remains in effect until the federal conditions of 40 CFR 50.4(e) have been fulfilled, as outlined in subsection (a)(5) and the appended Board note.

(Source: Amended at 44 Ill. Reg. 14223, effective August 18, 2020)

**Section 243.123 Carbon Monoxide**

- a) The 1971 eight-hour and one-hour primary NAAQS for carbon monoxide are as follows:
  - 1) An eight-hour average concentration of 9 ppm (10 mg/m<sup>3</sup>), not to be exceeded more than once per year; and
  - 2) A one-hour average concentration of 35 ppm (40 mg/m<sup>3</sup>), not to be exceeded more than once per year.
- b) The levels of carbon monoxide in the ambient air must be measured by a method that fulfills either of the following requirements:
  - 1) An FRM based on appendix C of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or
  - 2) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
- c) An eight-hour average concentration must be considered valid if at least 75 percent of the hourly average for the eight-hour period is available. In the event that only six-hour (or seven-hour) averages are available, the eight-hour average must be computed on the basis of the hours available using six (or seven) as the divisor.

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- d) When summarizing data for comparison with the standards, averages must be stated to one decimal place. Comparison of the data with the levels of the standards in ppm must be made in terms of integers with fractional parts of 0.5 or greater rounded up.

BOARD NOTE: ~~Derived~~[This Section is derived](#) from 40 CFR 50.8 ~~(2012)~~.

(Source: Amended at 44 Ill. Reg. 14223, effective August 18, 2020)

**Section 243.124 Nitrogen Oxides (Nitrogen Dioxide as Indicator)**

- a) The level of the 1971 primary annual average NAAQS for nitrogen oxides is 53 ppb, annual average concentration, measured in the ambient air as nitrogen dioxide (NO<sub>2</sub>).
- b) The level of the 2010 primary one-hour NAAQS for nitrogen oxides is 100 ppb, one-hour average concentration, measured in the ambient air as NO<sub>2</sub>.
- c) The level of the 1971 secondary annual average NAAQS for nitrogen oxides is 0.053 ppm (100 µg/m<sup>3</sup>), annual arithmetic mean concentration, measured in the ambient air as NO<sub>2</sub>.
- d) The levels of the standards in subsections (a) through (c) of this Section must be measured by:
- 1) An FRM based on appendix F to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or
  - 2) By an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
- e) The 1971 primary annual average NAAQS for nitrogen oxides in subsection (a) of this Section is met when the annual average concentration in a calendar year is less than or equal to 53 ppb, as determined in accordance with appendix S of 40 CFR 50, incorporated by reference in Section 243.108, for the annual standard.

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- f) The 2010 one-hour primary NAAQS for nitrogen oxides in subsection (b) of this Section is met when the three-year average of the annual 98<sup>th</sup> percentile of the daily maximum one-hour average concentration is less than or equal to 100 ppb, as determined in accordance with appendix S of 40 CFR 50, incorporated by reference in Section 243.108, for the 1-hour standard.
- g) The 1971 secondary annual average NAAQS for nitrogen oxides in subsection (c) of this Section is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up). To demonstrate attainment, an annual mean must be based upon hourly data that are at least 75 percent complete or upon data derived from manual methods that are at least 75 percent complete for the scheduled sampling days in each calendar quarter.

BOARD NOTE: ~~Derived~~[This Section is derived](#) from 40 CFR 50.11-(2012).

(Source: Amended at 44 Ill. Reg. 14223, effective August 18, 2020)

**Section 243.126 Lead**

- a) 1978 Primary and Secondary Quarterly Average NAAQS for Lead

BOARD NOTE: ~~Derived~~[This subsection \(a\) is derived](#) from 40 CFR 50.12. USEPA designated Granite City as nonattainment with the 2008 primary and secondary three-month average NAAQS for lead effective December 31, ~~2010~~[2011](#) and an area of Chicago effective December 31, ~~2011~~[2012](#). See 76 Fed. Reg. 72097, 79108 (Nov. 22, 2011); 75 ~~Fed. Reg.~~[Fed. Reg.](#) 71033, 71042 (Nov. 22, 2010). Thus, this subsection (a) was obsolete on December 31, 2012, and the Board removed it.

- b) 2008 Primary and Secondary Three-Month Average NAAQS for Lead

- 1) The 2008 primary and secondary three-month average NAAQS for lead and its compounds is 0.15  $\mu\text{g}/\text{m}^3$ , arithmetic mean concentration over a three-month period, measured in the ambient air as lead by either of the following:

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- A) An FRM based on appendix G of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or
  - B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 2008 primary and secondary three-month average NAAQS for lead are met when the maximum arithmetic three-month mean concentration for a three-year period, as determined in accordance with appendix R of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to  $0.15 \mu\text{g}/\text{m}^3$ .

BOARD NOTE: ~~Derived~~This subsection (b) is derived from 40 CFR 50.16.

(Source: Amended at 44 Ill. Reg. 14223, effective August 18, 2020)

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1001.400	Amendment
1001.440	Amendment
1001.441	Amendment
1001.442	Amendment
1001.444	Amendment
1001.465	Amendment
- 4) Statutory Authority: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].
- 5) Effective Date of Rules: August 19, 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, is on file in the Agency's principal office and is available for public inspection.

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- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 2246; January 31, 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 agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1001.800	New Section	44 Ill. Reg. 11748; July 17, 2020

- 15) Summary and Purpose of Rulemaking: Revises the requirement that a Restricted Driving Permit, with a BAIID, issued to a permittee who is classified as High-Risk Dependent, be cancelled if the BAIID monitoring report reflects the permittee has not maintained abstinence, but where the BAIID prevented the vehicle from starting. Instead, the permittee will remain on the BAIID permit, as the device is protecting the public by preventing the permittee from driving after drinking. Prohibits BAIID providers from soliciting customers for other products unrelated to BAIID services. Revises use of medical cannabis provisions to require High Risk Dependent permittees to prove stability in the medical cannabis program for a minimum of one year before a permit may be granted. Changes the due date from the 15th of the month to the 8th for an invoice requesting reimbursement for MDDP holders who are found to be indigent under (b)(2)(C).
- 16) Information and questions regarding these adopted rules shall be directed to:

Secretary of State  
Pamela Wright  
298 Howlett Building  
Springfield IL 62756

217/785-3094  
pwright@ilsos.gov

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1001  
PROCEDURES AND STANDARDS

## SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

## Section

1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers – Original Documents Required
1001.100	Conduct of Formal Hearings
1001.110	Orders; Notification; Time Limits on Obtaining Relief
1001.120	Record of Hearings
1001.130	Invalidity

## SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

## Section

1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Location; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN  
DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS

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## Section

1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Record and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions; Time Limits on Obtaining Relief
1001.370	Invalidity

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

## Section

1001.400	Applicability; Statement of Principle and Purpose
1001.410	Definitions
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441	Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs
1001.442	BAIID Provider Certification Procedures and Responsibilities; Certification of BAIIDs; Inspections; BAIID Installer's Responsibilities; Decertification of a BAIID Provider
1001.443	Breath Alcohol Ignition Interlock Device Multiple Offender – Compliance with Interlock Program
1001.444	Monitoring Device Driving Permit (MDDP) Provisions
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.465	Cancellation of Driving Privileges; Hearing to Contest and Show Cause Hearing
1001.470	Renewal, Correction and Cancellation of RDPs
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

## SUBPART E: FORMAL MEDICAL HEARINGS

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## Section

1001.500	Applicability
1001.510	Definitions
1001.520	Procedure
1001.530	Conduct of Medical Formal Hearings
1001.540	Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES;  
PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT  
HEARINGS; RESTRICTED DRIVING PERMITS

## Section

1001.600	Applicability
1001.610	Definitions
1001.620	Burden of Proof
1001.630	Implied Consent Hearings; Religious Exception
1001.640	Implied Consent Hearings; Medical Exception
1001.650	Rebuttable Presumption
1001.660	Alcohol and Drug Education and Awareness Program
1001.670	Petitions for Restricted Driving Permits
1001.680	Form and Location of Hearings
1001.690	Invalidity

## SUBPART G: MOTOR VEHICLE FRANCHISE ACT

## Section

1001.700	Applicability
1001.710	Definitions
1001.720	Organization of Motor Vehicle Review Board
1001.730	Motor Vehicle Review Board Meetings
1001.740	Board Fees
1001.750	Notice of Protest
1001.760	Hearing Procedures
1001.770	Conduct of Protest Hearing
1001.780	Mandatory Settlement Conference
1001.785	Technical Issues
1001.790	Hearing Expenses; Attorney's Fees
1001.795	Invalidity

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## 1001.APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location Guidelines (Repealed)

AUTHORITY: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790, effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002; emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg. 13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003; amended at 28 Ill. Reg. 12123, effective September 1, 2004; amended at 28 Ill. Reg. 15804, effective November 19, 2004; amended at 31 Ill. Reg. 6185, effective May 1, 2007; amended at 31 Ill. Reg. 14837, effective November 1, 2007; amended at 33 Ill. Reg. 282, effective January 1, 2009; emergency amendment at 35 Ill. Reg. 3848, effective February 15, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 10934, effective June 21, 2011; amended at 36 Ill. Reg. 7300, effective April 30, 2012; amended at 37 Ill. Reg. 5844, effective April 19, 2013; amended at 39 Ill. Reg. 2718, effective February 6, 2015; amended at 40 Ill. Reg. 834, effective December 31, 2015; amended at 40 Ill. Reg. 6158, effective March 23, 2016; amended at 41 Ill. Reg. 473, effective

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December 28, 2016; amended at 42 Ill. Reg. 16921, effective September 5, 2018; emergency amendment at 44 Ill. Reg. 5824, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6634, effective April 9, 2020, for the remainder of the 150 days; emergency amendment effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11588, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11882, effective June 30, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 14243, effective August 19, 2020.

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**Section 1001.400 Applicability; Statement of Principle and Purpose**

- a) **Applicability.** This Subpart applies to the decision making process on applications for: restricted driving permits by persons whose driving privileges have been suspended, revoked, cancelled or denied; the issuance of restricted driving permits conditioned upon the installation of a breath alcohol ignition interlock device (BAIID); the reinstatement of driving privileges; the granting of driving privileges after denial; and the termination of cancellations. Each petitioner's case is unique and all of the evidence and the petitioner's entire driving record must be considered with these standards before a decision is made. The issuance of both forms of driving relief are discretionary with the Secretary of State upon the evidence presented as set forth in this Subpart D.
- b) **Statement of Principle and Purpose**
  - 1) In cases in which a person's driver's license and driving privileges are suspended or revoked, the Secretary has been given the following statutory mandate: *In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to the Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.* [625 ILCS 5/6-208] In the discharge of this mandate, this Subpart D provides guidance to both the Department and the public for issuing and obtaining driving relief.

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- 2) In the implementation of this Subpart D, the Office of the Secretary of State subscribes to the disease concept of alcoholism/chemical dependency, as defined in the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10] and incorporates by reference the Jellinek chart (E.M. Jellinek, *The Disease Concept of Alcoholism*, Hillhouse Press (1960, no further amendments or additions included)). Furthermore, it is the policy of the Secretary of State that this Subpart D is to be read, interpreted, and applied as an integrated whole, rather than separately and individually. Therefore, the purpose of this Subpart D is to assist the hearing process to determine, first, the nature and extent of a petitioner's alcohol/drug problem; second, whether the petitioner's alcohol/drug problem has been resolved; and, third, whether the petitioner will be a safe and responsible driver. The petitioner must carry the burden of proof on each of these 3 issues by clear and convincing evidence in order to obtain driving relief. A petitioner cannot prove that he/she will be a safe and responsible driver unless and until the petitioner has proven that his/her alcohol/drug problem has been resolved. The fact the petitioner has abstained from the use of alcohol/drugs is not sufficient, in and of itself, to prove that the petitioner's alcohol/drug problem has been resolved. Rather, a petitioner must also prove that he/she has successfully completed all recommended countermeasures and significant improvement has occurred in his/her attitude and lifestyle from that which existed at the time he/she committed the offenses resulting in the suspension or revocation of his or her driving privileges, so that the Secretary will be reasonably assured that the petitioner will be a safe and responsible driver in the future.
- 3) It is also the policy of the Secretary of State that a complete and accurate alcohol/drug use history is essential in determining the nature and extent of a petitioner's alcohol/drug problem and that a service provider's classification of a petitioner's alcohol/drug problem is not credible without a complete and accurate alcohol/drug use history. Furthermore, significant discrepancies and/or inconsistencies among or between the alcohol/drug use history recited in an alcohol/drug evaluation and the petitioner's testimony at a driver's license hearing, or the other evidence admitted at a hearing, renders suspect and unreliable a service provider's classification of a petitioner's alcohol/drug problem.

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- 4) The use of breath alcohol ignition interlock device (BAIID) pursuant to the provisions of this Subpart D is an effective tool to prevent individuals from operating a motor vehicle after consuming alcohol. When a BAIID registers a violation showing a permittee who has been issued a monitoring device driving permit or a restricted driving permit that requires the use of a BAIID has attempted to start a vehicle after consuming alcohol, that violation is proof the permittee continues to require the use of a BAIID. Therefore, BAIID violations that indicate the consumption of alcohol should never serve as the sole basis for cancelling or revoking a permit, which would result in the removal of the BAIID from the permittee's vehicle.
- 5) This ~~Finally, this~~ Subpart D is to be read, interpreted, and applied as an integrated whole. Therefore, it is insufficient to a determination of whether a petitioner's alcohol/drug problem has been resolved and whether the petitioner will be a safe and responsible driver for a petitioner to prove the successful completion or accomplishment of only some or part of the requirements of the classification of his/her alcohol/drug use. Primarily, proof of long-term abstinence from the use of alcohol/drugs is insufficient to obtain driving relief without the successful completion or accomplishment of the other requirements of the classification of a petitioner's alcohol/drug use. To do so would allow for the arbitrary application of this Subpart D.

(Source: Amended at 44 Ill. Reg. 14243, effective August 19, 2020)

**Section 1001.440 Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations**

- a) Documents/Evidence Required. Except as provided in subsection (a)(1), in any application for reinstatement, an RDP, or the termination of an order of cancellation at a show cause hearing, all petitioners must submit an alcohol and drug evaluation and, where required, evidence of successful completion of an alcohol and drug-related driver risk education course and/or evidence of successful completion of early intervention, treatment or proof of adequate rehabilitative progress. These requirements apply to MDDP offenders whose permits are cancelled and who apply for an RDP pursuant to IVC Section 6-206.1(1) and Section 1001.444(a) of this Part.

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- 1) An alcohol and drug evaluation and the evidence of successful completion of early intervention or treatment submitted by a resident of Illinois must have been conducted by an individual or an agency licensed by DASA. An alcohol or drug-related driver risk education course completed by an Illinois resident must have been provided by an individual or agency licensed by DASA. (See 77 Ill. Adm. Code 2060.201.) Exceptions to these requirements will be allowed in the following cases:
  - A) If the petitioner is currently and has been temporarily residing outside the State of Illinois (except as provided in Section 1001.100(a)(2)), then the evaluation, early intervention, treatment, and driver risk education course may be provided by an individual or agency accredited by the state in which the individual or agency operates;
  - B) If the petitioner currently resides in Illinois but received treatment for alcohol or drug abuse or dependence from a treatment program located outside the State of Illinois that has been appropriately accredited by the state in which it operates, then the petitioner may document the successful completion of that treatment in the manner provided by subsection (m). However, the petitioner's evaluation and driver risk education course must be provided by an individual or agency licensed by DASA; or
  - C) If the petitioner successfully completed, after his or her most recent arrest for DUI, a High Risk treatment program provided by an individual or agency licensed by DASA.
- 2) Out-of-state Petitioners. If the petitioner is a resident of another state at the time he or she files a petition for reinstatement of Illinois driving privileges and is, therefore, applying as an out-of-state resident pursuant to Section 1001.100(b), he/she may submit an evaluation, evidence of successful completion of an alcohol and drug-related driver risk education course and/or evidence of successful completion of treatment or proof of adequate rehabilitative progress from the state in which he/she resides or from any other state, so long as the agency or individual therapist that provides these services has been appropriately accredited by the state in which it operates.

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- 3) Choice of Programs. The choice of these programs is within the discretion of the petitioner. The evidence submitted must be printed, although the evaluator may testify at any hearing.
- 4) Evaluation Standards. The alcohol and drug evaluation (Uniform Report), as defined in Section 1001.410, must conform to all current standards for an evaluation set by DASA, where applicable, and/or to all current Secretary of State requirements set forth in this Subpart D. (See 77 Ill. Adm. Code 2060.503.) The evaluation must be signed and dated by both petitioner and evaluator. The evaluation must include a recitation of: the petitioner's alcohol/drug use history, from first use to present use; all DUI dispositions, as defined in Section 1001.410, including any out-of-state DUI disposition, regardless of whether the offense has been recorded to the offender's Illinois driving record; any arrests or implied consent suspensions for boating or snowmobiling under the influence that occurred within the last 5 years (as of the date of the hearing); a referral to early intervention or treatment, or a referral to a treatment provider for the purpose of conducting a Treatment Needs Assessment (see Section 1001.440(b)(7)); and the petitioner's alcohol/drug-related criminal convictions, as defined in Section 1001.410. The alcohol/drug use history must be recited in either the body of the evaluation or in an attachment to the evaluation. The attachment must include the evaluator's signature, the date it was composed, and the name of the agency or program that is providing the evaluation.
- 5) Driver Risk Education Course. The alcohol and drug-related driver risk education course must, at a minimum, conform to the standards for alcohol/drug driver risk education courses set by DASA. (See 77 Ill. Adm. Code 2060.505.) Any alcohol or drug related driver risk education course required by this Part must be completed after the date of the most recent arrest for DUI, BUI or SUI.
- 6) Evaluation Must Be Current. The alcohol and drug evaluation must be current, which is defined as having been completed within 6 months prior to the date of the hearing.
  - A) Update Evaluation. An update evaluation shall be conducted only by means of an in-person interview and only by the same program that conducted the original evaluation. Exceptions to the latter

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requirement will be allowed under the following circumstances:

- i) **Transfer of File.** If the petitioner's evaluation or treatment file or copies of all evaluation or treatment file material are transferred to another evaluation or treatment program that prepares the update. The program that conducts the update evaluation should explain, either in a separate cover letter or in the body of the update evaluation, how, when and why the petitioner's file was transferred to it. The transfer will be considered acceptable only if the original evaluating program can no longer provide evaluation services for reasons such as a suspended or revoked license or voluntarily terminating evaluation business operations, or if an individual service provider leaves the program that conducted the original Uniform Report and the petitioner wishes to continue receiving services from that individual, or if the petitioner relocates to another part of the state. In the latter case, the petitioner carries the burden of proving that he or she relocated at least 50 miles from the original service provider's nearest location. When transferring a file, the sending program shall not allow it to be delivered by the petitioner to the receiving agency. If an update cannot be obtained by reviewing the original case file information, another original evaluation must be submitted.
- ii) **Treatment Provider Who Can Perform Update Evaluations.** If the petitioner completes primary treatment recommended as a result of the most recent alcohol and drug evaluation, the program providing the treatment may prepare any subsequent update evaluation from its own case file information without obtaining the information from the evaluating program that made the treatment recommendation. Furthermore, a chronological alcohol/drug use history may be prepared by the program that provided the treatment, when one is requested by the petitioner, the Secretary or a hearing officer in a decision entered as a result of a formal or informal hearing, to be submitted as part of the petitioner's evidence at his/her next hearing. A treatment provider may not conduct the update

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evaluation if the only service it provided was early intervention or if it waives treatment, unless the petitioner's case file has been transferred to it.

- B) Update Evaluation – Content. An Illinois and out-of-state update evaluation shall report, at a minimum and when applicable, the following: a description of alcohol/drug use and/or abuse covering the time since the last evaluation or update; the facts of any arrest or citation for a traffic or criminal offense that is, in any way, alcohol/drug-related; any impairment of significant life areas, any symptoms of alcohol/drug abuse or alcohol/drug-related problems since the last evaluation or update; any current significant physical, medical, emotional/mental health problem and participation in, and/or completion of, any early intervention or treatment for that problem; whether the petitioner is taking any prescription medication that, when taken alone or in combination with alcohol or other drugs, might impair driving ability; any significant life style changes since the previous evaluation; the petitioner's current peer group and most important recreational activities; the petitioner's intent regarding future of alcohol/drug use; if the petitioner is classified as High Risk-Dependent, identification of the petitioner's support group and the evaluator's assessment of its effectiveness and sufficiency; a response to the issues raised at the petitioner's most recent hearing for driving relief and an assessment of whether additional treatment is warranted; the evaluator's previous and current alcohol/drug-use classification of the petitioner; any current recommendations and the rationale for those recommendations; and an indication of whether the petitioner has completed all prior recommendations. If the petitioner's Uniform Report did not include the alcohol/drug use history required by subsection (a)(4), then it may be provided in an update evaluation. The update evaluation must be corroborated by an interview with a family member or significant other. The information obtained must be summarized and the evaluator should indicate whether it corroborates the data provided by the petitioner. The update evaluation must be printed, on a form provided by the Department, and verified by the evaluator. (See subsection (a)(1) of this Section.)

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- i) Any update evaluation that reclassifies a petitioner to or within a Moderate, Significant or High Risk classification shall include a referral to a treatment provider for the purpose of determining the need, if any, for additional rehabilitative activity. Any waiver of additional rehabilitative activity by the treatment provider must be in writing and include the rationale for the waiver. Any recommendation for additional rehabilitative activity must be complied with before relief will be granted.
  - ii) A petitioner may not submit an update evaluation if the Uniform Report being updated does not discuss the most recent DUI disposition. In such case the petitioner must submit a Uniform Report.
  - iii) An update evaluation may not reclassify a petitioner from a previous classification unless the evaluator believes that the previous classification was improper or in error and justifies and explains in detail why the previous classification was improper or in error and why the new classification is proper and appropriate.
- C) Out-of-state Evaluation – Content Requirement. An out-of-state alcohol and drug evaluation shall report, at a minimum and when applicable, the following: a complete alcohol and drug use history, from first use to present use, including a recitation of any symptoms of alcohol/drug abuse or alcohol/drug-related problems experienced by the petitioner throughout his/her alcohol/drug use history; whether there is any history of alcoholism or drug addiction in the petitioner's immediate family; whether the petitioner has a history of treatment for alcohol/drug abuse; any current significant physical, medical, emotional/mental health problem and participation in, and/or completion of, any treatment for that problem; whether the petitioner is taking any prescription medication that, when taken alone or in combination with alcohol or other drugs, might impair driving ability; a detailed discussion of the petitioner's most recent arrest for DUI; a history of any alcohol and drug-related offenses (including all DUI dispositions, regardless of where the offense occurred or whether it has been

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recorded to the offender's Illinois driving record); a current alcohol/drug use classification of the petitioner and the rationale for that classification; any recommendations and the rationale for such recommendations. The evaluation must be corroborated by an interview with a significant other and by the administration of an objective test. The information obtained must be summarized and the evaluator should indicate whether it corroborates the data provided by the petitioner. The evaluation must be verified by the evaluator. The individual or agency that completes the evaluation must be properly accredited or licensed in the state in which the individual or agency operates.

- D) Investigative Evaluation – Content. An Illinois and Out-of-State investigative alcohol and drug evaluation shall report, at a minimum and when applicable, the following: a complete alcohol and drug use history, from first use to present use, including a recitation of any symptoms of alcohol/drug abuse or alcohol/drug-related problems experienced by the petitioner throughout his/her alcohol/drug use history; whether there is any history of alcoholism or drug addiction in the petitioner's immediate family; whether the petitioner has a history of treatment for alcohol/drug abuse; any current significant physical, medical, emotional/mental health problem and participation in, and/or completion of, any treatment for that problem; whether the petitioner is taking any prescription medication that, when taken alone or in combination with alcohol or other drugs, might impair driving ability; a response to the issues raised at the petitioner's most recent hearing for driving relief and an assessment of whether additional treatment is warranted; a history of alcohol and drug-related driving, boating, snowmobiling, and criminal offenses (including all DUI dispositions, regardless of where the offense occurred or whether it has been recorded to the offender's Illinois driving record); a clinical impression of what the evaluation data indicates and the rationale for that conclusion; any recommendations and the rationale for such recommendations. The evaluation must be corroborated by an interview with a significant other and by the administration of an objective test. The information must be summarized and the evaluator should indicate whether it corroborates the data provided

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by the petitioner. The evaluation must be printed, on a form provided by the Department, and verified by the evaluator. The program that completes the evaluation must meet the same standards as programs qualified to prepare Uniform Reports. (See subsection (a)(1).)

- E) Circumstances When an Update of an Investigative Evaluation is Required. If the evaluator recommends any rehabilitative activity after conducting an Investigative Evaluation, the petitioner must submit an update evaluation, as provided in this Subpart D, until the petitioner's driving privileges are reinstated. If the evaluator concludes that the petitioner does not need any rehabilitative activity (i.e., a driver risk education course, early intervention, or treatment for alcohol/drug abuse), and the Secretary accepts this conclusion, then the petitioner is not required to submit an update evaluation at future hearings (assuming that there are no intervening alcohol/drug-related arrests or incidents that might cause the Secretary to question this conclusion).
- F) Circumstances When an Update Evaluation is Not Required.
- i) Petitioners classified at High Risk Dependent who have driven successfully on a restricted driving permit for at least 3 years after submitting an original evaluation are not required to provide an update evaluation if:
- i) the petitioner files for an extension or revision of the RDP, an additional RDP, or for another hearing during the term of the current RDP; or
  - ii) the current RDP is expired for no more than 30 days at the time the petitioner files for an extension or revision of the RDP, an additional RDP, or for another hearing. All other documentation required by this Subpart D must be submitted.
- ii) For purposes of this subsection (a)(6)(F), a petitioner is not deemed to have successfully driven on a restricted driving permit if the petitioner is a BAID permittee whose monitor

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reports reflect the use of alcohol.

- b) Burden of Proof. Before any driving relief will be granted, the petitioner must prove by clear and convincing evidence: that he/she does not have a current problem with alcohol or other drugs; that he/she is a low or minimal risk to repeat his/her past abusive behaviors and the operation of a motor vehicle while under the influence of alcohol or other drugs; and that he/she has complied with all other standards as specified in this Subpart D. If the evidence establishes that the petitioner has had an alcohol/drug problem, the petitioner must also prove that the problem has been resolved. Notwithstanding the foregoing, the renewal of a permit issued to a petitioner that is classified as High Risk Dependent shall not be denied based on evidence including, but not limited to, BAIID violations, that indicate a petitioner is not abstinent.
- 1) Minimal Risk. Petitioners whose use of alcohol/drugs has been classified under this Section as Minimal Risk must document successful completion of a 10 hour alcohol/drug driver risk education course by submission of a document that reflects the completion of the requirements contained in 77 Ill. Adm. Code 2060.505. The driver risk education course cannot be waived, except as provided in subsection (a)(1)(C).
  - 2) Moderate Risk. Petitioners whose use of alcohol/drugs has been classified under this Section as Moderate Risk must document successful completion of an alcohol/drug driver risk education course as specified in subsection (b)(1) and the early intervention and any additional treatment recommended by the evaluator or other qualified professional recommended on referral by the evaluator. The driver risk education course cannot be waived, except as provided in subsection (a)(1)(C). The early intervention and/or treatment must be provided by an individual or agency licensed to provide those services by DASA or the Department of Public Health, or an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates.
  - 3) Significant Risk. Petitioners whose use of alcohol/drugs has been classified under this Section as Significant Risk must document successful completion of an alcohol/drug driver risk education course as specified in

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subsection (b)(1) and the treatment recommended by the evaluator or other qualified professional recommended on referral by the evaluator. The driver risk education course cannot be waived, except as provided in subsection (a)(1)(C). The treatment must be provided by an individual or agency licensed to provide those treatments by DASA or the Department of Public Health, or an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates.

- 4) High Risk Dependent. Petitioners classified under this Section as High Risk Dependent must document abstinence as required in subsection (e); the completion of treatment provided by a facility or facilitator licensed by DASA or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates; the establishment of an ongoing support/recovery program; and compliance with any additional recommendations of his/her evaluator or treatment provider.  
Notwithstanding the foregoing, the renewal of a permit issued to a petitioner that is classified as High Risk Dependent shall not be denied based on BAIID violations that indicate the petitioner is not abstinent.
- 5) High Risk Nondependent. Petitioners classified under this Section as High Risk Nondependent must document: non-problematic use as provided in subsection (f); treatment provided by a facility or facilitator licensed by DASA or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates; compliance with any additional recommendations of his/her evaluator or treatment provider, including abstinence; and a detailed explanation by the treatment provider as to why dependency was ruled out. The failure of a petitioner to submit the "detailed explanation" is sufficient grounds, in and of itself, to deny the petition for driving relief. The explanation should focus on the most recent offense.

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- 6) Investigative Evaluation. Petitioners who obtain an investigative alcohol/drug evaluation must document the completion of any recommended intervention or treatment provided by a facility or facilitator licensed by DASA or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates. If found to be chemically dependent, then the petitioner must prove abstinence as required in subsection (e) and the establishment of an ongoing support/recovery program, and compliance with any additional recommendations of his/her evaluator or treatment provider. Furthermore, if rehabilitative activity (i.e., a driver risk education course, intervention, or treatment for alcohol/drug abuse) is recommended, then the petitioner must submit an update evaluation, as provided in this Subpart D, until the petitioner's driving privileges are reinstated.
  
- 7) Treatment Waiver Required – Documentation of Most Recent Treatment. In the event that a treatment provider does not require an individual classified Moderate, Significant or High Risk to complete at least the minimum amount and type of early intervention or treatment specified by DASA, the treatment provider must supply the Department with a detailed explanation of the rationale for that decision. The driver risk education course cannot be waived, except as provided in subsection (a)(1)(C). In the course of assessing whether to waive early intervention or treatment, the treatment provider should attempt to obtain documentation of a petitioner's most recent treatment experience and incorporate the information in this assessment if: the treatment provider contends that the petitioner's alcohol/drug use classification should be changed to a lower risk classification, or the documentation states that the petitioner's prognosis at the time of discharge was guarded. The treatment provider should be prepared to explain the reasons for not obtaining this documentation and to provide written verification that the documentation is not available. The Secretary reserves the discretion to reject a waiver of treatment if the hearing officer is able to articulate specific reasons to doubt its validity.

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- 8) Treatment Needs Assessment Required; Documentation of Most Recent Treatment. Whenever a service provider conducts and composes a Uniform Report, it is required to refer the petitioner to a treatment provider for an assessment of whether intervention or treatment for alcohol/drug abuse is warranted, pursuant to DASA rules at 77 Ill. Adm. Code Section 2060.503(h). The petitioner must provide a Treatment Needs Assessment whenever another Uniform Report is composed, regardless of whether the petitioner successfully completed intervention or treatment after the previous Uniform Report, in order to inform the Secretary whether additional intervention or treatment is warranted as a result of the information obtained during the course of the subsequent Uniform Report. The Treatment Needs Assessment shall be composed on the treatment provider's letterhead stationery or incorporated into the "Treatment Verification" form composed, published and distributed by the Department. If composed on stationery, then the Treatment Needs Assessment must be signed and dated by the counselor responsible for the assessment.
- A) The Treatment Needs Assessment must be provided by a licensed treatment provider regardless of whether the petitioner has committed any traffic or criminal offense that mandates the composition of a Uniform Report.
- B) In the course of conducting the Treatment Needs Assessment, the treatment provider should attempt to obtain documentation of a petitioner's most recent treatment experience and incorporate the information in this assessment, along with the petitioner's conduct since that treatment experience, in the provider's findings and conclusions. The treatment provider should be prepared to explain the reasons for not obtaining this documentation and to provide written verification that the documentation is not available.
- 9) BAIID Violations. BAIID violations that indicate the consumptions of alcohol shall not serve as a sole basis for not renewing, cancelling or revoking a permit.
- c) Rebuttable Presumption. The presence of more than one DUI disposition on a petitioner's abstract shall create a rebuttable presumption that the petitioner suffers from a current alcohol/drug problem and should, therefore, be classified at

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least Significant Risk.

- d) Evidence Considered. Evidence which shall be considered in determining whether the petitioner has met his/her burden of proof and has overcome the presumption of a current alcohol/drug problem includes, but is not limited to, the following, where applicable:
- 1) The factors enumerated in Section 1001.430(c);
  - 2) The similarity of circumstances between alcohol or drug-related arrests;
  - 3) Any property damage or personal injury caused by the petitioner while driving under the influence;
  - 4) Changes in life style and alcohol/drug use patterns following alcohol/drug-related arrest, and the reasons for the change;
  - 5) The chronological relationship of alcohol/drug-related arrests;
  - 6) Length of alcohol/drug abuse pattern;
  - 7) Degree of self-acceptance of alcohol/drug problem;
  - 8) Degree of involvement in or successful completion of prior treatment/intervention recommendations following alcohol/drug related arrests and in a support/recovery program;
  - 9) Prior relapses from attempted abstinence, [except that BAIID violations that indicate the consumption of alcohol shall not serve as the sole basis for not renewing, cancelling or revoking a permit](#);
  - 10) Identification, treatment and resolution of the cause of the high risk behavior of any petitioner classified High Risk Nondependent;
  - 11) The problems, pressures and/or external forces alleged to have precipitated the petitioner's abuse of alcohol or other drugs on the occasion of each alcohol/drug-related arrest, and the present status of the same, particularly whether they have been satisfactorily resolved;

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- 12) The petitioner's explanation for his/her multiple arrests and/or convictions for offenses involving alcohol/drugs, particularly for allowing the second and subsequent arrests/convictions to occur;
- 13) In out-of-state petitions, the evaluator's rationale for classifying a petitioner with multiple DUI dispositions as a Minimal or Moderate Risk. In these cases it is particularly important that the evaluator's classification be based on complete and accurate information;
- 14) The petitioner's criminal history, particularly drug offenses or offenses that in any way involved alcohol/drugs;
- 15) The petitioner's chemical test results of the petitioner's blood, breath or urine from all previous arrests or all previous alcohol/drug-related offenses (not just traffic offenses) in addition to the chemical test results of the most recent arrest;
- 16) The extent to which, in terms of completeness and thoroughness, a petitioner and his/her service providers have addressed every issue raised by the hearing officers in previous hearings;
- 17) It is particularly important that the evaluator's classification be based on complete, accurate and consistent information, especially all of the petitioner's DUI arrests and BAC test results. The probative value of evaluations that deviate from this standard will be diminished. The degree to which their probative value will be diminished will depend upon the degree to which the evaluation deviates from this standard and the standards imposed by DASA;
- 18) The petitioner's record of performance while driving with an interlock device and his/her record of compliance with the terms and conditions of the breath alcohol ignition interlock device program or the monitoring device driving permit program. ~~An isolated BAIID violation indicating consumption of alcohol may not be the sole basis for denying driving relief, unless the petitioner is classified as High Risk Dependent, and the violation occurred less than 6 months before the date of the hearing;~~
- 19) Written or verbal statements from members of the public, including crime victims as defined in the Code of Criminal Procedure [725 ILCS 120/3] or

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family members of victims of offenses committed by a petitioner, so long as the statement is relevant to the issues at the hearing;

- 20) The service provider's clinical rationale or justification for changing the classification of a petitioner's alcohol/drug use, or for giving a classification that is different than that given in other evaluation or treatment documents or by other service providers;
- 21) The treatment provider's explanation for failing to obtain, when requested, documentation of the petitioner's most recent treatment;
- 22) Whether the petitioner has been incarcerated and was recently released after an extended period of incarceration and whether the petitioner participated in any rehabilitative activity during his or her incarceration.

e) Documentation of Abstinence

- 1) Petitioners classified as High Risk Dependent, or any other petitioner with a recommendation of abstinence by a DASA licensed evaluator or treatment provider, must have a minimum of 12 consecutive months of documented abstinence, except as provided in subsections (e)(3), ~~(4)~~ and ~~(7)(4)~~, in regard to opiate substitution, ~~and~~ medical cannabis programs, and BAIID permittees. This means that the petitioner must be abstinent from alcohol and all controlled substances, legal and illegal, unless the drug is prescribed by a physician, and regardless of whether alcohol or another drug was the petitioner's drug of choice when using. Abstinence that occurs during a period of extended incarceration is not favored, unless petitioner took proactive steps to rehabilitate himself or herself while incarcerated, as it occurs in a controlled environment. Documentation of abstinence must be received from at least 3 independent sources. The sources should not be fellow members of a support group unless those members have regular and frequent contact with the petitioner outside the group meetings. The hearing officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Letters or witness testimony establishing abstinence should contain, at a minimum, the following:
  - A) The person's relationship to petitioner (friend, family member,

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fellow employee, etc.).

- B) How long the person has known the petitioner.
  - C) How often the person sees the petitioner (daily, weekly, monthly, etc.).
  - D) How long the person knows the petitioner has abstained.
  - E) Each letter must be dated and signed by its authors. All letters must be submitted in their original form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer. The petitioner's failure to maintain strict compliance with these requirements shall not be the sole basis for withdrawing from a hearing or denying relief.
- 2) Petitioners who are classified as Significant Risk or High Risk Non-Dependent and who are required by IVC Sections 6-205(a)(1.5) and 6-206(c)(3)(F) to prove 3 years of uninterrupted abstinence in order to obtain an RDP may prove that this abstinence occurred during any period of time after the most recent arrest for driving under the influence. Petitioners who are classified as High Risk Dependent who are required to prove 3 years of uninterrupted abstinence by IVC Sections 6-205(a)(1.5) and 6-206(c)(3)(F) in order to obtain an RDP must prove that their period of abstinence began after the most recent arrest for driving under the influence. They must also prove that they have been abstinent for the 3 years immediately prior to their hearing. Proof of abstinence must comply with the requirements of subsection (e)(1).
  - 3) Waivers of the rule requiring 12 months of abstinence are discretionary when considering an RDP but shall not be granted unless the petitioner proves at least 6 months continuous abstinence at the time of the hearing, [except as provided in subsection \(e\)\(7\)](#).
  - 4) Opiate Substitution Programs. Petitioners who are able to document that they are involved in a long-term opiate substitution program, such as

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methadone maintenance, are not required to prove abstinence from the substitute drug that has been prescribed to them in order to obtain driving relief. Rather, they must prove that they have been stable in the program for at least one year. Their documentation must include a letter from their primary counselor and their attending physician that describes the nature of the program, the petitioner's progress and status in the program, the petitioner's prognosis for success and how much longer the petitioner will remain in the program and on the prescribed substitute drug. The petitioner must satisfy the other requirements of this Subpart D, including abstinence from alcohol and all other drugs, in order to obtain driving relief.

- 5) Use of Medical Cannabis. Petitioners who are able to document that they have been prescribed what is defined and authorized as "medical cannabis" in the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act are not required to prove abstinence from the cannabis that has been prescribed to them in order to obtain driving relief. Rather, they must prove that they have been stable in the program for at least one year. Their documentation must include a letter from their primary counselors and their attending physician that describes the condition or illness for which the cannabis is used, the petitioner's progress and status in the program, the petitioner's prognosis and how long the physician anticipates that the petitioner will remain in the program and on the prescribed cannabis. The petitioner must satisfy the other requirements of this Subpart D, including abstinence from alcohol and all other drugs, in order to obtain driving relief.
- 6) Consumption of "Near-Alcoholic" Beverages. The consumption of "near-alcoholic" beverages does not violate the rule requiring abstinence. However, this conduct is a valid subject to be considered in determining the ultimate issue of whether the petitioner has met his/her burden of proving that he or she will be a safe and responsible driver. The Secretary will consider the petitioner's motivation for consuming near-alcoholic beverages, the circumstances under which they are consumed (when, where, why, with whom and how often), the strength of his or her support system, the petitioner's degree of acceptance of his or her alcoholism/chemical dependency, and whether near-alcoholic beverages were ever used in the past (and whether this use occurred before or after

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the commission of a DUI). The petitioner carries the burden of proving that the use of near-alcoholic beverages is not a matter of concern.

7) When considering the renewal of an RDP for a petitioner classified as High Risk Dependent who currently utilizes a BAIID, the petitioner shall not be denied relief solely because the petitioner has failed to maintain abstinence.

f) Documentation of Non-Problematic Use

- 1) Petitioners classified as High Risk Nondependent must demonstrate at least 12 consecutive months of non-problematic alcohol use, or abstinence, and abstinence from the use of illegal drugs. This evidence must be submitted from at least 3 independent sources and generally comply with the standards set forth in subsection (e).
- 2) Waivers are discretionary when considering an RDP, but shall not be granted unless the petitioner demonstrates at least 6 months of non-problematic alcohol use, or abstinence, and abstinence from the use of illegal drugs.

g) Documentation of Support/Recovery Program

- 1) If the petitioner has been attending a support/recovery program, the petitioner must present at least 3 dated and signed letters or witness testimony from fellow support/recovery program members documenting at a minimum the following:
  - A) How long the person has known the petitioner;
  - B) How long the person knows that the petitioner has attended the program;
  - C) How often the petitioner attends the program.
- 2) The hearing officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Each letter must be dated and signed by its authors. All letters must be submitted in their original

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form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer. The petitioner's failure to maintain strict compliance with these requirements shall not be the sole basis for withdrawing from a hearing or denying relief.

- h) Internet Support/Recovery Programs. A petitioner's participation in internet Alcoholics Anonymous, Narcotics Anonymous or other support/recovery program "chat rooms" or any other support/recovery program services available over the internet may be an acceptable substitute for the regular attendance of meetings in person. The factors to be considered by the hearing officer and the Secretary in evaluating the effectiveness and probative value of this form of support include, but are not limited to, the following: the petitioner's reasons for not attending meetings in person; the petitioner's alcohol/drug use history and history of relapse; the length of the petitioner's abstinence at the time of the hearing; the proximity of A.A. and N.A. meetings to the petitioner's residence and workplace; the petitioner's physical/medical condition, as it affects his/her ability to travel; the availability of public and private transportation to meetings; whether the petitioner has attended meetings in person in the past, and the length of that attendance; whether the petitioner's evaluator and treatment provider are aware and approve of the petitioner's participation in this form of support; the extent of the petitioner's knowledge of, commitment to, and involvement in the program; the extent of the petitioner's knowledge of the disease process of alcoholism/chemical dependence; the extent of the petitioner's acceptance of his/her alcoholism/chemical dependence. The participation in internet support/recovery program chat rooms is not favored by the Secretary of State. Therefore, substantial documentation and testimony regarding this method of support is required in order for the petitioner to carry his/her burden of proof on this issue, including identification of the specific websites that the petitioner uses and verification of the petitioner's participation by chat room members.
- i) Non-Traditional Support/Recovery Programs
- 1) If the petitioner's support/recovery program does not involve a structured, organized, recognized program such as A.A. or N.A., the petitioner is required to identify what that program is and explain how it works and keeps petitioner abstinent. The petitioner is required to present either

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witness testimony or written verification of the program from at least three independent sources involved in the program. If the verification is in the form of letters, those letters should be signed and dated. All such evidence must contain, at a minimum, the following:

- A) The person's relationship to the petitioner (friend, family member, fellow employee, etc.);
  - B) How long the person has known the petitioner;
  - C) How often the person sees the petitioner (daily, weekly, monthly, etc.);
  - D) How the person is involved in the petitioner's recovery program and what role the person plays in helping the petitioner abstain from alcohol/drugs;
  - E) What changes the person has seen in the petitioner since petitioner's abstinence.
- 2) The hearing officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Each letter must be dated and signed by its authors. All letters must be submitted in their original form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer.
- j) Support/Recovery Program Sponsor. If the petitioner has a support/recovery program sponsor, a letter should be obtained (or the testimony submitted) from his/her sponsor documenting the data in subsection (g)(1). The purpose of a letter or the testimony of an A.A. sponsor is to provide the Secretary with substantial detail regarding the petitioner's progress and development in the A.A. program. However, this letter or testimony can also be used to satisfy the requirements of subsection (g). The submission of a letter from a petitioner's sponsor is not mandatory, but is strongly recommended. A petitioner's failure to submit a letter from his/her sponsor is not, by itself, a sufficient basis upon which to deny driving relief.

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- k) RDP for Support/Recovery Program – Information Required. In cases in which a petitioner seeks an RDP to allow him/her to drive to support/recovery program meetings, he/she must provide specific information identifying, at a minimum, the following:
- 1) The locations of the meetings he/she wishes to attend;
  - 2) The days of the week when meetings are held at these locations;
  - 3) The hours of the day when these meetings are held.
- l) Early Intervention – Information Required. If the petitioner has undergone early intervention (Moderate Risk classification), he/she must provide a narrative summary that includes, at a minimum, the following:
- 1) The name, address and telephone number of the licensed service provider;
  - 2) The dates the petitioner began and completed early intervention, as well as the number of days or hours he/she was involved in the intervention process;
  - 3) A summary discussion of the intervention provided and its outcome, specifically, those issues that were addressed or explored and the provider's perception of what the petitioner gained from the experience and his/her ability to avoid future development of alcohol problems;
  - 4) The rationale for any modification in the early intervention requirements specified by DASA;
  - 5) The dated signature of the professional staff person providing the early intervention information; and
  - 6) The narrative summary shall be composed on the treatment provider's letterhead stationery.
- m) Treatment – Information Required. If the petitioner has had alcohol or drug related treatment, he/she must provide the information listed in this subsection (m). A petitioner is required only to submit proof of his/her most recent primary

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treatment experience.

- 1) A narrative summary that includes, at a minimum:
  - A) The name, address and telephone number of treatment center;
  - B) The date the petitioner entered primary treatment and the date the petitioner was discharged from treatment; the number of days or hours the petitioner was involved in treatment; the admitting and discharge diagnosis;
  - C) The type of treatment received (e.g., outpatient, intensive outpatient or inpatient treatment; individual or group therapy);
  - D) A clinical impression or prognosis of either a Moderate or Significant Risk petitioner's ability to maintain a non-problematic pattern, or a High Risk petitioner's ability to maintain a stable recovery where applicable. Specifically, the treatment provider's perception of what the petitioner gained from the treatment experience and whether the experience was sufficient to substantially minimize the possibility of a recurrence of alcohol/drug related problems;
  - E) Any recommendations for continuing care or follow-up support, and an indication of the petitioner's participation, if applicable;
  - F) The rationale for any modification in the treatment requirements specified by DASA;
  - G) The dated signature of the professional staff person providing the treatment information.
- 2) Copies of the following documents required by DASA:
  - A) Individualized Treatment Plan. (See 77 Ill. Adm. Code 2060.421.)
  - B) Discharge Summary and Continuing Care Plan. (See 77 Ill. Adm. Code 2060.427.)

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- 3) A current status report regarding the petitioner's involvement in continuing care. The Continuing Care Status Report must discuss the petitioner's level of progress in completing follow-up activities outlined in the Continuing Care Plan. It may be composed by either the evaluator or the treatment provider, and shall be composed on the letterhead stationery of the agency or individual who authored the report. If continuing care has been completed, a final summary report must be provided that discusses the petitioner's progress throughout the course of completing all follow-up activities detailed in the Continuing Care Plan. If continuing care has been determined to be unnecessary, a report must be provided that discusses the clinical rationale for that decision. This waiver may be composed only by the treatment provider.
  - 4) The Department reserves the discretion to require a petitioner to submit a Treatment Needs Assessment or a waiver of treatment as a consequence of a petitioner being unable to provide documentation of treatment. If the petitioner and his/her evaluator or treatment provider are unable to provide the required information or treatment documents, they must provide documentary evidence of their attempts to obtain the information and the reason for its unavailability.
  - 5) The information required in subsection (m)(1) should be provided in the "Treatment Verification" form composed, published and distributed to treatment providers as a courtesy by the Department. However, a petitioner's failure to submit a Treatment Verification form is not a sufficient basis, in and of itself, to deny driving relief, so long as the information required in subsection (m)(1) is submitted in some other format or in the other documents required to be submitted.
- n) Evaluation Written for Court. If a petitioner presents an alcohol/drug evaluation that was obtained for the purpose of being sentenced on a DUI charge or some other traffic or criminal offense, that evaluation must meet the requirements of this Section in order to be accepted by the Secretary of State.
  - o) Out-of-state Petitioners – Evaluation Not Required. An out-of-state petitioner whose last DUI disposition occurred more than 15 years prior to the filing date of the current petition for driving relief may be excused from the requirement of an evaluation if the petitioner is able to satisfy the requirements of Section 1001.430(1).

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(Source: Amended at 44 Ill. Reg. 14243, effective August 19, 2020)

**Section 1001.441 Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs**

- a) BAIID Required for RDP; Fee Required
  - 1) The issuance of RDPs to a BAIID petitioner shall be conditioned upon the use of a Breath Alcohol Ignition Interlock Device (BAIID), as required by IVC Sections 6-205, 6-206 and/or 11-501.01. As provided in these Sections, a BAIID petitioner must pay a non-refundable fee of \$30 per month on an annual basis, for a total annual payment of \$360. This total annual payment must be paid in advance and prior to the issuance of any permit. Payment must be submitted in the form of a money order, check, or a credit card charge (with a pre-approved card), made payable to the Secretary of State.
  - 2) A BAIID petitioner who is renewing an RDP and who also is eligible for the reinstatement of driving privileges less than 12 months from the date of the expiration of the current RDP at the time he/she renews the permit shall not be required to make an annual payment. If the petitioner has been scheduled for a formal hearing on a petition for reinstatement at the time of renewal, then petitioner shall pay the above-referenced fee in an amount equal to the number of months between the date of renewal and date of the hearing, plus an additional 3 months (not to exceed 12 months), times \$30. If the petitioner does not have a formal hearing on a petition for reinstatement scheduled at the time of renewal, then the fee shall be paid for 9 months. If, however, the petitioner is denied reinstatement, then the petitioner must resume payment on an annual basis.
- b) Notification of BAIID Requirements. The Secretary shall notify any BAIID petitioner who requests a hearing of the procedures for obtaining a BAIID and the BAIID requirements. Notification may be accomplished in one of the following ways, though not limited thereto: informal hearing officer; phone contact; written notification, or by electronic mail.
- c) Type of Hearing Required. All hearings involving a BAIID petitioner seeking driving relief shall be formal hearings. Any renewal or modification of an RDP

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issued under this Section may be done at an informal hearing. Any hearing involving a BAIID petitioner shall be conducted as any other hearing under this Part and all other applicable standards shall apply.

- d) Petitioner Must Meet Requirements of Subpart D. The Secretary shall issue an RDP to a BAIID petitioner if, through the hearing process, the petitioner is determined to meet all of the requirements of this Subpart D and installs and utilizes a BAIID in all motor vehicles operated, by the BAIID petitioner and, where applicable, all motor vehicles owned by the BAIID petitioner as required by the RDP issued under this Subpart D. BAIIDs shall not be installed on, nor shall BAIID permittees operate motorcycles, motor driven cycles or commercial motor vehicles requiring a commercial driver's license.
- e) Hearing Officer's Responsibilities; Petitioner's Responsibilities. Prior to the taking of evidence at the hearing:
  - 1) The hearing officer shall ensure that the BAIID petitioner understands: all of the provisions and requirements of receiving a BAIID permit; that to obtain an RDP the BAIID petitioner must minimally meet all of the requirements of Section 1001.440 and install and utilize the BAIID; that a BAIID petitioner's agreement to install a BAIID or willingness to comply with the BAIID requirements does not guarantee issuance of an RDP; and that all costs associated with the BAIID are the responsibility of the BAIID petitioner; and
  - 2) The BAIID petitioner shall advise the hearing officer that he/she understands all of the provisions and conditions of the BAIID requirements and whether he/she agrees to comply with the BAIID requirements. If the BAIID petitioner is unwilling to use the BAIID, or comply with this Section, he/she shall be advised that an RDP cannot be granted.
- f) Decision. After the hearing, the hearing officer shall consider the evidence and the relief requested and make a recommendation as in any other hearing under this Part.
  - 1) If the hearing officer does not determine that the relief requested should be granted, an order denying relief shall be prepared.

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- 2) If the hearing officer determines that an RDP should be granted, an order granting an RDP shall be prepared with the additional requirement that the RDP is conditioned upon the installation and continued use of a BAIID . All RDPs issued under this Section shall require continued use of the BAIID until the driving privileges of the petitioner are reinstated.
- g) Installation of BAIID. Upon the issuance of an RDP under this Section, the Secretary shall make available a list of certified BAIID providers to the BAIID permittee. In addition to the other requirements under this Part, the BAIID permittee may operate the vehicle for 14 days from the issuance of the RDP without a BAIID installed, solely for the purpose of taking the vehicle to a BAIID provider or installer for installation of a BAIID. The permittee must be the individual who takes the vehicle to the installer to have the BAIID installed, and must have a reference image taken by the installer at the time of installation. Within 7 days from the date of the installation of the BAIID, the installer or BAIID provider must notify the Secretary that a BAIID has been installed in the vehicles designated by the BAIID permittee. Proof of installation shall be by such means as determined by the Secretary from the installer or BAIID provider. Failure to comply with these requirements will result in the denial of driving relief and the cancellation of any RDP issued.
- h) Petitioner's Responsibilities – Driving with a BAIID. Any BAIID petitioner receiving an RDP under this Section must comply with the following requirements:
  - 1) Operate only vehicles with an installed, operating BAIID certified by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the BAIID permittee as required by the RDP issued under this Section.
  - 2) Except when a BAIID has been installed that may be read remotely, take the vehicle with the BAIID installed to the BAIID provider or installer or send the appropriate portion of the BAIID to the BAIID provider or installer within the first 30 days for an initial monitor report to help the BAIID permittee learn how to correctly use the BAIID, and thereafter not longer than every 60 days for the purposes of calibration and having a monitor report of the BAIID's activity prepared and sent to the Secretary by the BAIID provider or installer.

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- 3) If a BAIID has been installed that permits the BAIID permittee to mail in a portion of the BAIID to be read and calibrated, or that allows the BAIID to be read remotely, that BAIID permittee shall be required to bring his or her vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all wiring and connections related to the BAIID may be inspected for signs of tampering or circumvention.
  - 4) Within 5 working days after any service or inspection notification, take the vehicle with the BAIID installed to the BAIID provider or installer or send the appropriate portion of the BAIID to the BAIID provider or installer, as instructed, for a monitor report.
  - 5) Maintain a journal of events recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, any problems with the BAIID and the name of the driver operating the vehicle at the time of the event. If BAIIDs have been installed on multiple vehicles pursuant to Section 1001.443, a separate journal must be kept for each vehicle, recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, any problems with the BAIID, and the name of the driver operating the vehicle at the time of the event.
  - 6) Ensure that the BAIID camera is aimed, and the person using the BAIID is situated, so that the camera captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID.
  - 7) Shall not have a BAIID removed or deinstalled from the BAIID permittee's vehicle prior to notifying the Secretary and surrendering the RDP to the Secretary or the Secretary's designee.
- i) Review of Monitor Reports; Sanctions for Failure to Comply. Upon receipt or nonreceipt of monitor reports, the Secretary shall review them and take the action specified in this subsection (i). Failure of the BAIID permittee to comply with the requirements of this Subpart D shall be made part of the BAIID permittee's record of performance to be considered at future formal hearings.
- 1) For any BAIID permittee whose monitor reports show 10 or more

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unsuccessful attempts to start the vehicle, or a failure to successfully complete a running retest, during the initial monitor period, the Secretary shall send a warning letter to the BAIID permittee indicating that future unsuccessful attempts to start the vehicle or failure to successfully complete a running retest will result in the Secretary sending a letter to the BAIID permittee asking for an explanation of the unsuccessful attempts to start the vehicle or the failure to successfully complete a running retest;

- 2) For any BAIID permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle after the initial monitor report period, the Secretary shall send the BAIID permittee a letter asking for an explanation of the unsuccessful attempts to start the vehicle. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of the BAIID permittee's record of performance;
- 3) For any BAIID permittee whose monitor reports show a failure to successfully complete a running retest, after the initial monitor report period, the Secretary shall send the BAIID permittee a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of the BAIID permittee's record of performance;
- 4) For any BAIID permittee whose monitor reports show a BrAC reading of 0.05 or more or a pattern of BrAC readings consistent with the use of alcoholic beverages, regardless of any other provision contained in this Section, there shall arise a rebuttable presumption that the BAIID permittee consumed alcoholic beverages. ~~The presumption may result in the cancellation of the RDP if the BAIID permittee is required to abstain from alcohol/drugs (whose alcohol/drug use was classified at High Risk-Dependent).~~ In every case, the Secretary shall send a letter asking for an explanation of the BrAC reading or the pattern of BrAC readings consistent with the use of alcoholic beverages. If a response is received within 21 days after the date of the Secretary's letter and it reasonably

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assures the Secretary that the BAIID permittee did not consume alcoholic beverages, no further action will be taken. ~~If a response from a BAIID permittee whose alcohol/drug use was classified at High Risk-Dependent is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of the BAIID permittee's record of performance and the Secretary shall cancel the RDP and authorize the immediate removal/deinstallation of any BAIID.~~ If a response from a BAIID permittee ~~whose alcohol/drug use was classified at something other than High Risk-Dependent~~ is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of the BAIID permittee's record of performance to be considered by the hearing officer at the next hearing;

- 5) For any BAIID permittee who fails a running retest, or fails to take a running retest, the Secretary shall send the BAIID permittee a letter asking for an explanation of the incident. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of the BAIID permittee's record of performance;
- 6) For any BAIID permittee whose initial monitor report or subsequent monitor reports show any tampering with or unauthorized circumvention of the BAIID, or if physical inspection by an installer shows any tampering with or unauthorized circumvention of the BAIID, the Secretary shall send the BAIID permittee a letter asking for an explanation of the tampering or unauthorized circumvention. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, then the Secretary shall immediately cancel the RDP and authorize the immediate removal/deinstallation of the BAIID.
- 7) For any BAIID permittee required to submit a letter of explanation, if a review of the images taken at the time of the violation indicates the BAIID camera was prevented from taking clear and accurate images of the individual blowing into the mouthpiece, the explanation shall

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automatically be rejected and the appropriate sanction, as set forth in this subsection (i), shall be imposed.

- 8) If review of the images captured by the BAIID indicates the camera is obstructed or the BAIID permittee or other person attempting to start the vehicle positions himself, herself or the camera in such a manner as to prevent a clear image of the face of the person blowing into the BAIID, the Secretary shall send notification to the BAIID permittee to properly adjust the camera and/or to position himself or herself in a manner that will allow for a clear image of the operator of the BAIID, and informing the permittee that the camera must not be obstructed. If, after notification is sent, a review of images captured by the BAIID discloses that the camera is still obstructed or is not taking clear images of the operator, the RDP may be cancelled.
- 9) Failure to Submit a BAIID for Monitoring in a Timely Manner. Unless notified by a BAIID provider pursuant to subsection (j)(2), all monitor reports shall be submitted to the Secretary within 67 days after the previous monitor report. If the Secretary fails to receive a BAIID permittee's monitor reports in the 67 days, the Secretary will conduct an informal inquiry (will attempt to contact the BAIID provider and permittee by telephone or e-mail) for the purpose of determining the cause for this failure. If it is determined or if it appears that the BAIID permittee failed to take in a vehicle with the BAIID for timely monitor reports or failed to send the appropriate portion of the BAIID, utilizing a traceable package delivery service, to the BAIID provider or installer for timely monitor reports, the Secretary will send a letter to the BAIID permittee stating that, if the BAIID is not taken in for a monitor report within 10 days after the date of the letter, any permits issued to the BAIID permittee will be cancelled.
- j) Immediate Cancellation of BAIID RDP. Any one of the following shall be grounds for immediate cancellation of an RDP issued under this Section:
  - 1) Any law enforcement report showing operation of a vehicle by a BAIID permittee without a BAIID as required by the RDP issued under this Section. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it, or a copy of it, along with the report, to the Secretary;

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- 2) Notification from a BAIIID provider or installer on a removal/deinstallation report form stating that the BAIIID installed in a BAIIID permittee's vehicle has been removed and/or is no longer being utilized by the permittee, as required by subsection (d), including a removal or deinstallation caused by the BAIIID permittee's failure to pay lease or rental fees owed to the BAIIID provider, unless the permittee has notified the Secretary that he or she is no longer utilizing the BAIIID and surrendered the BAIIID permit to the Secretary as required in subsection (h). This notification shall be sent to the Secretary no more than 7 days after the removal/deinstallation;
  - 3) Any law enforcement report involving a DUI ~~arrest or other law enforcement report indicating use of alcohol in violation of Subpart D~~;
- k) Hearing to Contest Cancellation of BAIIID RDP. Any BAIIID permittee whose RDP is cancelled as provided in this Section may request a hearing to contest the cancellation within 60 days from the effective date of the cancellation. The hearing will be scheduled and held on an expedited basis. The hearing will be conducted as any other formal hearing under this Part. Any BAIIID permittee whose RDP is cancelled under the provisions of this Section and who is required to abstain from alcohol/drugs (whose alcohol/drug use was classified at High Risk-Dependent) and who admits to consuming alcoholic beverages may not request a hearing to contest the cancellation.
- 1) The purpose of a hearing to contest a BAIIID cancellation is to determine whether the BAIIID Division acted in accordance with its rules, procedures and guidelines in entering the cancellation of driving privileges, based upon the evidence available to it at the time of its initial decision. If it is determined at the hearing that the BAIIID Division did not act in accordance with its rules, procedures and guidelines, the Department of Administrative Hearings will enter an Order rescinding the cancellation. If it is determined at the hearing that the BAIIID Division acted in accordance with its rules, procedures and guidelines, the Department of Administrative Hearings will enter an Order either affirming the cancellation or an Order affirming, but terminating, the cancellation. A termination will be entered when the petitioner provides additional credible evidence at the hearing regarding the petitioner's alleged violation of the rules of the BAIIID program, or that the BAIIID Division was

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misinformed or did not have all the essential facts at the time of its initial decision. The findings of fact must articulate the additional facts and circumstances cited in the Order of Termination that support the rationale for concluding that the public safety and welfare is better served by a termination.

- 2) Any BAIID permittee whose RDP is cancelled for any reason provided for in this Section, and whose cancellation was terminated after a formal hearing to contest the cancellation, is immediately eligible to petition for another formal hearing if the petitioner's RDP has expired by the time that the final order from the formal hearing has been entered. If the RDP has not expired, then a new RDP will be issued with the same expiration date as the cancelled RDP.
  - 3) Any BAIID permittee whose RDP is cancelled for any reason provided for in this Section, and whose cancellation was rescinded after a formal hearing to contest the cancellation, will be issued a new RDP with the same expiration date as the cancelled RDP. If the RDP has expired, the petitioner is immediately eligible to petition for another formal hearing.
- l) No Hearing for 90 Days After Cancellation. Any BAIID permittee whose RDP is cancelled for any reason as provided for in this Section shall not be granted another hearing for any type of driving relief for 90 days from the date of the cancellation, except to contest the cancellation as provided in subsection (k). In the event a hearing is held pursuant to subsection (k) and the cancellation is affirmed, the BAIID permittee shall not be granted another hearing for driving relief for 30 days from the date of the order affirming the cancellation.
- m) Formal Order – Content. Any formal order entered that grants the issuance of an RDP as provided for in this Section shall, in addition to all other requirements, clearly indicate the following:
- 1) That the RDP is issued conditioned upon BAIID installation and proper usage of the BAIID by the permittee; and
  - 2) That the BAIID permittee is aware of all conditions and terms of BAIID installation and proper usage of the BAIID, and he or she accepts those conditions and terms as conditions precedent to the issuance of the RDP.

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- n) RDPs – Content. Any RDPs issued as provided for in this Section shall, in addition to all other requirements, clearly indicate:
- 1) That the RDP is issued pursuant to the BAIID requirements of this Section, and that a vehicle operated by a BAIID permittee must be equipped with an installed, properly operating BAIID;
  - 2) That the provisions of the RDP also allow the BAIID permittee to drive to and from the BAIID provider or installer for the purposes of installing the BAIID within 14 days after the issuance of the RDP, or obtaining monitor reports, and any necessary servicing.
- o) Use of Monitor Reports. The Secretary shall gather all available monitor reports and images and any other information relative to the permittee's performance and compliance with the BAIID requirements under this Subpart D. The reports, images and information may be used as evidence at any administrative hearing conducted by the Secretary under this Part.
- p) Modification or Waiver of BAIID
- 1) The Secretary may make a medical or physical BAIID modification or waiver for RDPs issued under this Section. When a BAIID permittee provides a report from a physician stating the permittee is physically unable to produce an adequate breath sample to operate the BAIID, the Secretary may allow the permittee to install a BAIID that operates with a lower breath sample requirement. The Secretary may, at his or her discretion, obtain a review of the physician's report by the Secretary's Medical Advisory Board.
  - 2) When a BAIID permittee is the owner of only one vehicle, this modification may also be granted if an immediate family member who resides with the BAIID permittee must drive the vehicle and the immediate family member is unable to provide an adequate breath sample to operate the BAIID.
- q) Employment Exemption from BAIID Requirements. In determining whether a BAIID permittee is exempt from the BAIID requirements pursuant to the waiver provided for in IVC Sections 6-205 and 6-206, the following shall apply:

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- 1) The term "employer" shall not include an entity owned or controlled in whole or in part by the permittee or any member of the permittee's immediate family, unless the entity is a corporation and the permittee and the permittee's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;
  - 2) The exemption shall not apply where the employer's vehicle is assigned exclusively to the BAIID permittee or the BAIID permittee uses the vehicle for commuting to and from employment or for other personal use.
  - 3) Appropriate limits will be established for necessary on-the-job driving. The days, hours and mileage limits will not exceed those necessary for the accomplishment of the BAIID permittee's primary employment and shall be limited to a maximum of 12 hours per day and 6 days per week unless the request for increased limits is substantially documented, such as through an employer's verification of the BAIID permittee's work schedule.
  - 4) An exemption also may be granted to a BAIID permittee who can prove that his or her duties include test driving vehicles not owned by the permittee. The exemption will be limited to this purpose and to no more than a 5 mile radius from the permittee's place of employment.
  - 5) The Secretary will also inform a BAIID permittee whose employment exemption is terminated that he or she remains eligible to have an interlock BAIID installed in his or her personal vehicle and the employer's vehicle without a hearing. Failure to have the BAIID installed by the date designated by the Secretary will result in the termination of the BAIID permittee's RDP.
- r) Decertification of BAIID Providers and BAIID. The Secretary must notify the BAIID permittee of the decertification of a BAIID provider or the decertification of a particular type of BAIID. The BAIID permittee must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The BAIID permittee must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The BAIID permittee must complete registration with a new BAIID provider

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and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the BAIID permittee's RDP. All costs related to any change in BAIID provider or BAIID shall be paid by the BAIID permittee.

- s) **Reciprocity with Other States.** The Secretary will honor the BAIID requirements imposed by other states on Illinois drivers and drivers licensed in other states, for offenses committed in other states, and will reciprocate other states' recognition of BAIID requirements imposed by Illinois on drivers licensed in Illinois, or licensed in other states for offenses committed in Illinois.
- t) **Monitor Reports Received after Reinstatement.** If the Secretary receives a monitor report after the BAIID permittee's driving privileges have been reinstated showing a violation that would have led to reinstatement being denied, the Secretary shall cancel the driving privileges and notify the permittee of the cancellation. The permittee shall be further notified that he or she may apply to have the permit reissued, conditioned upon reinstalling the BAIID and payment of all applicable fees, unless otherwise prohibited by this Section. The Secretary shall also notify the permittee that he or she has the right to request a hearing to contest the cancellation.

(Source: Amended at 44 Ill. Reg. 14243, effective August 19, 2020)

**Section 1001.442 BAIID Provider Certification Procedures and Responsibilities;  
Certification of BAIIDs; Inspections; BAIID Installer's Responsibilities; Decertification of  
a BAIID Provider**

- a) **Certification Required to Provide BAIID Services.** No person or entity may provide BAIID services pursuant to this Subpart D unless certified as a BAIID provider by the Secretary. All certified BAIID providers must apply for recertification on an annual, calendar year basis, with applications for recertification due in the Secretary's office no later than September 1 of each year.
- b) **Who May Provide BAIID Services.** BAIID providers may be a manufacturer of BAIIDs, an authorized representative of a manufacturer of BAIIDs, an installer of BAIIDs or other business entity. Without regard to the specific business operations of the BAIID provider, all certified BAIID providers under this Section shall be responsible for insuring that all of the duties and responsibilities of a BAIID provider are carried out in accordance with this Subpart D, including, but

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not limited to, providing, distributing, installing and servicing approved BAIIDs. BAIID providers may provide these services through their own resources, through a subsidiary, or through contractual relationships with third parties.

- c) Information Required in Application for Certification. Persons or entities desiring to be certified as BAIID providers may submit an application for certification at any time. An application for certification or recertification as a BAIID provider shall include all of the following information:
- 1) The name, business address and telephone number of the applicant. If the applicant is a business entity other than a corporation, the application must include the names and addresses of the owners of the entity. If the applicant is a corporation, the application must include the names and addresses of any person or entity owning 10% or more of the outstanding shares of the corporation;
  - 2) The names, business addresses and telephone numbers, and titles of any officers, managers or supervisors of the applicant who will be involved in the provision of BAIID services;
  - 3) A description of each BAIID the applicant proposes to install, including the name and address of the manufacturer and the model of the unit, with a copy of all manuals and information guides made available to program participants. Unless the BAIID has been previously certified by the Secretary pursuant to this Section, the application must include the information necessary to obtain certification of the BAIID pursuant to this Section;
  - 4) If the applicant is not a BAIID manufacturer, the application must include proof of the applicant's right to distribute and install the particular types of BAIIDs the applicant is proposing to utilize. The proof may include a letter (composed on letterhead stationery), or a copy of a purchase, lease, rental or distribution agreement with the manufacturer;
  - 5) A detailed description of the applicant's plan for distribution, installation and service of BAIIDs in Illinois, including the names and addresses of all installers the applicant intends to use. This plan must demonstrate the applicant's ability to distribute and install BAIIDs and the ability to submit

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reports to the Secretary electronically within the time frames established by this Subpart D;

- 6) A list of all other jurisdictions/states in which the applicant currently operates or has operated, and contact information for each jurisdiction/state;
- 7) Copies of policy and procedure manuals and training manuals used regarding installer training, calibration training, calibration equipment, installation equipment, and contracts/agreements with installers;
- 8) A signed statement that the applicant agrees to provide services to program participants who have been declared indigent by the Secretary for the purposes of the BAIID program;
- 9) Proof of liability insurance. General commercial liability and/or product liability insurance, which shall include coverage for installation services, shall be maintained with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. If the applicant is not both the manufacturer and installer of the BAIID, proof of liability insurance must be provided showing coverage of both the manufacturer and the installer. If proof of separate policies for the manufacturer and installer is provided, each policy must have minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. Other commercially acceptable insurance arrangements, in the same minimum amounts, may be accepted at the discretion of the Secretary;
- 10) A statement that the applicant shall agree to indemnify and hold the State of Illinois and the Secretary, their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments, including costs, attorneys' and witnesses' fees, and expenses incident to any of these actions, relating to bodily injuries to persons (including death) and for loss or damage to, or destruction of, real and/or tangible property (including property of the State) resulting from the negligence or misconduct of the applicant, its employees, agents or contractors in the manufacture, installation, service, repair, use or removal of a BAIID or performance of any other duties required by this Section;

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- 11) Examples of images taken by the BAIID. If, in the opinion of the Secretary, the images are not clear and accurate, the Secretary may deny certification;
  - 12) Proof that the applicant is in good standing with the Illinois Secretary of State, Business Services Department.
- d) The Secretary shall notify the applicant, in writing, of his or her decision regarding the application for certification or recertification as a BAIID provider.
  - e) If an original or amended application to be certified or recertified as a BAIID provider is denied, the applicant may not reapply until 12 months have elapsed from the date of denial or the date of the final order of the hearing officer upholding the denial if the decision is reviewed in a formal administrative hearing. Prior to denying an application based on de minimis errors, including but not limited to typographical or scrivener's errors, the Secretary shall advise the applicant of the error and provide the applicant 14 business days to correct the error.
  - f) In deciding whether to grant or deny an application, the Secretary may take into consideration the applicant's past performance in Illinois and other jurisdictions in manufacturing, distributing, installing or servicing BAIIDs, whether the applicant's license or certification to manufacture, distribute, install or service BAIIDs has ever been suspended, revoked, denied, cancelled or withdrawn and whether the applicant has applied to operate as a BAIID provider in another state and was denied.
  - g) An applicant that has been certified pursuant to this Section may at any time submit an amended application seeking certification to distribute and install a BAIID model in addition to or other than the models previously certified for use by the applicant.
  - h) Services that Must be Provided. After certification or recertification by the Secretary, BAIID providers shall provide the following services and meet the following requirements:
    - 1) All installations of BAIIDs shall be done in a workmanlike manner and shall be in accordance with the standards set forth in this Section and with the requirements of the manufacturer. All BAIIDs installed shall be in

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working order and shall perform in accordance with the standards set forth in this Section. All BAIIDs must be installed and all reports to the Secretary must be made within the time frames established by this Subpart D;

- 2) The BAIID provider shall only install models of BAIIDs that the provider has been authorized to install pursuant to this Section and the BAIIDs shall only be installed at installation sites reported to the Secretary pursuant to this Section;
- 3) Any BAIID provider that sells, rents and/or leases BAIIDs in Illinois pursuant to this Subpart D shall report to the Secretary within 7 days all such sales, rentals, and/or leases listing the BAIID permittee's name and driver's license number, the installer, the installer's location, the make and serial number of the BAIID, and the make, model and VIN of the vehicle in which the BAIID is installed;
- 4) The BAIID provider shall provide a toll free customer service/question/complaint hotline that is answered, at a minimum, during normal business hours, Monday through Friday;
- 5) The BAIID provider shall provide a course of training and written instructions for the BAIID permittee or MDDP offender on operation, maintenance, and safeguards against improper operations, and instruct the BAIID permittee or MDDP offender to maintain a journal of events surrounding failed readings or problems with the BAIID. Copies of all materials used in this course of training shall be provided to the Secretary;
- 6) The BAIID provider shall provide service for malfunctioning or defective BAIIDs within a maximum of 48 hours after notification of a request for service. This support shall be in effect during the period the BAIID is required to be installed in a motor vehicle;
- 7) The BAIID provider shall provide, at the request of the Secretary, expert or other required testimony in any civil or criminal proceedings or administrative hearings as to issues involving BAIIDs, including the method of manufacture of the BAIID and how the BAIID functions;

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- 8) If a BAIID provider requires a security deposit by a BAIID permittee or MDDP offender and the amount of the deposit required is more than an amount equal to one month's rental or lease fee, the security deposit must be deposited in an escrow account established at a bank, savings bank or savings and loan association located within the State of Illinois. The BAIID provider will provide the Secretary with a certified statement of the escrow account upon the Secretary's request;
- 9) BAIID providers must submit monitor reports or reports of any other service to the Secretary whenever a BAIID is brought in for monitoring, a portion of the BAIID is sent to the BAIID provider, the BAIID is read remotely, or a BAIID is brought in pursuant to a service or notification report. Except as provided in subsection (h)(10), the reports must be submitted to the Secretary no later than 7 days from the date the BAIID is brought in, an appropriate portion of the BAIID is sent to the BAIID provider, or the BAIID is read remotely;
- 10) When a vehicle is brought into a service center to have the BAIID read or calibrated, the BAIID installer shall carefully inspect the BAIID and all wiring and connections related to the BAIID for signs of tampering or circumvention. If a BAIID has been installed that permits the BAIID permittee or MDDP offender to mail in a portion of the BAIID to be read and calibrated, or allows the BAIID to be read remotely, that BAIID permittee or MDDP offender shall be required to bring his or her vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention. Within 2 business days after discovery, the BAIID provider shall report to the Secretary evidence of tampering or attempts to circumvent a BAIID. The BAIID provider shall preserve any available physical evidence of tampering or circumvention and shall make that evidence available to the Secretary. Within 2 business days after an inspection of a mail-in or remotely read BAIID vehicle, the installer shall notify the SOS that evidence of tampering or circumvention has been found;
- 11) BAIID providers shall notify the Secretary within 7 days when a BAIID has been installed, reinstalled or deinstalled, and shall provide to the Secretary, upon request, additional reports, to include but not be limited to

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records of calibrations, maintenance checks and usage records on BAIIDs placed in service in Illinois;

- 12) The BAIID provider shall provide service to all BAIID permittees or MDDP offenders who request services from the BAIID provider and who have met the requirements of this Subpart D, including the payment of fees due to the provider, unless the fees are otherwise waived by rule or statute;
- 13) The BAIID provider must immediately notify the Secretary in writing if the provider or the BAIID manufacturer or installer becomes unable to produce, supply, service, repair, maintain or monitor BAIIDs in compliance with this Subpart D or if the provider has been suspended or decertified in any other jurisdiction;
- 14) With the exception of mobile installations authorized by Section 1001.442(n), the BAIID provider shall provide the Secretary a list of all locations in Illinois where BAIIDS may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored. The BAIID provider shall notify the Secretary within 48 hours of any new installation locations or any installation locations that are closed;
- 15) The BAIID provider shall install, monitor and deinstall authorized BAIIDs without fee to any MDDP offender determined to be indigent by the Secretary who requests services from the BAIID provider and who presents written documentation of indigency from the Secretary;
- 16) The Secretary may designate the form, format and method of delivery (e.g., facsimile, electronic transfer, etc.), for any reports, information, or data required to be filed with the Secretary pursuant to this Subpart D, including, but not limited to, installation verification forms, monitoring report forms, noncompliance report forms, notices of calibration, verification, tampering or circumvention, removal or deinstallation report forms, and information necessary to implement and monitor the indigent surcharge payments to the Indigent BAIID Fund and payment provisions from the Indigent BAIID Fund set forth in IVC Section 6-206.1 and Section 1001.444. Images taken by the BAIID must be available to the Secretary via online account access;

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- 17) The Secretary shall review and approve leases or rental agreements the BAIID provider intends to utilize between the BAIID provider and the BAIID permittee or MDDP offender. The BAIID provider shall submit to the Secretary a copy of the schedule of all fees that will be charged to BAIID permittees or MDDP offenders, and shall submit an amended schedule of fees whenever there is a change to the BAIID provider's fees;
- 18) The BAIID providers shall agree to take assignments to unserved areas of Illinois pursuant to this Section, as those areas are defined in subsection (m)(2);
- 19) The Secretary shall have the right to conduct independent inspections of BAIID providers, manufacturers and installers, including inspection of any BAIIDs and calibration equipment present at the time of the inspection, to determine if they are in compliance with the requirements of this Subpart D. The Secretary shall notify, in writing, and require the BAIID provider to correct any noncompliance revealed during any inspections. Within 30 days after receiving a notice of noncompliance, the BAIID provider shall notify the Secretary, in writing, of any corrective action taken;
- 20) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, provide the Secretary with not more than two BAIIDs for each model that is certified under this Section. These models will be used for demonstration and training purposes;
- 21) Unless an alternative method for reading and calibrating the BAIID has been approved by the Secretary, all BAIIDs shall be recalibrated, whenever they are brought to the provider for any type of service or monitoring, using a wet bath simulator or other approved equivalent procedure, i.e., dry gas standard. Calibrations shall be done no less frequently than every 67 days, including those BAIIDS that are read remotely;
- 22) Calibration equipment shall be in good working order and maintained and operated according to the equipment manufacturer's recommendations. Solution in wet bath calibration units shall be changed according to the manufacturer's recommendations and new solution shall be stored in a

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cool, dry location and discarded upon the expiration date. Dry gas cylinders must be stored in an area protected from exposure to weather;

- 23) BAIID providers shall maintain records related to a BAIID permittee or MDDP offender, including but not limited to installation, monitoring, circumvention and deinstallation, for a period of 3 years after the BAIID is deinstalled.
  - i) Criteria for Certification of BAIIDs. Only BAIIDs that have been certified for use in Illinois pursuant to this Section may be installed in the vehicles of BAIID permittees and MDDP offenders. Certification of a BAIID shall be based on the following criteria:
    - 1) A review and evaluation of test results from any nationally recognized and certified laboratory test facility that is accredited by the International Standards Organization (ISO). The evaluation and test results must affirm the BAIID's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, 78 Fed. Reg. 89, May 8, 2013, except for:
      - A) 1.4.S, Power, if the BAIID is not designed to be operated from the battery;
      - B) 1.5.2.S, Extreme Operating Range, if the BAIID is not designed to be operated below  $-20^{\circ}$  C and above  $+70^{\circ}$  C;
      - C) 2.3.S, Warm Up, if the BAIID is not designed to be operated below  $-20^{\circ}$  C;
      - D) 2.5.S, Temperature Package, if the BAIID is not designed to be operated below  $-20^{\circ}$  C and above  $+70^{\circ}$  C;
    - 2) The BAIID provider must certify that the BAIID:
      - A) Does not impede the safe operation of a vehicle;
      - B) Minimizes opportunities to bypass the BAIID;

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- C) Performs accurately and reliably under normal conditions;
  - D) Prevents a BAIID permittee or MDDP offender from starting a vehicle when the BAIID permittee or MDDP offender has a prohibited BrAC, i.e.,  $P \geq 0.025$ ;
  - E) Satisfies the requirements for certification set forth in this Section;
  - F) Has a camera that takes clear and accurate images of the individual utilizing the BAIID and that has a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID;
  - G) Provides calibration stability for a period of no less than 67 days;
- 3) No BAIID shall be certified if it demonstrates an accuracy rate  $\geq 0.01$  in unstressed conditions or  $\geq 0.02$  in stressed conditions. The terms "stressed" and "unstressed" shall be defined according to the NHTSA standards referred to in subsection (i)(1);
  - 4) Any BAIID to be certified shall be designed and constructed with an alcohol setpoint of 0.025;
  - 5) Any BAIID to be certified shall require the operator of the vehicle to submit to a running retest at a random time within 5 to 15 minutes after starting the vehicle. Running retests shall continue at a rate of two per hour in random intervals not to exceed 45 minutes after the first running retest;
  - 6) Any BAIID to be certified shall be designed and constructed to immediately begin blowing the horn if:
    - A) The running retest is not performed;
    - B) The BrAC reading of the running retest is 0.05 or more; or
    - C) Tampering or circumvention attempts are detected;

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- 7) The BAIID shall be required to have permanent lockout 5 days after it gives service or inspection notification to the BAIID permittee or MDDP offender if it is not serviced or calibrated within that five day period.
- A) The BAIID shall give service or inspection notification to the BAIID permittee or MDDP offender upon the occurrence of any of the following events:
- i) Every instance in which the BAIID registers 3 BrAC readings of .05 or more within a 30 minute period;
  - ii) Any attempted tampering or circumvention;
  - iii) The time for the BAIID permittee or MDDP offender to take the vehicle for the initial monitor report;
  - iv) Every 60 days after the initial monitor report;
  - v) For MDDP offenders, 5 violations within the 60 day monitoring period;
  - vi) Every 6 months, for an inspection pursuant to Section 1001.441(h)(2) in which the type of BAIID installed allows for a portion of the BAIID to be mailed in or allows the BAIID to be read remotely;
- B) In addition, the BAIID shall record and communicate to the BAIID permittee or MDDP offender and to the Secretary's office via monitor reports all of the preceding events and all starts of the vehicle, both successful and unsuccessful;
- C) The BAIID shall record an image each time the vehicle is started, each time a test is prompted, each time a successful or unsuccessful test sample is taken, and whenever there is a failed attempt to provide a breath sample;

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- 8) The BAIID shall be required to have 24 hour lockout anytime the BAIID permittee or MDDP offender registers 3 BrAC readings of 0.05 or more within a 30 minute period;
- 9) Certification of a BAIID may be withdrawn by the Secretary, based on a field testing protocol developed by the Secretary to determine the BAIID's ability to operate in a consistently reliable manner and based upon review of field performance results; a review of BAIID usage by BAIID permittees and MDDP offenders; and BAIID monitor reports;
- 10) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, install not more than three of each model of BAIID for which certification is sought in the vehicles provided by the Secretary for field testing. The Secretary may independently evaluate each BAIID to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts, tampering, and testing for all specifications listed in this Subpart D. An applicant or provider is limited to 3 field tests per BAIID model as part of the certification process. If a BAIID model of an applicant or provider fails 3 field tests, the applicant or provider shall not be certified unless the applicant or BAIID provider has another BAIID model that has been certified by the Secretary;
- 11) Upon the request of the Secretary, for each model of BAIID certified under this Section, the BAIID provider shall provide a total of at least 10 hours of training to the Secretary's employees at no cost to the State of Illinois. This training shall be held at the times and locations within the State designated by the Secretary. The training shall be designed to familiarize the Secretary's employees with the installation, operation, service, repair and removal of the BAIIDs and with the training and instructions that the BAIID provider will give to BAIID permittees and MDDP offenders. The BAIID provider shall also provide the Secretary, upon request, the following materials:
  - A) A detailed description of the BAIID, including complete instructions for installation, operation, service, repair and removal of the BAIID;

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- B) Complete technical specifications describing the BAIID's accuracy, reliability, security, data collection and recording, tamper and circumvention detection, imaging and environmental features;
- 12) Any BAIID that is not certified may be re-tested at the request of the BAIID provider but not more often than once in a calendar year;
- 13) The Secretary shall not accept for certification any BAIID that uses Taguchi cell technology to determine BrAC;
- 14) BAIIDs must use, as their anti-circumvention method, one of the following technologies: either a positive>negative>positive or positive>negative air pressure test requirement, or a mid-test hum tone requirement. BAIID providers may submit for approval to the Secretary new anti-circumvention technologies. Upon approval by the Secretary, pursuant to the procedures in this subsection (i), these technologies shall be included with the previously mentioned anti-circumvention technologies as acceptable for use by BAIID providers. In addition to these anti-circumvention methods, all BAIIDs installed after July 1, 2013, and all BAIIDs in use in Illinois after July 1, 2015, shall include a camera that captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID. The captured images shall be stored by the vendor while the BAIID is installed in the vehicle and for 3 years after removal and shall be made accessible to the Secretary, at the Secretary's request, either by electronic access to the vendor's system or electronic mail;
- 15) After a BAIID has been certified by the Secretary, no firmware or software modifications shall be deployed without written authorization by the Secretary, which may include installation of the BAIID with the proposed firmware or software modifications in accordance with subsection (i)(10) and, if the Secretary determines the software or firmware modification is major or material, submission to an accredited lab in accordance with subsection (i)(1).

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- j) BAIID Installers
- 1) All installations of BAIIDs must be performed by installers identified to the Secretary as employees of or contractors of a certified BAIID provider. The provider must inform the Secretary whether installation is being done by its own employees, contractors, or both. All installations shall be performed in a workmanlike manner. BAIID providers shall be responsible for their installer's compliance with this Subpart D. A BAIID provider may be decertified by the Secretary for the noncompliance of its installer with the requirements of this Subpart D;
  - 2) All service centers and mobile installation units shall have all tools, test equipment and manuals needed to install BAIIDs and screen motor vehicles for acceptable mechanical and electrical condition prior to installation;
  - 3) The installer shall provide adequate security measures to prevent access to the BAIIDs (tamper seals or installation instructions);
  - 4) The installer shall appropriately install BAIIDs on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the BAIID manufacturer's instructions. All connections shall be soldered or secured with no crimp wire connectors and covered with tamper seals. It is the BAIID permittee's or MDDP offender's responsibility to repair the vehicle if any prior condition exists that would prevent the proper functioning of the BAIID. The installer shall inform the BAIID permittee or MDDP offender that a problem exists, but shall not be responsible for repairing the vehicle. The installer shall not permit the BAIID permittee or MDDP offender to observe the installation of the BAIID;
  - 5) The installer shall not install BAIIDs in a manner that could adversely affect the performance of the BAIID or impede the safe operation of the motor vehicle;
  - 6) After the BAIID has been installed in the motor vehicle, the installer shall verify that the BAIID is functioning properly and shall have the BAIID permittee or MDDP offender use the BAIID to start the vehicle to ensure that he or she is familiar with the operation of the BAIID. At that same

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time, the installer shall verify that the camera is operational and that a reference image of the BAIID permittee or MDDP offender has been taken;

- 7) The installer shall restore a motor vehicle to its original condition when a BAIID is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent;
  - 8) When the installer is also providing monitoring and other services for the BAIID after installation, the installer shall perform all of the duties that are associated with service after the installation and that are required by this Section of a BAIID provider. These duties shall include, but are not limited to, completing all monitoring reports and/or mailing in the appropriate portion of the BAIID to the BAIID provider, making notification of any evidence of tampering or circumvention, and recalibrating BAIIDs whenever they are brought in for service or monitoring;
  - 9) The installer shall not install a BAIID on any vehicle that does not have an operable horn, but shall advise the BAIID permittee or MDDP offender to have the vehicle's horn repaired before installation can occur.
- k) Suspension and Decertification of BAIID Providers. The Secretary may suspend or decertify a BAIID provider from providing BAIID services in Illinois. The Secretary shall provide written notification to the BAIID provider regarding any violation of this Section that may lead to suspension or decertification. The BAIID provider will be given a 30 day opportunity to come into compliance. The BAIID provider shall respond in writing to the Secretary regarding the course of corrective action. If the course of corrective action is deemed unacceptable by the Secretary, or if there are recurring instances of the violations that led to the notice following the corrective action, the Secretary may decertify the BAIID provider from providing services in Illinois or suspend the BAIID provider from performing any new installations for a period of 3 months. The following are considered actions warranting suspension or decertification:
- 1) Failure to submit monitor reports in a timely manner, as provided in subsections (h)(9) and (h)(10). If the Secretary finds, through investigation, that the BAIID permittee or MDDP offender did take the vehicle with the installed BAIID to the BAIID provider, or sent the

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appropriate portion of the BAID to the BAID provider for a monitor report in a timely manner, a request for the monitor report shall be sent to the BAID provider. If the information is not received within 30 days, the BAID provider will be given a 3 month suspension from providing new installations in Illinois. Three occurrences within a 12 month period will result in decertification;

- 2) Failure to maintain liability insurance as required;
- 3) Failure to install certified BAIDs within the time requirements of this Subpart D;
- 4) Failure to comply with all of the duties and obligations contained in this Subpart D;
- 5) Failure to provide BAID permittees or MDDP offenders with correct information regarding the requirements of this Subpart D;
- 6) Failure to submit a required surcharge to the Secretary or failure to submit a required surcharge in a timely manner for deposit in the Indigent BAID Fund as required in IVC Section 6-206.1 and Section 1001.444 of this Part. If the amount in dispute is not resolved within the above 30 day period, the BAID provider shall be decertified unless the BAID provider submits, within the 30 day period, a written request to review the amount in dispute to the BAID Division. The dispute will then be resolved according to the terms of the contract entered into between the BAID provider and the Secretary;
- 7) Failure to work with BAID permittees or MDDP offenders in a professional manner. Complaints from BAID permittees and MDDP offenders will be recorded. Repeated complaints determined by the Secretary to be valid or clear violations of the program requirements set forth in this Section shall result in decertification;
- 8) Failure to provide installations in a workmanlike manner, as set forth in this Section, and within the requirements of the manufacturer;
- 9) Installing BAIDs not certified by the Secretary;

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- 10) Failure to report installations and deinstallations to the Secretary within 7 days;
- 11) Failure to maintain and upgrade calibration equipment, BAIIDs and cameras;
- 12) Failure to provide services to indigent MDDP offenders;
- 13) Failure to provide trained installers or installations that are not in compliance with subsection (j)(2);
- 14) Failure to inform the Secretary of suspension or decertification from service in another jurisdiction within 30 days;
- 15) Failure to notify the Secretary of any BAIID installer or service center that is no longer installing or servicing BAIIDS for the provider;
- 16) Wiring the BAIID for circumvention or creating a circumventing apparatus for the BAIID permittee or MDDP offender;
- 17) Giving information to a BAIID permittee or MDDP offender that results in or could result in the BAIID being circumvented;
- 18) Failing to use or make secure or appropriate wiring connections as specified in this Section;
- 19) Installing a BAIID in a vehicle that does not have an operable horn;
- 20) Failing to maintain the calibration equipment and solutions as specified in this Section;
- 21) Invalidation of an installer's Illinois driver's license;
- 22) Failure to meet any of the requirements of this Section or other applicable administrative rules or statutes;-
- 23) [Solicitation of a permittee for any service or product other than installation and use of a BAIID.](#)

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- l) Notification of Decertification or Decision Not to Recertify. Upon a decision not to recertify a BAIID provider, or upon decertification of a BAIID or the decertification of or the cessation of the operation of a BAIID provider, the Secretary shall notify in writing all affected BAIID permittees or MDDP offenders. The notification shall be sent not less than 30 days after the decision or, if the BAIID provider requests a formal administrative hearing within that 30 day period to review the decision, notification shall not be sent until the entry of a final order of the hearing officer upholding the decision.
  
- m) Designation of Installation Sites
  - 1) Each BAIID provider shall be responsible for establishing installation sites within the State to service BAIID permittees and MDDP offenders, or to provide mobile installations as provided in subsection (n);
  - 2) The Secretary shall monitor the location of installation sites throughout Illinois. If the Secretary determines that any place in Illinois is not within 75 miles of an installation site, the Secretary shall randomly select one of the certified BAIID providers and require that BAIID provider to establish an installation site or provide mobile installations in the unserved area. If a second or subsequent area of Illinois is determined not to be within 75 miles of an installation site, the Secretary shall randomly select a BAIID provider other than the one selected previously and require that BAIID provider to establish an installation site or provide mobile installations in the unserved area. As a condition of being certified by the Secretary, BAIID providers must agree to take assignments to unserved areas pursuant to this subsection (m)(2).
  
- n) Mobile Installation Sites
  - 1) A BAIID provider may install BAIIDs at locations other than fixed, permanent installation sites.
  - 2) All provisions in this Section, as well as Sections 1001.441 and 1001.444, are hereby made applicable to mobile installers and mobile installations, except for those provisions that by their nature can have no application to mobile installers and installations.
  - 3) At the installation location, the installer must have a copy of the



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BAIID provider) is not the sole BAIID provider authorized by the Secretary of State." The solicitation or correspondence may not be attached to or have the appearance of any official correspondence sent to a permittee by the Secretary of State; may not state or otherwise indicate that the provider is the sole or only BAIID provider in Illinois, and shall not utilize the same font as utilized by the Illinois Secretary of State (Arial, Calibri, Cambria, Garamond, and Times New Roman) when the Secretary sends correspondence to permittees. [A BAIID provider or installer may not use any personal information \(including the name, address, telephone number and/or email address\) provided by a permittee to solicit the permittee for any service or product other than installation and use of BAIID, including, but not limited to, insurance and auto repair.](#)

(Source: Amended at 44 Ill. Reg. 14243, effective August 19, 2020)

**Section 1001.444 Monitoring Device Driving Permit (MDDP) Provisions**

- a) Breath Alcohol Ignition Interlock Device (BAIID) Required for Issuance; Fee Required
  - 1) The Secretary shall notify a first offender (MDDP offender), as defined in IVC Section 11-500, that he or she will be issued an MDDP. The issuance of the MDDP shall be conditioned on the installation and use of a BAIID in any vehicle operated, as required by IVC Section 6-206.1. Only BAIIDs certified by the Secretary under Section 1001.442 of this Part may be utilized. As provided in IVC Section 6-206.1, an MDDP offender must pay a non-refundable fee in an amount equal to \$30 per month times the number of months or any portion of a month remaining on the statutory summary suspension at the time the Secretary issues the MDDP. No fee will be charged for any month in which the Secretary issues the MDDP on or after the 20<sup>th</sup> day of that month. This total, one time payment for each MDDP issued must be paid in advance and prior to the issuance of the MDDP. Payment must be submitted in the form of a money order, check or credit card charge (with a pre-approved card), made payable to the Secretary of State.
  - 2) Any MDDP holder whose summary suspension is extended or who is re-suspended as provided for in IVC Section 6-206.1 and who applies for and obtains an extension or re-issuance of an MDDP, shall likewise be required to pay the non-refundable fee for the length of the period of

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extension or re-suspension under the same terms and conditions as stated in subsection (a)(1). Any such suspension will not be terminated until payment of any and all fees due under this Section is made.

- 3) Any MDDP offender whose driving privileges are otherwise suspended, revoked, cancelled or become otherwise invalid is not eligible to receive an MDDP.
- 4) Any MDDP shall be invalid and must be surrendered to the Secretary if an MDDP holder's driving privileges subsequently are suspended, revoked, cancelled or become otherwise invalid under any provision of the IVC, during the issuance period of the MDDP. This includes a conviction and subsequent revocation of driving privileges for the DUI arrest that resulted in the issuance of the MDDP. The MDDP offender, including an MDDP holder that surrendered his or her MDDP prior to the suspension, revocation, cancellation or invalidation of driving privileges, may petition, at a formal hearing conducted pursuant to IVC Section 2-118, for a restricted driving permit during the period of suspension, revocation, cancellation or invalidation, if available pursuant to the IVC. In order to obtain a restricted driving permit pursuant to this Section, the MDDP offender must also satisfy the other provisions of this Part. Further, should a restricted driving permit be granted, the MDDP offender may only operate vehicles in which a properly working BAID has been installed and is subject to all of the provisions of the BAID program.
- 5) Any MDDP holder whose MDDP is invalidated as provided in subsection (a)(4), except those MDDP holders cancelled under IVC Section 6-206.1(c-1), may obtain another MDDP upon termination of the sanction that led to the invalidation as long as the offender is still eligible for an MDDP. The offender must notify the Secretary in writing and submit the statutory permit fee. Upon issuance of an MDDP, the MDDP holder is subject to all of the provisions of this Section.
- 6) The MDDP holder may voluntarily terminate participation in the MDDP program by written notification and surrender of the permit to the Secretary's BAID Division. This voluntary termination does not in any way affect any sanction imposed under this Section. An offender may also resume participation by notifying the BAID Division in writing, but

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may do so only once during the term of the suspension, extension or re-suspension due to a violation of the program.

- b) Compliance – Installation of BAIID/Notification to the Secretary
- 1) The MDDP Holder. Upon the issuance of an MDDP under this Section, the Secretary shall make available a list of certified BAIID providers to the MDDP holder. The MDDP holder may operate the vehicle for 14 days from the issuance date stated on the MDDP without the BAIID installed solely for the purpose of taking the vehicle to a BAIID provider or installer for installation of the BAIID. The MDDP holder must be the individual who takes the vehicle to the installer to have the BAIID installed and must have a reference image taken by the installer at the time of installation. Failure to comply with this requirement will result in the cancellation of the MDDP issued.
  - 2) The Installer/BAIID Provider. A BAIID provider or installer must:
    - A) Be qualified and comply with all of the procedures and responsibilities set forth in Section 1001.442;
    - B) Within 7 days after the date of the installation of the BAIID, notify the Secretary, in a manner and form specified by the Secretary, that a BAIID has been installed in the vehicles designated by the MDDP offender;
    - C) Upon notification from the MDDP holder, as evidenced by the written form from the Secretary that the MDDP holder has been found to be indigent, not charge the MDDP holder for any installation, monthly monitoring, deinstallation fees, or security deposit that exceeds one month's BAIID rental fee. This waiver of charges and fees is limited to one vehicle per MDDP holder;
    - D) Upon request, make records available to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.
- c) Compliance – Driving with BAIID. Any MDDP offender receiving an MDDP under this Section must comply with the following requirements:

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- 1) Operate only vehicles with an installed, operating BAIID certified by the Secretary whether the vehicle is owned, rented, leased, loaned or otherwise in the possession of the MDDP holder, as required by the MDDP issued under this Section.
- 2) Except when a BAIID has been installed that may be read remotely, either take any and all vehicles operated by the MDDP holder and with a BAIID installed or send the BAIID to the BAIID provider or installer at least every 60 days, which shall be referred to as the monitoring period, commencing with the date of installation, for the purposes of calibration and having a monitor report of the BAIID's activity prepared and sent to the Secretary by the BAIID provider or installer. The monitoring period will be 30 days for any MDDP holder whose summary suspension is extended or who is re-suspended for a violation of the MDDP program.
- 3) If a BAIID has been installed that permits the MDDP offender to mail in a portion of the BAIID to be read and calibrated, or that allows the BAIID to be read remotely, bring the vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention.
- 4) Within 5 working days after any service or inspection notification, take the vehicle with the BAIID, installed to the BAIID provider or installer or send the appropriate portion of the BAIID to the BAIID provider or installer as instructed for a monitor report.
- 5) Maintain a journal of events recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, any problems with the BAIID, and the name of the driver operating the vehicle at the time of the event. If BAIIDs have been installed on multiple vehicles, a separate journal must be kept for each vehicle, recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, any problems with the BAIID, and the name of the driver operating the vehicle at the time of the event.
- 6) Ensure that the BAIID camera is aimed, and the person using the BAIID is situated, so that the camera captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle

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that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID.

- 7) Shall not have a BAIID removed or deinstalled from a vehicle prior to notifying the Secretary and surrendering the MDDP to the Secretary or the Secretary's designee.
  - 8) Shall not commit any of the violations listed in subsection (d).
- d) Violations. Any of the following, when committed by an MDDP holder, constitutes a violation of the MDDP program:
- 1) A conviction or court supervision for any of the offenses listed in IVC Section 6-206.1(c-1);
  - 2) Tampering or attempting to tamper with, or unauthorized circumvention of, the BAIID, including the use of any product intended to prevent accurate readings by the BAIID;
  - 3) A violation of IVC Section 6-206.2;
  - 4) 10 or more unsuccessful attempts to start the vehicle with a BAIID installed within a 30 day period, excluding a BrAC reading of 0.05 or more;
  - 5) 5 or more unsuccessful attempts to start the vehicle within a 24 hour period, excluding a BrAC reading of 0.05 or more;
  - 6) A BrAC reading of 0.05 or more;
  - 7) Failing a running retest, or failing to take a running retest;
  - 8) Removing the BAIID without authorization from the Secretary;
  - 9) Failing to utilize the BAIID as required;
  - 10) Failing to submit a BAIID for a monitor report in a timely manner;

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- 11) Failing to bring a vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention;
  - 12) Preventing the camera from taking clear and accurate images of the permittee blowing into the mouthpiece, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID.
- e) Sanctions Upon Commission of a Violation. Upon notification of any of the violations in subsection (d), the Secretary shall take the following action:
- 1) For a conviction or court supervision for any of the offenses listed in IVC Section 6-206.1(c-1), or a notification from a BAIID provider or installer that a physical inspection of any BAIID permittee's vehicle showed any tampering with or unauthorized circumvention of the BAIID, immediately cancel the MDDP, extend the suspension as provided for in IVC Section 6-206.1(1), and authorize the immediate removal/deinstallation of the BAIID. If the MDDP had expired prior to the Secretary receiving notification of the conviction, supervision or violation, the Secretary shall re-suspend the MDDP offender as provided for in IVC Section 6-206.1(1). The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the permit.
  - 2) For any MDDP holder whose monitor report or other sufficient evidence shows any tampering or unauthorized circumvention of the BAIID, or who fails to bring his or her vehicle in for an inspection pursuant to subsection (c)(3), send the MDDP holder a letter asking for an explanation of the failure to bring the vehicle in for an inspection or an explanation of the tampering or unauthorized circumvention. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall immediately cancel the MDDP, extend the suspension as provided for in IVC Section 6-206.1(1), and authorize the immediate removal/deinstallation of the BAIID. If the summary

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suspension is already terminated prior to the MDDP holder failing to bring his or her vehicle in for an inspection pursuant to subsection (c)(3), or prior to the Secretary receiving the monitor report/physical inspection showing the violation, the Secretary shall re-suspend the MDDP offender as provided for in IVC Section 6-206.1(1). The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the RDP.

- 3) For any MDDP holder whose monitor report shows: 10 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 30 day period; or 5 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 24 hour period; or any single BrAC reading of 0.05 or more, send the MDDP holder a letter asking for an explanation of the unsuccessful attempts to start the vehicle or the BrAC reading. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months. Should any monitor report show multiple violations, each violation provided for in this subsection shall be a separate violation requiring a separate 3 month extension or re-suspension.
- 4) For any MDDP holder whose monitor reports show a failure to successfully complete a running retest, send the MDDP holder a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.

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- 5) For a removal/deinstallation of a BAIID without authorization, including a removal or deinstallation caused by the MDDP holder's failure to pay lease or rental fees due to the BAIID provider, the Secretary shall immediately cancel the MDDP.
- 6) For a failure to utilize the BAIID by the MDDP holder as required, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.
- 7) For a failure to submit a BAIID for a monitor report in a timely manner, the following procedure will be followed: unless notified by a BAIID provider that the BAIID has been removed, all monitor reports shall be submitted to the Secretary within 37 days after installation and within every 37 days thereafter. If the Secretary fails to receive an MDDP holder's monitor reports within the 37 days, the Secretary will conduct an informal inquiry (will attempt to contact the BAIID provider and MDDP holder by telephone or e-mail) for the purpose of determining the cause for this failure. If it is determined or if it appears that the MDDP holder failed to take in a vehicle with the BAIID or send the BAIID in for timely monitor reports, then the Secretary will send a letter to the MDDP holder stating that, if the BAIID is not taken in for a monitor report within 10 days after the date of the letter, the Secretary will extend the summary suspension for 3 months, or, if the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary will re-suspend for 3 months. If the MDDP holder cannot be located or does not respond to the Secretary's request for information, the MDDP shall be cancelled or, if the MDDP has expired, the Secretary shall re-suspend the MDDP as provided for in IVC Section 6-206.1(1).
- 8) Violations detected in any one monitoring period shall not, however, result in extensions or re-suspensions totaling more than six months, except as provided in subsection (e)(10).
- 9) If the MDDP holder is re-suspended for a violation that was not reported to the Secretary until after the termination of the MDDP holder's summary

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suspension, the MDDP holder may obtain another MDDP by notifying the Secretary in writing and submitting all required fees.

- 10) When an image shows that the MDDP permittee has utilized any product that allows the permittee to avoid blowing directly into the mouthpiece of the BAIID, or when any step has been taken to prevent a clear and accurate image of the driver and mouthpiece, the Secretary shall extend the summary suspension for 3 months.
- f) Hearing to Contest Cancellation of MDDP or Extension of the Summary Suspension. Any MDDP holder whose summary suspension is extended or re-suspended, or whose MDDP is cancelled as provided for in this Section, may request a hearing to contest that action. A written request, along with the \$50 filing fee, must be received or postmarked within 30 days from the effective date of the extension, re-suspension or cancellation. The hearing will be conducted as any other formal hearing under this Part.
- g) MDDPs – Content. Any MDDPs issued as provided for in this Section shall, in addition to all other requirements, state at a minimum that:
- 1) The MDDP is issued pursuant to the BAIID requirements of this Section and that a vehicle operated by an MDDP holder must be equipped with a certified, installed, properly operating BAIID;
  - 2) The provisions of the MDDP also allow the MDDP holder to drive to and from the BAIID provider or installer for the purpose of installing the BAIID within 14 days after the issuance date on the MDDP;
  - 3) Once the BAIID is installed, the MDDP holder may drive the vehicle with the BAIID properly installed for any purpose and at any time;
  - 4) If applicable, the MDDP holder qualifies for any modification or waiver of BAIID, as provided in subsection (i), or employment exemption from BAIID, as provided in subsection (j).
- h) Use of Monitor Reports. The Secretary shall gather all available monitor reports and images, and any other information relative to the MDDP holder's performance and compliance with the BAIID requirements under this Subpart D.

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The reports, images and information may be used as evidence at any administrative hearing conducted by the Secretary under this Part.

- i) **Modification or Waiver of BAIID.** Upon request of the MDDP holder, the Secretary may consider a medical or physical BAIID modification or waiver for an MDDP issued under this Section. When an MDDP holder provides a report from a physician stating that the MDDP holder is physically unable to produce an adequate breath sample to operate the BAIID, the Secretary may allow the MDDP holder to install a BAIID that operates with a lower breath sample requirement. When an MDDP holder is the owner of only one vehicle, this modification may also be granted if an immediate family member who resides with the MDDP holder must drive the vehicle and the immediate family member is unable to provide an adequate breath sample to operate the BAIID. The Secretary may, at his or her discretion, obtain a review of the physician's report by the Secretary's Medical Advisory Board.
- j) **Employment Exemption from BAIID Requirements.** In determining whether an MDDP holder is exempt from the BAIID requirements pursuant to the waiver provided for in IVC Section 6-206.1, the following shall apply:
  - 1) The term "employer" shall not include an entity owned or controlled in whole or in part by the MDDP holder or any member of the MDDP holder's immediate family, unless the entity is a corporation and the MDDP holder and the MDDP holder's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;
  - 2) The exemption shall not apply when the employer's vehicle is assigned exclusively to the MDDP holder, or the MDDP holder uses the vehicle for commuting to and from employment or for other personal use and *no person may drive the exempted vehicle more than 12 hours per day, 6 days per week* [625 ILCS 5/6-206.1(a-2)];
  - 3) Appropriate limits will be established for necessary on-the-job driving. The days, hours and mileage limits will not exceed those necessary for the accomplishment of the MDDP holder's primary employment;

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- 4) This exemption is subject to termination if the Secretary obtains or receives credible evidence that it is being abused or violated by the MDDP holder, such as, but not limited to, driving outside the scope of his or her employment, or driving the employer's vehicle from his or her residence to the place of employment. Upon obtaining or receiving credible evidence of the abuse or violation of an exemption, the Secretary shall send the MDDP holder a letter that requests a response to the evidence. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that an abuse or a violation did not occur, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall immediately terminate the exemption;
  - 5) The Secretary will also inform the MDDP holder whose employment exemption is terminated that he or she remains eligible to have a BAIID installed in his or her personal vehicle and the employer's vehicle without a hearing. Failure to have the BAIID installed by the date designated by the Secretary will result in the termination of the MDDP;
  - 6) The denial of an exemption and the termination of an exemption may be contested pursuant to Section 1001.441(k);
  - 7) An exemption also will be granted to an MDDP holder who can prove that his or her duties include test driving vehicles not owned by the permittee. The exemption will be limited to this purpose, and to no more than a 5 mile radius from the permittee's place of employment.
- k) Decertification of BAIID Provider or BAIID and Denial of BAIID Provider Certification or BAIID Certification. The Secretary must notify the MDDP holder of the decertification or denial of certification of a BAIID provider or of a particular type of BAIID. The MDDP holder must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The MDDP holder must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The MDDP holder must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the MDDP holder's MDDP. All costs related to any change in a

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BAIID provider or a BAIID shall be paid by the MDDP holder, unless the Secretary has deemed the MDDP holder indigent.

- 1) Indigent BAIID Fund
  - 1) Any BAIID provider who installs a BAIID under the MDDP program must pay 5% of the total gross revenue received by each contract entered into with an MDDP holder who is not found to be indigent by the Secretary, referred to in this subsection as the surcharge.
    - A) The surcharge shall include only those fees normally charged an MDDP holder for installation, monthly rental and monitoring, and deinstallation of the BAIID during the term of the MDDP holder's statutory summary suspension.
    - B) The surcharge shall be submitted to the Secretary by the ~~8+5~~<sup>8+5</sup><sup>th</sup> of each month and shall include all surcharges incurred during the previous month. The surcharge must be submitted in the form of a check, made payable to the Secretary of State, or by electronic transfer as agreed to by the Secretary and the BAIID provider.
    - C) Should the summary suspension of an MDDP holder be extended or a re-suspension issued under the MDDP program and the holder continue to participate in the program, the surcharge is due for the period of extension or re-suspension.
  - 2) Any BAIID provider who installs a BAIID under the MDDP program for an MDDP holder who has been found to be indigent by the Secretary may apply for reimbursement for any fees incurred as set out in subsection (b)(2)(C). A provider must submit an invoice to the Secretary by the ~~8+5~~<sup>8+5</sup><sup>th</sup> of the month following the end of each quarter of the Secretary of State's fiscal year, which must include the name and driver's license number of each indigent client, as well as a brief description of the services provided and the date those services were rendered. The Secretary will authorize payments in accordance with IVC Section 6-206.1(o). No payment for the quarter may be authorized if the provider fails to submit an invoice within the time set forth in this subsection (1)(2) or if the provider fails to submit a check or electronic transfer for the surcharge within the time frame set forth in subsection (1)(1)(B). If a provider has submitted an invoice to the

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Secretary that under-reports the number of indigent clients served in the previous quarter, the provider may not submit a subsequent invoice seeking reimbursement for services provided to the unreported indigent clients.

- 3) The Secretary may audit the records of BAIID providers or installers to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.
- 4) An MDDP offender may be declared indigent by the Secretary if the MDDP offender's total monthly income is 150% or less of the federal poverty guidelines, as evidenced by a certified transcript of the United States or State of Illinois tax return for the most recently completed calendar year.
  - A) For an MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year, indigency may be declared if:
    - i) The MDDP offender is currently receiving Temporary Assistance to Needy Families (TANF) benefits, as evidenced by documentation from the Illinois Department of Human Services;
    - ii) The MDDP offender is currently receiving Supplemental Nutrition Assistance Program (SNAP) benefits, as evidenced by documentation from the Illinois Department of Human Services.
  - B) For the MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year and is not currently receiving TANF or SNAP benefits, indigency may be declared if the MDDP offender is receiving Supplemental Security Income (SSI) from the Social Security Administration and the MDDP offender completes an affidavit under penalty of perjury swearing the total amount of income received from all sources, including SSI, is 150% or less of the federal poverty guidelines.

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- 5) An MDDP holder's indigency status shall be valid for the length of the MDDP. Any MDDP holder whose summary suspension is extended beyond the length of the MDDP, who wishes to continue participation in the MDDP program and wishes to be declared indigent, must submit current documentation as set forth in subsection (1)(4).
- m) Reciprocity with Other States. The Secretary will honor the BAIID requirements imposed by other states on Illinois drivers and drivers licensed in other states, for offenses committed in other states, and will reciprocate other states' recognition of BAIID requirements imposed by Illinois on drivers licensed in Illinois, or licensed in other states for offenses committed in Illinois.

(Source: Amended at 44 Ill. Reg. 14243, effective August 19, 2020)

**Section 1001.465 Cancellation of Driving Privileges; Hearing to Contest and Show Cause Hearing**

- a) 14 Day Notice of Cancellation or Denial. The Secretary of State reserves the discretion to enter an order cancelling or denying the driving privileges of any person or petitioner, pursuant to IVC Sections 6-103, 6-108, 6-207 and/or 6-201(a), if the Secretary obtains specific, credible evidence that gives reasonable grounds to believe that the person or petitioner presents an imminent threat to the public safety and welfare or is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle (see Section 6-103.4), or is otherwise not in compliance with the rules of the Secretary. The cancellation or denial will be effective 14 days after a letter of notification and the Order of Cancellation or Denial is sent to the petitioner or person whose driving privileges are being cancelled. The Order of Cancellation or Denial will state the grounds for the cancellation and inform the petitioner or person of his or her right to contest the Order.
- 1) If a petition to contest is received or postmarked prior to the effective date of the Order of Cancellation or Denial, the cancellation shall be stayed pending the outcome of the hearing to contest.
- 2) If a petition is received and filed within 60 days after the effective date of the Order of Cancellation or Denial, the cancellation shall remain in effect pending the outcome of the hearing.

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- 3) If a petition to contest is received more than 60 days after the effective date of the Order of Cancellation or Denial, then the Order of Cancellation or Denial shall remain in effect and a hearing to contest shall not be granted.
- b) **Show Cause Hearing.** The Secretary of State reserves the discretion to require any person or petitioner to show cause why his or her driving privileges should not be cancelled or denied, pursuant to IVC Sections 6-103, 6-108, 6-207 and/or 6-201(a), if the Secretary obtains specific, credible evidence that gives reasonable grounds to believe that the person or petitioner may present an imminent threat to the public safety and welfare or may be a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle (see IVC Section 6-103.4), or might otherwise not be in compliance with the rules of the Secretary.
    - 1) The person or petitioner will be issued a Notice to Show Cause, at his or her last known address, in the manner provided by statute and the rules of the Secretary of State. The Notice will specify the time, date and location of the hearing at which the person or petitioner will be required to show cause.
    - 2) The failure of the person or petitioner to respond to the Notice to Show Cause will be processed as a default and will result in the entry of an Order of Cancellation.
  - c) **Alcohol/Drug Related Cases.** If the proposed cancellation or denial is based upon evidence that the person or petitioner may be a user of alcohol or any other drug to a degree that renders that person or petitioner incapable of safely driving a motor vehicle, he or she must satisfy the requirements of this Subpart D in order for the cancellation to be terminated or to be issued any further driving relief (see IVC Section 6-103.4).<sup>5</sup>
  - d) All hearings conducted pursuant to this Section shall be conducted as formal hearings under IVC Section 2-118.
  - e) The driving privileges of a restricted driving permit holder whose alcohol/drug use was classified as High Risk Dependent shall not be cancelled or denied based only on BAIID violations that show the permittee has failed to maintain abstinence.

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(Source: Amended at 44 Ill. Reg. 14243, effective August 19, 2020)

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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) Section Number: 1040.66                      Adopted Action: Amendment
- 4) Statutory Authority: Implementing 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.
- 5) Effective Date of Rule: August 19, 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 rule including any material incorporated, 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. 2324; January 31, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No differences
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1040.32	Amendment	44 Ill. Reg. 13023; August 7, 2020
1040.44	Amendment	44 Ill. Reg. 13023; August 7, 2020
1040.115	Repealed	44 Ill. Reg. 13023; August 7, 2020

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- 15) Summary and Purpose of Rulemaking: Revises the requirement that a Restricted Driving Permit, with a BAIID, issued to a permittee who is classified as High-Risk Dependent, be cancelled if the BAIID monitoring report reflects the permittee has not maintained abstinence, but where the BAIID prevented the vehicle from starting. Instead, the permittee will remain on the BAIID permit, as the device is protecting the public by preventing the permittee from driving after drinking.
- 16) Information and questions regarding this adopted rule shall be directed to:

Secretary of State  
Pamela Wright  
298 Howlett Building  
Springfield IL 62756

217/785-3094  
pwright@ilsos.gov

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

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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
- 1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting  
False/Fraudulent Documents; Notification by Department of Administrative  
Hearings
- 1040.117 Suspension for Concealment or Obstruction of Registration to Hinder Law  
Enforcement

**AUTHORITY:** Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5] 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. 14321, effective August 19, 2020.

**Section 1040.66 Invalidation of a Restricted Driving Permit**

Upon receipt of one or more of the following documents from a circuit clerk's office or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate a Restricted Driving Permit (RDP):

- a) the RDP, when accompanied by evidence of a violation of any restrictions on the RDP, except that the RDP of the permittee whose alcohol/drug use was classified as High Risk Dependent shall not be invalidated based solely on BAID violations that show the permittee has failed to maintain abstinence; or
- b) a copy of a charging document for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code of 1961 [720 ILCS 5~~9~~-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501, or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401, drag racing in violation of IVC Section 11-504, or street racing in violation of IVC Section 11-506; or
- c) a law enforcement officer's sworn report; or
- d) a report of any disposition of court supervision or convictions for driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501, or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401,

OFFICE OF THE SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

drag racing in violation of IVC Section 11-504, or street racing in violation of IVC Section 11-506.

(Source: Amended at 44 Ill. Reg. 14321, effective August 19, 2020)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Home Health, Home Services, and Home Nursing Agency Code
- 2) Code Citation: 77 Ill. Adm. Code 245
- 3) Section Number: 245.1                      Emergency Action: New Section
- 4) Statutory Authority: Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]
- 5) Effective Date of Rule: August 24, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: August 24, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subject and Issues: Specifically, this emergency rule temporarily suspends the requirement that a registered nurse conduct a supervisory visit to a patient's or client's residence. The emergency rule will allow for the supervisory visits to be conducted via electronic or telephonic means, if available.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rule shall be directed to:

Erin Conley  
Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th floor  
Springfield IL 62761

217/782-2043  
dph.rules@illinois.gov

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIESPART 245  
HOME HEALTH, HOME SERVICES,  
AND HOME NURSING AGENCY CODE

## SUBPART A: GENERAL PROVISIONS

## Section

[245.1](#) [COVID-19 Emergency Provisions](#)[EMERGENCY](#)

245.10 Purpose  
245.20 Definitions  
245.25 Incorporated and Referenced Materials

## SUBPART B: OPERATIONAL REQUIREMENTS

## Section

245.30 Organization and Administration  
245.40 Staffing and Staff Responsibilities  
245.50 Services (Repealed)  
245.55 Vaccinations  
245.60 Annual Financial Statement  
245.70 Home Health Aide Training  
245.71 Qualifications and Requirements for Home Services Workers  
245.72 Health Care Worker Background Check  
245.75 Infection Control

## SUBPART C: LICENSURE PROCEDURES

## Section

245.80 Licensure Required  
245.90 License Application  
245.95 License Application Fee, Single or Multiple Licenses  
245.100 Provisional License  
245.110 Inspections and Investigations

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

245.115	Complaints
245.120	Violations
245.130	Adverse Licensure Actions
245.140	Penalties and Fines
245.150	Hearings

## SUBPART D: CLIENT/PATIENT SERVICES

## Section

245.200	Services – Home Health
245.205	Services – Home Nursing Agencies
245.210	Services – Home Services Agencies
245.211	Services – Alzheimer's Disease and Related Dementias
245.212	Services – Home Nursing Placement Agency
245.214	Services – Home Services Placement Agency
245.220	Client Service Contracts – Home Nursing and Home Services Agencies
245.225	Client Service Contracts – Home Nursing Placement Agency and Home Services Placement Agency
245.240	Quality Improvement Program
245.250	Abuse, Neglect, and Financial Exploitation Prevention and Reporting

**AUTHORITY:** Implementing and authorized by the Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55].

**SOURCE:** Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 488, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3273, effective February 15, 1996; amended at 20 Ill. Reg. 10033, effective July 15, 1996; amended at 22 Ill. Reg. 3948, effective February 13, 1998; amended at 22 Ill. Reg. 22050, effective December 10, 1998; amended at 23 Ill. Reg. 1028, effective January 15, 1999; amended at 24 Ill.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

Reg. 17213, effective November 1, 2000; amended at 25 Ill. Reg. 6379, effective May 1, 2001; amended at 26 Ill. Reg. 11241, effective July 15, 2002; amended at 28 Ill. Reg. 3487, effective February 9, 2004; amended at 28 Ill. Reg. 8094, effective May 26, 2004; amended at 29 Ill. Reg. 20003, effective November 28, 2005; amended at 31 Ill. Reg. 9453, effective June 25, 2007; amended at 32 Ill. Reg. 8949, effective June 5, 2008; amended at 34 Ill. Reg. 5711, effective April 5, 2010; amended at 39 Ill. Reg. 16406, effective December 10, 2015; amended at 43 Ill. Reg. 9134, effective August 12, 2019; emergency amendment at 44 Ill. Reg. 5929, effective March 25, 2020, for a maximum of 150 days; emergency expired August 21, 2020; emergency amendment at 44 Ill. Reg. 14328, effective August 24, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 245.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

During the duration of the Gubernatorial Disaster Proclamations, the Department will waive the RN supervisory visits required under Section 245.40(b)(3), Section 245.40(b)(4), and agency supervisory visits required under Section 245.40(c)(6)(B) to ensure the safety of the healthcare provider. The supervisory visit may be conducted via electronic or telephonic means, where available.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 14328, effective August 24, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Number: 250.2                      Emergency Action:  
Repealed
- 4) Statutory Authority: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85]
- 5) Effective Date of Emergency Rule being Repealed: April 16, 2020
- 6) Effective Date of Emergency Repeal of Emergency Rule: August 24, 2020
- 7) Date Filed with the Index Department: August 24, 2020
- 8) A copy of the Emergency Repeal of Emergency Rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is being repealed due to changes to the Executive Order that it implements. Provisions of this emergency rule are being added in a new emergency rule that is effective on the same date as this repeal.
- 10) Are there any rulemakings to this Part Pending? No
- 11) Information and questions regarding this emergency rule shall be directed to:

Erin Conley  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield IL 62761-0002

217/782-2043

The full text of the Emergency Repeal of Emergency Amendment begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIESPART 250  
HOSPITAL LICENSING REQUIREMENTS

## SUBPART A: GENERAL PROVISIONS

## Section

250.2 COVID-19 Emergency Provisions for Hospitals, Hospital Alternate Care Facilities, and State Alternate Care Facilities

EMERGENCY

250.100 Definitions  
250.105 Incorporated and Referenced Materials  
250.110 Application for and Issuance of Permit to Establish a Hospital  
250.120 Application for and Issuance of a License to Operate a Hospital  
250.130 Administration by the Department  
250.140 Hearings  
250.150 Definitions (Renumbered)  
250.160 Incorporated and Referenced Materials (Renumbered)

## SUBPART B: ADMINISTRATION AND PLANNING

## Section

250.210 The Governing Board  
250.220 Accounting  
250.230 Planning  
250.240 Admission and Discharge  
250.245 Failure to Initiate Criminal Background Checks  
250.250 Visiting Rules  
250.260 Patients' Rights  
250.265 Language Assistance Services  
250.270 Manuals of Procedure  
250.280 Agreement with Designated Organ Procurement Agencies  
250.285 Smoking Restrictions  
250.290 Safety Alert Notifications

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

## SUBPART C: THE MEDICAL STAFF

Section	
250.310	Organization
250.315	House Staff Members
250.320	Admission and Supervision of Patients
250.330	Orders for Medications and Treatments
250.340	Availability for Emergencies

## SUBPART D: PERSONNEL SERVICE

Section	
250.410	Organization
250.420	Personnel Records
250.430	Duty Assignments
250.435	Health Care Worker Background Check
250.440	Education Programs
250.450	Personnel Health Requirements
250.460	Benefits

## SUBPART E: LABORATORY

Section	
250.510	Laboratory Services
250.520	Blood and Blood Components
250.525	Designated Blood Donor Program
250.530	Proficiency Survey Program (Repealed)
250.540	Laboratory Personnel (Repealed)
250.550	Western Blot Assay Testing Procedures (Repealed)

## SUBPART F: RADIOLOGICAL SERVICES

Section	
250.610	General Diagnostic Procedures and Treatments
250.620	Radioactive Isotopes
250.630	General Policies and Procedures Manual

## SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICES

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

## Section

- 250.710 Classification of Emergency Services
- 250.720 General Requirements
- 250.725 Notification of Emergency Personnel
- 250.730 Community or Areawide Planning
- 250.740 Disaster and Mass Casualty Program
- 250.750 Emergency Services for Sexual Assault Victims

## SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

## Section

- 250.810 Applicability of Other Parts of These Requirements
- 250.820 General
- 250.830 Classifications of Restorative and Rehabilitation Services
- 250.840 General Requirements for all Classifications
- 250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services
- 250.860 Medical Direction
- 250.870 Nursing Care
- 250.880 Additional Allied Health Services
- 250.890 Animal-Assisted Therapy

## SUBPART I: NURSING SERVICE AND ADMINISTRATION

## Section

- 250.910 Nursing Services
- 250.920 Organizational Plan
- 250.930 Role in hospital planning
- 250.940 Job descriptions
- 250.950 Nursing committees
- 250.960 Specialized nursing services
- 250.970 Nursing Care Plans
- 250.980 Nursing Records and Reports
- 250.990 Unusual Incidents
- 250.1000 Meetings
- 250.1010 Education Programs
- 250.1020 Licensure
- 250.1030 Policies and Procedures

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control
250.1110	Mandatory Overtime Prohibition
250.1120	Staffing Levels
250.1130	Nurse Staffing by Patient Acuity

## SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section	
250.1210	Surgery
250.1220	Surgery Staff
250.1230	Policies & Procedures
250.1240	Surgical Privileges
250.1250	Surgical Emergency Care
250.1260	Operating Room Register and Records
250.1270	Surgical Patients
250.1280	Equipment
250.1290	Safety
250.1300	Operating Room
250.1305	Visitors in Operating Room
250.1310	Cleaning of Operating Room
250.1320	Postanesthesia Care Units

## SUBPART K: ANESTHESIA SERVICES

Section	
250.1410	Anesthesia Service

## SUBPART L: RECORDS AND REPORTS

Section

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

- 250.1510 Medical Records
- 250.1520 Reports

## SUBPART M: FOOD SERVICE

## Section

- 250.1610 Dietary Department Administration
- 250.1620 Facilities
- 250.1630 Menus and Nutritional Adequacy
- 250.1640 Diet Orders
- 250.1650 Frequency of Meals
- 250.1660 Therapeutic (Modified) Diets
- 250.1670 Food Preparation and Service
- 250.1680 Sanitation

## SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

## Section

- 250.1710 Housekeeping
- 250.1720 Garbage, Refuse and Solid Waste Handling and Disposal
- 250.1730 Insect and Rodent Control
- 250.1740 Laundry Service
- 250.1750 Soiled Linen
- 250.1760 Clean Linen

## SUBPART O: OBSTETRIC AND NEONATAL SERVICE

## Section

- 250.1810 Applicability of Other Provisions of this Part
- 250.1820 Obstetric and Neonatal Service (Perinatal Service)
- 250.1830 General Requirements for All Obstetric Departments
- 250.1840 Discharge of Newborn Infants from Hospital
- 250.1845 Caesarean Birth
- 250.1850 Single Room Postpartum Care of Mother and Infant
- 250.1860 Special Programs (Repealed)
- 250.1870 Labor, Delivery, Recovery and Postpartum Care

## SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION,  
PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

## Section

250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply
250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950	Grounds and Buildings Shall be Maintained
250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing
250.1980	Fire and Safety

## SUBPART Q: CHRONIC DISEASE HOSPITALS

## Section

250.2010	Definition
250.2020	Requirements

## SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

## Section

250.2110	Service Requirements
250.2120	Personnel Required
250.2130	Facilities for Services
250.2140	Pharmacy and Therapeutics Committee

## SUBPART S: PSYCHIATRIC SERVICES

## Section

250.2210	Applicability of other Parts of these Regulations
250.2220	Establishment of a Psychiatric Service
250.2230	The Medical Staff
250.2240	Nursing Service
250.2250	Allied Health Personnel
250.2260	Staff and Personnel Development and Training
250.2270	Admission, Transfer and Discharge Procedures
250.2280	Care of Patients

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

- 250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric  
Units of General Hospitals or General Hospitals Providing Psychiatric Care  
250.2300 Diagnostic, Treatment and Physical Facilities and Services

## SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

## Section

- 250.2410 Applicability of these Standards  
250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing  
Facility  
250.2430 Preparation of Drawings and Specifications – Submission Requirements  
250.2440 General Hospital Standards  
250.2442 Fees  
250.2443 Advisory Committee  
250.2450 Details  
250.2460 Finishes  
250.2470 Structural  
250.2480 Mechanical  
250.2490 Plumbing and Other Piping Systems  
250.2500 Electrical Requirements

## SUBPART U: CONSTRUCTION REQUIREMENTS FOR EXISTING HOSPITALS

## Section

- 250.2610 Applicability of Subpart U  
250.2620 Codes and Standards  
250.2630 Existing General Hospital Requirements  
250.2640 Details  
250.2650 Finishes  
250.2660 Mechanical  
250.2670 Plumbing and Other Piping Systems  
250.2680 Electrical Requirements

## SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

## Section

- 250.2710 Special Care and/or Special Service Units  
250.2720 Day Care for Mildly Ill Children

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

## SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

## Section

250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff
250.2860	Medical Records
250.2870	Referral
250.2880	Client Legal and Human Rights
250.APPENDIX A	Codes and Standards (Repealed)
250.EXHIBIT A	Codes (Repealed)
250.EXHIBIT B	Standards (Repealed)
250.EXHIBIT C	Addresses of Sources (Repealed)
250.ILLUSTRATION A	Seismic Zone Map
250.TABLE A	Measurements Essential for Level I, II, III Hospitals
250.TABLE B	Sound Transmission Limitations in General Hospitals
250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. 19031, effective November 17, 2010; amended at 34 Ill. Reg. 19158, effective November 23, 2010; amended at 35 Ill. Reg. 4556, effective March 4, 2011; amended at 35 Ill. Reg. 6386, effective March 31, 2011; amended at 35 Ill. Reg. 13875, effective August 1, 2011; amended at 36 Ill. Reg. 17413, effective December 3, 2012; amended at 38 Ill. Reg. 13280, effective June 10, 2014; amended at 39 Ill. Reg. 5443, effective March 25, 2015; amended at 39 Ill. Reg. 13041, effective September 3, 2015; amended at 41 Ill. Reg. 7154,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

effective June 12, 2017; amended at 41 Ill. Reg. 14945, effective November 27, 2017; amended at 42 Ill. Reg. 9507, effective May 24, 2018; amended at 43 Ill. Reg. 3889, effective March 18, 2019; amended at 43 Ill. Reg. 12990, effective October 22, 2019; emergency amendment at 44 Ill. Reg. 5934, effective March 25, 2020, for a maximum of 150 days; emergency expired August 21, 2020; emergency amendment at 44 Ill. Reg. 7788, effective April 16, 2020, for a maximum of 150 days; emergency repeal of emergency amendment at 44 Ill. Reg. 14333, effective August 24, 2020.

## SUBPART A: GENERAL PROVISIONS

**Section 250.2 COVID-19 Emergency Provisions for Hospitals, Hospital Alternate Care Facilities, and State Alternate Care Facilities (Repealed)**  
**EMERGENCY**

- a) ~~In order for hospitals to adequately respond to COVID-19, the following provisions of Part 250 are suspended in their entirety:~~
- ~~1) 77 Ill. Adm. Code 250.240(e)(4);~~
  - ~~2) 77 Ill. Adm. Code 250.240(d)(2);~~
  - ~~3) 77 Ill. Adm. Code 250.240(f);~~
  - ~~4) 77 Ill. Adm. Code 250.330(b);~~
  - ~~5) 77 Ill. Adm. Code 250.1040(f), (g), (h), (j);~~
  - ~~6) 77 Ill. Adm. Code 250.1130;~~
  - ~~7) 77 Ill. Adm. Code 250.1520(g); and~~
  - ~~8) 77 Ill. Adm. Code 250.2440(d)(1).~~
- b) ~~In order for hospitals to adequately respond to COVID-19, the following provisions of Part 250 are modified as follows:~~
- ~~1) Section 250.1075 is modified to the extent necessary to be consistent with the Centers for Medicare and Medicaid Services' COVID-19 Emergency~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

~~Declaration Blanket Waivers for Health Care Providers~~

~~(<https://edit.ems.gov/media/465576>), which states that hospitals considered to be impacted by a widespread outbreak of COVID-19 are not required to meet the requirements related to seclusion under 42 CFR 482.13(c)(1)(ii);~~

- ~~2) Section 250.105(a)(1)(E)(i) is modified such that a hospital may reduce egress restrictions from eight feet to five feet; and~~
  - ~~3) Section 250.330(a) is modified such that testing for COVID-19 may be administered per a medical staff approved hospital policy that includes an assessment for contraindications.~~
- e) ~~In order to address the COVID-19 pandemic, hospitals licensed by the Illinois Department of Public Health (Department) may establish alternate care facilities (hospital alternate care facilities) at remote or temporary locations as follows:~~
- ~~1) The hospital alternate care facility must be established to provide room and board, nursing, diagnostic, or treatment services for COVID-19 patients or for non-COVID-19 patients in order to increase regional hospital capacity to respond to COVID-19;~~
  - ~~2) The hospital alternate care facility must be temporary;~~
  - ~~3) The hospital alternate care facility must be under the direction or control of the hospital;~~
  - ~~4) The hospital alternate care facility must be operated by a hospital licensed under the Act;~~
  - ~~5) A hospital establishing an alternate care facility must notify the Department, in writing, of the following:~~
    - ~~A) Name and address of each hospital alternate care facility to be established; bed allocations for clinical services; anticipated bed capacity; anticipated categories of service to be provided; and date that the hospital alternate care facility will begin accepting patients. Such notice must be provided at least 24 hours prior to~~

## DEPARTMENT OF PUBLIC HEALTH

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~~the hospital alternate care facility being operational or as soon as reasonably practical after the effective date of this Section in the case of hospital alternate care facilities already in existence; and~~

- ~~B) Any modifications to bed allocations between clinical services, increase or decreases in bed capacity, or change in categories of service to be provided at the hospital alternate care facility. Such notice must be provided within 10 days after the modification.~~
- d) Pursuant to Executive Order 2020-26, the State of Illinois, through one of its agencies or in cooperation with one or more federal or local government bodies, may establish alternate care facilities (State alternate care facilities) subject to the following:
- ~~1) The State alternate care facility must be established to provide room and board, nursing, and diagnosis of, or treatment to, COVID-19 patients or to non-COVID-19 patients in order to increase regional hospital capacity to respond to COVID-19;~~
  - ~~2) The State alternate care facility must be temporary;~~
  - ~~3) The State alternate care facility must be under the direction and control of the State of Illinois, one of its agencies, or the federal or local government in coordination with the State of Illinois;~~
  - ~~4) The State alternate care facility must apply for and receive a license for a State alternate care facility from the Department. Such license will automatically terminate at the conclusion of 150 days after the effective date of this emergency rule without any further action from the Department;~~
  - ~~5) A State alternate care facility must provide written notification to the Department within 24 hours after ceasing operations; and~~
  - ~~6) The State alternate care facility must be overseen by a competent executive officer or administrator, or designee, who is vested with authority and responsibility to carry out its policies.~~

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- e) Pursuant to Executive Order 2020-26, all provisions of Part 250, other than this Section 250.2, are suspended with respect to State alternate care facilities and to hospital alternate care facilities (collectively referred to as "alternate care facilities") to the extent they would otherwise be applicable. Alternate care facilities must meet the following requirements:
- 1) The alternate care facility must provide safe and quality care to each patient;
  - 2) No person shall be denied necessary medical care for reasons not based on sound medical practice and, particularly, no person will be denied care on account of race, ethnicity, religion, sex, gender identity, age, sexual orientation, national origin, immigration status, disability, or ability to pay;
  - 3) The alternate care facility must establish, in the interest of the patient, policies regarding visitation;
  - 4) The alternate care facility must have written policies for the admission, discharge, and transfer of all patients from or to an acute care hospital or other healthcare facility, as appropriate. The alternate care facility must develop a discharge plan of care for each patient;
  - 5) As set forth in Section 250.260(c), the alternate care facility shall prohibit all abuse of a patient by an administrator, agent, or employee or a member of its medical staff, and in addition, comply with the abuse and neglect reporting requirements for such alleged occurrences;
  - 6) The alternate care facility must ensure access to health care information and services for limited English speaking or non-English speaking patients or deaf patients;
  - 7) No medication, treatment, or diagnostic test may be administered to a patient except on a written or verbal order, if necessary, by a licensed medical professional acting within his or her scope of practice;

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- 8) ~~If the alternate care facility is to perform on-site clinical laboratory services commensurate with the facility's needs for its patients, it must comply with Section 250.510 regarding laboratory services;~~
- 9) ~~The facility must maintain a staff of nursing personnel organized to provide the nursing care for its patients commensurate with the size, scope, nature of the facility, and patient complexity;~~
- 10) ~~Nursing services must be under the direction of a registered professional nurse who has qualifications in nursing administration and who has the ability to organize, coordinate, and evaluate the service;~~
- 11) ~~To the extent medically possible, a minimum of three meals or their equivalent must be served daily, at regular hours with no more than a 14-hour span between a substantial evening meal and breakfast;~~
- 12) ~~If the alternate care facility is preparing food, it must meet the requirement of the Food Service Sanitation Code set forth in 77 Ill. Adm. Code 750;~~
- 13) ~~An adequate, accurate, timely, and complete medical record must be maintained for each patient of the alternate care facility. Minimum requirements for medical record content are:~~
  - A) ~~Patient identification and admission information;~~
  - B) ~~The history of the patient as clinically necessary;~~
  - C) ~~A physical examination report;~~
  - D) ~~Orders and progress notes made by the patient's physician and, when applicable, by other members of the medical staff and allied health personnel;~~
  - E) ~~Observations notes and vital sign charting made by nursing personnel; and~~
  - F) ~~Discharge order and disposition at discharge, including instructions and prescriptions for medications;~~

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- 14) ~~An index that serves as a key to the location of the medical record of each person who is or has been treated at the alternate care facility must be maintained;~~
- 15) ~~The alternate care facility must have a policy that is approved by the Department prior to closing for the preservation of patient medical records when the facility closes;~~
- 16) ~~Adequate supplies and equipment for housekeeping functions must be provided with cleaning compounds and hazardous substances properly labeled and stored. Hazardous cleaning solutions, compounds, and substances must be labeled, and stored in a safe place;~~
- 17) ~~The alternate care facility must follow the fire safety requirements set forth in Section 250.1980(a) through (d), (i), and (j), including but not limited to the use of fire resistant and/or fire-retardant materials;~~
- 18) ~~The alternate care facility must comply with the life safety requirements in Section 250.105(a)(1)(E)(i), except that a facility may reduce egress restrictions from eight feet to five feet and may make necessary deviations in consultation with the Department;~~
- 19) ~~The alternate care facility must comply with the incident reporting requirements in Section 250.1520(f);~~
- 20) ~~There shall be a sufficient number of properly trained and supervised dietary personnel, including a clinical dietitian or dieticians where warranted, competent to carry out dietetic services, if applicable, in an efficient, effective manner;~~
- 21) ~~All diets shall be ordered by the patient's physician and/or a registered dietitian with the physician's confirmation. Diet orders shall be recorded in the patient's medical chart;~~
- 22) ~~All drugs and medicines shall be stored and dispensed in accordance with applicable State and federal laws and regulations;~~

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- ~~23) If an alternate care facility establishes or has a licensed pharmacy on premises, it must have a pharmacist registered under the Pharmacy Practice Act [225 ILCS 85] available or on call at all times; and~~
- ~~24) An alternate care facility may grant disaster privileges pursuant to the procedures in Section 250.310(b)(18) regardless whether there is an activated emergency management plan.~~
- ~~f) The Department may conduct inspections of hospitals, hospital alternate care facilities, and State alternate care facilities, and may require corrective action in situations in which the health and safety of patients is at risk.~~
- ~~g) Hospitals, hospital alternate care facilities, and State alternate care facilities must follow all directives and guidance related to COVID-19 diagnosis and treatment from the Centers for Diseases Control and Prevention, the Department, and applicable local public health departments, including but not limited to infection control and isolation guidelines.~~

(Source: Added by emergency rulemaking at 44 Ill. Reg. 7788, effective April 16, 2020, for a maximum of 150 days; repealed by emergency rulemaking at 44 Ill. Reg. 14333, effective August 24, 2020)

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## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Long-Term Care Assistants and Aide Training Programs Code
- 2) Code Citation: 77 Ill. Adm. Code 395
- 3) Section Number: 395.1                      Emergency Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45], the ID/DD Community Care Act [210 ILCS 47], and the MC/DD Act [210 ILCS 46].
- 5) Effective Date of Rule: August 24, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: August 24, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subject and Issues Involved: This rule allows for military personnel with medic training to serve as CNAs and allows CNAs who have been certified or licensed in another state to work in Illinois during the duration of the disaster proclamations.
- 11) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

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- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:

Erin Conley  
Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield IL 62761

217/782-2043  
dph.rules@illinois.gov

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 395  
LONG-TERM CARE ASSISTANTS AND AIDES TRAINING PROGRAMS CODE

## SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

## Section

- 395.1 COVID-19 Emergency Provisions  
EMERGENCY
- 395.2 COVID-19 Emergency Provisions for Nursing Assistants  
EMERGENCY
- 395.50 Definitions
- 395.55 Incorporated and Referenced Materials
- 395.100 Program Sponsor
- 395.110 Application for Program Approval
- 395.120 Review Process and Program Approval
- 395.130 Review of Approved Training Program
- 395.140 Inactive Status
- 395.150 Minimum Hours of Instruction
- 395.155 Train the Trainer Program (BNATP Only)
- 395.156 Train the Trainer Model Program (BNATP Only)
- 395.160 Instructor Requirements (BNATP Only)
- 395.162 Approved Evaluator (BNATP Only)
- 395.165 Program Coordinator (BNATP Only)
- 395.170 Program Operation (BNATP Only)
- 395.171 Health Care Worker Background Check
- 395.173 Successful Completion of the Basic Nursing Assistant Training Program
- 395.174 Successful Completion of the Direct Support Person Training Program
- 395.175 Program Notification Requirements (BNATP Only)
- 395.180 Department Monitoring (Repealed)
- 395.190 Denial, Suspension, and Revocation of Program Approval (BNATP Only)
- 395.200 Other Programs Conducted by Facilities (Repealed)
- 395.205 Program Sponsor (ANATP Only)
- 395.210 Application for Program Approval (ANATP Only)
- 395.215 Review Process and Program Approval (ANATP Only)

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- 395.220 Review of Approved Program (ANATP Only)
- 395.225 Inactive Status (ANATP Only)
- 395.230 Minimum Hours of Instruction (ANATP Only)
- 395.235 Instructor Requirements (ANATP Only)
- 395.240 Program Coordinator (ANATP Only)
- 395.245 Program Operation (ANATP Only)
- 395.250 Successful Completion of the Advanced Nursing Assistant Training Program (ANATP)
- 395.255 Program Notification Requirements (ANATP Only)
- 395.260 Denial, Suspension, and Revocation of Program Approval (ANATP Only)

## SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

## Section

- 395.300 Basic Nursing Assistant Training Program
- 395.305 Advanced Nursing Assistant Training Program
- 395.310 Developmental Disabilities Aide Training Program (Repealed)
- 395.320 Direct Support Person Training Program (BNATP Only)
- 395.330 Psychiatric Rehabilitation Services Aide Training Program
- 395.333 Waivered Psychiatric Rehabilitation Services Aide Training Program

## SUBPART C: PROFICIENCY EXAMINATION

## Section

- 395.400 Competency Examination (BNATP Only)
- 395.405 Competency Examination (ANATP Only)

**AUTHORITY:** Implementing and authorized by the Nursing Home Care Act [210 ILCS 45], the ID/DD Community Care Act [210 ILCS 47], and the MC/DD Act [210 ILCS 46].

**SOURCE:** Adopted at 13 Ill. Reg. 19474, effective December 1, 1989; amended at 17 Ill. Reg. 2984, effective February 22, 1993; emergency amendment at 20 Ill. Reg. 529, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10085, effective July 15, 1996; amended at 22 Ill. Reg. 4057, effective February 13, 1998; amended at 25 Ill. Reg. 4264, effective March 20, 2001; amended at 26 Ill. Reg. 2747, effective February 15, 2002; ; amended at 26 Ill. Reg. 14837, effective October 15, 2002; amended at 37 Ill. Reg. 10546, effective June 27, 2013; amended at 42 Ill. Reg. 6727, effective March 29, 2018; amended at 44 Ill. Reg. 3455, effective February 21, 2020; emergency amendment at 44 Ill. Reg.

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5946, effective March 25, 2020, for a maximum of 150 days; emergency expired August 21, 2020; emergency amendment at 44 Ill. Reg. 14350, effective August 24, 2020, for a maximum of 150 days.

## SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

**Section 395.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

- a) The Department may allow military personnel to serve as certified nursing assistants (CNAs) to address the increasing need for CNAs in health care facilities in response to the COVID-19 outbreak in Illinois. Military personnel shall meet the following criteria to serve as a CNA during this crisis:
- 1) Shall provide DD Form 214 demonstrating successful completion of corpsman medic or combat medic training; or
  - 2) Shall provide documentation of current military occupational specialty as corpsman medic, combat medic, or other related medical training if currently serving in a branch of the U.S. military.
- b) The requirements for permanent certification of CNAs who are certified or licensed in another state, who are in good standing, and who are working under the direction of IEMA and the Department (hereinafter "out-of-state CNAs") in response to the public health emergency declared by the Governor are suspended. Out-of-state CNAs are limited to working under the direction of IEMA and the Department pursuant to a declared disaster or in a State licensed long-term care facility, State licensed hospital, or federally qualified health center (FQHC) and are limited to providing CNA services for the duration of the Gubernatorial Disaster Proclamations in response to the COVID-19 outbreak.
- c) Out-of-state CNAs shall provide the Department with their name, contact information, including phone number and email address, state of certification or licensure, certification or license number, and the date they will begin working in Illinois on a form provided by the Department.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 14350, effective August 24, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

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- 1) Heading of the Part: Health Care Worker Background Check Code
- 2) Code Citation: 77 Ill. Adm. Code 955
- 3) Section Number: 955.1                      Emergency Action:  
New Section
- 4) Statutory Authority: Health Care Worker Background Check Act [225 ILCS 46]
- 5) Effective Date of Rule: August 24, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: August 24, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.

- 10) A Complete Description of the Subjects and Issues Involved: Specifically, this emergency rule temporarily suspends the provision of the Healthcare Worker Background Check Act that prohibits an individual from being hired to work as a CNA if they have been inactive on the Department's Health Care Worker Registry ("Registry") [225 ILCS 46/33(g)].

Additionally, this rule allows for military personnel with medic training to serve as CNAs and allows CNAs who have been certified or licensed in another state to work in Illinois during the duration of the disaster proclamations.

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11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
955.110	Amendment	44 Ill. Reg. 8151; May 15, 2020
955.115	Amendment	44 Ill. Reg. 8151; May 15, 2020
955.165	Amendment	44 Ill. Reg. 8151; May 15, 2020
955.190	Amendment	44 Ill. Reg. 8151; May 15, 2020
955.260	Amendment	44 Ill. Reg. 8151; May 15, 2020
955.270	Amendment	44 Ill. Reg. 8151; May 15, 2020
955.275	Amendment	44 Ill. Reg. 8151; May 15, 2020
955.285	Amendment	44 Ill. Reg. 8151; May 15, 2020
955.300	Amendment	44 Ill. Reg. 8151; May 15, 2020
955.APPENDIX A	Amendment	44 Ill. Reg. 8151; May 15, 2020
955.APPENDIX C	Amendment	44 Ill. Reg. 8151; May 15, 2020

12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

13) Information and questions regarding this emergency rule shall be directed to:

Erin Conley  
Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield IL 62761

217/782-2043  
dph.rules@illinois.gov

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

## DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 955  
HEALTH CARE WORKER BACKGROUND CHECK CODE

## Section

[955.1 COVID-19 Emergency Provisions](#)[EMERGENCY](#)

- 955.2 COVID-19 Emergency Provisions – Fingerprint Requirements  
EMERGENCY
- 955.100 Applicability
- 955.110 Definitions
- 955.115 Initiation of Fingerprint-Based Criminal History Records Checks as a Fee  
Applicant Inquiry
- 955.120 Incorporated and Referenced Materials
- 955.130 Exceptions
- 955.135 Contracted or Subcontracted Workers
- 955.140 Policies Defining Employee Work Positions
- 955.145 Employment Verification
- 955.150 Employment Prohibition
- 955.160 Disqualifying Offenses
- 955.165 Fingerprint-Based Criminal History Records Check
- 955.170 Non-Fingerprint-Based UCIA Criminal History Records Check (Repealed)
- 955.180 Criminal History Records Checks after Implementation
- 955.190 Notification to Student, Applicant, or Employee
- 955.200 Submission of Criminal History Records Check Results to Nurse Aide Registry  
(Repealed)
- 955.210 Offer of Permanent Employment
- 955.220 Health Care Employer Files
- 955.230 Invalid Non-Fingerprint-Based Records Check (Repealed)
- 955.240 Fingerprint-Based UCIA Criminal History Records Check (Repealed)
- 955.250 Additional Conviction (Repealed)
- 955.260 Application for Waiver
- 955.270 Department Review of Waiver Application
- 955.275 Rehabilitation Waiver
- 955.280 Employment Pending Waiver

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955.285	Livescan Vendor Authorization
955.290	Recovery of Back Pay
955.300	Health Care Worker Registry
955.310	Department Findings of Abuse, Neglect, or Misappropriation of Property
955.320	Removal from Registry of a Department Finding of Neglect
955.APPENDIX A	Offenses that Are Always Disqualifying Except Through the Appeal Process
955.APPENDIX B	Disqualifying Offenses that May Be Considered for a Rehabilitation Waiver
955.APPENDIX C	Disqualifying Offenses that May Be Considered for a Waiver by the Submission of a Waiver Application

AUTHORITY: Implementing and authorized by the Health Care Worker Background Check Act [225 ILCS 46].

SOURCE: Adopted at 28 Ill. Reg. 14133, effective October 15, 2004; amended at 33 Ill. Reg. 5378, effective March 26, 2009; amended at 43 Ill. Reg. 3665, effective March 1, 2019; emergency amendment at 44 Ill. Reg. 5951, effective March 25, 2020, for a maximum of 150 days; emergency expired August 21, 2020; emergency amendment at 44 Ill. Reg. 6597, effective April 10, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 14355, effective August 24, 2020, for a maximum of 150 days.

### Section 955.1 COVID-19 Emergency Provisions

#### EMERGENCY

- a) The provisions in Section 33(g) of the Healthcare Worker Background Check Act and Section 955.165 that prohibit an individual from being hired to work as a certified nursing assistant if he or she has been inactive on the Health Care Worker Registry are suspended if all of the following conditions are met:
- 1) The individual has been in inactive status for a period of no more than 5 years;
  - 2) The individual was in good standing at the time he or she became inactive;  
and

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- 3) The individual completes and submits any forms required by the Department of Public Health.
- b) The Department may allow military personnel to serve as certified nursing assistants (CNAs) to address the increasing need for CNAs in health care facilities in response to the COVID-19 outbreak in Illinois. Military personnel shall meet the following criteria to serve as a CNA during this crisis:
  - 1) Shall provide DD Form 214 demonstrating successful completion of corpsman medic or combat medic training; or
  - 2) Shall provide documentation of current military occupational specialty as corpsman medic, combat medic, or other related medical training if currently serving in a branch of the U.S. military.
- c) The requirements for permanent certification of CNAs who are certified or licensed in another state, who are in good standing, and who are working under the direction of IEMA and the Department (hereinafter "out-of-state CNAs") in response to the public health emergency declared by the Governor, are suspended. Out-of-state CNAs are limited to working under the direction of IEMA and the Department pursuant to a declared disaster or in a state licensed long-term care facility, State licensed hospital, or federally qualified health center (FQHC) and are limited to providing CNA services for the duration of the Gubernatorial Disaster Proclamations in response to the COVID-19 outbreak.
- d) Out-of-state CNAs shall provide the Department with their name, contact information including phone number and email address, state of certification or licensure, certification or license number, and the date they will begin working in Illinois on a form provided by the Department.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 14355, effective August 24, 2020, for a maximum of 150 days)

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Remittance Agents
- 2) Code Citation: 92 Ill. Adm. Code 1019
- 3) Section Number: 1019.35                      Emergency Action: Amendment
- 4) Statutory Authority: Implementing Chapter 3, Article IX, and authorized by Section 2-104(b), of the Illinois Vehicle Code [625 ILCS 5].
- 5) Effective Date of Emergency Rule: August 20, 2020
- 6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, terminates, whichever occurs first.
- 7) Date Filed with the Index Department: August 20, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Due to the COVID-19 virus and the recommendations of the health and safety experts, it is the intent of the Secretary of State to minimize the number of persons entering our facilities to those customers with transactions that cannot be done online.
- 10) A Complete Description of the Subjects and Issues Involved: These changes to the administrative rule sets forth a requirement that all applications for title, registration or both must be done electronically. In addition, those remittance agents (or their employees) must present identification, issued by SOS, when conducting business related to an electronically submitted application.
- 11) Are there any rulemakings to the Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

OFFICE OF THE SECRETARY OF STATE

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- 13) Information and questions regarding this emergency rule shall be directed to:

Pamela Wright  
Office of the General Counsel  
298 Howlett Building  
Springfield IL 62756

[pwright@ilsos.gov](mailto:pwright@ilsos.gov)

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

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT

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

## Section

- 1019.5 Definitions  
1019.10 Application for Remittance Agency License and Renewal  
1019.20 Denial of Application for Remittance Agent's License  
1019.30 Suspension and Revocation of Remittance Agents' Licenses  
1019.35 Processing Transactions

EMERGENCY

- 1019.40 Recordkeeping Requirements  
1019.45 Severability Clause

AUTHORITY: Implementing Chapter 3, Article IX, and authorized by Section 2-104(b), of the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Adopted at 13 Ill. Reg. 4944, effective April 1, 1989; amended at 14 Ill. Reg. 5813, effective April 15, 1990; amended at 42 Ill. Reg. 223, effective December 19, 2017; amended at 43 Ill. Reg. 6231, effective May 9, 2019; emergency amendment at 44 Ill. Reg. 14360, effective August 20, 2020, for a maximum of 150 days.

**Section 1019.35 Processing Transactions**EMERGENCY

- a) Beginning September 1, 2020, all applications~~Applications~~ for title, registration, or title and registration submitted to the Department by persons acting as remittance agents shall be submitted by an electronic registration and titling process, via either an approved electronic registration and titling service provider or through the Secretary of State's website.~~are processed at the following addresses:~~
- 1) ~~Office of the Secretary of State  
Chicago West Facility  
5301 West Lexington Avenue  
Chicago, Illinois 60644~~

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- 2) ~~Office of the Secretary of State  
Chicago North Facility  
5401 North Elston Avenue  
Chicago, Illinois 60630~~
  - 3) ~~Office of the Secretary of State  
Chicago South Facility  
9901 South Martin Luther King, Jr. Drive  
Chicago, Illinois 60628~~
  - 4) ~~Office of the Secretary of State  
Vehicle Services Department  
Howlett Building, Room 011  
Springfield, Illinois 62756~~
- b) ~~The business hours are from 7 a.m. until 4:30 p.m. on Monday through Friday at the Howlett Building in Springfield. At the Chicago West, North and South Facilities the business hours are from 8 a.m. to 4:30 p.m. on Monday, Tuesday, Thursday and Friday and from 12 noon until 8 p.m. on Wednesday. The applications may also be processed by mailing them to the following address:~~
- ~~Office of the Secretary of State  
Vehicle Services Department  
Howlett Building  
Springfield, Illinois 62756~~
- be) All transactions shall be electronically submitted~~delivered~~ to the Department within 5 days after receipt by the remittance agent. All supporting documentation is required and must be submitted within 20 calendar days after the submission of the electronic application. Failure to comply with this Section shall be grounds for suspension or revocation of the remittance agent's license, based upon the severity of the violation.
- cd) Any person who picks up or receives transactions from other remittance agents, dealers, currency exchanges, financial institutions or any other person exempt from being licensed as a remittance agent under IVC Section 3-902 shall be considered a remittance agent under provisions of IVC chapter 3, Article IX and

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT

required to be licensed in accordance with this Part.

- de) The names of all employees of the remittance agent shall appear on the remittance agent's license application. Those employees shall be issued I.D. cards and be required to present their I.D. when attempting to process transactions. authorizing them to process transactions at authorized Secretary of State facilities. Any person without an I.D. card shall not be allowed to process transactions. The Department shall be notified in writing of any changes in personnel, business location, and/or the business name during the licensing year within 10 calendar days of the occurrence after the change.
- ef) No remittance agent shall employ any individual, or any member of that individual's immediate family, who is employed by the Office of the Secretary of State. This prohibition shall not apply to persons employed by a remittance agent prior to April 10, 1983.
- fg) All electronically submitted applications must include the remittance agent's assigned number in the designated position on the form~~Any remittance agent delivering a transaction to the Department shall stamp his/her remittance number in the designated space on the front of the application.~~ Any other remittance agent involved in the transaction shall stamp his/her remittance agent number in the remarks section on the front~~back~~ of the application.
- gh) The fee submitted to the Department shall be ~~affixed~~applied to the supporting documentation required by subsection (b)~~corresponding applications~~. Failure of the remittance agent to affix the check, electronic payment, or money order to the proper application shall result in the rejection of the transaction.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 14360, effective August 20, 2020, for a maximum of 150 days)

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

- 1) Heading of the Part: Commercial Driver Training Schools
- 2) Code Citation: 92 Ill. Adm. Code 1060
- 3) Section Number: 1060.270                      Emergency Action: Amendment
- 4) Statutory Authority: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Motor Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].
- 5) Effective Date of Emergency Rule: August 20, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, and as extended by subsequent proclamations, terminates, whichever occurs first.
- 7) Date Filed with the Index Department: August 20, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Emergency rules are need to ensure the public safety and welfare of those students enrolled in driver education classes at commercial driving schools due to the evolving COVID-19 pandemic. This amendment updates the requirement that driver training schools may resume behind-the-wheel training once its region reaches Phase 5.
- 10) A Complete Description of the Subjects and Issues Involved: Sets forth guidelines under which the classroom portion of driver education may be conducted as Illinois moves into Phase 4 of the Restore Illinois plan. This amendment updates the requirement that driver training schools may resume behind-the-wheel training once its region reaches Phase 5.
- 11) Are there any rulemakings to this Part pending? Yes

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## NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1060.270	New Section	44 Ill. Reg. 9926; June 5, 2020
1060.200	Amendment	44 Ill. Reg. 13301; August 14, 2020

- 12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.
- 13) Information and questions regarding this emergency rule shall be directed to:

Brenda Glahn  
Senior Legal Advisor  
298 Howlett Building  
Springfield IL 62756

bglahn@ilsos.gov

The full text of the Emergency Amendment to Emergency Rule begins on the next page:

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1060  
COMMERCIAL DRIVER TRAINING SCHOOLS

Section	
1060.5	Definitions
1060.10	Unlicensed Person May Not Operate Driver Training School
1060.20	Requirements for School Licenses
1060.30	Driver Training School Names
1060.40	Refund of Application Fees
1060.50	School Locations and Facilities
1060.60	Driver Training School Student Instruction Record
1060.70	Driver Training School Course of Instruction
1060.71	Adult Driver Education Course Certification
1060.72	Adult Driver Education Classroom Instruction
1060.80	Driver Training School Contracts
1060.90	Inspection of School Facilities
1060.100	Licenses
1060.110	Safety Inspection of Driver Training School Motor Vehicles
1060.120	Requirements to Obtain and Retain a Driver Training Instructor's License
1060.130	Examination for Driver Training Instructor
1060.140	Temporary Permit
1060.150	Driver Training School Responsibility for Employees
1060.160	Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.170	Hearings
1060.180	Teen Accreditation
1060.181	Teen Accreditation Classroom and Behind-the-Wheel Requirements
1060.190	Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License, Teen Accreditation, CDL Accreditation, and Instructor's License
1060.200	Commercial Driver's License and/or Endorsement and/or Accreditation
1060.210	Driver Training School Responsibility for Employees (Recodified)
1060.220	Solicitation of Students and Pupils for Commercial Driver Training Instruction (Recodified)
1060.230	Hearings (Recodified)
1060.240	Teen Accreditation (Recodified)

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- 1060.250 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License (Recodified)
- 1060.260 Commercial Driver's License and/or Endorsement and/or Restriction Accreditation (Recodified)
- 1060.270 Operations During COVID-19 Pandemic

EMERGENCY

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

**SOURCE:** Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990; recodified at 17 Ill. Reg. 20006, effective November 3, 1993; amended at 18 Ill. Reg. 7788, effective May 9, 1994; amended at 20 Ill. Reg. 3861, effective February 14, 1996; amended at 22 Ill. Reg. 22069, effective December 2, 1998; emergency amendment at 24 Ill. Reg. 8403, effective June 2, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15443, effective October 5, 2000; amended at 25 Ill. Reg. 6409, effective April 26, 2001; amended at 26 Ill. Reg. 15020, effective October 1, 2002; emergency amendment at 28 Ill. Reg. 398, effective December 22, 2003, for a maximum of 150 days; emergency expired May 19, 2004; amended at 28 Ill. Reg. 11925, effective July 26, 2004; amended at 30 Ill. Reg. 11377, effective June 14, 2006; amended at 31 Ill. Reg. 16008, effective November 16, 2007; amended at 33 Ill. Reg. 15811, effective October 27, 2009; amended at 34 Ill. Reg. 19099, effective November 22, 2010; amended at 37 Ill. Reg. 4295, effective March 20, 2013; amended at 37 Ill. Reg. 18893, effective November 5, 2013; amended at 38 Ill. Reg. 12566, effective July 1, 2014; amended at 42 Ill. Reg. 16056, effective August 3, 2018; amended at 43 Ill. Reg. 3857, effective March 8, 2019; emergency amendment at 44 Ill. Reg. 10021, effective May 21, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 11610, effective June 25, 2020, for the remainder of the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 14365, effective August 20, 2020, for the remainder of the 150 days.

**Section 1060.270 Operations During COVID-19 Pandemic**EMERGENCY

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Notwithstanding any other provision of this Part, as a result of the COVID-19 emergency declared through the Gubernatorial Disaster Proclamations, the following procedures shall apply for the time periods specified in this Section:

- a) Classroom instruction may be provided virtually, with either a live instructor or via pre-recorded sessions with an instructor, until such time as the region in which the driving training school is located reaches Phase 5 of the Restore Illinois plan released by Governor Pritzker's office on May 5, 2020, or through December 31, 2020, whichever occurs first. If a pre-recorded program is to be used, it must be submitted to the Department for approval. Content must be specific to Illinois laws and Rules of the Road.
  - 1) The instruction must include all course content set forth in Section 1060.181.
  - 2) A student who started classroom instruction virtually may be allowed to finish virtual classroom instruction even if the driving training school is located in a region that reaches Phase 4 or Phase 5 or December 31, 2020 before classroom instruction is concluded.
  - 3) If pre-recorded instruction is used, the student may not be allowed to fast-forward through instruction or skip a classroom session.
- b) A driving training school may, but is not required to, resume in-person classroom instruction when the region in which the commercial driving school is located reaches Phase 3 of the Restore Illinois plan, so long as no more than 10 persons, inclusive of students and staff, are physically present in the classroom or upon reaching Phase 4 of the Restore Illinois Plan so long as the school complies with Section 1060.181(b)(1)(c), under the following conditions:
  - 1) Adherence to social distancing guidelines promulgated by the Illinois Department of Public Health (IDPH);
  - 2) Face coverings must be worn by instructors and students, in accordance with IDPH safety guidance;
  - 3) Hand sanitizer is available in the classroom;

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- 4) A disposable mask is made available to all students upon request of the student;
  - 5) Classrooms are sanitized between each class session, including the use of disinfectant on desks, door knobs, light switches, computers and related equipment such as the monitor, keyboard and mouse, and books; and
  - 6) Adherence to all requirements of Phase 4 of the Restore Illinois plan.
- c) On January 1, 2021, in-person classroom instruction shall resume under the following conditions, if Phase 5 has not been reached prior to that date:
- 1) Adherence to social distancing guidelines promulgated by IDPH;
  - 2) Face coverings must be worn by instructors and students, in accordance with IDPH safety guidance;
  - 3) Hand sanitizer is available in the classroom;
  - 4) A disposable mask is made available to all students upon request of the student;
  - 5) Classrooms are sanitized between each class session, including the use of disinfectant on desks, door knobs, light switches, computers and related equipment such as the monitor, keyboard and mouse, and books; and
  - 6) Adherence to all requirements of Phase 4 of the Restore Illinois plan.
- d) Behind-the-wheel instruction may resume when the region in which the commercial driving school reaches Phase 3 of the Restore Illinois plan, under the following conditions:
- 1) Face coverings must be worn by instructors and students, in accordance with IDPH safety guidance;
  - 2) Hand sanitizer is available in the training vehicle;

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- 3) A disposable mask is made available to all students upon request of the student;
  - 4) ~~Each student is limited to one hour of behind-the-wheel instruction per day;~~
  - 45) Only the instructor and the student may be present in the training vehicle (no other students are allowed). If requested, a parent may be present in the training vehicle, seated in the back seat;
  - 56) The commercial driver training school must obtain written consent from the student's parent or guardian (if the student is under the age of 18) to allow for the behind-the-wheel instruction with only the instructor being present in the vehicle;
  - 67) The training vehicle must be sanitized before and after each lesson;
  - 78) Instructors must wash hands or use hand sanitizer prior to starting any behind-the-wheel lesson and must wear a face covering during any interaction with the student;
  - 89) Observation hours, as set forth in Section 1060.181(c)(2) are waived until that Region in which the driver training school is located reaches Phase 5 through August 31, 2020; and
  - 940) Adherence to all requirements of Phase 3 of the Restore Illinois plan.
- e) A 12-month pilot program is hereby established that allows a commercial driver training school instructor to administer a road test to a student that successfully completes an approved driver education course.
- 1) A commercial driver training instructor must be approved by the Department to administer the road test. Only instructors with five continuous years of providing behind-the-wheel instruction to teens may be approved to administer the road test.

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- 2) The road test route used by the commercial driving training instructor must be approved by the Department and must contain all the maneuvers included on a road test administered by Secretary of State employees.
  - 3) A road test administered by a commercial driver training school instructor must be scored in the same manner as a road test administered by a Secretary of State employee.
  - 4) Only vehicles listed on CDTS form 10-7, Insurance Certificate, may be used to administer a road test.
- f) All other provisions of this Part that have not been modified by this Section remain in full force and effect.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 10021, effective May 21, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 11610, effective June 25, 2020, for the remainder of the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 14365, effective August 20, 2020, for the remainder of the 150 days)

## STATE BOARD OF ELECTIONS

## NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

- 1) Heading of the Part: Vote by Mail Expansion
- 2) Code Citation: 26 Ill. Adm. Code 225
- 3) Section Number: 225.30                      Emergency Action:  
Amendment
- 4) Statutory Authority: Authorized by Section 5-45.1 of the Administrative Procedure Act [5 ILCS 100/45.1] and Sections 2B-55 and 2B-60 of the Election Code [10 ILCS 5/2B-55, 2B-60].
- 5) Effective Date of Emergency Rule: August 20, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking is not set to expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: August 20, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The General Assembly finds that the expeditious and timely implementation of Article 2B of the Election Code through emergency rulemaking is deemed necessary for the public interest, safety, and welfare [5 ILCS 100/5-45.1].
- 10) A Complete Description of the Subjects and Issues Involved: The regulation implements PA 101-642, effective June 16, 2020, concerning an expansion of vote by mail for the November 2020 general election in response to COVID-19. The rule specifies the contents required for an election authority's notice to an elector that a vote by application was rejected.
- 11) Are there any other rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: This emergency rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

- 13) Information and questions regarding the emergency rule shall be directed to:

Marni M. Malowitz  
General Counsel  
Illinois State Board of Elections  
100 W. Randolph St., Suite 14-100  
Chicago IL 60601

312/814-6462

The full text of the Emergency Amendment to Emergency Rule begins on the next page:

## STATE BOARD OF ELECTIONS

## NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

TITLE 26: ELECTIONS  
CHAPTER 1: STATE BOARD OF ELECTIONSPART 225  
VOTE BY MAIL EXPANSION

## Section

225.10 Applicability and Definitions

**EMERGENCY**

225.20 Distribution of Vote by Mail Applications for the 2020 General Election

**EMERGENCY**

225.30 Processing of Vote by Mail Applications for the 2020 General Election

**EMERGENCY**

**AUTHORITY:** Authorized by Section 5-45.1 of the Illinois Administrative Procedure Act [5 ILCS 100] and Sections 2B-55 and 2B-60 of the Election Code [10 ILCS 5].

**SOURCE:** Emergency rules adopted at 44 Ill. Reg. 11914, effective July 2, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 14373, effective August 20, 2020, for the remainder of the 150 days.

**Section 225.30 Processing of Vote by Mail Applications for the 2020 General Election**  
**EMERGENCY**

- a) An election authority shall reject any application for an official vote by mail ballot if the application does not contain the following:
- 1) The name of the elector;
  - 2) The elector's duly registered address and city or township; and
  - 3) A statement:
    - A) Substantially in the following form:

I hereby make application for an official ballot or ballots to be voted by me at such election, and I agree that I shall return the ballot or ballots to the official issuing them the ballot prior to the

## STATE BOARD OF ELECTIONS

## NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

closing of the polls on the date of the election or, if returned by mail, postmarked no later than election day, for counting no later than during the period for counting provisional ballots, the last day of which is the 14<sup>th</sup> day following election day. I understand that this application is made for an official vote by mail ballot or ballots to be voted by me at the election specified in this application and that I must submit a separate application for an official vote by mail ballot or ballots to be voted by me at any subsequent election. Under penalties as provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this application are true and correct; and

- B) For purposes of this Section, the statement will be considered substantially in the form specified in subsection (a)(3)(A) if it includes the following:
  - i) A statement of intention to make application for the applicant's official ballot;
  - ii) An agreement to return the ballot in person prior to the closing of the polls on election day or by mail postmarked no later than election day; and
  - iii) A certification that the statements in the application are true and correct.
- b) The elector's delivery to the appropriate election authority of a vote by mail application containing the information required by subsection (a) shall constitute the elector's certification that the statements set forth in the elector's vote by mail application are true and correct.
- c) Rejected Applications
  - 1) If an election authority rejects an elector's application for an official vote by mail ballot, within three business days after the rejection, the election authority shall send to the elector a notice via U.S. Mail: ~~An election~~

## STATE BOARD OF ELECTIONS

## NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

~~authority may not reject an application to vote by mail on the basis that the application does not contain the signature of the elector.~~

- A) advising the elector that the vote by mail application has been rejected;
  - B) specifying the reason for rejection;
  - C) notifying the elector that he or she may submit a new application to the election authority as soon as practicable, but no later than five days prior to election day by mail or electronically, or one day prior to election day by personal delivery; and
  - D) enclosing a vote by mail application form.
- 2) If an elector's application for an official vote by mail ballot was rejected by an election authority prior to the effective date of the emergency amendment to this emergency rule, the requirements of this subsection are met by mailing the notice required by this subsection on or before August 28, 2020.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11914, effective July 2, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 14373, effective August 20, 2020, for the remainder of the 150 days)

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF RECODIFICATION

- 1) Heading of the Part: Illinois Finance Authority
- 2) Code Citation: 74 Ill. Adm. Code 1100
- 3) Date of Administrative Code Division Review: August 18, 2020
- 4) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers</u>	<u>Headings:</u>
SUBPART C	Governmental Unit Assistance Program
Section 300	Purposes and Objectives; Compliance with Federal Law; Forms for Program
SUBPART F	Educational Facilities Program
Section 600	Introduction

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

<u>Section Numbers</u>	<u>Headings:</u>
SUBPART C	Veterans Assistance
Section 300	Purposes and Objectives; Compliance with Federal Law; Forms for Program
SUBPART F	Loan Participation Program
Section 600	Introduction

- 6) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
SUBPART C Governmental Unit Assistance Program	SUBPART C Veterans Assistance
Section 300 Purposes and Objectives; Compliance with Federal Law; Forms for Program	Section 300 Purposes and Objectives; Compliance with Federal Law; Forms for Program
SUBPART F Educational Facilities Program	SUBPART F Loan Participation Program
Section 600 Introduction	Section 600 Introduction

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
SEPTEMBER 15, 2020  
11:30 A.M.

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

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Attorney General

1. Attorney General's Procurement (44 Ill. Adm. Code 1300)
  - First Notice Published: 44 Ill. Reg. 10831 – 6/26/20
  - Expiration of Second Notice: 9/30/20

Board of Higher Education

2. Graduation Incentive Grants (Repealer) (23 Ill. Adm. Code 1002)
  - First Notice Published: 44 Ill. Reg. 10840 – 6/26/20
  - Expiration of Second Notice: 10/3/20

Central Management Services

3. Extensions of Jurisdiction (80 Ill. Adm. Code 305)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

- First Notice Published: 43 Ill. Reg. 11808 – 10/18/19
- Expiration of Second Notice: 9/25/20

Environmental Protection Agency

4. Public Water Supply Capacity (Repealer) (35 Ill. Adm. Code 652)
  - First Notice Published: 43 Ill. Reg. 13880 – 12/6/19
  - Expiration of Second Notice: 9/20/20
5. Community Water Supplies (35 Ill. Adm. Code 652)
  - First Notice Published: 43 Ill. Reg. 13889 – 12/6/19
  - Expiration of Second Notice: 9/20/20

Education

6. Voluntary Registration and Recognition of Nonpublic Schools (23 Ill. Adm. Code 425)
  - First Notice Published: 44 Ill. Reg. 3844 – 3/13/20
  - Expiration of Second Notice: 10/3/20

Gaming Board

7. Video Gaming (General) (11 Ill. Adm. Code 1800)
  - First Notice Published: 44 Ill. Reg. 10061 – 12/6/19
  - Expiration of Second Notice: 9/30/20

Healthcare and Family Services

8. Child Support Services (89 Ill. Adm. Code 160)
  - First Notice Published: 44 Ill. Reg. 10350 – 6/19/20
  - Expiration of Second Notice: 10/3/20

Joint Committee on Administrative Rules

9. Review of Proposed Rulemaking (1 Ill. Adm. Code 220)
  - First Notice Published: 44 Ill. Reg. 5179 – 3/27/20
  - Expiration of Second Notice: 10/4/20

Juvenile Justice

10. Research and Evaluation (20 Ill. Adm. Code 2206)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

- First Notice Published: 44 Ill. Reg. 3304 – 2/28/20
- Expiration of Second Notice: 10/1/20

11. Reimbursement for Expenses (Repealer) (20 Ill. Adm. Code 2210)
  - First Notice Published: 44 Ill. Reg. 3309 – 2/28/20
  - Expiration of Second Notice: 10/1/20

Revenue

12. Income Tax (86 Ill. Adm. Code 100)
  - First Notice Published: 44 Ill. Reg. 4544 – 3/20/20
  - Expiration of Second Notice: 9/30/20

Secretary of State

13. Court of Claims Regulations (74 Ill. Adm. Code 790)
  - First Notice Published: 44 Ill. Reg. 5722 – 4/3/20
  - Expiration of Second Notice: 10/7/20

**EMERGENCY RULEMAKINGS**Central Management Services

14. Acquisition, Management and Disposal of Real Property (44 Ill. Adm. Code 5000)
  - 44 Ill. Reg. 13754; effective 8/21/20
  - Emergency Expires: 1/6/21

Commerce and Economic Opportunity

15. Local Tourism and Convention Bureau Program (14 Ill. Adm. Code 550)
  - 44 Ill. Reg. 13435; effective 8/14/20
  - Emergency Expires: 12/25/20
16. Business Interruption Grant Program (14 Ill. Adm. Code 690)
  - 44 Ill. Reg. 13111; effective 8/7/20
  - Emergency Expires: 12/17/20

Education

17. Public Schools, Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 44 Ill. Reg. 13498; effective 7/31/20
- Emergency Expires: 12/27/20

Employment Security

18. Payment of Unemployment Contributions, Interest and Penalties (56 Ill. Adm. Code 2765)
  - 44 Ill. Reg. 13457; effective 7/28/20
  - Emergency Expires: 12/24/20

Gaming Board

19. Video Gaming (General) (11 Ill. Adm. Code 1800)
  - 44 Ill. Reg. 13463; effective 7/28/20
  - Emergency Expires: 12/24/20

Human Services

20. Child Care (89 Ill. Adm. Code 50)
  - 44 Ill. Reg. 13789; effective 8/7/20
  - Emergency Expires: 1/3/21

Secretary of State

21. Uniform Partnership Act (Emergency Amendment to Emergency Rule) (14 Ill. Adm. Code 166)
  - 44 Ill. Reg. 13493; effective 7/31/20
  - Emergency Expires: 8/16/20
22. Issuance of Licenses (Emergency Amendment to Emergency Rule) (92 Ill. Adm. Code 1030)
  - 44 Ill. Reg. 13823; effective 8/7/20
  - Emergency Expires: 11/26/20

**INTERNAL RULEMAKING**Torture Inquiry and Relief Commission

23. Organization, Public Information, Procedures and Rulemaking (2 Ill. Adm. Code 3500)
  - Published: 44 Ill. Reg. 13427 – 8/14/20

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

**EXPEDITED CORRECTIONS**Agriculture

24. Cannabis Regulation and Tax Act (8 Ill. Adm. Code 1300)  
-Published: 44 Ill. Reg. 12684 – 7/24/20

Insurance

25. Pharmacy Benefit Managers (50 Ill. Adm. Code 3145)  
-Published: 44 Ill. Reg. 12982 – 7/31/20

**AGENCY RESPONSES**Children and Family Services

26. Licensing Standards for Day Care Homes (Emergency Amendment to Emergency Rule) (89 Ill. Adm. Code 406)  
-Emergency Published: 44 Ill. Reg. 11070 – 6/26/20  
-Agency Response: Agree
27. Licensing Standards for Day Care Centers (Emergency Amendment to Emergency Rule) (89 Ill. Adm. Code 407)  
-Emergency Published: 44 Ill. Reg. 11079 – 6/26/20  
-Agency Response: Agree
28. Licensing Standards for Group Day Care Homes (Emergency Amendment to Emergency Rule) (89 Ill. Adm. Code 408)  
-Emergency Published: 44 Ill. Reg. 11094 – 6/26/20  
-Agency Response: Agree

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received during the period of August 12, 2020 through August 24, 2020. These rulemakings are scheduled for the September 15, 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
10/1/20	<u>Department of Juvenile Justice, Research and Evaluation</u> (20 Ill. Adm. Code 2206)	2/28/20 44 Ill. Reg. 3304	9/15/20
10/1/20	<u>Department of Juvenile Justice, Reimbursement for Expenses</u> (Repealer) (20 Ill. Adm. Code 2210)	2/28/20 44 Ill. Reg. 3309	9/15/20
10/3/20	<u>Board of Higher Education, Graduation Incentive Grants</u> (Repealer) (23 Ill. Adm. Code 1002)	6/26/20 44 Ill. Reg. 10840	9/15/20
10/3/20	<u>Department of Healthcare and Family Services, Child Support Services</u> (89 Ill. Adm. Code 160)	6/19/20 44 Ill. Reg. 10350	9/15/20
10/4/20	<u>Joint Committee on Administrative Rules, Review of Proposed Rulemaking</u> (1 Ill. Adm. Code 220)	3/27/20 44 Ill. Reg. 5179	9/15/20
10/7/20	<u>Secretary of State, Court of Claims Regulations</u> (74 Ill. Adm. Code 790)	4/3/20 44 Ill. Reg. 5722	9/15/20

## EXECUTIVE ORDERS

2020-51

**EXECUTIVE ORDER IN RESPONSE TO COVID-19  
(COVID-19 EXECUTIVE ORDER NO. 47)**

**WHEREAS**, Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness, has rapidly spread throughout Illinois and continues to necessitate updated and more 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**, 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 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; and,

**WHEREAS**, working with experts in the Department of Public Health, I put forward a deliberate plan that utilizes several layers of mitigation steps to combat a resurgence of COVID-19 and prevent uncontrollable spread; and,

**WHEREAS**, that plan described two scenarios that would cause the State to institute more restrictive public health measures and impose additional mitigations in a region: first, a sustained increase in the 7-day rolling average (7 out of 10 days) in the positivity rate, coupled with either (a) a sustained 7-day increase in hospital admissions for a COVID-like illness, or (b) a reduction in hospital capacity threatening surge capabilities (ICU capacity or medical/surgical beds under 20%); or second, three consecutive days averaging greater than or equal to an 8% positivity rate (7 day rolling average); and,

**WHEREAS**, the current spread of COVID-19 in the Metro East region, comprised of Bond, Clinton, Madison, Monroe, Randolph, St. Clair, and Washington Counties, has triggered the second of these scenarios as the region has averaged greater than or equal to an 8% COVID-19 positivity rate (7 day rolling average) for three consecutive days; and,

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**WHEREAS**, the Department of Public Health has consulted with local public health departments and leaders in the Metro East region to determine appropriate public health mitigation strategies for the specific challenges the region is facing in attempting to prevent the further spread of COVID-19;

**THEREFORE**, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(8), 7(9), 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 August 18, 2020 at 5:00 pm:

Section 1. The following public health restrictions and mitigations are instituted for the Metro East region, comprised of Bond, Clinton, Madison, Monroe, Randolph, St. Clair, and Washington Counties:

- a. Mitigation for restaurants and bars. Restaurants and bars in the region are subject to these restrictions and mitigation measures, which supplement the Phase 4 guidance from the Department of Commerce and Economic Opportunity for Indoor and Outdoor Dining:
  1. All restaurants and bars in the region must close at 11:00 p.m.
  2. All customers must be seated at tables spaced at least six feet apart. Indoor tables must be limited to groups of no more than six people. Bar stools must be removed from the bar area, and ordering, seating, or congregating at the bar area is not permitted.
  3. Customers who are not yet seated at a table must wait off premises and, when waiting, must not congregate in groups larger than the party with whom they are dining. Standing, congregating, or dancing on premises is not permitted.
  4. Each party must have a reservation, even if made on-site, so that the restaurant or bar has contact information to reach every party for contact tracing if needed.
- b. Mitigation for meetings and social events. Meetings and social events in the region are subject to these restrictions and mitigation measures, which supplement the Phase 4 guidance from the Department of Commerce and Economic Opportunity for Meetings and Social Events:
  1. Meetings and social events are limited to the lesser of 25 people or 25% of overall room capacity.
  2. Attendance lists must be kept for contact tracing.
  3. Party buses are not permitted.
- c. Mitigation for gaming and casinos. Gaming and casinos in the region are subject to these restrictions and mitigation measures:

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1. Gaming venues and casinos must close, and gaming terminals must stop operating, at 11:00 p.m.
2. Gaming venues and casinos are limited to 25% capacity.
- d. Mitigation for all workplaces. Businesses and establishments shall institute remote work for high risk individuals, and shall evaluate whether additional workers can telework. This Executive Order encourages remote work for as many workers as possible.

Section 2. This Executive Order supplements the Community Revitalization Order (Executive Order 2020-43), which remains in effect other than when its terms are inconsistent with those expressly set forth in Section 1 above. The additional requirements of the Community Revitalization Order, including the requirements relating to social distancing and wearing face coverings, remain in place. The exemptions set forth in Section 4 of the Community Revitalization Order apply to this Executive Order.

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 August 18, 2020

Filed by the Secretary of State August 18, 2020

**2020-52**

**EXECUTIVE ORDER 2020-52  
(COVID-19 EXECUTIVE ORDER NO. 48)**

**WHEREAS**, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 215,000 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

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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 7,850 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 August 21, 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, 2020-15, 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, 2020-34, 2020-35, 2020-36, 2020-41, 2020-42, 2020-43, 2020-45, 2020-47, 2020-50, and 2020-51 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 August 21, 2020:

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

Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 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, 2020-34, 2020-35, 2020-36, 2020-41, 2020-42, 2020-43, 2020-45, 2020-47, 2020-50, and 2020-51 hereby are re-issued by this Executive Order 2020-52 as follows:

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

## EXECUTIVE ORDERS

Sections 2 and 3 of Executive Order 2020-04 are re-issued and extended through **September 19, 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 **September 19, 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 **September 19, 2020**.

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

Executive Order 2020-09, as amended and revised below, is re-issued in its entirety and extended through **September 19, 2020**.

Section 2. Beginning March 19, 2020 and continuing for the duration of the Gubernatorial Disaster Proclamation, in order to protect the public's health, to permit expedited treatment of health conditions during the COVID-19 pandemic, and to mitigate its impact upon the residents of the State of Illinois, all health insurance issuers regulated by the Department of Insurance are hereby required to cover the costs of all Telehealth Services rendered by in-network providers to deliver any clinically appropriate, medically necessary covered services and treatments to insureds, enrollees, and members under each policy, contract, or certificate of health insurance coverage. Issuers may establish reasonable requirements and parameters for Telehealth Services, including with respect to documentation and recordkeeping, to the extent consistent with this Executive Order or any company bulletin subsequently issued by the Department of Insurance under this Executive Order. An issuer's requirements and parameters may not be more restrictive or less favorable toward providers, insureds, enrollees, or members than those contained in the ~~emergency~~ rulemaking undertaken by the Department of Healthcare and Family Services at 89 Ill. Adm. Code 140.403(e). Issuers shall notify providers of any instructions necessary to facilitate billing for Telehealth Services.

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**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 **September 19, 2020**.

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

Sections 1 and 3 of Executive Order 2020-12 are re-issued and extended through **September 19, 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 **September 19, 2020**.

**Executive Order 2020-16 (Suspension of classroom training requirement for security services):**

Section 2 of Executive Order 2020-16 is re-issued and extended through **September 19, 2020**.

**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 **September 19, 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 **September 19, 2020**.

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**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):**

Sections 4, 5, and the Savings Clause of Executive Order 2020-22 are re-issued and extended through **September 19, 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 **September 19, 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 **September 19, 2020**.

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

Executive Order 2020-25 is re-issued in its entirety and extended through **September 19, 2020**.

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

Sections 2(e), 6, 7, 8, 9, and 10 of Executive Order 2020-26 are re-issued and extended through **September 19, 2020**.

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

Executive Order 2020-27 is re-issued in its entirety and extended through **September 19, 2020**.

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

Executive Order 2020-28 is re-issued in its entirety and extended through **September 19, 2020**.

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

Executive Order 2020-29 is re-issued in its entirety and extended through **September 19, 2020**.

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

Executive Order 2020-30, as amended by Executive Order 2020-48 and as further amended and revised below, is re-issued in its entirety and extended through **September 19, 2020**.

Section 3. All state, county, and local law enforcement officers in the State of Illinois are instructed to cease enforcement of orders of eviction for residential premises, unless the tenant has been found to pose a direct threat to the health and safety of other tenants, an immediate and severe risk to property, or a violation of any applicable building code, health ordinance, or similar regulation. Nothing in this Executive Order shall be construed as relieving any individual of the obligation to pay rent, to make mortgage payments, or comply with any other obligation that an individual may have pursuant to a lease, rental agreement, or mortgage.

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

The provision of Executive Order 2020-48 rescinding Section 2 of Executive Order 2020-34 as of August 22, 2020, is superseded. Executive Order 2020-34 is re-issued in its entirety and extended through **September 19, 2020**.

**Executive Order 2020-35 (Illinois Department of Public Health regulatory activities):**

Sections 14, 15, 16, and 17 of Executive Order 2020-35 are re-issued and extended through **September 19, 2020**.

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

Executive Order 2020-36 is re-issued in its entirety and extended through **September 19, 2020**.

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**Executive Order 2020-41 (Sports wagering):**

Executive Order 2020-41 is re-issued in its entirety and extended through **September 19, 2020**.

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

Executive Order 2020-42 is re-issued in its entirety and extended through **September 19, 2020**.

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

Executive Order 2020-43 is re-issued in its entirety and extended through **September 19, 2020**.

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

Executive Order 2020-45 is re-issued in its entirety and shall remain in effect as specified by Executive Order 2020-45.

**Executive Order 2020-47 (In-person instruction at preK-12 schools):**

Executive Order 2020-47 is re-issued in its entirety and extended through **September 19, 2020**.

**Executive Order 2020-50 (Resuming transfers from county jails to Illinois Department of Corrections):**

Executive Order 2020-50 is re-issued in its entirety and extended through **September 19, 2020**.

**Executive Order 2020-51 (Metro East region mitigation):**

Executive Order 2020-51 is re-issued in its entirety and extended through **September 19, 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

EXECUTIVE ORDERS

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 August 21, 2020

Filed by the Secretary of State August 21, 2020

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2020-58

**Governor James R. Thompson Day of Mourning**

**WHEREAS**, the State of Illinois and its people collectively mourn the loss of former Governor James. R. Thompson, who passed away Friday evening, August 14, 2020, at the age of 84; and,

**WHEREAS**, Gov. Thompson was a titan of Illinois' state government and the longest serving governor in the history of the state, holding the office for 14 years, from 1977 through 1991; and,

**WHEREAS**, Gov. Thompson was the son of James Robert Thompson, a physician, and Agnes Josephine of Chicago, he married the love of his life, Jayne (Carr), in June 1976, and was blessed with his beloved daughter, Samantha, who later gave him his greatest gift – a granddaughter; and,

**WHEREAS**, Gov. Thompson graduated from North Park Academy, studied at the University of Illinois at Chicago Navy Pier campus and Washington University in St. Louis and received his J.D. from Northwestern University in 1959; and,

**WHEREAS**, Gov. Thompson – known to his friends, supporters and colleagues as "Big Jim" – was first elected as governor in 1976 after leaving his position as the U.S. Attorney for the Northern District of Illinois, and was elected to successive terms in 1978, 1982 and 1986; and,

**WHEREAS**, Gov. Thompson was known for his ability to work with legislators from both sides of the aisle for the benefit of Illinois and its people and was known to treat people with kindness and decency; and,

**WHEREAS**, Gov. Thompson was known to love the Illinois State Fair; and,

**WHEREAS**, Gov. Thompson modernized state government, brought professionalism to state agencies, respected state workers and their families, and is credited with changing forever the face of state government for the better; and,

**WHEREAS**, Gov. Thompson oversaw the Build Illinois capital improvement program, making countless improvements to infrastructure and public facilities throughout the state; and,

**WHEREAS**, Gov. Thompson was instrumental in securing bipartisan support for a new stadium for the Chicago White Sox, resulting in keeping the team in Illinois and benefitting both fans and the businesses located in the surrounding community; and,

**WHEREAS**, Gov. Thompson was dedicated to the preservation of Illinois' cultural and natural

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resources, creating the Illinois Historic Preservation Agency and spearheading the acquisition of gems such as the Frank Lloyd Wright-designed Dana-Thomas House in Springfield; and,

**WHEREAS**, after leaving office, Gov. Thompson returned to the field of law and served as chairman of Winston & Strawn law firm, and served on the 911 Commission; he was inducted as a laureate of The Lincoln Academy of Illinois and awarded the state's highest honor, the Order of Lincoln in the area of Government; and,

**WHEREAS**, Gov. Thompson set a standard for all persons in public service to emulate, and we honor his memory by embracing his compassion, his generosity, and his dedication to service;

**THEREFORE**, I, JB Pritzker, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to join the ongoing COVID-19 disaster proclamation requiring all flags be flown at half-staff, in honor and remembrance of Gov. James R. Thompson and declare August 19, 2020 a statewide day of mourning and urge all Illinoisans to reflect upon the many contributions of Gov. Thompson and to keep his family in their prayers.

Issued by the Governor August 19, 2020

Filed by the Secretary of State August 19, 2020

**2020-59****Gubernatorial Disaster Proclamation**

**WHEREAS**, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 215,000 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

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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 22.5 million confirmed cases of COVID-19 and 785,000 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,

**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

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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**, on July 24, 2020, due to the resurgence 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 new COVID-19 cases and 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,

**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,

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**WHEREAS**, public health research and guidance now indicates the necessity and efficacy of 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, August 21, 2020, there have been over 215,000 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 7,850 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 estimates that total cases of COVID-19 may be up to 13 times higher than currently reported for certain regions; and,

**WHEREAS**, while the number of new COVID-19 cases in the State is below its earlier peak, the number has been gradually rising over the past several weeks, and 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 twenty counties that the Illinois Department of Public Health has identified as exhibiting warning signs of increased COVID-19 risk (Bureau, Cass, Clay, Clinton, Franklin, Greene, Grundy, Hancock, Henderson, Jefferson, Logan, Madison, Monroe, Moultrie, Randolph, St. Clair, Union, Whiteside, Will, and Williamson) are located in all parts of the State; and,

**WHEREAS**, without precautions COVID-19 can spread exponentially, even in less populous

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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 have reported more than 75 cases per 100,000 people over the past 7 days; and,

**WHEREAS**, the State and the Illinois Department of Public Health have developed a mitigation plan to trigger additional precautions when regions meet certain risk levels; 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 experienced exponential growth and record high numbers of cases; and,

**WHEREAS**, the U.S. has surpassed 5.5 million total cases and nearly 175,000 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 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,

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**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 declined from the peak and have stabilized, 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 has exceeded 50,000 tests per day for the past three days, and the State continues to focus efforts on increasing testing capacity; and,

**WHEREAS**, Illinois now has tested nearly 3.6 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,

**WHEREAS**, in addition to causing the tragic loss of more than 7,850 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 55 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 11.3% in August; and,

**WHEREAS**, the Illinois Department of Employment Security is responding to the economic

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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,

**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

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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 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

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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.

**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.

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Issued by the Governor August 21, 2020  
Filed by the Secretary of State August 21, 2020

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