2018

ILLINOIS

REGISTER

Rules of
Governmental Agencies

Volume 42, Issue 46

November 16, 2018

Pages 20,174 - 20,591

Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017

Printed by authority of the State of Illinois. November --- 70

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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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 2018

Issue#	Rules Due Date	Date of Issue
1	December 26, 2017	January 5, 2018
2	January 2, 2018	January 12, 2018
3	January 8, 2018	January 19, 2018
4	January 16, 2018	January 26, 2018
5	January 22, 2018	February 2, 2018
6	January 29, 2018	February 9, 2018
7	February 5, 2018	February 16, 2018
8	February 13, 2018	February 23, 2018
9	February 20, 2018	March 2, 2018
10	February 26, 2018	March 9, 2018
11	March 5, 2018	March 16, 2018
12	March 12, 2018	March 23, 2018
13	March 19, 2018	March 30, 2018
14	March 26, 2018	April 6, 2018
15	April 2, 2018	April 13, 2018
16	April 9, 2018	April 20, 2018
17	April 16, 2018	April 27, 2018
18	April 23, 2018	May 4, 2018
19	April 30, 2018	May 11, 2018
20	May 7, 2018	May 18, 2018
21	May 14, 2018	May 25, 2018
22	May 21, 2018	June 1, 2018
23	May 29, 2018	June 8, 2018
24	June 4, 2018	June 15, 2018
25	June 11, 2018	June 22, 2018

26	June 18, 2018	June 29, 2018
27	June 25, 2018	July 6, 2018
28	July 2, 2018	July 13, 2018
29	July 9, 2018	July 20, 2018
30	July 16, 2018	July 27, 2018
31	July 23, 2018	August 3, 2018
32	July 30, 2018	August 10, 2018
33	August 6, 2018	August 17, 2018
34	August 13, 2018	August 24, 2018
35	August 20, 2018	August 31, 2018
36	August 27, 2018	September 7, 2018
37	September 4, 2018	September 14, 2018
38	September 10, 2018	September 21, 2018
39	September 17, 2018	September 28, 2018
40	September 24, 2018	October 5, 2018
41	October 1, 2018	October 12, 2018
42	October 9, 2018	October 19, 2018
43	October 15, 2018	October 26, 2018
44	October 22, 2018	November 2, 2018
45	October 29, 2018	November 9, 2018
46	November 5, 2018	November 16, 2018
47	November 13, 2018	November 26, 2018
48	November 19, 2018	November 30, 2018
49	November 26, 2018	December 7, 2018
50	December 3, 2018	December 14, 2018
51	December 10, 2018	December 21, 2018
52	December 17, 2018	December 28, 2018

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Meat and Poultry Inspection Act

2) Code Citation: 8 Ill. Adm. Code 125

3)

Section Numbers:	Proposed Actions:
125.10	Amendment
125.100	Amendment
125.142	Amendment
125.144	Amendment
125.270	Amendment
125.280	Amendment
125.390	Amendment

4) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]

5) A Complete Description of the Subjects and Issues Involved: The Department is updating its rules to reflect changes that were published in the Federal Register (2018; 83 FR 105, published May 31, 2018, effective July 30, 2018).

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? Yes

Section:	Proposed Action:	*Illinois Register* Citation:
125.400	Amendment	42 Ill. Reg. 19136; October 26, 2018

11) Statement of Statewide Policy Objective: These amendments do not affect units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

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13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated at the time agendas were published.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section

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125.30 Application for License; Approval
125.40 Official Number
125.50 Inspections; Suspension or Revocation of License
125.60 Administrative Hearings; Appeals (Repealed)
125.70 Assignment and Authority of Program Employees
125.80 Schedule of Operations; Overtime
125.90 Official Marks of Inspection, Devices and Certificates
125.100 Records and Reports
125.110 Exemptions
125.120 Disposal of Dead Animals and Poultry
125.130 Reportable Animal and Poultry Diseases
125.140 Detention; Seizure; Condemnation
125.141 Sanitation Standard Operating Procedures (SOP's)
125.142 Hazard Analysis and Critical Control Point (HACCP) Systems
125.143 Imported Products
125.144 Preparation and Processing Operations
125.145 Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146 Consumer Protection Standards: Raw Products
125.147 Rules of Practice
125.148 Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights
125.149 Label Approval

SUBPART B: MEAT INSPECTION

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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

125.150 Livestock and Meat Products Entering Official Establishments
125.160 Equine and Equine Products
125.170 Facilities for Inspection
125.180 Sanitation (Repealed)
125.190 Ante-Mortem Inspection
125.200 Post-Mortem Inspection
125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220 Humane Slaughter of Animals
125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250 Marking Products and Their Containers
125.260 Labeling, Marking and Containers
125.270 Entry into Official Establishment; Reinspection and Preparation of Product
125.280 Meat Definitions and Standards of Identity or Composition
125.290 Transportation
125.295 Imported Products (Repealed)
125.300 Special Services Relating to Meat and Other Products
125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section
125.310 Application of Inspection
125.320 Facilities for Inspection
125.330 Sanitation
125.340 Operating Procedures
125.350 Ante-Mortem Inspection
125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380 Labeling and Containers
125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400 Definitions and Standards of Identity or Composition
125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at

15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; peremptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; peremptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; peremptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; peremptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; peremptory amendment at 24 Ill. Reg. 5699, effective

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

March 14, 2000; peremptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; peremptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; peremptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; peremptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; peremptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; peremptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; peremptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; peremptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; peremptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; peremptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; peremptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; peremptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; peremptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; peremptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; peremptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; peremptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; peremptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; peremptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; peremptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005; peremptory amendment at 29 Ill. Reg. 21058, effective December 21, 2005; peremptory amendment at 30 Ill. Reg. 2400, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 16081, effective September 25, 2006; peremptory amendment at 31 Ill. Reg. 5149, effective March 16, 2007; peremptory amendment at 31 Ill. Reg. 12624, effective August 20, 2007; peremptory amendment at 31 Ill. Reg. 16763, effective December 10, 2007; peremptory amendment at 32 Ill. Reg. 590, effective January 1, 2008; peremptory amendment at 32 Ill. Reg. 17831, effective October 30, 2008; peremptory amendment at 33 Ill. Reg. 1230, effective January 5, 2009; peremptory amendment at 33 Ill. Reg. 6338, effective April 17, 2009; peremptory amendment at 33 Ill. Reg. 12040, effective August 5, 2009; peremptory amendment at 35 Ill. Reg. 571, effective December 22, 2010; peremptory amendment at 35 Ill. Reg. 1802, effective January 14, 2011; peremptory amendment at 35 Ill. Reg. 19553, effective January 1, 2012; peremptory amendment at 36 Ill. Reg. 9264, effective June 6, 2012; amended at 36 Ill. Reg. 14664, effective October 1, 2012; peremptory amendment at 36 Ill. Reg. 17930, effective December 21, 2012; peremptory amendment at 37 Ill. Reg. 875, effective January 28, 2013; peremptory amendment at 37 Ill. Reg. 6870, effective May 6, 2013; peremptory amendment at 38 Ill. Reg. 4176, effective February 1, 2014; peremptory amendment at 38 Ill. Reg. 20825, effective October 20, 2014; peremptory amendment at 39 Ill. Reg. 502, effective December 22, 2014; amended at 40 Ill. Reg. 2739, effective January 22, 2016; amended at 40 Ill. Reg. 8696, effective June 17, 2016;

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

peremptory amendment at 40 Ill. Reg. 13486, effective September 16, 2016; amended at 43 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section 125.10 Definitions

a) The Department incorporates by reference the definitions of terms~~Terms shall be as defined~~ in 9 CFR 301, 303.1(d)(2), (ii), (iii) (a), (b), (d), (e) and (f), (iv), (v) and (vi), 381.1, 381.10(d)(2), (ii), (iii)(a), (b), (d), (iv), (v) and (vi), 352.1(b) through (t) and 362.1 (2004; 69 FR 1874, effective January 12, 2004; 83 FR 25302, effective July 30, 2018), unless they are otherwise defined in the Meat and Poultry Inspection Act [225 ILCS 650] or in this Section. ~~as follows:~~

"Act" means the Meat and Poultry Inspection Act [225 ILCS 650].

"Approved veterinarian" means any person who has graduated from a veterinary college that is recognized by the American Veterinary Medical Association.

"Birds" shall mean poultry as defined in Section 2.7 of the Act.

"Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product made from rabbits or the processing, handling, or packaging that~~which~~ may affect the wholesomeness of the~~such~~ product.

"Livestock" means cattle, sheep, swine, buffalo, catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, and goats.

"Members of the household" means those persons who occupy a single family unit.

b) With regard to the definitions of consumer and similar type establishment, the Director has not designated any other type of establishment or institution under these terms other than those specifically stated in the incorporated language.

c) With regard to the definitions of retail store, only those sections that~~which~~ are incorporated by reference as stated in Section 125.10(a) shall be included in the definition. References within the incorporated language to the section of the federal rules pertaining to operations of types traditionally and usually conducted at retail stores and restaurants refer to the operations defined in Section 5(A) of the Act. No product exempted from inspection in accordance with Section 5 of the Act shall be prepared in any retail store, restaurant or similar retail-type establishment.

d) References in the incorporated language to 9 CFR 312 and 313 shall be interpreted as references to Sections 125.90 and 125.220 respectively. References to the Humane Methods of~~and~~ Slaughter Act (7 USC 1901 et seq.)~~of 1978~~ shall have the meaning~~mean as~~ set forth in Section 125.220.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 125.100 Records and Reports

a) The Department incorporates by reference 9 CFR 320.1(b), 320.6(a), 320.7, 381.175(b), 381.180(a) and 381.181 (2004; 69 FR 1874, effective January 12, 2004; 74 FR 31829, effective July 6, 2009; 77 FR 26929, effective May 8, 2012; 78 FR 66826, effective January 6, 2014; 80 FR 79231, effective June 20, 2016; 83 FR 25302, effective July 30, 2018).

b) Access to the establishment, its premises, records and inventories shall be provided to the Department in accordance with Section 14 of the Act and Section 125.70.

c) Each person who is required to be licensed in accordance with Section 3 of the Act shall keep records as stated in the incorporated language of 9 CFR 320.1(b) and 381.175(b), except that, for custom slaughtering and custom processing transactions, the recordkeeping requirements shall be those set forth in Section 5(B)(2)(f) of the Act. Records shall be retained for 5 years after December 31 of the year in which the transaction to which the record relates has occurred. If a record must be retained for longer than 5 years because of an on-going investigation or litigation, the Department shall notify the licensee in writing as to which record is to be retained, the reasons for that~~such~~ retention and the retention period. The Department shall consider, when determining the retention period, the court date, if known, or the time needed to conclude the investigation (e.g.,

considering the type of disease being investigated, the number of animals involved, and laboratory testing procedures, if applicable).

d) The licensee of the official establishment shall maintain these~~such~~ records at the establishment. In the case of a broker, the records shall be maintained at the office listed on the application for license.

e) The Department shall request a licensee to submit an evaluation of the inspection program or of the inspector's performance when the Department is conducting a review of the effectiveness of the Meat and Poultry Inspection Program or when a complaint on the inspector's performance has been received.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 125.142 Hazard Analysis and Critical Control Point (HACCP) Systems

The Department incorporates by reference 9 CFR 417 (2004; 77 FR 26929, effective May 8, 2012; 78 FR 66826, effective January 6, 2014; 83 FR 25302, effective July 30, 2018). ~~The HACCP regulations set forth in 9 CFR 417 and related provisions set forth in 9 CFR 304, 327, and 381 will be applicable as follows:~~

~~a) In large establishments, defined as all establishments with 500 or more employees, on October 1, 1998;~~

~~b) In smaller establishments, defined as all establishments with 10 or more employees but fewer than 500, on January 25, 1999;~~

~~c) In very small establishments, defined as all establishments with fewer than 10 employees or annual sales of less than $2.5 million, on January 25, 2000.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 125.144 Preparation and Processing Operations

The Department incorporates by reference 9 CFR 424 (2004; 76 FR 82077, effective December 30, 2011; 78 FR 14636, effective May 6, 2013; 78 FR 66826, effective January 6, 2014; 83 FR 25302, effective July 30, 2018).

(Source: Amended at 43 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: MEAT INSPECTION

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

a) The Department incorporates by reference 9 CFR 318.1(c) through 318.6, 318.9 ~~through 318.10~~, 318.14 through 318.20, 318.22, 318.23, 318.24~~, 318.300 through 318.311~~ (2007; 76 FR 82077, effective December 30, 2011; 78 FR 66826, effective January 6, 2014).

b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of thatsuch establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) thatwhich are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from thesuch establishment by the operator of the establishment.

c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.

d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of thesuch docks or receiving rooms will not permit thesuch product or article to pass through rooms containing inspected and passed products.

e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the USDA "Meat

and Poultry Inspection Manual" as adopted in Section 125.20.

f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of thosesuch articles.

g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. TheseSuch substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.

i) References, within the federal regulations incorporated by reference in subsection (a), language to the federal Poultry Products Inspection Act of 1957 (21 USC 456), to sections 7 and Section 403 of that federal the Act, and to Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to comport mean in accordance with the Illinois Meat and Poultry Inspection Act and the rules of this Part.

j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.

k) Disinfectants shall be those as set forth in Section 125.180.

l) Adequate vacuum shall be determined through the use of vacuum gauges.

m) The Department incorporates by reference the Thermally Processed, Commercially Sterile Products provisions of 9 CFR 431 and 431.1 through 431.12 (2018; 83 FR 25302, effective July 30, 2018)Canned products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.

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no) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the USDA "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 125.280 Meat Definitions and Standards of Identity or Composition

The Department incorporates by reference 9 CFR 319 (2008; 76 FR 82077, effective December 30, 2011; 83 FR 25302, effective July 30, 2018). Methods for the destruction of live trichinae in pork shall be as set forth in Section 125.270 (specifically the incorporated language of 9 CFR 318.10(c)).

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART C: POULTRY INSPECTION

Section 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

a) The Department incorporates by reference 9 CFR 381.145(b) through 381.146, 381.148, 381.150 through 381.151, 381.200, 381.300 through 381.311 (2004; 76 FR 82077, effective December 30, 2011).

b) No poultry or poultry product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, the federal inspection legend, or is exempt from inspection as stated in Section 125.110. However, poultry or poultry products imported into the United States may be transported to an inspection site in accordance with the provisions of 9 CFR 381.200 for reinspection.

c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.360 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any poultry and/or poultry product originally prepared at any official establishment may not be returned to any part of thesuch establishment

other than the receiving area until it has been reinspected and passed by the inspector.

d) The official establishment shall maintain an inventory of non-poultry items (e.g., spices, preservatives) thatwhich are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from thesuch establishment by the operator of the establishment.

e) Reinspections of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit table.

f) Poultry feet shall be approved for processing for human food in accordance with the procedures set forth in the USDA "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

g) The Department does not approve new substances to be used on poultry or in poultry products, their uses, or the levels of use of an approved substance. TheSuch substances will be permitted to be used if they will not adulterate the poultry and/or poultry product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

h) Ready-to-heat-and-eat poultry or stuffed ready-to-roast poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.330 (specifically the incorporated language in 9 CFR 381.66(f)(3)).

i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be approved if thatsuch method is in compliance with the sanitation requirements (see Section 125.330).

j) Canned poultry products thatwhich may be processed without steam-pressure cooking shall be those products as stated in the USDA "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

k) The inspector shall permit lots of canned poultry products to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 381.309.

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l) Disinfectants that~~which~~ may be used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" ~~as~~ adopted by the Department in Section 125.20.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Student Loan Servicing Rights Act

2) Code Citation: 38 Ill. Adm. Code 101

3)

Section Numbers:	Proposed Actions:
101.10	New Section
101.20	New Section
101.30	New Section
101.40	New Section
101.50	New Section
101.60	New Section
101.70	New Section
101.80	New Section
101.90	New Section
101.110	New Section
101.120	New Section
101.160	New Section
101.170	New Section
101.180	New Section
101.190	New Section
101.200	New Section
101.210	New Section
101.220	New Section
101.230	New Section
101.240	New Section
101.250	New Section
101.260	New Section
101.270	New Section
101.280	New Section
101.290	New Section
101.300	New Section
101.310	New Section

4) Statutory Authority: Implementing and authorized by the Student Loan Servicing Rights Act [110 ILCS 992].

5) A Complete Description of the Subjects and Issues Involved: This new Part implements the Student Loan Servicing Rights Act, PA 100-540. It is comprised of three Subparts consisting of definitions, fees and records; audit and examination; and hearings. The

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Definitions, Fees and Records Subpart contains definitions; fees; and other requirements. The Subpart concerning audits and examinations sets forth the requirements of annual auditing and a description of the examinations to be performed by the Division. The hearings Subpart sets forth the complete rules for the conduct of hearings for parties wishing to contest an order of the Division.

6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: 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 will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

13) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not-for-profit corporations affected: Businesses engaged in student loan servicing

B) Reporting, bookkeeping or other procedures required for compliance: Please review all provisions contained in this new Part.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

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TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 101
STUDENT LOAN SERVICING RIGHTS ACT

SUBPART A: DEFINITIONS, FEES AND RECORDS

Section
101.10 Definitions
101.20 Notice of Changes by Student Loan Servicer
101.30 Fees
101.40 Servicer Website
101.50 Customer Service, Alternative Repayment Plans, Loan Forgiveness Benefits
101.60 Borrower Information and Statements of Account, Payment Processing, Co-signer Payments
101.70 General Books and Records; Reporting
101.80 Records Retention Requirements
101.90 Electronic Records; Maintenance, Storage and Reproduction Requirements

SUBPART B: AUDIT AND EXAMINATION

Section
101.110 Preparation of Independent Audit Report
101.120 Examination

SUBPART C: HEARINGS

Section
101.160 Filing
101.170 Form of Documents
101.180 Computation of Time
101.190 Appearances
101.200 Request for Hearing
101.210 Discovery
101.220 Subpoenas
101.230 Conduct of Hearing
101.240 Default
101.250 Evidence

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101.260 Hostile Witnesses
101.270 Record of Proceedings
101.280 Hearing Officer's Recommendation
101.290 Order of the Director
101.300 Rehearings and Reopening of Hearings
101.310 Costs of Hearing

AUTHORITY: Implementing and authorized by the Student Loan Servicing Rights Act [110 ILCS 992].

SOURCE: Adopted at 43 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS, FEES AND RECORDS

Section 101.10 Definitions

The following words and phrases have the meanings ascribed to them in this Section:

"Act " means the Student Loan Servicing Rights Act [110 ILCS 992].

"Director" means the Director of the Division of Banking, with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Banking, with the authority delegated by the Secretary.

"NMLS" shall mean the Nationwide Multistate Licensing System and Registry.

S**ection 101.20 Notice of Changes by Student Loan Servicer**

a) Each licensee shall, upon any change in the information contained in its application for license, file an amendment to that application setting forth the changed information. All such amendments shall be filed within 10 business days after the occurrence of the event that results in the information becoming inaccurate or incomplete.

b) Any change that cannot be submitted through NMLS shall be filed directly with the Director.

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Section 101.30 Fees

a) The fees listed in this Section shall be payable to the Department, or to NMLS for transfer to the Division as approved by the Director. The Director may specify the form of payment to the Division or to NMLS, which may include certified check, money order, credit card, or other forms authorized by the Director. The Director may specify that fees be paid separately or combined, and may pro-rate fees for implementation of NMLS. NMLS shall be authorized to collect and process transaction fees or other fees related to licensees or other persons subject to the Act.

b) License Fees

1) License Renewal: For each application for an annual renewal of a license, the applicant shall pay a nonrefundable license fee of $1,000.

2) Amended License: The licensee shall pay a nonrefundable fee of $500 for each Notice of Change of Ownership or Control amended license.

3) Notice of Change: The licensee shall pay a nonrefundable fee of $50 with each Notice of Change of Officers or Directors or Change of Name or Address.

c) Returned Payment: Any licensee or person who delivers a check or other payment to the Department that is returned unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed, a fee of $50.

d) Examination Fees

1) Time expended in the conduct of any examination of the affairs of any licensee or its affiliates pursuant to Section 15-40 of the Act shall be billed by the Department at a rate of $510 per examiner day. Fees will be billed following completion of the examination and shall be paid within 30 days after receipt of the billing.

2) Out-of-State Travel: When out-of-state travel occurs in the conduct of any examination, the licensee shall make arrangements to reimburse the Department all charges for services such as travel expenses, including

airfare, hotel and per diem incurred by the employee. These expenses are to be in accord with applicable travel regulations published by the Department of Central Management Services and approved by the Governor's Travel Control Board (80 Ill. Adm. Code 2800).

e) Hearings: Each party that requests a hearing pursuant to Section 20-30 of the Act shall pay a nonrefundable fee of $500, unless the fee is waived by the Director. In determining whether to waive the fee, the Director shall consider the financial hardship imposed on the party.

f) Assessments: The cost for administration of the Act that exceeds other fees listed in this Section shall be assessed to licensees on a pro-rata bases according to the number of Illinois loans serviced by each licensee.

Section 101.40 Servicer Website

Each licensee shall maintain a secured-access website consistent with the provisions of Sections 5-55 and 5-65 of the Act. At a minimum, each licensee shall maintain a secure website to provide a person or persons reasonably adequate to handle efficiently communications, questions, and other matters relating to an application for a loan or existing loan and provide a toll-free telephone arrangement for doing so. In determining whether a licensee handles these matters in a reasonably adequate manner, the Director will consider consumer complaints received regarding the licensees and information obtained from examinations conducted and reports filed pursuant to the Act.

Section 101.50 Customer Service, Alternative Repayment Plans, Loan Forgiveness Benefits

Licensees must provide complete information about affordable, alternative repayment options, loan forgiveness benefits, the application process, and the differences between, and ramifications of, forbearance, consistent with Sections 5-30 and 5-40 of the Act.

Section 101.60 Borrower Information and Statements of Account, Payment Processing, Co-signer Payments

a) Licensees must maintain detailed account information for each student loan borrower, on the licensee's website, accessible to the borrower only, through a secure login system. The licensee must maintain account history for each loan serviced, and a consolidated report of all loans for each borrower serviced by the licensee. This includes same-day crediting of electronic payments, if made before

the posted cut-off time for same-day crediting and crediting of paper check payments on the date received by the licensee.

b) Licensees must apply payments made by co-signers only to the loan for which the payor has co-signed, unless specifically directed otherwise by the co-signer/payor.

Section 101.70 General Books and Records; Reporting

a) Licensees must maintain general ledgers containing specified financial information, and maintain a cash receipt and disbursement journal, and reconcile bank accounts at least monthly.

b) Licensees must maintain books and records at the location designated by the licensee, and licensees shall maintain, for each student loan serviced:

1) the student loan application;

2) disclosure statements sent to the borrower;

3) the promissory note or loan agreement;

4) the complete loan history;

5) qualified written requests;

6) borrower instructions on how to apply overpayments;

7) statements of account sent to the borrower; and

8) any records the Director may designate.

Section 101.80 Records Retention Requirements

Licensees must maintain all records required by this Part for a minimum of 3 years after the loan serviced has been paid in full or assigned to collection, or the servicing rights have been sold, assigned or transferred.

Section 101.90 Electronic Records; Maintenance, Storage and Reproduction Requirements

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Electronic records must be maintained by licensees in a commonly used format; be readily accessible, readable and printable by the Director and Division staff; and be maintained in accordance with generally acceptable accounting principles.

SUBPART B: AUDIT AND EXAMINATION

Section 101.110 Preparation of Independent Audit Report

A licensee shall annually cause its books and accounts to be audited by a certified public accountant not connected with the licensee. The audit shall be filed with the Division within 105 days after the end of the licensee's fiscal year and must include a description of the system of internal control used by the licensee, including material weaknesses in internal accounting controls, recommendations for improvements, and comments concerning corrective actions taken or in process.

Section 101.120 Examination

a) Licensees shall be examined pursuant to the Act. A licensee may be examined more frequently at the discretion of the Director. As part of each regularly scheduled examination, the Director shall evaluate and rate licensees in accordance with uniform rating factors.

b) Ratings include, but are not limited to:

1) The highest rating of 1 is assigned to a licensee that maintains a strong compliance management system (CMS) and takes active steps to prevent any violations of law and consumer harm.

2) The rating of 2 is assigned to a licensee that maintains a CMS that is satisfactory at managing a consumer compliance risk in the licensee's products and services and substantially limiting violations of law and consumer harm.

3) The rating of 3 reflects a CMS deficient at managing consumer compliance risk in the licensee's products and services and at limiting violations of law and consumer harm.

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4) The rating of 4 reflects a CMS seriously deficient at managing consumer compliance risk in the licensee's products and services and/or at preventing violations of law and consumer harm.

5) The rating of 5 reflects a CMS critically deficient at managing consumer compliance risk in the licensee's products and services and/or at preventing violations of law and consumer harm.

c) All licensees shall be subject to examination by the Director. The Director may enter into cooperative agreements with other regulatory authorities and contract with others to provide for examinations. The Director may accept examination reports from those regulatory authorities and under contracts that meet the requirements of this Section. The examination shall result in a rating under subsection (b) and will be charged at the rate referenced.

SUBPART C: HEARINGS

Section 101.160 Filing

a) Documents and requests permitted or required to be filed in triplicate with the Division in connection with a hearing shall be addressed to and mailed to, or filed with, the Department of Financial and Professional Regulation-Division of Banking, 320 West Washington Street, 5th Floor, Springfield, Illinois 62786.

b) The office of the Division is open for filing and inspection and copying of public documents from 8:30 a.m. to 5:00 p.m., Monday through Friday, except on national and State legal holidays.

Section 101.170 Form of Documents

a) All documents shall clearly show the title of the proceedings in connection with which they are filed.

b) Three copies of all documents, including notices, motions and petitions, shall be filed with either the Division or the hearing officer, as appropriate.

c) All documents shall be typewritten or reproduced from typewritten copy on 8½" x 11" white paper.

d) One of the three copies of each document filed shall be signed by the party or by the party's representative or attorney and shall contain the name, address and telephone number of the individual signing the documents.

e) All documents required to be filed with the hearing officer shall be sent by certified mail, return receipt requested, to the hearing officer.

Section 101.180 Computation of Time

Computation of any period of time prescribed in this Subpart shall begin with the first business day following the date of filing of the documentation with the Division and shall run until the end of the last day. Saturdays, Sundays and legal holidays shall be excluded in the computation of time. Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.

Section 101.190 Appearances

a) Any person entitled to participate in proceedings may appear as follows:

1) A natural person may appear in that person's own behalf or by an attorney at law licensed to practice in the State of Illinois, or both;

2) A business, nonprofit or government organization may appear by any bona fide officer, employee or representative, or may be represented by an attorney licensed to practice in the State of Illinois, or both.

b) An attorney representing a party shall file, within 20 days after the day on which the administrative decision has been served upon the party, a written notice of appearance with the hearing officer that identifies the attorney by name, address and telephone number.

Section 101.200 Request for Hearing

Any person affected by an order or action of the Director may file a request for hearing with the Director. The request for hearing shall be filed within 10 days after receipt of an administrative decision and shall:

a) Clearly state the name of the petitioner;

b) Include a verified complaint identifying the administrative decision with respect to which a hearing is requested, including an explicit admission, denial or appropriate response to each allegation or issue contained in the administrative decision. Each separate cause of action upon which a separate recovery can be had shall be separately pleaded into separate paragraphs, each containing separate allegations. The verified complaint shall contain a prayer for relief for each count, as applicable.

c) Be typewritten on 8½" x 11" white paper;

d) Be signed by the petitioner or the petitioner's attorney and shall contain the address and telephone number of the individual signing the document;

e) Be sent by certified mail, return receipt requested, to the Director at the Department of Financial and Professional Regulation-Division of Banking, 320 West Washington Street, 5th Floor, Springfield, Illinois 62786; and

f) Include the required hearing fee identified in Section 101.30(e).

Section 101.210 Discovery

a) The following discovery procedures may be ordered by the hearing officer upon the hearing officer's initiative or upon the written request of any party when necessary to expedite the proceedings, to ensure a clear or concise record, to ensure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing. The hearing officer shall so order when he or she makes a finding that this is necessary: in order to expedite the proceedings; to create an accurate and fair record; to verify authenticity of items or documents; or to minimize surprise or delay.

1) Production of documents or things;

2) Depositions upon agreement of all parties; and

3) Interrogatories upon agreement of all parties.

b) The hearing officer may order the following discovery upon written request of any party:

1) List of persons who may have knowledge of facts concerning the subjects of inquiry at the hearing;

2) Reasonable inspection of books, accounts, records and documents by experts.

c) Any person, including a party, who is deposed, interrogated or required to submit documents or things under this Subpart may be examined regarding any matter, not privileged, that is relevant to the subject matter of the hearing, or that may lead to the discovery of relevant information.

d) All depositions and interrogatories taken pursuant to this Subpart shall be for purposes of discovery only, except as provided in this Section. Depositions and interrogatories may be used for purposes of impeachment and as admissions of the deposed or interrogated party. Upon application to the hearing officer, either before or after the taking of the deposition or interrogatories and upon a showing that, at the time of the hearing, the party deposed or interrogated will not be available to participate in the hearing because of death, age, sickness, infirmity, absence from the country, or other exceptional circumstances, the hearing officer may order that the deposition or interrogatories be used as evidence in the hearing.

Section 101.220 Subpoenas

a) Upon written application to the hearing officer by any party incorporating a showing that a subpoena is reasonably required, the hearing officer may issue a subpoena for requiring attendance of a witness having knowledge of relevant facts at a deposition or hearing, and production of books, papers, accounts and documents at the deposition or hearing. The subpoena shall be issued and enforced in accordance with the applicable provisions of the Act under which the hearing is authorized.

b) Every subpoena shall state the title of the action and shall command each person to whom it is directed to attend and give testimony at the time and place specified in the subpoena.

c) The hearing officer, upon motion made promptly and in any event at or before the time specified in the subpoena, may quash or modify the subpoena if it is unreasonable and oppressive.

Section 101.230 Conduct of Hearing

a) The following shall be the order of proceedings of all hearings, subject to modification by the hearing officer for good cause:

1) presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the notice or answer;

2) presentation of opening statements;

3) petitioner's case in chief;

4) respondent's case in chief;

5) petitioner's case in rebuttal;

6) respondent's closing statement;

7) petitioner's closing statement;

8) presentation and argument of all motions prior to final order;

9) filing of proposed findings of fact and recommended conclusions of law upon order of the hearing officer.

b) In considering whether to grant a modification in the order of proceedings, the hearing officer shall consider factors such as:

1) availability of a witness to testify;

2) availability of evidence;

3) the determination of interlocutory appeals concerning the same subject matter; and

4) relevancy of regulatory action in process by other regulatory bodies concerning the same parties or subject matter.

Section 101.240 Default

Failure of a party to appear on the date set for hearing, or failure to proceed as ordered by the hearing officer, shall constitute a default. Upon such failure, the hearing officer shall enter findings, opinions and recommendations as are appropriate under the evidence and pleadings the hearing officer admitted into the record.

Section 101.250 Evidence

The hearing officer shall receive evidence that is admissible under Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100].

Section 101.260 Hostile Witnesses

a) If the hearing officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling the witness as if under cross-examination.

b) The party calling the witness, upon the showing that the party called the witness in good faith and is surprised by the witness' testimony, may impeach the witness by proof of prior inconsistent statements.

c) The hearing officer shall declare a witness hostile if:

1) the witness is compelled to appear by subpoena;

2) the witness is called by the opposing party; or

3) the witness' demeanor and actions are uncooperative or unresponsive.

Section 101.270 Record of Proceedings

a) Oral proceedings at which evidence is presented shall be recorded either by a certified court reporter or a mechanical recording device. Any transcription will be retained through and including the time allotted for appeal, revision, rehearing or other manner of review prior to final disposition as provided for by the Division or by law.

b) The record in an administrative hearing shall include:

1) the items listed in Section 10-35 of the Illinois Administrative Procedure Act; and

2) a transcript of the hearing.

c) The record shall be available for examination by a party to the proceeding at the Director's Springfield or Chicago Office during regular office hours.

Section 101.280 Hearing Officer's Recommendation

a) The hearing officer's recommendation shall be in writing and shall include proposed findings of fact and recommended conclusions of law. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed pursuant to Section 10-40(c) of the Illinois Administrative Procedure Act. Findings of fact, if set forth in statutory language, shall be accompanied by a statement of the underlying supporting facts. If a party submits proposed findings of fact that may control the decision or order, the decision or order shall include a ruling upon each proposed finding. Each conclusion of law shall be supported by authority or reasoned opinion. A decision or order shall not be made except upon consideration of the record as a whole or such portion of the record as may be supported by competent material and substantial evidence.

b) The hearing officer shall then submit proposed findings and recommend conclusions of law to the Director within 45 days after conclusion of the hearing or 30 days after receipt of the transcript, whichever is earlier.

Section 101.290 Order of the Director

a) The Director shall review the hearing officer's proposed findings and recommended conclusions of law and shall issue an order.

b) The decision in the case will become effective immediately upon the execution of a written order.

c) Parties shall be immediately notified: personally; by mail, postage prepaid, addressed to the last-known address of the person of the order; or by electronic mail to the email address provided by the parties. A copy of the order shall be delivered, mailed or emailed to each party and to the party's attorney of record.

Section 101.300 Rehearings and Reopening of Hearings

a) In a contested case in accordance with Section 10-25 of the Illinois Administrative Procedure Act and Supreme Court Rule 367, upon petition setting forth facts substantiating that the petition is not for purpose of delay and includes an affidavit attesting to those facts, the Division may order a rehearing of the subject matter. For purposes of this subsection, rehearing means reconsideration of evidence that is a matter of record.

b) When the record of testimony made at the hearing is found by the Director to be inadequate for purpose of judicial review, the Director may order a reopening of the hearing. In determining whether a record is adequate for purposes of judicial review, the hearing officer shall examine the record in light of whether the recommendations made were adequately supported by the pleadings, evidence and transcript. A reopening will be ordered:

1) only in the most extreme and compelling circumstances; or

2) when points have been overlooked or misapprehended by the hearing officer, as documented by the record.

c) A verified motion for rehearing or a motion for the reopening of a hearing shall be filed within 10 days after the date of mailing of the Director's order, upon a showing of the points claimed to have been overlooked or misapprehended by the hearing officer, with authorities and argument concisely stated. A rehearing or reopening of a hearing shall be noticed and conducted in the same manner as an original hearing. The evidence received at the rehearing shall be included in the record for the Director's reconsideration and for judicial review. A decision or order may be amended or vacated after hearing.

Section 101.310 Costs of Hearing

In addition to the filing fees set forth in Section 101.30(e), each party to the hearing shall be required to pay its pro-rata share of expenses, including, but not limited to, the hearing officer,

witness and mileage fees, transcript, and other incidental costs authorized by the hearing officer or by the Director, unless waived by the Director. In determining whether to waive costs or a portion of costs, the Director shall consider the financial hardship upon the party.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Construction and Filing of Life Insurance and Annuity Forms

2) Code Citation: 50 Ill. Adm. Code 1405

3)

Section Numbers:	Proposed Actions:
1405.20	Amendment
1405.30	Amendment
1405.40	Amendment
1405.50	Amendment
1405.70	Amendment
1405.80	Amendment

4) Statutory Authority: Implementing Section 143 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143 and 401].

5) A Complete Description of the Subjects and Issues Involved: Currently, Section 1405.40(q) includes the final sentence stating: "All individual policies submitted must contain a premium breakdown as to coverage and contain a provision to allow for separation of either part". The very last clause "and contain a provision to allow for separation of either part" means that if a life insurer sells a policy to a customer that includes a rider for another type of coverage, the insurance carrier must continue to offer coverage under the rider even if the policy to which the rider was attached lapses. This requirement creates an unnecessary regulatory burden because the consumer can obtain the ancillary coverage from another carrier. The Section will be amended to remove this language.

Additionally, Section 1405.40(j)(5) is being deleted due to the repeal of 50 Ill. Adm. Code 914.

Other amendments are proposed throughout this Part to remove provisions that effectively duplicate or redirect to statutes; to remove superfluous or outdated requirements that do not need to be specified; to remove unnecessary language and make formatting corrections; and to revise citations to adjust for the relocation of a referenced statutory provision from 215 ILCS 5/500-75 to 215 ILCS 5/500-155 and to adjust for some of the proposed deletions within Part 1405.

6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking? None

DEPARTMENT OF INSURANCE

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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 will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Robert Planthold	or	Susan Anders
Assistant General Counsel		Rules Coordinator
Illinois Department of Insurance		Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl		320 W. Washington St.
Chicago IL 60603		Springfield IL 62767
312/814-5445		217/558-0957
fax: 312/814-2862		

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

PART 1405
CONSTRUCTION AND FILING OF LIFE INSURANCE AND ANNUITY FORMS

Section
1405.10 Authority
1405.15 Definitions
1405.20 Illinois Guidelines for Filing and Approval of Life and Annuity Forms
1405.30 Applications
1405.40 Policy Forms
1405.50 Group Insurance
1405.60 Franchise Life Insurance
1405.70 Annuities
1405.80 Alternate and/or Insert Pages
1405.90 Substitution Filings

AUTHORITY: Implementing Section 143 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143 and 401].

SOURCE: Filed July 11, 1972, effective August 1, 1972; codified at 7 Ill. Reg. 3466; amended at 12 Ill. Reg. 22184, effective December 16, 1988; amended at 34 Ill. Reg. 5835, effective April 7, 2010; amended at 37 Ill. Reg. 15340, effective September 4, 2013; amended at 39 Ill. Reg. 14552, effective October 22, 2015; amended at 43 Ill. Reg. _____, effective _____.

Section 1405.20 Illinois Guidelines for Filing and Approval of Life and Annuity Forms

Following are some general requirements that should be helpful to industry personnel involved in drafting and filing policy forms.

a) Policy Forms

1) "Policy Form" Defined. The term "policy form" as used in this Part is defined in the Insurance Code. It means any policy, certificate, endorsement, rider, by-law or other matter incorporated by reference or an application blank. It does not include riders or endorsements issued or made at the request of the individual policyholder relating to the manner

of distribution of benefits or to the reservation of rights and benefits under a life insurance policy.

2) Policy forms exempt from filing are as follows:

A) Notice Regarding Replacement (see 50 Ill. Adm. Code 917.70).

B) Policy Summaries.

C) Buyer's Guides (see 50 Ill. Adm. Code 930.40(a)).

3) Policy forms prohibited pursuant to Sections 143(1) and 224(1)(c) of the Code are as follows:

A) Certificates issued in lieu of a duplicate insurance policy.

B) Forms containing provisions excluding scuba diving, hang-gliding, motorcycle racing, race car or stock car racing, or hazardous sports.

b) Form Numbers

1) Each "policy form" must be designated by a suitable form number that may be made up of numerical digits or letters, or both, in the lower left-hand corner of the first page. The form number shall be sufficient to distinguish the basic form from all others used by the insurer. Edition date and/or designation of a state where a special edition is required is permitted in this space, and if printed as a continuation of the form number, will be considered a part of the form. The appearance of a company's stock number and/or printing date in proximity to the form number is permitted.

A) If a descriptive title is in close proximity to the form number, it will not be considered a part of that number for approval purposes unless inclusion is requested by the company.

B) Refer to Section 1405.80 for instructions relating to form numbers when filing a policy on an insert page basis.

2) Since the form number must be sufficient to identify any form that has been issued by a company, each submission must bear a unique number. A recently approved but unissued form may be corrected or changed by filing a substitute page or form, which may retain the original form number.

3) Form numbers may not contain "ICC" at the beginning of the form number due to conflict with Interstate Compact form number requirements.

c) General Form Requirements pursuant to Section 149 of the Code

1) The name of the company shall appear on the form.

2) Policy shall show location of the home office and principal office, if different.

3) Policy shall include the company's consumer assistance telephone number.

4) Policy shall indicate the issue or policy date and the effective date, if different.

5) Rubber stamp deletions, mechanical overprints or paste-over "stickers" are permitted with the prior approval of the Department (for rubber stamp endorsements, see Section 1405.20(d)(6~~7~~)).

6) The name or title of any policy or class of policies may not misrepresent the nature of the policy. The title shall be specifically descriptive, such as: Universal, Term, Annuity, Indexed, Equity Indexed, Indexed Linked, Modified Guaranteed Annuity, Endowment or Whole Life. Inclusion of words such as "special", "select", "preferred" or "inflation" are not allowed in the title as they imply receiving something not normally offered in a life policy, in violation of Sections 143(1) and 149 of the Code.

d) Preparation of Forms

1) "Policy forms" must be submitted pursuant to 50 Ill. Adm. Code 916.

~~2)~~ ~~"Policy forms" submitted for formal approval shall be submitted in the~~

~~form intended for actual issue. Typewritten forms may be used only for single cases or when their use will be too infrequent to justify other preparation.~~

2~~3~~) All blank spaces of each policy form must be filled in (completed in John Doe manner). The purpose and use of the form shall be explained in the Filing Description or letter of submission.

3~~4~~) When submitting a "policy form" to which a previously approved application will be attached, reference must be made to the state/company tracking number or SERFF tracking number and approval date and form number of the previously approved application.

4~~5~~) On applicable life policy forms, nonforfeiture values, if any, for the age and plan of insurance used in filling in the form must be included.

5~~6~~) On group forms, variable material may be indicated for language that may vary from case to case. Variable material consists~~shall consist~~ of benefit provisions and benefit levels.

6~~7~~) All rubber stamp endorsements should be submitted for approval under the insurer's letterhead and filed in accordance with 50 Ill. Adm. Code 916.

7~~8~~) Combination forms (for Life and Accident and Health) shall be submitted to both the Life Unit and the Accident and Health Unit of the Product Evaluation Section.

e) Filing Description or Letter of Submission
A letter of submission must be on company letterhead that shows the name of the company for which the forms are being submitted, signed by a representative of the company authorized to submit forms for filing or approval, and submitted under the Supporting Documentation of the filing. The Filing Description or letter of submission must contain the following information:

1) The identifying form number of each form submitted.

2) If the form is a new one, not replacing an existing form, a statement to that effect.

3) If the form is intended to supersede another approved form, the company tracking number or SERFF tracking number, the form number and the approval date of the superseded form must be stated, together with a statement describing all material changes to the previously approved forms.

4) If a company submits a form that has been previously submitted but has not been approved, the company shall advise the Department of the company tracking number or SERFF tracking number, and the date of submission or disapproval of the previously submitted form and any material changes.

5) If the form is other than a policy or contract, give the company tracking number or SERFF tracking number and the form number of the policy or contract form or forms with which it will be used, or, if for more general use, describe the type or group of such forms.

~~6) When a form is approved, a final disposition will be issued in the SERFF filing.~~

6~~7~~) Reference to previously approved forms shall provide date of approval of those forms and company tracking number or SERFF tracking number.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1405.30 Applications

a) General

1) The application for a policy shall contain spaces for the name and signature of the producer or other licensee who solicited and wrote the application, pursuant to~~as required by~~ Section 500-155~~75~~ of the Code.

2) The size of the type in the declaration portion of an application must meet a reasonable standard of legibility.

3) In applications providing for home office endorsement, there shall be no change in the amount of insurance or benefits, unless agreed to in writing by the applicant.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

4) Applications shall fully comply with the applicable Sections of Article XL of the Code (Insurance Information and Privacy Protection).

b) Health Questions

1) Questions requiring applicant's opinion regarding past or present health of a person proposed for coverage shall be asked as to the best of the applicant's knowledge and belief.

2) Questions regarding an applicant's past or present health that are phrased so as to require factual information rather than a statement of the applicant's opinion need not be qualified as described in subsection (b)(1).

3) Medical Authorization in an application may be handled in one of the following ways:

A) By a direct question to be answered "yes" or "no" that clearly indicates the applicant has or has not waived the privilege; or

B) By a statement in the declaration immediately above or in close conjunction to the signature line; or

C) By a separate authorization requiring a separate signature of the applicant or other person granting the authorization.

c) Automatic Premium Loan Provision
The application may provide for a specific election of an automatic premium loan provision if that provision is offered in the policy. Failure to elect on the part of the applicant shall result in no election of the automatic premium loan provision, as provided for in Section 1405.40(c).

d) Dividend Election
If the contract applied for is participating, the application shall provide for election of all available dividend options, as provided for in Section 1405.40(ij).

~~e) Premium Mode~~
~~"Salary Savings", "Salary Deduction", "Payroll Deduction" and similar designations may be used.~~

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e~~f~~) Replacement
Applications shall be drafted to comply with the replacement provisions of 50 Ill. Adm. Code 917.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1405.40 Policy Forms

a) Payment of Premiums

~~1)~~ ~~Receipt – Section 224(1)(a) of the Code requires that a policy of life insurance shall contain in substance the following: *A provision that all premiums after the first shall be payable in advance either at the home office of the company or to an agent of the company, upon delivery of a receipt signed by one or more of the officers who shall be designated in the policy, when such receipt is requested by the policyholder.*~~

~~2)~~ ~~Premium Deposits – Contractual premiums under individual policy forms may be captioned as "Premium deposits" (50 Ill. Adm. Code 909).~~

~~3)~~ ~~Prepayment of Premiums – Specific premiums may be paid in advance, subject to discount.~~

1~~4~~) Advance Premium Deposits – A fund or account for payment of unspecified premiums (whether by policy or by rider) must conform to the requirements of Section 240 of the Code.

2~~5~~) Grace Period – Policy must provide for continuance in force during the grace period and deduction (not necessarily payment) of any unpaid premium in settlement under the policy pursuant to Section 224(1)(b) of the Code.

b) Continuation of Premiums Beyond Maturity
If a policy provides for continuation of premiums, on an optional basis, beyond an initial or normal maturity date, it must be made clear that coverage and all applicable policy provisions also continue while premiums are being paid. The policyholder must be made aware of applicable policy values while premiums are so continued: either by including those values in the policy or by specifying that

notices of the current value will be sent to the policyholder upon request.

c) Automatic Premium Loan Provision

1) Policy may provide benefit on a positive elective basis, but not as an automatic nonforfeiture benefit. For provisions regarding automatic premium loans in applications, see Section 1405.30(c).

2) Provision must conform to the loan provision of the policy, subject to Sections 224(1)(f), 229.3 and 229.5 of the Code. The provision must permit revocation of election upon written request.

3) *Notification of the policyholder with respect to the initial interest rate on* an automatic *premium loan must be made as soon as it is reasonably practicable after making the initial loan,* but in no event more than 90 days after the initial loan is made. *Notification need not be given to the policyholder when a further premium loan is added unless a loan rate increase occurs* (Section 229.5(b)(5)(ii) and (iii) of the Code). When a loan rate increase occurs, reasonable advance notice of any increase in rate must be made. In no event shall the notice be given less than 15 days prior to the increase in rate.

d) Loan Interest Rate

1) Provision must conform to Sections 224(1)(f), 229.3 and 229.5 of the Code. Any variable rate must include a specified maximum rate of interest. The Department requires filing of a description of procedure for changing a variable rate and notifying those policyowners who have outstanding loans of the rate change, which must be made on a non-discriminatory basis.

2) The interest rate charged on a policy loan or the interest rate charged upon reinstatement of any policy form that was made under a policy issued after January 1, 1982 will not exceed the rate prescribed in Section 229.5 of the Code, either as a maximum rate of not more than 8% or an adjustable maximum interest rate established from time to time by the life insurer as permitted by law, unless the policyholder agrees in writing to the applicability of those provisions.

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e) Contestability in Life Policies

~~1)The period of contestability is limited to a maximum of two years. Permissible exceptions are *provisions relative to benefits in the event of total and permanent disability, and provisions which grant additional insurance specifically against death by accident and except for violations of the conditions of the policy relating to naval or military service in time of war or for violation of an express condition, if any, relating to aviation (except riding as a fare-paying passenger of a commercial air line flying on regularly scheduled routes between definitely established airports)* (Section 224(1)(c) of the Code). 2)~~The period of contestability shall be determinable from the policy, i.e., by reference to a specified issue date, policy date or effective date, as referred to in subsection (t~~v~~).

f) Limitation of Coverage

Any limitation of coverage in event of death by suicide or other specified causes must be confined within the contestability period of the policy to comply with Section 225(l)(c) and (l)(f) of the Code. Exceptions to this restricted limitation are given in Section 224(l)(c) of the Code and subsection 1405.40(t~~v~~)(2) of this Section.

~~g) Proof of Death~~

~~Section 224(l)(j) of the Code requires due proof of death. The policy may require that due proof of death of the insured shall consist of a certified copy of the death certificate of the insured, or other lawful evidence providing equivalent information, and proof of the claimant's interest in the proceeds.~~

g~~h~~) Time Limit on Claims

1) Filing of Death Claims – There is no time limit for filing death claims if the claim is not conditioned upon other contingencies, i.e., prior disability or accident. Section 224(1)(j) of the Code requires, when there is a claim on a policy due to the death of the insured, settlement shall be made upon receipt of due proof of death. For purposes of this subsection (g~~h~~)(1), due proof consists~~shall consist~~ of sufficient evidence to establish in a court a prima facie case for payment of the claim. Therefore, any limitation with respect to death claims arising during and contingent upon the insured's continued disability must be limited to a requirement that proof of disability be furnished within a stipulated period as a condition precedent to consideration of a death claim.

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2) Filing of Disability Claims – Reasonable limits are permitted. The form may require notification of disability during lifetime and continuance of disability and may eliminate accrual of benefits because of any disability that was in existence more than one year prior to furnishing proof of disability.

hi) Participating or Non-Participating
A policy must indicate whether the policy is participating or non-participating.

ij) Dividend Provisions
The following is applicable to individual policy forms:

~~1) Required Options – The policy must provide the dividend options required under Section 224(1)(e) of the Code.~~

12) Disposition of Dividends Left With the Company – The policy must indicate what disposition will be made of outstanding dividend credits in event of lapse, termination or maturity of the policy.

23) Other Dividend Options – In addition to the dividend options required under Section 224(1)(e) of the Code, provisions~~other options (such as a one-year term insurance dividend option) may also be provided by the policy. Provisions~~ pertaining to the automatic withdrawal of any accumulated dividends, or current and unapplied dividends for the purpose of paying premiums unpaid at the end of a grace period, may be included if the policy provides for the notification of the policyholder of the application of dividends and the policyholder is given a minimum of 30 days after the date of the notice within which to direct the insurer to reverse the dividend transaction.

34) One-Year Term Insurance Dividend Option – Provision must be made for the disposition of the value of any one-year term insurance addition in the event of lapse of the policy. The policy may either provide for application of any cash value of the remaining one-year term insurance under nonforfeiture options, or a continuation of the term insurance.

~~5) Prohibited Provisions – Prohibited provisions regarding individual life policy dividends are cited in 50 Ill. Adm. Code 914.~~

j~~k~~) Nonforfeiture Values
The nonforfeiture value table must illustrate loan values and options available for each of the first 20 years of the policy or its term, if less, and include a provision that, upon request, the company will furnish an extension of the table. Values and statements in the policy must fulfill the requirements of Section 229.2 of the Code.

k~~l~~) Standard Nonforfeiture Law – Paid-up Insurance Upon Death of Insured (Family Policy)
A spouse or children entitled to paid-up insurance upon the death of a covered person under a family or parent-child policy shall be given the right to obtain the net cash surrender value of the paid-up insurance, and the form shall so state. In lieu of a table of such values, a statement may be included that a notice of the current values will be furnished by the company on request, as provided for in Section 229.2(6) of the Code.

l~~m~~) Inapplicable Language
Inapplicable language is prohibited if the inclusion of that language results in inconsistencies or ambiguities or is misleading, as is required by Section 143 of the Code.

m~~n~~) Back Dating of Life Policy
While the Code prohibits a provision under which any policy purports to be issued or take effect more than six months before the original application was made, this limitation is not applicable in conversion from or exchanges of one form of policy or annuity to or for another form provided credit is given for the reserve accumulation of the converted or terminated policy, and the form clearly spells out acceptable provisions relating to indebtedness, tabular cash values, dividends, effective date, and dividend accumulations, if any, under the new policy, as is prohibited by Section 225(1)(b) of the Code. The conversion or exchange may not result in the policyholder being charged for insurance protection that was not received.

n~~o~~) Settlement at Maturity – Commuted Value of Unpaid Installments
The form shall:

1) provide the basis for determining any commuted value, as is provided for by Section 224(1)(k) of the Code; and

2) indicate whether benefits at death shall be payable to an estate or to a named beneficiary.

op) Supplemental Benefits

1) Supplemental Death and Dismemberment benefits may be added to a life policy when limited to accidental cause only.

2) Language in such supplemental benefits that does not employ "result" language, and that establishes an accidental means test or uses words such as "external", "violent", or "visible wound" is prohibited. Additionally, contributory language (e.g., "or indirectly", "wholly or in part", or "contributed to by") is also prohibited. For purposes of this subsection (op)(2), "result" language includes, but is not limited to, death as a result of war, death as a result of suicide and death as a result of flying. For purposes of this subsection (op)(2), "accidental means test" requires that both the cause and result of the accident be an accident.

3) Provisions for loss due to accident or accidental injury shall not contain language limiting, reducing or excluding liability for a loss resulting from purely accidental circumstances (e.g., involuntary or unintentional ingestion of poison or an infectious organism, or inhalation of poisonous gases or fumes) as provided for by Section 143 of the Code.

4) Other supplemental benefits may be added to the policy for conditions that result in a total and permanent disability, as provided by Section 4 of the Code. For purposes of this subsection (op)(4), "total and permanent disability" means an inability to work and earn money because of an injury or illness from which recovery is unlikely at any time in the future and that is expected to continue indefinitely or result in death.

pq) Combination Life and Accident and Health Coverages in Individual Policies
Life and Accident and Health coverages may be combined in an individual policy, provided all statutory requirements are met and the form meets the other tests for approval in Section 143. All individual policies submitted must contain a premium breakdown as to coverages ~~and contain a provision to allow for separation of either part~~.

qr) Spendthrift and Creditor Clause

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The policy may include a Spendthrift and Creditor Clause providing in substance that, except as may be otherwise provided in the policy, a Beneficiary may not, at or after the maturity of the policy, assign, transfer or encumber any benefits payable under the policy and, to the extent permitted by law, any such benefits shall not be subject to the claims of any creditor of any Beneficiary. Because of the limitations in the statutory provisions relating to the exemption from execution, attachment, garnishment or other process for the debts or liabilities of the insured, no reference to these statutory exemptions is required as is provided for by Sections 238 and 241 of the Code.

rs) Family Policy – Names of Spouse and Children

1) It is necessary to name the spouse and/or children in either the application or policy only when a separate premium is charged for the individual insured in either of such categories.

2) For additional family policy guidelines, refer to 50 Ill. Adm. Code 1403.

st) Term Life Insurance – Conversion of Term Life Insurance
A form providing term life insurance with conversion rights without evidence of insurability may not withhold such right of conversion because the covered person has established a waiver of premium disability claim. The form may, however, withhold waiver of premium benefits under any new policy resulting from the conversion, or, as an alternative, reduce the face amount in the new policy by not exceeding 25% if waiver of premium benefits is requested and provided in the new policy.

~~u) War Clauses – Life Policies~~
~~War clauses in life policies shall comply with 50 Ill. Adm. Code 1402.~~

tv) Option to Purchase Additional Life Insurance – Incontestability and Suicide Clause

1) Any new policy issued pursuant to a purchase option guaranteeing insurability shall provide that the period specified in the incontestability clause shall expire no later than two years from the latter of date of issue of the original policy, date of issue of the rider containing the purchase option, date of change of the original policy requiring proof of insurability or date of last reinstatement of original policy, as is provided for by

Section 224(1)(c) of the Code.

2) Any new policy issued pursuant to a purchase option may contain a limitation of coverage with respect to death by suicide during the period the policy would be contestable in the absence of issuance under the purchase option, as provided for by subsection (f).

3) Company shall indicate to the Department how the incontestability provision of the new policy will be amended.

4) The request form for the exercise of a purchase option shall be furnished to the Department. It may contain medical questions provided it is clearly stated that such questions are to be answered only if coverages additional to those permitted under the option are applied for.

u~~w~~) Insurable Interest at time of Exercising Option
In a guaranteed purchase option, a provision may not be included requiring the existence of an insurable interest when the person exercising the right to purchase is other than the insured.

v~~x~~) Riders and Endorsements

1) Descriptive Title – Unless the nature of the rider or endorsement is obvious (e.g., Home Office Endorsement), the form shall contain a correct descriptive title. Use of words such as "preferred", "special", "select" or "inflation" is prohibited as provided for by Section 143 of the Code.

2) Effective Date – Rider or endorsement shall show its effective date, if other than effective date of policy, either within the text or by reference to a policy provision or in the schedule of benefits.

3) Format – Riders and endorsements that are forwarded to the policyowner for attachment to the policy shall contain the following information:

A) Name of company.

B) Identity of policy and insured, e.g., Attached to and made a part of Policy No._____ Insured: _____.

C) Effective date of the rider or endorsement.

D) Signature of at least one company official.

4) Reduction of Benefits – If benefits are reduced, the reduction may be made only pursuant to a signed request or acceptance of the policy owner.

5) Riders or endorsements may not be used to amend another rider or endorsement.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1405.50 Group Insurance

a) Group Insurance is defined in Section 230.1 of the Code. Standard Provisions for Group Policies are cited in Section 231.1 of the Code.

b) Group Insurance Contributory or Non-Contributory
The policy shall state whether it is either contributory or non-contributory.

~~c) If a group policy terminates or is amended to terminate any class of insured persons, Section 231.1(k) of the Code requires a limited conversion privilege for every insured person who, at termination, had been insured for at least 5 years prior to the termination.~~

c~~d~~) Paid-Up Term Life Insurance Benefit in Group Ordinary Life
Any group ordinary life insurance form providing a paid-up term life insurance benefit may contain a limitation to the effect that, when the paid-up benefit amounts to less than $1,000, only the alternative cash value as provided in the form shall be payable.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1405.70 Annuities

~~a) Standard provisions for annuities and pure endowment contracts are stated in Section 226 of the Code and for reversionary or survivorship annuity contracts in Section 227 of the Code.~~

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~~b)~~ ~~Group Annuities~~
~~Required and prohibited provisions are not specifically set forth in the Code. Contracts are subject to requirements of Sections 143 and 236 of the Code.~~

a~~c~~) Group Variable Annuities
The applicable jurisdiction for group variable annuity contracts is the jurisdiction where the group master policy is delivered.

b~~d~~) Fixed Dollar or Flexible Premium Individual Annuity Contracts – Options to Purchase Additional Annuity
If options for the purchase of additional annuity benefits are provided, including a flexible annuity plan, it must be made clear that the payments are considered "premiums" or purchase payments, rather than deposits, to distinguish annuity premiums from premiums placed in a Premium Deposit Reserve Account, as provided for by Section 240 of the Code.

c~~e~~) Notice to Policyholder

1) The policyholder must be made aware of the amount of annuity purchased, either by including a table of values in the contract, or by specifying in the contract that notices of the current or other values will be sent to the policyholder upon request.

2) The charges, including but not limited to withdrawal and surrender charges, minimum guaranteed interest rates, and a statement of the mortality table to be used must be incorporated in the policy as provided for by Section 229.4a of the Code.

d~~f~~) Reinstatement
Evidence of insurability may not be required in order to reinstate an annuity benefit. However, such evidence may be a requirement for reinstatement of any supplemental benefits that may be attached to an annuity contract.

e~~g~~) An annuity contract must be incontestable from the date of issue unless it includes an application asking health questions, as provided for by Section 226(1)(b) of the Code.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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Section 1405.80 Alternate and/or Insert Pages

For "alternate" and/or "insert" pages, a company may use the following guideline:

a) If the policy jacket or the outside covers are to be used with more than one plan of insurance, the form shall be submitted on this basis. The usual title and brief explanation of the type of policy need not be placed on the jacket or covers if the front cover is less than a full policy page, or if the cover contains a window. In those instances, the applicable material shall be placed in a position on the first (or specification) page so that it would be exposed even when the cover jacket is over the first page, as provided for by Section 224(1)(m) of the Code.

b) If the policy is submitted and the review is desired with consideration given to each individual page, the insert pages shall be properly identified and the letter of submittal shall list each page as a form.

c) For submittal of alternate or insert pages to be used with existing policies in supply, if the page is to be inserted at the date of issue of the policy, consideration will be given if the form is properly identified. The submittal letter shall fully explain the changes that would be made.

d) If a change is to be made on a previously issued policy, with the consent of the policyholder, this change shall be accomplished by an endorsement or rider approved for use in the State of Illinois, as provided for by Section 1405.40(v~~x~~)(~~2~~) .

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Health Carrier External Review

2) Code Citation: 50 Ill. Adm. Code 4530

3)

Section Numbers:	Proposed Actions:
4530.EXHIBIT C	Amendment
4530.EXHIBIT E	Repealed

4) Statutory Authority: Implementing the Health Carrier External Review Act [215 ILCS 180] and authorized by Section 50(h) of the Act [215 ILCS 180/50(h)] and Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) A Complete Description of the Subjects and Issues Involved: Upon reviewing current departmental rules for those that may be duplicative or overly burdensome in nature, it was determined that Appendix E is the Illinois Biographical Affidavit form and an outdated NAIC Biographical Affidavit form. The requirements for these affidavits are now contained in the current NAIC Biographical Affidavit form, which is being placed on the Department's website. Therefore, Appendix E is no longer necessary and is being removed from the Part. Appendix C(6)(g) is also being revised to note the use of the current NAIC Biographical Affidavit and remove the reference to Appendix E.

6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: 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 will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Fred Moore Deputy General Counsel Illinois Department of Insurance 122 S. Michigan Ave, 19th Fl Chicago IL 60603 312/814-5398 fax: 312-814-2862	or	Susan Anders Rules Coordinator Illinois Department of Insurance 320 W. Washington St. Springfield IL 62767 217/558-0957

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ww: HEALTH CARE SERVICE PLANS

PART 4530
HEALTH CARRIER EXTERNAL REVIEW

Section
4530.10 Purpose
4530.20 Applicability and Scope
4530.30 Definitions
4530.40 Health Carrier Obligations
4530.50 Independent Review Organization Obligations
4530.60 Registration of Independent Review Organizations
4530.70 Operational Requirements
4530.80 Examination
4530.90 Random Selection of IROs by Director

4530.APPENDIX A IRO Notice of Decision Template – Non-Experimental and Investigational
4530.APPENDIX B IRO Notice of Decision Template – Experimental and Investigational
4530.APPENDIX C Independent Review Organizations – Application for Registration
4530.APPENDIX D Independent Review Organizations – Application for Reapproving Independent Review Organizations
4530.APPENDIX E Illinois or NAIC Biographical Affidavit (Repealed)

AUTHORITY: Implementing the Health Carrier External Review Act [215 ILCS 180] and authorized by Section 50(h) of that Act and Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 34 Ill. Reg. 10741, effective July 19, 2010; amended at 39 Ill. Reg. 4077, effective September 1, 2015; amended at 39 Ill. Reg. 12577, effective September 1, 2015; recodified from 50 Ill. Adm. Code 5430 to 50 Ill. Adm. Code 4530 at 41 Ill. Reg. 4990; amended at 42 Ill. Reg. 20426, effective November 1, 2018; amended at 43 Ill. Reg. _____, effective _____.

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Section 4530.APPENDIX C Independent Review Organizations – Application for Registration

INDEPENDENT REVIEW ORGANIZATION
Registration Form

[Today's Date]

1. Name of Independent Review Organization _____

   DBA _____

   Type of Applicant (check one):

   ☐ Corporation

   ☐ Partnership

   ☐ Limited Liability

   ☐ Other (Describe) _____

   FEIN: _____

   Contact Person: _____

   Business Telephone Number: ( ) _____

   Fax Number: ( ) _____

   Email Address: _____

2. Business Address:

   Street (Do Not Use P.O. Box): _____

   City: _____

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State: _____ Zip: _____

Telephone Number: ( ) _____

Website: _____

3. Mailing Address (If Different from Business Address):

Street (Do Not Use P.O. Box): _____

City: _____

State: _____ Zip: _____

4. Contact Information To Be Used on the Department's Website of Approved Independent Review Organizations:

Contact Person: _____

Business Telephone Number: ( ) _____

Fax Number: ( ) _____

Street (Do Not Use P.O. Box): _____

City: _____

State: _____ Zip: _____

5. Agent for Service of Process in Illinois Department of Insurance:

Name _____

Street (Do Not Use P.O. Box): _____

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City: _____

State: _____ Zip: _____

6. For Each Independent Review Program supply the following information:

a. The name, address, telephone number and hours of operation for the independent review program.

b. The organization and governing structure of the independent review program.

c. The number of reviews in Illinois for which an independent review is conducted by each independent review program for the current year.

d. Number of reviews in Illinois for which an independent review was conducted for the previous calendar year for each independent review program.

e. A copy of your most recent certificate from American Accreditation Healthcare Commission (URAC) Standards for Independent Review Organizations, if applicable.

f. Written policies and procedures for protection of confidential information according to applicable State and federal laws for each independent review program.

g. Biographical information for organization officers and directors, as set forth in the National Association of Insurance Commissioners (NAIC) Biographical Affidavit form located under "Managed Care License/Registration Information" on the Department's website at http://insurance.illinois.gov/company/companyMain.html. Biographical affidavits shall be stamped "confidential" by the independent review organization ~~(form required by Appendix E)~~.

h. A list of all contracted reviewers, the physician's license number of each reviewer and his or her contact information and area of clinical expertise.

i. All information required in 7 below.

7. Minimum Qualifications for Independent Review Organizations:

a. To be approved to conduct external reviews, an independent review organization shall have and maintain written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process set forth in the Act that include, at a minimum:

i. A quality assurance mechanism that ensures that:

A. External reviews are conducted within the specified timeframes and required notices are provided in a timely manner;

B. Selection of qualified and impartial clinical reviewers to conduct external reviews on behalf of the IRO and suitable matching of reviewers to specific cases and that the independent review organization employs or contracts with an adequate number of clinical reviewers to meet this objective;

C. For adverse determinations involving experimental or investigational treatments, in assigning clinical reviewers, the independent review organization selects physicians or other health care professionals who, through clinical experience in the past 3 years, are experts in the treatment of the covered person's condition and knowledgeable about the recommended or requested health care service or treatment;

D. The health carrier, the covered person, and the covered person's authorized representative shall not choose or control the choice of the physicians or other health care professionals to be selected to conduct the external review;

E. Confidentiality of medical and treatment records and clinical review criteria;

F. Any person employed by or under contract with the independent review organization adheres to the requirements of the Act;

ii. A toll-free telephone service and email address operating on a 24 hours/day, 7 days/week basis that accepts, receives, and records

information related to external reviews and provides appropriate instructions;

iii. Name, phone number and direct email address of contact persons who will be responsible for handling assignments of external reviews; and

iv. An agreement to maintain and provide to the Director the information set out in Section 65 of the Act.

b. All clinical reviewers assigned by an independent review organization to conduct external reviews shall be physicians or other appropriate health care providers who meet the following minimum qualifications:

i. Be an expert in the treatment of the covered person's medical condition that is the subject of the external review;

ii. Be knowledgeable about the recommended health care service or treatment through recent or current actual clinical experience treating patients with the same or similar medical condition as the covered person;

iii. Hold a non-restricted license in a state of the United States and, for physicians, a current certification by a recognized American medical specialty board in the area or areas appropriate to the subject of the external review; and

iv. Have no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions, that have been taken or are pending by any hospital, governmental agency or unit, or regulatory body that raise a substantial question as to the clinical reviewer's physical, mental, or professional competence or moral character.

c. In addition to the requirements set forth in subsection (a), an independent review organization may not own or control, be a subsidiary of, or in any way be owned or controlled by, or exercise control with, a health benefit plan, a national, State, or local trade association of health benefit plans, or a national, State, or local trade association of health care providers.

d. Conflicts of interest are prohibited. In addition to the requirements set forth in 7a, 7b and 7c of this Section, to be approved pursuant to the Act to conduct an

external review of a specified case, neither the independent review organization selected to conduct the external review nor any clinical reviewer assigned by the IRO to conduct the external review may have a material professional, familial or financial conflict of interest with any of the following:

i. The health carrier that is the subject of the external review;

ii. The covered person whose treatment is the subject of the external review or the covered person's authorized representative;

iii. Any officer, director or management employee of the health carrier that is the subject of the external review;

iv. The health care provider, the health care provider's medical group or independent practice association recommending the health care service or treatment that is the subject of the external review;

v. The facility at which the recommended health care service or treatment would be provided; or

vi. The developer or manufacturer of the principal drug, device, procedure, or other therapy being recommended for the covered person whose treatment is the subject of the external review.

e. An independent review organization shall be unbiased. An IRO shall establish and maintain written procedures to ensure that it is unbiased in addition to any other procedures required under this Section.

f. Nothing in this Section precludes or shall be interpreted to preclude a health carrier from contracting with approved independent review organizations to conduct external reviews assigned to it from the health carrier.

g. An independent review organization that meets or exceeds the accreditation standards for Independent Review Organizations set forth by the American Accreditation Healthcare Commission (URAC) and otherwise meets the qualifications of this Section shall be presumed to be in compliance with this Section and shall be eligible for approval.

8. Check Enclosed (Please make checks payable to Director of Insurance)

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a. Accredited entity fee of $1000 biennially.

b. Unaccredited entity fee of $1500 biennially in the event that the Director determines that there are no acceptable nationally recognized private accrediting entities providing independent review organization accreditation.

9. Affirmation (to be signed by an officer or director of the independent review organization only):

I, _____ do hereby certify that
(Typed name, title)

_____
(Independent Review Organization)

complies with the Independent Review Organization Standards of the American Accreditation Healthcare Commission (URAC) and has submitted evidence of accreditation by URAC for Independent Review, and that the persons responsible for the conduct of _____
(Independent Review Organization)

are competent, trustworthy, and possess good reputations, and have appropriate experience, training or education and do hereby affirm that all of the information presented in this application is true and correct.

_____ _____
(Signature) (Date)

Please mail completed application to:
Illinois Department of Insurance
Utilization Review Unit
320 West Washington Street
Springfield IL 62767-0001
(217) 558-2309

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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Section 4530.APPENDIX E Illinois or NAIC Biographical Affidavit (Repealed)

~~ILLINOIS BIOGRAPHICAL AFFIDAVIT~~

~~Full name and address of company (do not use group name)~~ _____ _____ ~~In connection with the above-named company, I herewith make representations and supply information about myself as set forth in this affidavit. (Attach addendum or separate sheet if space is insufficient to answer any question fully.) If answer is "No" or "None", so state.~~
~~1. Affiant's full name (initials not acceptable)~~
~~2a. Have you ever had your name changed? ☐ Yes ☐ No If yes, give the reason for the change.~~ _____
~~2b. Give other names used at any time~~
~~3. Affiant's Social Security #~~ | ~~4. Date and place of birth~~
~~5. Affiant's business address~~ | ~~Business Telephone #~~
~~6. List your residences for the last 10 years starting with your current address, giving:~~ ~~Date~~ ~~Address~~ ~~City and State~~ _____ _____ _____ _____
~~7. Education: List dates, names, locations and degrees~~ ~~College:~~ _____ ~~Graduate Studies:~~ _____ ~~Others:~~ _____
~~8. List memberships in professional societies and associations~~
~~9. Present or proposed positions with the applicant company~~
~~10. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past 20 years, giving:~~

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~~Dates~~ ~~Employer and Address~~ ~~Title~~

11. ~~May present employer be contacted? ☐ Yes ☐ No~~
~~May former employers be contacted? ☐ Yes ☐ No~~

12a. ~~Have you ever been in a position that required a fidelity bond? ☐ Yes ☐ No~~
~~If any claims were made on the bond, give details.~~

12b. ~~Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? ☐ Yes ☐ No If yes, give details.~~

13. ~~List any professional, occupational, and vocational licenses issued by any public or governmental licensing agency or regulatory authority that you presently hold or have held in the past (state date, license issued, issuer of license, date terminated, reasons for termination).~~

14. ~~During the last 10 years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has any such license held by you ever been suspended or revoked? ☐ Yes ☐ No If yes, give details.~~

15. ~~List any administrators, insurers or HMOs in which you control directly or indirectly or own legally or beneficially 10% or more of the outstanding stock (in voting power).~~

~~If any of the stock is pledged or hypothecated in any way, give details.~~

16. ~~Will you or members of your immediate family subscribe to or own, beneficially or of record, shares of stock of the applicant administrator or its affiliates? ☐ Yes ☐ No~~
~~If any of the shares of stock are pledged or hypothecated in any way, give details.~~

17. ~~Have you ever been adjudged bankrupt? ☐ Yes ☐ No~~

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18. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or an indictment charging any felony or charging a misdemeanor involving embezzlement, theft, larceny, or mail fraud, or charging a violation of any corporate securities statute or any insurance law, or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? ☐ Yes ☐ No If yes, give details.

_____

19. Has any company been so charged, allegedly, as a result of any action or conduct on your part?
☐ Yes ☐ No If yes, give details.

_____

20. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any insurer, HMO or administrator that, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship: ☐ Yes ☐ No

21. Has the certificate of authority or license to do business of any insurance company or registration of any administrator of which you were an officer or director or key management person ever been suspended, revoked or denied while you occupied that position? ☐ Yes ☐ No If yes, give details.

_____

_____

Declaration

Dated and signed this _____ day of _____ at _____

I hereby certify under penalty of perjury that I am acting on my own behalf and that the foregoing statements are true and correct to the best of my knowledge and belief.

State of _____

County of _____

Personally appeared before me the above named _____
personally known to me who being duly sworn deposes and says that he or she executed the above instrument and that the statements and answers contained in that instrument are true and correct to the best of his or her knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 20 ___

(SEAL)

_____

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~~(Notary Public)~~

~~My commission expires:~~ _____

~~Important Notice: Disclosure of this information is required under Illinois Department of Insurance Rules.~~

~~NAIC BIOGRAPHICAL AFFIDAVIT~~

~~Applicant Name:~~ _____

~~NAIC No:~~ _____

~~FEIN:~~ _____

~~To the extent permitted by law, this affidavit will be kept confidential by the state insurance regulatory authority.~~

~~(Print or Type)~~

~~Full name, address and telephone number of the present or proposed entity under which this biographical statement is being required. (Do Not Use Group Names)~~

_____

_____

_____

~~In connection with the above-named entity, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any question fully.) IF ANSWER IS "NO" OR "NONE", SO STATE.~~

~~1.~~ ~~a.~~ ~~Affiant's Full Name (Initials Not Acceptable).~~ _____

~~b.~~ ~~Maiden Name (if applicable).~~ _____

~~2.~~ ~~a.~~ ~~Have you ever had your name changed? If yes, give the reason for the change and provide the full names.~~

_____

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_____

_____

b. Other names used at any time (including aliases).

_____

_____

3. a. Are you a citizen of the United States? _____

b. Are you a citizen of any other country? If so, what country? _____

4. Affiant's Occupation or Profession. _____

5. Affiant's business address. _____

Business telephone. _____

6. Education and Training:

College/University	City/State	Dates Attended (MM/YY)	Degree Obtained

Graduate Studies:

College/University	City/State	Dates Attended (MM/YY)	Degree Obtained

Other Training:

Name	City/State	Dates Attended (MM/YY)	Degree/Certification Obtained

(Note: If affiant attended a foreign school, please provide full address and telephone number of the college/university. If applicable, provide the foreign student Identification Number in the space provided in the Biographical Affidavit Supplemental Information.)

7. List of memberships in professional societies and associations.

Name of	Address of	Telephone Number

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~~Society/Association~~ ~~Contact Name~~ ~~Society/Association~~ ~~of Society/Association~~

_____

_____

_____

~~8. Present or proposed position with the applicant entity.~~ _____

~~9. List complete employment record for the past 20 years, whether compensated or otherwise (up to and including present jobs, positions, partnerships, owner of an entity, administrator, manager, operator, directorates or officerships). Please list the most recent first. Attach additional pages if the space provided is insufficient. It is only necessary to provide telephone numbers and supervisory information for the past 10 years.~~

~~Beginning/Ending~~

~~Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____

~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____

~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____

~~Offices/Positions Held~~ _____

~~Supervisor/Contact~~ _____

~~Beginning/Ending~~

~~Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____

~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____

~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____

~~Offices/Positions Held~~ _____

~~Supervisor/Contact~~ _____

~~Beginning/Ending~~

~~Dates (MM/YY)~~ _____ - _____ ~~Employer's Name~~ _____

~~Address~~ _____ ~~City~~ _____ ~~State/Province~~ _____

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~~Country~~ _____ ~~Postal Code~~ _____ ~~Phone~~ _____

~~Offices/Positions Held~~ _____

~~Supervisor/Contact~~ _____

~~10.~~ ~~a.~~ ~~Have you ever been in a position which required a fidelity bond?~~ _____

~~If any claims were made on the bond, give details.~~ _____

_____

~~b.~~ ~~Have you ever been denied an individual or position schedule fidelity bond, or had a bond canceled or revoked? If yes, give details.~~

_____

~~11.~~ ~~List any professional, occupational and vocational licenses (including licenses to sell securities) issued by any public or governmental licensing agency or regulatory authority or licensing authority that you presently hold or have held in the past. For any non-insurance regulatory issuer, identify and provide the name, address and telephone number of the licensing authority or regulatory body having jurisdiction over the licenses issued. Attach additional pages if the space provided is insufficient.~~

_____

_____

~~Organization/Issuer of License~~ _____

~~Address~~ _____ ~~City~~ _____

~~State/Province~~ _____ ~~Country~~ _____

~~Postal Code~~ _____

~~License Type~~ _____ ~~License #~~ _____ ~~Date Issued (MM/YY)~~ _____

~~Date Expired (MM/YY)~~ _____ ~~Reason for Termination~~ _____

~~Non-insurance Regulatory Phone Number (if known)~~ _____

~~Organization/Issuer of License~~ _____

~~Address~~ _____ ~~City~~ _____

~~State/Province~~ _____ ~~Country~~ _____

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~~Postal Code~~ _____

~~License Type~~ _____ ~~License #~~ _____ ~~Date Issued (MM/YY)~~ _____

~~Date Expired (MM/YY)~~ _____ ~~Reason for Termination~~ _____

~~Non-insurance Regulatory Phone Number (if known)~~ _____

~~12.~~ ~~In responding to the following, if the record has been sealed or expunged, and the affiant has personally verified that the record was sealed or expunged, an affiant may respond "no" to the question. Have you ever:~~

~~a.~~ ~~Been refused an occupational, professional, or vocational license or permit by any regulatory authority, or any public administrative or governmental licensing agency?~~

_____

~~b.~~ ~~Had any occupational, professional, or vocational license or permit you hold or have held, been subject to any judicial, administrative, regulatory, or disciplinary action?~~

_____

~~c.~~ ~~Been placed on probation or had a fine levied against you or your occupational, professional, or vocational license or permit in any judicial, administrative, regulatory, or disciplinary action?~~

_____

~~d.~~ ~~Been charged with, or indicted for, any criminal offenses other than civil traffic offenses?~~

_____

~~e.~~ ~~Pled guilty, or nolo contendere, or been convicted of, any criminal offenses other than civil traffic offenses?~~

_____

~~f.~~ ~~Had adjudication of guilt withheld, had a sentence imposed or suspended, had pronouncement of a sentence suspended, or been pardoned, fined, or placed on probation for any criminal offenses other than civil traffic offenses?~~

_____

~~g.~~ ~~Been subject to a cease and desist letter or order, or enjoined, either temporarily or permanently, in any judicial, administrative, regulatory, or disciplinary action, from violating any federal or state law or law of another country regulating the business of insurance, securities or banking, or~~

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from carrying out any particular practice or practices in the course of the business of insurance, securities or banking?

h. Been, within the last 10 years, a party to any civil action involving dishonesty, breach of trust, or a financial dispute?

i. Had a finding made by the Comptroller of any state or the Federal Government that you have violated any provisions of small loan laws, banking or trust company laws, or credit union laws, or that you have violated any rule or regulation lawfully made by the Comptroller of any state or the Federal Government?

j. Had a lien or foreclosure action filed against you or any entity while you were associated with that entity?

If the response to any question above is "Yes", please provide details including dates, locations, disposition, etc. Attach a copy of the complaint and filed adjudication or settlement as appropriate.

13. List any entity subject to regulation by an insurance regulatory authority that you control directly or indirectly. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing 10% or more of the voting securities of any other person.

If any of the stock is pledged or hypothecated in any way, give details.

14. Do [Will] you or members of your immediate family individually or cumulatively subscribe to or own, beneficially or of record, 10% or more of the outstanding shares of stock of any entity subject to regulation by an insurance regulatory authority, or its affiliates? An "affiliate" of, or person "affiliated"

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~~with, a specific person is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified. If the answer is "Yes", please identify the company or companies in which the cumulative stock holdings represent 10% or more of the outstanding voting securities.~~

_____

_____

~~If any of the shares of stock are pledged or hypothecated in any way, give details.~~

_____

~~15.~~ ~~Have you ever been adjudged bankrupt?~~ _____ ~~If yes, provide details.~~

_____

~~16.~~ ~~To your knowledge has any company or entity for which you were an officer or director, trustee, investment committee member, key management employee or controlling stockholder had any of the following events occur while you served in such capacity? If yes, please indicate and give details. When responding to questions 16b and 16c affiant should also include any events within 12 months after his or her departure from the entity.~~

~~a.~~ ~~Been refused a permit, license, or certificate of authority by any regulatory authority or governmental licensing agency?~~

~~b.~~ ~~Had its permit, license, or certificate of authority suspended, revoked, canceled, non-renewed, or subjected to any judicial, administrative, regulatory, or disciplinary action (including rehabilitation, liquidation, receivership, conservatorship, federal bankruptcy proceeding, state insolvency, supervision or any other similar proceeding)?~~

~~c.~~ ~~Been placed on probation or had a fine levied against it or against its permit, license, or certificate of authority in any civil, criminal, administrative, regulatory, or disciplinary action?~~

~~Note: If an affiant has any doubt about the accuracy of an answer, the question should be answered in the positive and an explanation provided.~~

~~Dated and signed this~~ _____ ~~day of~~ _____~~, 20~~ _____ ~~at~~ _____

~~I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.~~

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~~(Signature of Affiant)~~ ~~Date~~

~~State of~~ _____ ~~County of~~ _____

~~The foregoing instrument was acknowledged before me this~~ _____ ~~day of~~ _____, ~~20~~ _____ ~~by~~ _____, ~~who is personally known to me, or who produced the following identification:~~ _____

~~Notary Public~~

~~[SEAL]~~

~~Printed Notary Name~~

~~My Commission Expires~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3)

Section Numbers:	Proposed Actions:
1030.1	Amendment
1030.5	Amendment
1030.8	New Section
1030.Appendix B	Amendment
1030.Appendix C	Amendment
1030.Appendix D	New Section

4) Statutory Authority: 625 ILCS 5/6-100.5

5) A Complete Description of the Subjects and Issues Involved: Adds definitions of Real ID complaint and standard driver's license and identification cards. Sets forth the requirements and procedures for issuing a Real ID compliant driver's license or identification card. Updates and clarifies procedure to obtain a standard driver's license standard, identification card, or temporary visitor driver's license and updates acceptable documents list.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: The rulemaking will not create or enlarge a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

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

217/557-4462

13) Initial Regulatory Flexibility Analysis:

a) Types of small businesses, small municipalities and not-for-profit corporations affected: None

b) Reporting, bookkeeping or other procedures required for compliance: None

c) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two recent Agendas because the need for this rulemaking was not anticipated at the time the Agendas were prepared.

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

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section

1030.1 Definitions
1030.5 Procedure for Obtaining a Standard Driver's License or Identification Card
1030.6 Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
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Compliant Driver's License or Identification Card

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

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

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

2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018; amended at 42 Ill. Reg. 20548, effective October 30, 2018; amended at 43 Ill. Reg. _____, effective _____.

Section 1030.1 Definitions

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

"Acceptable Medical Certificate" − a current medical examiner's certificate that has been completed in its entirety and does not require additional information.

"Adjudication of Disability" − an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Adult Driver Education Course" – six hour classroom or online course of driver education for persons age 18, 19 or 20, offered by an adult driver education course provider.

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"Adult Driver Education Course Provider" or "Provider" – an entity certified by the Secretary of State to provide an adult driver education course, either in a classroom setting or online.

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

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

"Approved Driver Education Course" –

> *a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act* [105 ILCS 5/27-24 through 27-24.8]; *or*
>
> *a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or*
>
> *any course of driver education given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer; or*
>
> *a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state* [625 ILCS 5/1-103].

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

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"Authorized Secretary of State Employee" − a Secretary of State employee with a supervisory position.

"Authorized Source" −

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

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"CDLIS Driver Record" – the electronic record of the individual CDL driver's status and history stored by the State-of-Record as part of the Commercial Driver's License Information System, or CDLIS, established under 49 USC 31309. [625 ILCS 5/6-500(5.3)]

"CDLIS Motor Vehicle Record" or "CDLIS MVR" − a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information and provided by states to users authorized in 49 CFR 384.225(e)(3) and (4) (2014)*, subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725).* [625 ILCS 5/6-500(5.5)]

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

"Central Issuance" − the process of printing and mailing a driver's license to an applicant from a secure central production facility.

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

"Cited Driver" − a driver who has been requested by the Secretary of State to appear for re-test.

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"Civilian Employee Deferral Card" – a card issued at the expiration of a driver's license to extend the expiration of the driver's license for 120 days while, as a result of employment, a civilian employee of the United States Armed Services or of the United States Department of Defense and the civilian employee's spouse and/or dependent children who are living with the civilian employee is residing outside the State of Illinois.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

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

"Commercial Driver's License" or "CDL" − *a license issued to an individual by a state* or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR 383 (October 1, 2014), *that authorizes the individual to operate a certain class of commercial motor vehicle* [625 ILCS 5/1-111.6].

"Commercial Driver's License Downgrade" − a state:

allows the driver to change his or her self-certification to interstate, but operating exclusively in transportation or operation excepted from 49 CFR 391 (October 1, 2014), *as provided in 49 CFR 390.3(f), 391.2, 391.68 or 398.3* (October 1, 2014)*;*

allows the driver to change his or her self-certification to intrastate only, if the driver qualifies under that state's physical qualification requirements for intrastate only;

allows the driver to change his or her self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or

removes the CDL privilege from the driver's license. [625 ILCS 5/6-500(5.7)]

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

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

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

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

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

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

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

Commercial Motor Vehicle does not include:

recreational vehicles, when operated primarily for personal use;

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

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

"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].

"Competent Medical Specialist" − a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

"Consular Identification Document" – an official identification card issued by a foreign government that meets the criteria set forth in Section 5 of the Consular Identification Document Act [5 ILCS 230/5] and the issuing consulate has filed with the Department of State Police a copy of the consular identification document and a certification of the procedures that are used to satisfy Sections 2 and 3 of the Consular Identification Document Act.

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

"Conviction-CLP Holder" or "Conviction-CDL Holder" – *an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated* [625 ILCS 5/6-500(8)].

"Cooperative Driver Certificate" – a certificate prescribed by the Secretary of State indicating a successfully-completed road test, subject to spot check by the Secretary of State, was administered to a driver education student, who has successfully completed driver training by an Illinois State Board of Education approved driver education instructor.

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" − the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

"Current Medical Report" − any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

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"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" − a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" − the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" − the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

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

"Department of Administrative Hearings" − the Department of Administrative Hearings of the Office of the Secretary of State.

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"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1).

"Disability" − an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment, or when the individual is regarded as having such impairment [625 ILCS 5/6-117.2(f)].

"Disqualification" − a disqualification means any of the following three actions:

> *the suspension, revocation, or cancellation of a* CLP or *CDL by the state or jurisdiction of issuance;*
>
> *any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);*
>
> *a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391* (October 1, 2014). [625 ILCS 5/1-115.3]

"Disseminating Agency" − an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

"Drive" − operate or be in physical control of a motor vehicle [625 ILCS 5/4-115.8].

"Driver" – every person who drives or is in actual physical control of a vehicle [625 ILCS 5/1-116].

"Driver Applicant" – a person who applies to a state or other jurisdiction to obtain, transfer, upgrade or renew a CDL or to obtain or renew a CLP.

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"Driver's License Test" − a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" − a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

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

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

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

"Driving Evaluation" – an assessment by a driver education specialist at a

rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an authorization to an individual's CLP or CDL required to permit the individual to operate certain types of commercial motor vehicles.

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

"Excepted Interstate" or "EI" – a person who operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.69 or 398.3 (October 1, 2014) *from all or part of the qualification requirements of 49 CFR 391* (October 1, 2014) *and is not required to obtain a medical examiner's certificate by 49 CFR 391.45* (October 1, 2014). [625 ILCS 5/6-500(15.3)]

"Excepted Intrastate" or "EA" – a person who operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements. [625 ILCS 5/6-500 (15.5)]

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

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"Farm" − structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" − a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically/ mentally fit to safely operate a motor vehicle.

"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" − a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].

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"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

"Good Cause" − examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5 (October 1, 2014). [625 ILCS 5/1-124.5]

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"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 (October 1, 2014) or any quantity of a material listed as a select agent or toxin in 42 CFR 73 (October 1, 2014).

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Identification Card Verification Form" – a Secretary of State promulgated form completed by the Illinois Department of Corrections (IDOC) or Illinois Department of Juvenile Justice (IDJJ) and issued to a committed person upon release on parole, mandatory supervised release, aftercare release, final discharge or pardon, or to an adult transition center, from the IDOC or IDJJ that verifies the committed person's address and indicates whether the committed person's date of birth and social security number have been verified by IDOC or IDJJ.

"Illinois Medical Advisory Board" or "Board" − a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].

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

"Image" − the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

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"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling or step-grandparent.

"Immediate Farm Family Member" − a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Imminent Hazard" − the existence of:

> *any condition of a vehicle, employee, or commercial motor vehicle operations that substantially increases the likelihood of serious injury or death if not discontinued immediately; or*
>
> *a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.* [625 ILCS 5/6-500(20.5)]

"Incomplete Medical Report" − a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" − a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

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

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

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

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" − the Illinois Law Enforcement Agencies Data System.

"Limited Term Identification Card" – An Illinois Identification Card issued by the Secretary of State for a period of 90 days to persons released from Illinois Department of Corrections/Illinois Department of Juvenile Justice.

"Limited Term Real ID Compliant Driver's License" – A Real ID compliant driver's license issued to persons who are not permanent residents or citizens of the United States, and marked "Limited Term" on the face of the card [15 ILCS 335/1A].

"Limited Term Real ID Compliant Identification Card" – a Real ID compliant identification card issued to persons who are not permanent residents or citizens of the United States, and marked "Limited Term" on the face of the card [15 ILCS 335/1A].

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cafalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – The insurance requirements under IVC Chapter 7, Article VI.

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"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

a condition that the driver remain under the care of his/her competent medical specialist;

a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

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"Medical Examiner" – a person who is licensed, certified, or registered in accordance with applicable state laws and regulations to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. [625 ILCS 5/6-500(21.1)]

"Medical Examiner's Certificate" – a document prescribed or approved by the Secretary of State that is issued by a medical examiner to a driver to medically qualify him or her to drive. [625 ILCS 5/6-500(21.2)]

"Medical Exemption" – temporary regulatory relief for up to two years from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.300 (October 1, 2014).

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Medical Waiver" – temporary regulatory relief for up to three months from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.200 (October 1, 2014).

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"Medical Variance" – a driver has received one of the following from FMCSA, which allows the driver to be issued a medical certificate:

an exemption letter permitting operation of a CMV pursuant to 49 CFR 381 (October 1, 2014), *subpart C or 49 CFR 391.64* (October 1, 2014)*; or*

a skilled performance evaluation (SPE) certificate permitting operation of a CMV pursuant to 49 CFR 391.49 (October 1, 2014). [625 ILCS 5/6-500 (21.5)]

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

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

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

"Moped" – a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].

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"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].

"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:

First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

"Motor Vehicle Record" – a report of the driving status and history of a driver generated from the driver record provided to users, such as drivers or employers, and is subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725). [625 ILCS 5/6-500(22.2)]

"Nasal Vision Reading" – a field of vision 35º from the straight ahead.

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

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"Night" − the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL" – any other type of motor vehicle license, such as an automobile driver's license or a motorcycle license.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

"Non-Excepted Interstate" or "NI" – a person who operates or expects to operate in interstate commerce, is subject to and meets the qualification requirements under 49 CFR 391 (October 1, 2014)*, and is required to obtain a medical examiner's certificate by 49 CFR 391.45* (October 1, 2014). [625 ILCS 5/6-500(22.7)]

"Non-Excepted Intrastate" or "NA" – a person who operates only in intrastate commerce and is subject to State driver qualification requirements. [625 ILCS 5/6-500(22.8)]

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

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

"Proof of Insurance" − acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];

Current declaration page of a liability policy [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

Liability insurance binder [625 ILCS 5/7-602(d)];

Certificate of Insurance [625 ILCS 5/7-602(d)];

Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration

dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

Current rental agreement [625 ILCS 5/7-602(e)];

Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)];

Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"Public Safety Worker" – a person employed by this State or a political subdivision thereof that provides firefighting, medical or other emergency services [625 ILCS 5/6-117.2(f)].

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

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"Real ID Compliant Driver's License" – a driver's license issued in compliance with the REAL ID Act and implementing regulations. Real ID compliant driver's licenses shall bear a security marking approved by the U.S. Department of Homeland Security [625 ILCS 5/6-100(e)].

"Real ID Compliant Identification Card" – an Illinois Identification Card or Illinois Person with a Disability Identification Card issued in compliance with the REAL ID Act and implementing regulations. Real ID compliant identification cards shall bear a security marking approved by the U.S. Department of Homeland Security [15 ILCS 335/1A].

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

"Registration Sticker" – a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

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

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

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

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"S Endorsement" − an endorsement for CDL holders who operate as a school bus driver to transport pre-primary, primary or secondary school students to and from home, from school to home, or to and from school-sponsored events.

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed by the Department to administer the CDL skills tests specified in subparts G and H of 49 CFR 383 (October 1, 2014) to the entities' employees and members. A safety officer is equivalent to a Third Party Skills Test Examiner as defined in 49 CFR 383.5 (October 1, 2014).

"SAVE" − the Systematic Alien Verification for Entitlements Program that allows electronic inquiries to U.S. Citizenship and Immigration Services (USCIS) by state motor vehicle agencies in the determination of the immigration status of an applicant for a Visa Status Temporary Visitor's Driver's License pursuant to IVC Section 6-105.1(a).

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other education facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School Bus Commercial Learner's Permit" or "School Bus CLP" – a learner's permit that allows an applicant for a school bus permit to operate a school bus, but

only when accompanied by a properly classified driver with a school bus driver permit.

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

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

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Self-Certification" – a driver's signed and dated declaration of the type of driving (NI, EI, NA, EA) in which he or she engages or expects to engage while operating a CMV.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

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"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CLP or CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CLP or CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be serious pursuant to 92 Ill. Adm. Code 1040.20.

"Skills Performance Evaluation" or "SPE" – a certificate, issued by FMCSA to a driver with a missing limb, in accordance with 49 CFR 391.49 (October 1, 2014), which allows the driver to operate a CMV.

"Special Needs Individuals" – those individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required be individuals generally [625 ILCS 5/6-117.2(f).

"SSOLV" − the Social Security Online Verification system that allows electronic inquiries to the Social Security Administration by state motor vehicle agencies to verify names and social security numbers of applicants for driver's licenses or identification cards.

Standard Driver's License − a driver's license issued by the Secretary of State that does not meet the requirements of the REAL ID Act and implementing regulations.

Standard Identification Card − an identification card issued by the Secretary of State that does not meet the requirements of the REAL ID Act and implementing regulations.

"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].

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

"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank or tanks having an individual rate capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171 (2011). [625 ILCS 5/1-204.4]

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70º from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to:

a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State (referred to in this Part as "Visa status"); or

an applicant who:

resided in this State for a period in excess of one year;

is ineligible to obtain a social security number; and

is unable to present documentation issued by the United States Citizenship and Immigration Services authorizing the person's presence in this country [625 ILCS 5/6-105.1(a-5)] referred to in this Part as "non-Visa status".

"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" − a license issued by the Secretary of State to a third-party certifying entity that allows the entity to participate in the third-party certification program.

"Third-Party Certification Program" − a Secretary of State program that allows a third-party entity to administer the CDL skills tests specified in subparts G and H of 49 CFR 383 (October 1, 2014) to its employees or members.

"Third-Party Certifying Entity" or "Entity" – an entity licensed by the Secretary of State to participate in the third-party certification program. A third-party certifying entity is equivalent to a third party tester as defined in 49 CFR 383.5 (October 1, 2014).

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

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

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist:

indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable; or

containing a professional opinion that, due to a vision condition, the driver is not visually safe to operate a motor vehicle.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"USCIS" − U.S. Citizenship and Immigration Services is a bureau of the U.S. Department of Homeland Security (USDHS) that is in charge of processing immigrant visa petitions, naturalization petitions, and asylum and refugee applications, as well as making adjudicative decisions performed at the services centers and managing all other immigration benefit functions.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used

and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Verification of Residency Form" – a form printed by the Secretary of State that non-Visa status temporary visitor's driver's license applicants shall complete and that contains all Illinois addresses at which the applicant has resided for the 12 months immediately prior to application.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

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

"Youth for Whom the Department of Children and Family Services is Legally Responsible For" or "Foster Child" – a child or youth whose guardianship or custody has been accepted by the Department of Children and Family Services pursuant to the Juvenile Court Act of 1987, the Children and Family Services Act [20 ILCS 505], *the Abused and Neglected Child Reporting Act* [325 ILCS 5], *and the Adoption Act* [750 ILCS 50]. *This applies to children for whom the*

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Department of Children and Family Services has temporary protective custody, custody and guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department [15 ILCS 335/1A].

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1030.5 Procedure for Obtaining a Standard Driver's License or Identification Card

a) An applicant forA person who wishes to obtain a standard driver's license or identification card must appear at ashall go to one of the Secretary of State Driver Services Facility and complete anFacilities located throughout the State. An application form provided by the Secretary of State pursuant to IVC Section 6-106, which shall include theshall be completed by the applicant. The questions contained on the application form are provided in Appendix A. The applicant shall also provide a Driver Services Facility employee with acceptable forms of identification provided in Appendix B establishing the applicant's name, date of birth, signature for comparison, Illinois residency and social security number. A person who wishes to obtain a CDL must provide proof of citizenship or lawful permanent residency or obtain a non-domiciled CDL.

b) AnThe applicant for a driver's license shall take the following tests as required in IVC Section 6-109:

1) A vision test as provided in Sections 1030.70 and 1030.75;

2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and

3) A written test, if required, as provided in Section 1030.80.

c) Driver's license applicantsApplicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a driver's license without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and until the applicant has, in accordance with IVC Section 6-107(b):

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1) Held a valid instruction permit for a minimum of 9 months;

2) Passed an approved driver education course and submitted proof of having passed the course as may be required;

3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The person completing the certification shall, upon signing the certification, swear under penalty of perjury, that everything contained within the certification is true and correct.

d) Driver's license applicants~~Applicants~~ who are 18, 19 or 20 years of age who have not previously been licensed and who have not successfully completed an approved driver education course or the classroom portion of an approved driver education course shall not be issued a driver's license unless the applicant has successfully completed an adult driver education course offered by an adult driver education course provider and proof of that completion has been submitted to the Secretary by the adult driver education course provider.

e) A driver's license applicant shall have his/her photograph taken unless exempted by Section 1030.90.

f) A temporary driver's license shall be issued at the facility upon completion of all the requirements of this Section and IVC Chapter 6. Upon successful completion of verification by the Secretary of State, which may include, but is not limited to, a facial recognition check of the applicant's image against the Secretary of State image database, verification of residency and social security number, the applicant shall be mailed a driver's license to the address provided by the applicant.

g) The fees collected for the issuance of an original, renewal, duplicate or corrected driver's license shall be in accordance with IVC Section 6-118.

h) A driver's license issued under this Section does not meet the requirements of the REAL ID Act and shall bear the words "Federal Limits Apply".

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1030.8 Procedure for Obtaining a Real ID Compliant Driver's License or Identification Card

a) An applicant for a Real ID compliant driver's license or identification card shall visit a Secretary of State Driver Services Facility and complete an application form provided by the Secretary of State pursuant to IVC Section 6-106, which shall include the questions provided in Appendix A. The applicant shall provide a Driver Services Facility employee with acceptable documents as provided in Appendix D establishing the applicant's identity (name and date of birth), United States citizenship or lawful status, signature, social security number and Illinois residency.

b) An applicant for a Real ID Compliant driver's license shall take the following tests as required in IVC Section 6-109:

1) A vision test as provided in Sections 1030.70 and 1030.75;

2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and

3) A written test, if required, as provided in Section 1030.80.

c) Applicants for a Real ID compliant driver's license who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a driver's license without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and until the applicant has, in accordance with IVC Section 6-107(b):

1) Held a valid instruction permit for a minimum of 9 months;

2) Passed an approved driver education course and submitted proof of having passed the course as may be required; and

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3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The person completing the certification shall, upon signing the certification, swear under penalty of perjury that everything contained within the certification is true and correct.

d) Applicants for a Real ID compliant driver's license who are 18, 19 or 20 years of age who have not previously been licensed and who have not successfully completed an approved driver education course or the classroom portion of an approved driver education course shall not be issued a driver's license unless the applicant has successfully completed an adult driver education course offered by an adult driver education course provider and proof of that completion has been submitted to the Secretary by the adult driver education course provider.

e) A Real ID compliant driver's license or identification card applicant shall have his/her photograph taken.

f) A Real ID compliant driver's license or identification card shall bear the applicant's full legal name (first name, middle names and last names). Use of initials or nicknames is prohibited.

g) The applicant's social security number shall be verified via Social Security Online Verification (SSOLV) and shall be reverified at every renewal.

h) If an applicant presents a United States passport or passport card, it shall be verified via the U.S. Passport Verification Service (USPVS).

i) If an applicant presents a foreign passport accompanied by an I-94 reflecting the date of the most recent admission into the United States, a permanent resident card or an employment authorization document, it shall be verified via Systemic Verification for Alien Entitlements (SAVE) and shall be reverified at every renewal.

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j) If an applicant presents a certified birth certificate issued by a State Office of Vital Statistics or equivalent agency in the individual's state of birth, it shall be verified via Electronic Verification of Vital Events (EVVE) only if EVVE is able to verify birth certificates from every state and territory dating back to a time sufficient to verify applicants of every age.

k) The Secretary shall not issue a Real ID compliant driver's license to any person who holds a Real ID compliant identification card in Illinois. The Secretary shall not issue a Real ID compliant identification card to any person who holds a Real ID compliant driver's license in Illinois. The Secretary shall not issue a Real ID compliant driver's license or identification card to any person who holds any type of a driver's license or identification card in another state. To determine if an applicant holds a driver's license or identification card in another state, the Secretary shall submit an inquiry via State to State (S2S) Verification Service.

l) A secure temporary driver's license or identification card, valid for 90 days, shall be issued at the facility upon completion of all the requirements of this Section and IVC Chapter 6. Upon successful completion of verification by the Secretary of State, which may include, but is not limited to, a facial recognition check of the applicant's image against the Secretary of State image database and verification of residency, the applicant shall be mailed a Real ID compliant driver's license or identification card to the address provided by the applicant.

m) An applicant whose immigration documents are submitted to SAVE for verification and for whom SAVE requires additional verification shall be issued a 90-day temporary driver's license or identification card. The temporary driver's license or identification card may be re-issued for another 90-day period. If the applicant is unable to resolve the issue with SAVE by the end of the second 90-day period, no driver's license or identification card shall be issued to the applicant.

n) The fees collected for the issuance of an original, renewal, duplicate or corrected Real ID compliant driver's license shall be in accordance with IVC Section 6-118. The fees collected for the issuance of an original, renewal, duplicate or corrected Real ID compliant identification card shall be in accordance with Section 12 of the Identification Card Act.

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o) A Real ID compliant driver's license shall expire in accordance with IVC Section 6-115. A Real ID identification card shall expire in accordance with Section 8 of the Identification Card Act.

p) The Secretary shall photocopy or scan and maintain the documents submitted to the Secretary by a Real ID applicant.

q) A Real ID compliant driver's license or identification card shall bear a gold star. A Real ID compliant driver's license or identification card issued to an applicant who is not a United States citizen or permanent resident shall bear the words "limited term".

(Source: Added at 43 Ill. Reg. _____, effective _____)

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Section 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Standard Identification Card, Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit (Non-Real ID)

a) Except as provided for in subsection (o), an applicant applying for a standard driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B, C and D ~~as outlined in subsection (g)~~.

b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A, B and D to prove name, date of birth, temporary residency, legal presence and ~~verification of~~ signature. Temporary visitor's driver's license applicants are not required to present documents verifying social security numbers. Instead, they shall affirm under penalty of perjury that they are ineligible to obtain a social security number. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.

c) An applicant applying for a CLP or CDL shall submit one of the following documents as proof of citizenship or lawful permanent resident status:

1) valid, unexpired U.S. passport;

2) certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the individual's state of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa or the Commonwealth of the Northern Mariana Islands;

3) Consular Reports of Birth Abroad (CRBA) issued by the U.S. Department of State;

4) Certificate of Naturalization issued by the U.S. Department of Homeland Security (DHS);

5) Certificate of Citizenship issued by DHS;

6) Valid, unexpired Permanent Resident Card issued by USCIS or INS; or.

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7) Valid, unexpired U.S. Passport Card.

d) An applicant applying for a Non-Domiciled CLP or CDL shall submit an unexpired employment authorization document (EAD) issued by USCIS or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States.

e) Except as provided for in subsections (o) and (q), an applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A and one from Group D if requesting an address change to appear on the documents~~, as outlined in subsection (g)~~. An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.

f) Applicants renewing a current or recently expired (less than one year) Illinois driver's license~~, TVDL~~ or identification card need only present the expiring or recently expired (less than one year)~~a current valid~~ driver's license~~, TVDL~~ or identification~~ID~~ card. If they do not possess the expiring or recently expired (less than one year)~~have a current~~ driver's license~~, TVDL~~ or identification~~ID~~ card, they must present one document~~form of identification~~ from Group A and one from Group D, if requesting an address change to appear on the document~~, as outlined in subsection (g)~~. Applicants renewing a current visa-status TVDL must present the expiring TVDL and current documentation issued by the U.S. Citizenship and Immigration Services authorizing the applicant to be present in the United States. An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.

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

1) GROUP A (Written Signature)

Canceled Check (dated within 90 days prior to application)

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Cooperative Driver Testing Program Certificate

Court Order

Credit Card/Debit Card – Major Brand

~~Driver Education Certificate~~

~~Government~~ Driver's License issued by an agency of the United States Government (i.e., Department of State)

Foreign Passport

~~Government~~ Identification Card issued by an agency of the United States Government

Illinois Driver's License – current or expired less than one year

Illinois Identification Card – current or expired less than one year

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

I-551 (Permanent Resident~~Alien Registration~~ Card)

I-766 (Employment Authorization Card)

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

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

~~Military Driver's License – U.S.~~

~~Military Identification Card – U.S.~~

~~Military Service Record – DD214~~

Mortgage or Installment Loan Documents

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

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~~Passport – Valid US or Foreign~~

Social Security Card

Temporary Driver's License/Commercial Learner's Permit/Identification Card

United States Military Driver's License

United States Military Identification Card

United States Military Service Record (e.g., DD214)

United States Passport

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Certified Grade/High School/College/University Transcript

Citizenship Certificate

Illinois Driver's License~~ – current~~

Illinois Identification Card~~ – current~~

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

I-551 (Permanent Resident~~Alien Registration~~ Card)

I-571 (Refugee Travel Document)

I-766 (Employment Authorization Card)

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I-797 (Notice of Action Status Change)

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

U.S. Visa

~~Military Driver's License – U.S.~~

~~Military Identification Card – U.S.~~

~~Military Service Record – DD214~~

Naturalization Certificate

United States Military Driver's License

United States Military Identification Card

United States Military Service Record (e.g., DD214)

United States Passport or Passport Card~~ – Valid with Complete Date of Birth~~

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

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record (Verified)

Illinois Identification Card Record (Verified)

~~Military Driver's License – U.S.~~

~~Military Identification Card – U.S.~~

~~Military Service Record – DD214~~

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

United States Military Driver's License

United States Military Identification Card

United States Military Service Record (e.g., DD214)

4) GROUP D (Residency)

Bank Statement (dated within 90 days prior to application)

Canceled Check (dated within 90 days prior to application)

Certified Grade/High School/College/University Transcript

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

Deed/Title, Mortgage, Rental/Lease Agreement

Insurance Policy (Homeowner's or Renter's)

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

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

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

Homestead Exemption Receipt

Jury Duty Notice issued within 90 days prior to application

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Selective Service Card

Social Security Annual Statement

Social Security Disability Insurance (SSDI) Statement

Supplemental Security Income (SSI) Benefits Statement

Voter Registration Card

Pay Stub or Electronic Deposit Receipt

Pension or Retirement Statement

Phone book, current, produced by a phone book publisher

Report Card from Grade/High School or College/University

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

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

h) Documents listed in Group A, B or C~~, as outlined in subsection (g),~~ that contain~~contains~~ the full residence address may also be used for Group D~~, as outlined in subsection (g)~~.

i) For a name change, the~~ identification must be a~~ document must provide~~that provides~~ a link to the established driver's license/ID Card file.

j) Group B documents~~, as outlined in subsection (g),~~ must contain the applicant's full name and complete date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the U.S.~~US~~ or by the U.S.~~US~~ State Department, U.S.~~US~~ Territories or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original

stamped impression. Foreign passports and foreign birth certificates are accepted as "proof" if accompanied by any other item listed in Group B.

k) Group C documents~~, as outlined in subsection (g),~~ must contain the applicant's name and full social security number.

l) Group D documents~~, as outlined in subsection (g),~~ must contain the applicant's first and last name and full residence address.

m) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.

n) An applicant applying for a no-fee identification card who is homeless must present one document from each of Group A, B and C~~, as outlined in subsection (g),~~ and a homeless status certification, as described in Section 1030.12, to satisfy the requirements for Group D~~, as outlined in subsection (g)~~.

o) A judicial officer who wishes to change his or her residence address or mailing address to his or her business address, pursuant to the Judicial Privacy Act [705 ILCS 90], is required to present only a Secretary of State Request to Suppress Personal Information form as proof of residency.

p) A peace officer who wishes to change his or her residence address or mailing address to his or her business address is required to present only a Secretary of State Request to Change Residence/Mailing Address form and his or her peace officer badge.

q) An applicant for a standard driver's license or identification card, instruction permit or visa-status temporary visitor driver's license who is under the age of 18 may submit a document from Group D issued to the applicant's parent or guardian.

r~~q~~) Unacceptable identification documents include, but are not limited to:

Bond Receipt or Bail/Bond Card

Business Cards

Check Cashing Cards

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Club or Fraternal Membership Cards

College or University Identification Cards

Commercially Produced (non-State or unofficial) ID Cards

DHS (Department of Human Services) Cards or documents issued by DHS

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

Illinois Concealed Carry Card

Illinois FOID Card

Instruction Permit/Receipts

Insurance Card

Library Card

Personal Mail

~~Temporary Driver's License~~

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

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(Source: Amended at 43 Ill. Reg. _____, effective _____)

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Section 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

a) Applicants for an original non-Visa status temporary visitor's driver's license (TVDL) pursuant to IVC Section 6-105.1(a-5) shall submit the following:

1) One document to prove written signature;

2) One document to prove name and date of birth;

3) One document to prove current Illinois residence address;

4) One document to prove Illinois residency in excess of one year;

5) Valid unexpired passport from the applicant's country of citizenship or a valid unexpired consular identification document issued by the applicant's country of citizenship pursuant to Section 5 of the Consular Identification Document Act [5 ILCS 230/5]; and

6) Verification of residency form.

b) An applicant applying for either a duplicate or corrected driver's license or identification card must present one document~~form of identification~~ from Group A, one document~~and at least one form~~ from Group B, and ~~C or~~ one document from Group D if requesting an address change to appear on the documents (see Appendix B).

c) A TVDL holder who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous name, date of birth or gender and the new name, date of birth or gender.

d) Documents that are acceptable for the purpose of obtaining a TVDL:

1) Written Signature:

Consular Identification Document

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Cooperative Driver Testing Program Certificate

Court Order

Credit Card − Major Brand

Driver's License or Identification Card (issued by another state of the United States)

Foreign Passport (with complete date of birth: day, month and year)

Mexican Electoral Card

Mortgage or Installment Loan Agreement

United States Federal, State or Local Government Identification~~ID~~ Card

2) Name and Date of Birth:

Consular Identification Document

Foreign Passport (with complete date of birth: day, month and year)

3) Current Illinois Residence Address:

Bank Statement (dated within 90 days prior to application)

Certified Grade School/High School/College/University Transcript

Consular Identification Document

Credit Report Issued by Experian, Equifax or TransUnion (dated within 90 days prior to application)

Deed/Title, Mortgage, Rental/Lease Agreement

Homestead Exemption Receipt

Insurance Policy (homeowner's or renter's)

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Medical Claim or Statement of Benefits from Private Insurance Company or Public (government) Agency (dated within 90 days prior to application)

Official Mail from a State, County, City, Village or Federal Agency (that includes the applicant's first and last name and complete address)

Pension or Retirement Statement

Report Card from Grade School/High School/College/University

Selective Service Card

Tuition Invoice or Other Official Mail from a College or University (dated within 90 days prior to application)

Utility Bill (electric, water, refuse, telephone (land or cell), cable or gas; dated within 90 days prior to application)

4) Illinois Residency in Excess of One Year (all documents must be dated at least 12 months prior to the date of application):

Bank Statement

Certified Grade School/High School/College/University Transcript

Deed/Title, Mortgage, Rental/Lease Agreement

Homestead Exemption Receipt

Insurance Policy (homeowner's or renter's)

Medical Claim or Statement of Benefits from Private Insurance Company or Public (government) Agency

Official Mail from a State, County, City, Village or Federal Agency (that includes the applicant's first and last name and complete address)

Pension or Retirement Statement

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Report Card from Grade School/High School/College/University

Tuition Invoice or Other Official Mail from a College or University

Utility Bill (electric, water, refuse, telephone (land or cell), cable or gas)

e) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.

f) An applicant for a non-visa status TVDL or a TVDL instruction permit who is under the age of 18 may submit a document issued to the applicant's parent or guardian to prove current Illinois residence address.

g~~f~~) Unacceptable identification documents include, but are not limited to:

Bond Receipt or Bail/Bond Card

Business Cards

Check Cashing Cards

Club or Fraternal Membership Cards

College or University Identification Cards

Commercially Produced (non-State or unofficial) ID Cards

DHS (Department of Human Services) Cards or documents issued by DHS.

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

Illinois Concealed Carry Card

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Illinois FOID Card

Instruction Permit/Receipts

Insurance Card

Library Card

Personal Mail

~~Temporary Driver's License~~

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

hg) All documents presented must be valid and unexpired. Photocopies of documents will not be accepted. Acceptance of documents not listed in this Appendix must be approved by the Director of Driver Services or his or her designee.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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Section 1030.APPENDIX D Acceptable Identification Documents – Applicants for a Real ID Compliant Driver's License or Identification Card

a) An applicant applying for a Real ID compliant driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B, C and E, as well as two documents from Group D. If an applicant's current name is different than the name that appears on the document presented for proof of identity/date of birth (Group A), the applicant must present a document linking the current name to the name on the Group A document (i.e., marriage certificate, divorce decree).

b) An applicant applying for a duplicate Real ID driver's license or identification card must present one form of identification from Group A.

c) An applicant applying for a corrected Real ID compliant driver's license or identification card due to an address change must present two documents from Group D. An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.

d) A U.S. citizen renewing a current or expired (less than one year) Real ID Illinois driver's license or identification card need only present the expiring or recently expired (less than one year) credential. An applicant other than a U.S. citizen renewing a current or expired (less than one year) Real ID Illinois driver's license or identification card must present current proof of lawful status and the expiring or recently expired (less than one year) credential. If an applicant does not possess the expiring or recently expired (less than one year) credential, the applicant must present one document from Group A. If requesting a change of address, the applicant must also present two documents from Group D. An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.

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

documents are required; images from a cell phone are not accepted (an applicant may print the image (e.g., bank statement) and provide the printed copy).

1) GROUP A − Written Signature

Canceled Check (dated within 90 days prior to application)

Cooperative Driver Testing Program Certificate

Court Order

Credit Card/Debit Card – Major Brand

Driver's License issued by an agency of the United States Government (e.g., Department of State)

Foreign Passport

Identification Card issued by an agency of the United States Government

Illinois Department of Children and Family Services Identification Card Verification Form

Illinois Department of Corrections Identification Card Verification Form

Illinois Driver's License/Identification Card

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

Mortgage or Installment Loan Documents

Out-of-state Driver's License/Identification Card

Social Security Card

Temporary Driver's License/Commercial Learner's Permit/Identification Card

United States Citizenship and Immigration Services (USCIS)

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forms:

I-551 (Permanent Resident Card)

I-766 (Employment Authorization Card)

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

United States Military Driver's License/Identification Card

United States Passport or Passport Card

United States Military Service Record (e.g., DD214)

2) GROUP B − Proof of Identity/Date of Birth

Certificate of Citizenship issued by the U.S. Department of Homeland Security, Form N-560 or Form N-561

Certificate of Naturalization issued by the U.S. Department of Homeland Security, Form N-550 or Form N-570

Certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the individual's state of birth

Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State, Form FS-240, DS-1350 or DS-545

Employment Authorization Document (EAD) issued by the U.S. Department of Homeland Security, Form I-766 or Form I-688B

Foreign passport with a U.S. visa affixed, accompanied by the approved I-94 form documenting the applicant's most recent admittance to the United States

Permanent Resident Card (Form I-551) issued by the U.S. Department of Homeland Security or the U.S. Immigration and Naturalization Service

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Real ID driver's license or identification card issued in compliance with the standards of 6 CFR 37

United States Passport or passport card

3) GROUP C − Social Security Number

Non-SSA-1099 Form

Pay stub or electronic deposit receipt bearing the applicant's name and social security number

Social Security Card

SSA-1099 Form

W-2

4) GROUP D − Residency. All documents must contain full residential address. A document listed in Group A, B or C that contains the full residential address is acceptable as proof of residency.

Bank Statement (dated within 90 days prior to application)

Canceled Check (dated within 90 days prior to application)

Certified Grade/High School/College/University Transcript

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

Deed/Title, Mortgage, Rental/Lease Agreement

Insurance Policy (Homeowner's or Renter's)

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

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

Official mail received from a state, county, city or village or a federal government agency that includes first and last name of the applicant and complete current address. This may include, but is not limited to:

Homestead Exemption Receipt

Jury Duty Notice issued within 90 days prior to application

Selective Service Card

Social Security Annual Statement

Social Security Disability Insurance (SSDI) Statement

Supplemental Security Income (SSI) Benefits Statement

Voter Registration Card

Pay Stub or Electronic Deposit Receipt

Pension or Retirement Statement

Phone book, current, produced by a phone book publisher

Report Card from Grade/High School or College/University

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

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

5) GROUP E − United States Citizenship or Lawful Status (originals or certified copies are required)

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Certificate of Citizenship issued by the U.S. Department of Homeland Security, Form N-560 or Form N-561.

Certificate of Naturalization issued by the U.S. Department of Homeland Security, Form N-550 or Form N-570

Certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the individual's state of birth

Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State, Form FS-240, DS-1350 or DS-545

Employment Authorization Document (EAD) issued by the U.S. Department of Homeland Security, Form I-766 or Form I-688B

Foreign passport with a United States visa affixed, accompanied by the approved I-94 form documenting the applicant's most recent admittance to the United States

Permanent Resident Card (Form I-551) issued by the U.S. Department of Homeland Security or the U.S. Immigration and Naturalization Service

United States Passport or Passport Card

f) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.

g) An applicant applying for a no-fee identification card who is homeless must present one document from each of Group A, B and C and a homeless status certification, as described in Section 1030.12, to satisfy the requirements for Group D.

h) A judicial officer who wishes to change his or her residence address or mailing address to his or her business address, pursuant to the Judicial Privacy Act [705 ILCS 90], is required to present only a Secretary of State Request to Suppress Personal Information form as proof of residency.

i) A peace officer who wishes to change his or her residence address or mailing address to his or her business address pursuant to IVC Section 6-110(a-5) is

required to present only a Secretary of State Request to Change Residence/Mailing Address form and his or her peace officer badge.

j) An applicant for a Real ID driver's license or identification card who is under the age of 18 may submit a document from Group D issued to the applicant's parent or guardian.

k) Unacceptable identification documents include, but are not limited to:

Bond Receipt or Bail/Bond Card

Business Cards

Check Cashing Cards

Club or Fraternal Membership Cards

College or University Identification Cards

Commercially Produced (non-State or unofficial) ID Cards

DHS (Department of Human Services) Cards or documents issued by DHS

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

Illinois Concealed Carry Card

Illinois FOID Card

Instruction Permit/Receipts

Insurance Card

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Library Card

Personal Mail

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

(Source: Added at 43 Ill. Reg. _____, effective _____)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

3) Section Number: 1060.130 — Proposed Action: Amendment

4) Statutory Authority: 625 ILCS 5/6-411 & 419

5) A Complete Description of the Subjects and Issues Involved: This amendment removes the requirement that an applicant for an instructor at a commercial driver training school pass a vision screening and road test. Applicants are required to hold a valid driver's license, which requires a vision screening at renewal (unless renewed via the Safe Driver Renewal program) and requires a road exam at the time of initial licensure. Additionally, during the 24-month period prior to making application as a commercial driver training school instructor, an applicant may not have been convicted of three or more moving violations nor have been convicted of two or more violations that caused a traffic accident. Given the required "clean" driving record, no additional demonstration of driving need be required.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: The rulemaking will not create or enlarge a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendment is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

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

217/557-4462

13) Initial Regulatory Flexibility Analysis:

a) Types of small businesses, small municipalities and not-for-profit corporations affected: Commercial Driver Training Schools

b) Reporting, bookkeeping or other procedures required for compliance: None - less testing required for instructor applicants.

c) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 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)
1060.250 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training

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School's License and Instructor's License (Recodified)
1060.260 Commercial Driver's License and/or Endorsement and/or Restriction Accreditation (Recodified)

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. _____, effective _____.

Section 1060.130 Examination for Driver Training Instructor

a) Each individual desiring to be licensed as a driver training instructor for a specific driver training school, must pass a written test, traffic control test, vision test, and a driving test which will be offered by the Department at periodic intervals.

1) The written test shall consist of questions dealing with:

A) Chapter 625 of the Illinois Compiled Statutes;

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B) Safe Driving Practices;

C) Operation of Motor Vehicles;

D) Teaching Methods; and

E) Commercial Driver Training Schools (92 Ill. Adm. Code 1060).

2) In order to pass the written test which consists of 100 true false and multiple choice questions, an individual shall answer at least 85 of the questions correctly.

~~3)~~ ~~The individual shall meet the criteria established in 92 Ill. Adm. Code 1030.70 in order to pass the vision test.~~

3~~4~~) ~~The individual shall meet the criteria established in 92 Ill. Adm. Code 1030.85 in order to pass the road test.~~ The Department shall not issue a driver training instructor's license to any person who is physically unable to safely operate a motor vehicle or to safety instruct or train others in the operation of a motor vehicle as determined by a licensed physician pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(d)]. The physician's medical report shall contain medical information which relates to the driver's medical ability to safely operate a motor vehicle. The form shall also contain an indication of the person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his limbs and feet. The physician must also provide his address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with Section 1060.120(d) of this Part.

4~~5~~) The individual shall not miss any questions on the official traffic control device test in order to pass the test.

5~~6~~) Commercial driver accredited instructor applicants must take an additional written test which consists of 25 multiple choice and true/false questions, with a pass rate of 21.

b) Each applicant will be given a maximum of 3 opportunities in any 12 month period to pass the driver training instructor's examination. An applicant for a

driver training instructor's license may be allowed to attempt the road test a second time in the same day during normal business hours of the Driver Services facility if he/she fails the first attempt to pass the road test. However, if the applicant demonstrates a danger to the public safety during his/her first attempt to pass a road test, he/she will not be allowed to make a second or subsequent attempt during the same day. An applicant will not be allowed to make a third attempt to pass a road test on the same day in which he/she failed the previous attempt. Individuals who have failed their third examination must wait at least 1 year from the date of the third failure before making a new application.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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1) Heading of the Part: Licensing Standards for Foster Family Homes

2) Code Citation: 89 Ill. Adm. Code 402

3)

Section Numbers:	Adopted Actions:
402.2	Amendment
402.16	Amendment
402.19	Amendment
402.20	Amendment

4) Statutory Authority: 225 ILCS 10

5) Effective Date of Rules: October 31, 2018

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain an incorporation by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 1942; January 26, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

Section 402.2 – The definition of "normalcy parenting" is amended to read:

> "Normalcy Parenting" means empowering a foster parent to approve or not approve a child's participation in appropriate extracurricular, enrichment, cultural and social activities based on the caregiver's assessment using the reasonable and prudent parent standard, without prior approval of the Department, the caseworker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow the child's participation in extracurricular enrichment, cultural and social activities that are appropriate for the child's normal growth and development.

Section 402.16(c) is amended to read:

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Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard for decision-making regarding the child's participation in extracurricular, enrichment, cultural and social activities that are appropriate for the child's normal growth and development.

Section 402.16(g) is amended to read:

Foster parents are authorized to approve visits that do not exceed 48 hours.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: These amendments implement PA 99-839 (amending Section 7.3a of the Children and Family Services Act [20 ILCS 505/7.3a]) and Title IV-E of the Social Security Act (42 USC 670 et. seq.), which authorizes caregivers of youth in care to use normalcy parenting and apply the reasonable and prudent parenting standard when making parenting decisions in the children's best interests.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
e-mail: cfpolicy@illinois.gov

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402
LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section

402.1 Purpose
402.2 Definitions
402.3 Effective Date of Standards (Repealed)
402.4 Application for License
402.5 Application for Renewal of License
402.6 Provisions Pertaining to Permits
402.7 Provisions Pertaining to the License
402.8 General Requirements for the Foster Home
402.9 Requirements for Sleeping Arrangements
402.10 Nutrition and Meals
402.11 Business and Employment of Foster Parents
402.12 Qualifications of Foster Family
402.13 Background Inquiry
402.14 Health of Foster Family
402.15 Number and Ages of Children Served
402.16 Meeting Basic Needs of Children
402.17 Health Care of Children
402.18 Religion
402.19 Recreation and Leisure Time
402.20 Education
402.21 Discipline of Children
402.22 Emergency Care of Children
402.23 Release of Children
402.24 Confidentiality of Information
402.25 Required Written Consents
402.26 Records to be Maintained
402.27 Licensing Supervision
402.28 Adoptive Homes
402.29 Director's Waivers
402.30 Severability of This Part

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402.APPENDIX A	Criminal Convictions That Prevent Licensure
402.APPENDIX B	Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care
402.APPENDIX C	Number and Ages of Children in Foster Family Home: Child Requires Specialized Care

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. 7877, effective July 15, 1999; emergency amendment at 24 Ill. Reg. 6417, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 24 Ill. Reg. 17052, effective November 1, 2000; amended at 26 Ill. Reg. 2624, effective February 11, 2002; amended at 26 Ill. Reg. 11796, effective August 1, 2002; amended at 30 Ill. Reg. 6321, effective March 31, 2006; amended at 33 Ill. Reg. 11441, effective August 1, 2009; amended at 36 Ill. Reg. 4086, effective March 5, 2012; amended at 40 Ill. Reg. 808, effective December 31, 2015; amended at 40 Ill. Reg. 7797, effective May 16, 2016; amended at 42 Ill. Reg. 2253, effective January 17, 2018; amended at 42 Ill. Reg. 20321, effective October 31, 2018.

Section 402.2 Definitions

"Adoptive placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or license exempt relative home for purposes of adoption and:

be legally free (parental rights have been terminated or both parents have

surrendered their parental rights); or

be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

"Appropriate activities" means activities or items that are generally accepted as suitable for children of the same chronological age or developmental level of maturity. Appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group, taking into account the individual child's cognitive, emotional, physical, and behavioral development. [20 ILCS 505/7.3a(b)]

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. [425 ILCS 60/2]

"Approved in-service training" means:

Foster PRIDE module or other Department approved training;

foster parent conferences sponsored by the Department;

other conferences approved by the Department;

training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York NY 10018;

materials borrowed from the Department's Foster/Adoptive Parent Lending Libraries;

training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification; or

other training, substantially meeting the Department's Foster PRIDE/Adopt PRIDE training, approved in writing by the Department of

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Children and Family Services.

"Background check" means:

Individuals 17 years of age or older:

a criminal history check via fingerprints that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and

Individuals 13 years of age or older:

a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

a check of the Illinois~~Statewide Child~~ Sex Offender Registry.

~~"CANTS" means the Child Abuse and Neglect Tracking System that has been replaced by SACWIS .~~

"Child" means any person under 18 years of age. [225 ILCS 10/2.01]

"Child care assistant" means an adult, 18 years of age or older, (whether a volunteer or an employee) who assists a licensed foster parent in the care of children within the foster home.

"Child care facility" means any person, group of persons, agency, association, organization, corporation, institution, center or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969 [225 ILCS 10], *established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act.* [225 ILCS 10/2.05]

"Classifiable fingerprints" means fingerprints obtained through an electronic or

ink printing process that were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means, at a minimum, *a completed written* application *form; written authorization by the applicant and all adult members of the household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household.* [225 ILCS 10/4]

"Contact between siblings" means contact between or among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook), and any other agreed upon forms of communication technology.

"Corporal punishment" means hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain.

"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways. Discipline does not include the use of corporal punishment as defined in this Part.

"Educational advocacy training" means the 6-hour training that prepares foster parents to effectively advocate for the special educational needs of the children in their care by providing information on children's educational rights and foster parents' responsibility to protect those rights.

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"Expanded capacity license" means the foster family home has been issued a license from the Department authorizing the foster family to accept more than six children for care (including the family's own children under age 18 and all other children under age 18 receiving full-time care) as permitted in Section 402.15(c) (for foster care placements) or (e) (for adoptive placements).

"Fictive kin" means any individual, unrelated by birth or marriage, who:

> *is shown to have significant and close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or*
>
> *is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act* [20 ILCS 505] *and the Juvenile Court Act of 1987* [705 ILCS 405]*, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection.* [20 ILCS 505/7(b)]

"Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated or related *to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related* or unrelated *children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served.* [225 ILCS 10/2.17] The Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full-time care.

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

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"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"In-service training" means approved training provided to currently licensed foster parents.

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. [225 ILCS 10/4.4]

"Licensed physician" means a person licensed to practice medicine in the State of Illinois.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing representative" means persons authorized by the Department under the Child Care Act to perform licensing activities.

"Licensing study" means a written review and assessment of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

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"Minor traffic violation" means a traffic violation, under the laws of the State of Illinois or any municipal authority in Illinois or another state or municipal authority, that is punishable solely by fines as a petty offense.

"Multi-purpose room" means a room in the foster family home that has been designed for several purposes. A multi-purpose room that is temporarily converted into a bedroom may only be a pass through room in the home if the privacy of the children using the room for a bedroom can be ensured. Activities within the room shall be normal bedroom activities such as sleeping, dressing and playing while used as a bedroom.

"Non-active status" means a licensed foster home has no foster placements and maintains continuous compliance with this Part that, by mutual written agreement with the Department, does not receive regular licensing monitoring visits by the Department or supervising agency.

"Normalcy parenting" means empowering a foster parent to approve or not approve a child's participation in appropriate extracurricular enrichment, cultural and social activities based on the caregiver's assessment using the reasonable and prudent parent standard, without prior approval of the Department, the caseworker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow the child's participation in extracurricular, enrichment, cultural and social activities that are appropriate for the child's normal growth and development.

"Permanent connection" means a family-like relationship, consistent with a child's best interests, health, safety and well-being, that provides:

safe, stable and committed parenting;

unconditional love and lifelong support; and

a permanent legal status between child and family.

For a child for whom the Department is legally responsible, a permanent connection may be the child's parents or another caregiver in the child's home of origin. When the child cannot be safely returned home, a permanent connection may be the current or former foster parent or relative caregiver, an individual identified as an adoptive or legal guardianship placement resource,

or another individual from among the child's or family's lifelong connections with whom a child has developed a familial relationship.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a 2~~two~~ month period to allow the individuals to become eligible for an initial foster family home license.

"Petty offense" means any offense for which a fine only is provided, and *a sentence of imprisonment is not an authorized disposition.* [730 ILCS 5/5-1-17]

"Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time supporting the child's emotional and developmental growth, that a caregiver shall use when determining whether to allow a child in out-of-home care to participate in extracurricular, enrichment, cultural, and social activities. [20 ILCS 505/7.3a(b)]

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), *second cousin* (children of first cousins are second cousins to each other), *godparent* (as defined in this Section), *great-uncle or great-aunt*; or

is the spouse, or party to a civil union, *of such a relative*; *or*

is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

"Relative" also includes a person related in any of the foregoing ways to a

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sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Respite foster care" means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to ~~foster~~ children in care. Respite foster care is provided to ~~foster~~ children in care in order to give the full-time caregivers a rest from caregiving responsibilities.

"Responsible" means trustworthy performance of expected duties that serves the best interests of the ~~foster~~ children in care as evidenced by established child welfare standards, State and federal law, and the rules of the Department.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services ~~that replaced the Child Abuse and Neglect Tracking System (CANTS)~~.

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 ~~[705 ILCS 405]~~ immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together, have a positive relationship, and share at least one parent in common.

"Specialized care" or "specialized foster care services" means care provided to *a child in the custody or guardianship of the Department who requires such*

services due to emotional, behavioral, developmental or medical needs, or any combination thereof, or any other needs that *require special intervention services, the primary goal being to maintain the child in foster care or in a permanency setting.* [20 ILCS 505/5.30(a)] Specialized foster care services are further described in 89 Ill. Adm. Code 301.90 (Foster Family Home Care).

"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another; or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 42 Ill. Reg. 20321, effective October 31, 2018)

Section 402.16 Meeting Basic Needs of Children

a) All children in the foster family shall be treated equitably.

b) Children shall receive supervision appropriate to their developmental age at all times. All children in the foster home shall be protected from exploitation, neglect, and abuse. Suspected child abuse or neglect shall be reported to the supervising agency and to the Department immediately.

c) Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard for decision-making regarding the child's participation in

extracurricular, cultural and social activities that are appropriate for the child's normal growth and development and enrichment. Normalcy parenting empowers foster parents to make decisions about appropriate activities without seeking approval or consent from the caseworker or guardian. Foster parents must still seek consent in other areas where specific State or federal laws limit consent authorization. A foster parent is not liable for harm caused to a child in care who participates in an appropriate activity approved by the foster parent, provided that the foster parent has acted as a reasonable and prudent parent in permitting the child to engage in the activity.

dc) Foster parents shall provide the child with enrichment and expanded learningongoing opportunities to explore a wide variety of interest areas to expand his or her knowledge of learning possibilities that may lead to the child's systematic and lifelong involvement in one or more interest areas. Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard to support the child's pursuit of his or her areas of interest.

ed) Foster parents shall make every effort to preserve family ties between siblings, recognizing their need for stability and continuity of relationships, and the importance of sibling contact in the development of each child's identity. Foster parents shall help and support children in developing a relationship with their siblings, including siblings with whom the children do not yet have a relationship, and encourage and facilitate contact between the siblings.

fe) Each child shall be given the opportunity to develop social relationships through participation in schools, and other community and group activities. Each child shall have the opportunity to invite friends to the foster home and to visit in the home of friends.

gf) Foster parents shall use normalcy parenting and the reasonable and prudent parent standard to decide if aCare shall be exercised in giving permission for the foster child in care canto visit overnight with friends or relatives of the child or foster parents. Foster parents are authorized to approve visits that do not exceed 48 hoursExtended trips away from the foster parents' carehome must be approved by the foster child's parent or guardian. Visits of more than 48 hours must be approved by the DCFS Guardian.

hg) Personal allowance money shall be available to the children based upon the child's age and ability to manage the money. Adolescents may be allowed to earn

additional spending money.

ih) Foster parents shall assist the child in the proper handling of money.

ji) Each child shall have the opportunity to learn to assume some responsibility for himself and for household duties in accordance with his age, health, and ability. No child shall be permitted to do tasks which are hazardous, dangerous or risk harm to the child.

kj) The supervising agency shall immediately be notified of any situation that affects the care of the child, including but not limited to death, serious illness, incarceration, death of a child or any other significant occurrence.

(Source: Amended at 42 Ill. Reg. 20321, effective October 31, 2018)

Section 402.19 Recreation and Leisure Time

Children shall be permitted and encouraged to participate in~~Foster parents should encourage~~ appropriate indoor and outdoor recreation. Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard for decision-making regarding the child's participation in these activities.

(Source: Amended at 42 Ill. Reg. 20321, effective October 31, 2018)

Section 402.20 Education

a) Foster parents shall encourage each child to complete high school or vocational training in accordance with his or her aptitude. Foster parents shall cooperate with the supervising agency in the child's educational plan.

b) Children shall be permitted and encouraged to participate in extra-curricular activities including sports, art and music to the extent of their interests, abilities, and talents. Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard for decision-making regarding the child's participation in these activities.

c) The supervising agency shall ensure that the foster parents shall maintain contact with those serving the educational needs of their children and seek their cooperation to assure that:

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1) children are placed in appropriate grades and program; and

2) there is periodic evaluation of individual children.

d) The supervising agency shall ensure that each child is provided with the necessary school supplies, materials and equipment.

(Source: Amended at 42 Ill. Reg. 20321, effective October 31, 2018)

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1) Heading of the Part: Licensing Standards for Group Homes

2) Code Citation: 89 Ill. Adm. Code 403

3)

Section Numbers:	Adopted Actions:
403.2	Amendment
403.7	Amendment
403.8	Amendment
403.21	Amendment

4) Statutory Authority: 225 ILCS 10

5) Effective Date of Rules: October 31, 2018

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 are on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 42 Ill. Reg. 1957; January 26, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

Section 403.2 − The definition of "normalcy parenting" is amended to read:

> "Normalcy Parenting" means empowering a caregiver to approve or not approve a child's participation in appropriate extracurricular enrichment, cultural and social activities based on the caregiver's assessment using the reasonable and prudent parent standard, without prior approval of the Department, the permanency worker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow the child's participation in extracurricular enrichment, cultural and social activities that are appropriate for the child's normal growth and development.

Section 403.8(d) is amended to read:

Each child shall be given the opportunity to participate in extracurricular, enrichment, cultural and social activities that are appropriate for the child's normal growth and development. This includes the opportunity to develop social relationships, and to pursue hobbies and personal interests through participation in neighborhood, school and other community and group activities. Except when the needs of the child and group indicate otherwise, children shall have the opportunity to exchange visits with friends in the community. When participation of a child or youth less than 18 years of age in an extracurricular, enrichment, cultural, or social activity requires a caregiver's consent, the group home shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow participation. Youth 18 years of age and older do not require a guardian's consent to participate in these activities, group home staff should guide and support the youth in identifying and locating appropriate activities for the youth's continued growth and development.

Section 403.8(g)(1) − is amended to read:

The group home is authorized to approve the child's travel within the State of Illinois. When in-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.

Section 403.8(g)(2) is amended to read:

The group home is authorized to approve the child's out-of-state travel that will not exceed 29 days. When out-of-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information. Out-of-state travel of 30 days or more must be approved by the DCFS Guardian

Section 403.21(c) is amended to read:

The group home shall have present on site at least one child care staff person or administrator who, with respect to any child placed at the group home, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities, and who is provided with the training in how to use and apply the reasonable and prudent parent standard in the same

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manner as foster parents (42 USC 671(10)) This training will include a detailed explanation of the reasonable and prudent parent standard and examples of how caregivers can apply this standard in specific situations.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking implements PA 99-839 (amending Section 7.3a of the Children and Family Services Act [20 ILCS 505/7.3a]) and Title IV-E of the Social Security Act (42 USC 670 et seq.), which authorize caregivers of youth in care to use normalcy parenting and apply the reasonable and prudent parenting standard when making parenting decisions in the children's best interests.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
e-mail: cfpolicy@idcfs.state.il.us

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

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 403
LICENSING STANDARDS FOR GROUP HOMES

Section

403.1 Purpose
403.2 Definitions
403.3 Effective Date of Standards (Repealed)
403.4 Application for License
403.5 Application for Renewal of License
403.6 Provisions Pertaining to the License
403.7 Provisions Pertaining to Permits
403.8 Child Care Services
403.9 Discipline of Children
403.10 Health and Safety
403.11 Education
403.12 Religion
403.13 Recreation and Leisure Time
403.14 Food and Nutrition
403.15 Background Checks
403.16 Professional Services
403.17 Agency Supervision of the Group Home
403.18 Child Care Staff
403.19 Professional Staff
403.20 Support Staff
403.21 Staff Coverage
403.22 Health Requirements for Staff and Volunteers
403.23 Live-in Staff (Repealed)
403.24 Night Duty Staff (Repealed)
403.25 Staff Training
403.26 Physical Facilities
403.27 Required Written Consents
403.28 Records and Reports
403.29 Severability of This Part

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] the

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Children's Product Safety Act [430 ILCS 125], the Children and Family Services Act [20 ILCS 505/7.3a]) and Title IV-E of the Social Security Act (42 USC 670 et seq.).

SOURCE: Adopted and codified at 5 Ill. Reg. 13147, effective November 30, 1981; amended at 7 Ill. Reg. 3454, effective April 4, 1983; amended at 11 Ill. Reg. 1489, effective January 15, 1987; amended at 11 Ill. Reg. 17523, effective October 15, 1987; amended at 21 Ill. Reg. 4587, effective April 1, 1997; amended at 24 Ill. Reg. 17062, effective November 1, 2000; amended at 34 Ill. Reg. 6054, effective May 1, 2010; amended at 36 Ill. Reg. 13051, effective August 15, 2012; amended at 42 Ill. Reg. 20337, effective October 31, 2018.

Section 403.2 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Appropriate activities" means activities or items that are generally accepted as suitable for children of the same chronological age or developmental level of maturity. Appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group, taking into account the individual child's cognitive, emotional, physical, and behavioral development. [20 ILCS 505/7.3a]

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over thatwhich are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and

- a check of Statewide Automated Child Welfare Information System (SACWIS)the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

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- a check of the Illinois~~Statewide Child~~ Sex Offender Registry.

"Caregiver" means a licensed foster parent or unlicensed relative caregiver who provides care for a child in DCFS custody or guardianship, or a designated official employed by and present at the licensed child care facility in which a child in DCFS custody or guardianship is placed. For purposes of this Part, the "caregiver" for a youth under 18 years of age in a group home is assigned or designated staff of the facility.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. (Section 2.05 of the Child Care Act of 1969)

"Child with a disability" means a child up to the age of 22 years old with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as emotional disturbance), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and who, due to these conditions, needs special education and related services. (Federal Individuals with Disabilities Education Improvement Act of 2004; 34 CFR 300.8)

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Group home" means a child care facility that~~which~~ provides care for no more than 10 children placed by and under the supervision of a licensed child welfare agency with these homes being owned or rented, staffed, maintained and otherwise operated by the agency. (Section 2.17 of the Child Care Act of 1969)

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"Initial background check" means the individual has cleared a check of SACWIS~~the Child Abuse and Neglect Tracking System~~ and the Illinois~~Statewide Child~~ Sex Offender Registry.

"License" means a document issued by the Department that~~which~~ authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"License applicant", for purposes of background checks, *means the operator or persons with direct responsibility for daily operation of the facility to be licensed.* (Section 4.4 of the Child Care Act of 1969)

"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Medical examination" means a physical examination conducted by a Medical Doctor or Doctor of Osteopathic Medicine licensed to practice medicine in the State of Illinois, an Advanced Practice Nurse (APN) or Physician Assistant (PA). The medical examination must be documented on forms prescribed by the Department and signed and dated by the examining practitioner.

"Normalcy parenting" means empowering a caregiver to approve or not approve a child's or youth's participation in appropriate extracurricular activities based on the caregiver's assessment using the reasonable and prudent parent standard, without prior approval of the Department, the permanency worker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow the child's participation in extracurricular, enrichment, cultural and social activities that are appropriate for the child's normal growth and development.

"Permit" means a one-time only document issued by the Department for a 6~~six~~-month period to allow the individual~~individual(s)~~, agency or organization to become eligible for a license.

"Persons subject to background checks" means:

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- the operatoroperator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385.20, (Background Checks).

If the child care facility operates in a family home, the license applicantapplicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities. (42 USC 675(10))

"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, as defined in the Child Care Act of 1969, thatwhich supervises the operation of group homeshome(s).

(Source: Amended at 42 Ill. Reg. 20337, effective October 31, 2018)

Section 403.7 Provisions Pertaining to Permits

a) A permit shall not be issued until:

1) the application for license has been completed and signed by the responsible child welfare agency and submitted to the Department;

2) written clearances concerning compliance with the fire, health, sanitation and safety requirements as specified in Statestate laws and municipal codes are received. If well water is used, a copy of the inspection report

and certification of compliance with local or State~~stat~~e health department regulations must be on file;

3) a person in charge of the daily operation of the group home has been employed, has passed the background check requirements of 89 Ill. Adm. Code 385~~,~~ (Background Checks)~~,~~ and is prepared to begin work at the facility;

4) furnishings, equipment and space sufficient for the number of children to be served have been acquired;

5) child care staff sufficient for the number of children to be served have been hired and are prepared to begin work at the facility;

6) a plan for the provision of food, clothing, educational and religious opportunities and health care of children has been developed;

7) the facility has established procedures and forms to maintain required records, including records on the children served;

8) a written plan on how the requirements for licensure will be met within the permit period has been developed; and

9) a projected annual budget for the group home, approved by the policymaking~~policy-making~~ board of the supervising child welfare agency, has been developed.

b) A permit shall not be issued retroactively.

c) The permit shall not be transferred or transmitted to another person or other legal entity.

d) The permit shall not be valid for a name or an address different than the name and address shown on the issued permit.

e) The permit shall not be renewable.

f) The permit shall be displayed on the premises at all times.

g) A license shall be issued any time within the 6~~six~~-month period covered by the permit provided the facility achieves and maintains compliance with the Department's licensing standards.

h) There will be no fee or charge for issuing the permit.

(Source: Amended at 42 Ill. Reg. 20337, effective October 31, 2018)

Section 403.8 Child Care Services

a) Each child shall be provided with clothing that~~which~~ fits properly, ~~which~~ is appropriate for the season, and ~~which~~ is comparable to that worn by other children of similar age in the community.

b) Each child shall be given training and direction in good health and nutrition practices appropriate for the child's age level.

c) Each child shall be provided with essential individual toilet articles and linens.

d) Each child shall be given the opportunity to participate in extracurricular, enrichment, cultural and social activities that are appropriate for the child's normal growth and development. This includes the opportunity to develop social relationships~~,~~ and to pursue hobbies and personal interests through participation in neighborhood, school and other community and group activities. Except when~~where~~ the needs of the child and group indicate otherwise, children shall have the opportunity to exchange visits with friends in the community. When participation of a child or youth less than 18 years of age in an extracurricular, enrichment, cultural, or social activity requires a caregiver's consent, the group home shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow participation. Youth 18 years of age and older do not require a guardian's consent to participate in these activities; group home staff should guide and support the youth in identifying and locating appropriate activities for the youth's continued growth and development.

e) The group home shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow a foster child to visit overnight with friends or relatives of the child~~exercise care in giving permission to the child to visit with friends or other persons in the community. Any visits extended beyond 3 days must be cleared with the supervising agency before the~~

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~~end of the third day~~.

f) If a child suffers an injury participating in an activity approved by the group home and the designated group home staff approving the activity acted in accordance with the reasonable and prudent parent standard, the Department shall hold the group home harmless from liability.

g) Travel

1) The group home is authorized to approve the child's travel within the State of Illinois. When in-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.

2) The group home is authorized to approve the child's out-of-state travel of up to 29 days. Out-of-state travel of 30 days or more must be approved by the DCFS Guardian. When out-of-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.

3) The group home shall ensure that planned travel for the child does not interfere with school, court, medical and other important services/treatment required in the child's service plan.

h~~f~~) Personal allowance money shall be available to children based upon the child's age and ability to manage the money. Adolescents may be allowed to earn additional spending money.

i~~g~~) The group home shall assist the child in the proper handling of money and personal property.

1) The group home or supervising agency holding a child's funds shall have procedures to ensure the safety of those funds. Amounts of $300 and over shall be deposited in an insured account. The group home or supervising agency shall provide annual reports on the status of each child's insured account to the child's caseworker.

2) Personal financial transactions or transfer of a child's personal property among others in the group home shall be prohibited. This prohibition does

not apply to the common practice in families of transferring outgrown clothes or equipment.

3) The group home shall assure that the child's personal belongings acquired by or given to the child during placement (such as clothing, books and school items, medications, Medicaid Card, toys, gifts, private collections, lifebook materials and photographs, child's private savings, allowances and other personal items) follow the child's placement and are returned to the child when the child changes placement or leaves DCFS care.

jh) Every child shall have the opportunity to learn to assume some responsibility for himself or herself and for group home duties in accordance with his or her age, health and ability. No child shall be permitted to do tasks thatwhich are hazardous, dangerous or potentially harmful to the child.

ki) Work assignments shall not interfere with regular school programs, study periods, recreation or sleep.

lj) The supervising child welfare agency shall immediately be notified of any situation that affects the provision of care to the child.

(Source: Amended at 42 Ill. Reg. 20337, effective October 31, 2018)

Section 403.21 Staff Coverage

a) A group home shall employ at least 2 full-time child care staff who shall meet the requirements for child care staff enumerated in Section 403.18. The ratio of child care staff to children may include other staff if they meet the qualifications of child care staff as prescribed in Section 403.18. The group home or supervising agency shall ensure that groupings and supervision of children provides for individual attention and consideration of each child. Child care staff shall provide supervision to children at all times. The group home shall assign one or more child care workers for direct supervision of each group to be on duty and readily available while the children are awake and on the premises. Girls shall be under the direct supervision of adult female staff while they are in their bedroom, bathroom, or other areas of the home where privacy is expected. Except when waived in writing by the Director of the Department, children shall be under the direct supervision of staff of the same sex while in their sleeping or bathroom areas. Any request for such a waiver shall be in writing, documenting efforts to

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~~meet the requirement and the rationale for granting a waiver, and shall detail protective measures in place. The group home shall ensure that the well-being of the children will be protected while the same-sex supervision requirement is waived. Other staff shall perform child care staff duties only when their other assignments and time allow.~~ The following staffing patterns shall be followed:

1) At least one child care staff shall be on duty when one or more children are present. At least 2 child care staff shall be on duty when:

   A) Six or more children under age 16 are present, except that one child care staff person may care for 6 or more children when all of the children present are 16 years of age or older; are not diagnosed moderately to severely developmentally or physically disabled; can provide for their own personal needs; do not assault; and are not security risks.

   B) More than 4 children are present in the home who are under the age of 6 or are diagnosed as developmentally or physically disabled to an extent requiring close supervision or assistance with their own personal care needs or mobility.

   C) When the group home or supervising agency has determined that the number of staff on duty is not sufficient to carry out the individual service plans and meet the individual needs of the children in care, additional staff shall be on duty and actively working with the children in care.

2) When an emergency arises such as injury of a child that would necessitate taking the child to the hospital, or an emergency in child care staff's personal life, or any other emergency, the child welfare agency under whose auspices the group home operates is responsible for assuring appropriate staff coverage. If staff on call are used, they shall meet the requirements of child care staff and shall be able to be in the group home within 20 minutes. Children shall never be left in the care of other children.

3) In instances in which ~~when~~ the group home operates under a "shift" staffing pattern, at least one member of the night duty staff shall be awake and alert to assure protection and supervision of the children in care.

4) In instances in which~~when~~ the group home operates under a live-in staffing pattern, the live-in staff shall be provided with their own living quarters so located as to assure that they are readily available and within hearing distance from the children.

A) The awake night staff requirement may be waived in writing by the Director of the Department or designee.

B) A request for a waiver of the awake night staff requirement shall be in writing and it shall be the responsibility of the facility to demonstrate that the well-being of the children can be protected.

b) During the absence of regular child care personnel for time off, vacations, sick leave or any other absence (such as attendance at conferences or meetings, etc.), substitute child care personnel must be provided. These substitutes shall meet the requirements of child care staff as specified in Section 403.18.

c) The group home shall have present on site at least one child care staff person or administrator who, with respect to any child placed at the group home, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities, and who is provided with the training in how to use and apply the reasonable and prudent parent standard in the same manner as foster parents. This training will include a detailed explanation of the reasonable and prudent parent standard and examples of how caregivers can apply this standard in specific situations. (See 42 USC 671(10) and (24).)

d) The caregiver must seek consent in other areas in which specific State or federal laws limit consent authorization. Some examples of when normalcy parenting does not apply include consent to medical and dental care and disclosure of mental health information.

(Source: Amended at 42 Ill. Reg. 20337, effective October 31, 2018)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Licensing Standards for Child Care Institutions and Maternity Centers

2) Code Citation: 89 Ill. Adm. Code 404

3)

Section Numbers:	Adopted Actions:
404.2	Amendment
404.12	Amendment

4) Statutory Authority: 225 ILCS 10

5) Effective Date of Rules: October 31, 2018

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 1970; January 26, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

The term "caseworker" is changed to "permanency worker" throughout.

Section 404.2 − The definition of "normalcy parenting" is amended to read:

> "Normalcy Parenting" means empowering a foster parent to approve or not approve a child's participation in appropriate extracurricular enrichment, cultural and social activities based on the caregiver's assessment using the reasonable and prudent parent standard, without prior approval of the Department, the permanency worker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow the child's participation in extracurricular enrichment, cultural and social activities that are appropriate for the child's normal growth and development.

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Section 404.12(c) − is amended to read:

> The institution or maternity center, at all times, shall have on-site at least one official who, with respect to any child placed at the child care institution or maternity center, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as foster parents (42 USC 671(10)) This training will include a detailed explanation of the reasonable and prudent parent standard and examples of how caregivers can apply this standard in specific situations

Section 404.12(d) − is amended to read:

> The institution or maternity center must seek consent in other areas in which specific State or federal laws limit consent authorization. Some examples of when normalcy parenting does not apply include consent to medical and dental care and disclosure of mental health information.

Section 404.12(h)(1) – now is amended to read:

> The child care institution or maternity center is authorized to approve the child's travel within the State of Illinois. When in-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.

Section 404.12(h)(2) - is amended to read:

> The institution or center authorized to approve the child's out-of-state travel that will not exceed 29 days. Out-of-state travel of 30 days or more must be approved by the DCFS Guardian. When out-of-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

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14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking implements PA 99-839 (amending Section 7.3a of the Children and Family Services Act [20 ILCS 505/7.3a]) and Title IV-E of the Social Security Act (42 USC 670 et seq.), which authorize caregivers of youth in care to use normalcy parenting and apply the reasonable and prudent parenting standard when making parenting decisions in the children's best interests.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
e-mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 404
LICENSING STANDARDS FOR CHILD CARE INSTITUTIONS
AND MATERNITY CENTERS

Section

404.1 Purpose
404.2 Definitions
404.3 Effective Date of Standards (Repealed)
404.4 Application for License
404.5 Renewal of License
404.6 Provisions Pertaining to License
404.7 Provisions Pertaining to Permits
404.8 Incorporation
404.9 Composition and Responsibilities of the Governing Body
404.10 Finances
404.11 The Administrator
404.12 Administrative Coverage
404.13 Child Care Staff
404.14 Support Personnel
404.15 Substitute Child Care Staff
404.16 Volunteers
404.17 Requirements of Professional Staff
404.18 Medical and Health Services
404.19 Social Work Staff
404.20 Teachers
404.21 Recreation Staff
404.22 Staff Training
404.23 Health Requirements for Staff and Volunteers
404.24 Background Checks
404.25 Criteria for the Admission and Discharge of Children
404.26 Admission Preparation Requirements
404.27 Agreements and Consents Between Responsible Parties
404.28 Child Care Groupings
404.29 Discipline of Children
404.30 Controls

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404.31 Clothing and Personal Belongings
404.32 Personal Care and Hygiene
404.33 Allowances
404.34 Education
404.35 Work and Training
404.36 Recreation and Leisure Time
404.37 Health and Safety
404.38 Food and Nutrition
404.39 Professional Services
404.40 Visitation
404.41 Community Life
404.42 Religion
404.43 Termination of Residential Care
404.44 Buildings
404.45 Grounds
404.46 Equipment
404.47 Records and Reports
404.48 Records Retention
404.49 Transportation
404.50 Severability of This Part

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125] the Children and Family Services Act [20 ILCS 505/7.3a]) and Title IV-E of the Social Security Act [42 USC 670 et seq.].

SOURCE: Adopted and codified at 5 Ill. Reg. 13070, effective November 30, 1981; amended at 7 Ill. Reg. 3424, effective April 4, 1983; amended at 8 Ill. Reg. 22870, effective November 15, 1984; amended at 9 Ill. Reg. 19712, effective December 20, 1985; amended at 11 Ill. Reg. 17504, effective October 15, 1987; amended at 21 Ill. Reg. 4488, effective April 1, 1997; amended at 24 Ill. Reg. 17031, effective November 1, 2000; emergency amendment at 26 Ill. Reg. 6868, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill. Reg. 508, effective January 15, 2003; amended at 29 Ill. Reg. 9976, effective July 1, 2005; amended at 31 Ill. Reg. 4704, effective March 19, 2007; amended at 42 Ill. Reg. 20351, effective October 31, 2018.

Section 404.2 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present

in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Appropriate activities" means activities or items that are generally accepted as suitable for children of the same chronological age or developmental level of maturity. Appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group, taking into account the individual child's cognitive, emotional, physical, and behavioral development. [20 ILCS 505/7.3a]

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and

- a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

- a check of the Illinois Sex Offender Registry.

"Caregiver" means a licensed foster parent or unlicensed relative caregiver who provides care for a child in DCFS custody or guardianship, or a designated official employed by and present at the licensed child care facility in which a child in DCFS custody or guardianship is placed. For purposes of this Part, the "caregiver" for a youth under 18 years of age in a child care institution or maternity center is assigned or designated staff of that facility.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care institution" means a child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term "child care institution" includes residential schools,

primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:

- *any State-operated institution for child care established by legislative action;*

- *any juvenile detention or shelter care home established and operated by any county or child protection district;*

- *any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act* [210 ILCS 45];

- *any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or elementary and high schools, and which operates on a regular academic school year basis;*

- *any facility licensed as a "group home" as defined in* the Child Care Act of 1969 (Section 2.06 of the Child Care Act of 1969); or

- for purposes of this Part, forestry camps, training schools or any facility operated primarily for the detention of children who are determined to be delinquent.

"Child with a disability" means a child up to the age of 22 years old with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as emotional disturbance), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and who, due to these conditions, needs special education and related services. (Federal Individuals with Disabilities Education Improvement Act of 2004; 34 CFR 300.8)

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced thosesuch duties while awaiting the results of the background check required by this Part.

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"Deemed status" means the Department has approved an institution or maternity center as in compliance with the requirements of this Part because the institution or maternity center:

- has received full accreditation status from the Council on Accreditation for Children and Family Services (2001 Standards); and

- during the past 4~~four~~ years, has been cited with~~there have been~~ no substantiated licensing violations that affect the health, safety, morals, or welfare of children it serves~~served by the accredited institution or maternity center~~.

"Department" or "DCFS" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Initial background check" means the individual has cleared a check of the Statewide Automated Child Welfare Information System (SACWIS) and the Illinois Sex Offender Registry.

"License" means a document issued by the Department that~~which~~ authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant", for purposes of background checks, *means the operator or person with direct responsibility for daily operation of the facility to be licensed.* (Section 4.4 of the Child Care Act of 1969)

"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Maternity center" means a facility in which any person, agency or corporation, other than one licensed as a foster family home or group home under the Child

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Care Act of 1969, receives, treats or cares for one or more unwed pregnant girls under 18 years of age, except that the term does not include any facility licensed under the Hospital Licensing Act. (Section 2.07 of the Child Care Act of 1969)

"Medical examination" means a physical examination conducted by a Medical Doctor or Doctor of Osteopathic Medicine licensed to practice medicine in the State of Illinois, an Advanced Practice Nurse (APN) or Physician Assistant (PA). The medical examination must be documented on forms prescribed by the Department and signed and dated by the examining practitioner.

"Normalcy parenting" means empowering a caregiver to approve or not approve a child's or youth's participation in appropriate extracurricular activities based on the caregiver's own assessment using the reasonable and prudent parent standard, without prior approval of the Department, the permanency worker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow the child's participation in extracurricular, enrichment, cultural and social activities that are appropriate for the child's normal growth and development.

"Permit" means a one-time only document issued by the Department for a 6~~six~~ month period to allow the individual, agency or organization to become eligible for a license.

"Persons subject to background checks" means:

- the operator of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in ~~Section 385.20, Definitions, of~~ 89 Ill. Adm. Code 385.20~~,~~ (Background Checks).

If the child care facility operates in a family home, the license applicant and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

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"Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being permitted to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services ~~that is replacing the Child Abuse and Neglect Tracking System (CANTS)~~.

(Source: Amended at 42 Ill. Reg. 20351, effective October 31, 2018)

Section 404.12 Administrative Coverage

a) The institution shall not be left at any time, or under any circumstances, without a properly designated, administratively responsible person on the premises. The designated administratively responsible person may be the child care worker for each unit, with the administrator, or someone designated by the administrator, to be on call.

b) Program Administrator
The administrator may delegate certain program responsibilities to a program administrator. These may include day-to-day management of the program for children, supervision of program staff, staff development and training, educational activities and other services to children. The program administrator shall have:

1) a Master's Degree from an accredited school of social work and 3 years' work experience with children, at least 2 of which were in institutional or other residential group care programs; or

2) a Master's Degree in a human services field from an accredited school and 3 years work experience with children, at least 2 of which were in institutional or other residential group care programs; or

3) a Bachelor's Degree from an accredited college or university, 5 years' work experience with children, at least 3 of which were in institutional or other residential group care programs.

c) The institution or maternity center, at all times, shall have on-site at least one official who, with respect to any child placed at the child care institution or maternity center, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as foster parents. This training will include a detailed explanation of the reasonable and prudent parent standard and examples of how caregivers can apply this standard in specific situations. (See 42 USC 671(10) and (24).)

d) The institution or maternity center must seek consent in other areas in which specific State or federal laws limit consent authorization. Some examples of when normalcy parenting does not apply include consent to medical and dental care and disclosure of mental health information.

e) Each child shall be given the opportunity and encouraged to participate in age, physical, culturally and mentally appropriate activities that provide opportunities for normal growth and development. This includes the opportunity to develop social relationships and to pursue hobbies and personal interests through participation in neighborhood, school and other community and group activities. Except when the needs of the child and institution indicate otherwise, children shall have the opportunity to exchange visits with friends in the community. When participation of a child less than 18 years of age in an extracurricular, enrichment, cultural, or social activity requires a caregiver's consent, the institution shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow participation. Youth 18 years of age and older do not require a guardian's consent to participate in these activities.

f) The institution shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow a foster child to visit overnight with friends or relatives of the child.

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g) If a child suffers an injury participating in an activity approved by the institution and the designated institution staff approving the activity acted in accordance with the reasonable and prudent parent standard, the Department shall hold the institution harmless from liability.

h) Travel

1) The child care institution or maternity center is authorized to approve the child's travel within the State of Illinois. When in-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.

2) The institution or center is authorized to approve the child's out-of-state travel of up to 29 days. Out-of-state travel of 30 days or more must be approved by the DCFS Guardian. When out-of-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.

3) The institution or center shall ensure that planned travel for the child does not interfere with school, court, medical and other important services/treatment required in the child's service plan.

(Source: Amended at 42 Ill. Reg. 20351, effective October 31, 2018)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Registration of Workers' Compensation Utilization Review Organizations

2) Code Citation: 50 Ill. Adm. Code 2905

3)

Section Number:	Adopted Action:
2905.EXHIBIT A	Amendment

4) Statutory Authority: Implementing Section 8.7 of the Workers' Compensation Act [820 ILCS 305/8.7] and authorized by Section 8.7 of the Workers' Compensation Act and Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) Effective Date of Rule: November 1, 2018

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 15182; December 26, 2017

10) Has JCAR issued a Statement of Objection to this Rulemaking? No

11) Differences between Proposal and Final Version: "4520" was changed to "4521" in the 5th and 7th lines of text under (2) of 2905.Exhibit A.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? There were none.

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: Consistent with PA 99-111, Parts 2905 and 4520 will be amended to recognize the Accreditation Association for Ambulatory Health Care

among the list of accreditors from which utilization organizations may receive accreditation and qualify for reduced registration and renewal fees.

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

Jennifer Reif
Deputy Director, Health Products
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/577-7311

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER hh: WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

PART 2905
REGISTRATION OF WORKERS' COMPENSATION
UTILIZATION REVIEW ORGANIZATIONS

Section
2905.10 Definitions
2905.20 Registration
2905.30 Fees
2905.40 Material Changes
2905.50 Renewals and Appeals

2905.EXHIBIT A Application for Registration of a Utilization Review Organization
2905.EXHIBIT B Utilization Review Organization Officers and Directors Biographical Affidavit

AUTHORITY: Implementing Section 8.7 of the Workers' Compensation Act [820 ILCS 305/8.7] and authorized by Section 8.7 of the Workers' Compensation Act and Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 30 Ill. Reg. 6353, effective March 29, 2006; recodified from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-04 at 41 Ill. Reg. 2120; amended at 42 Ill. Reg. 20363, effective November 1, 2018.

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Section 2905.EXHIBIT A Application for Registration of a Utilization Review Organization

1. Name of Applicant _____

Type of Application (check one):

☐ Corporation
☐ Partnership
☐ Limited Liability Corporation
☐ Other (Describe) _____

FEIN _____

Contact Person _____
Business Telephone Number ( ) _____
Fax Number ( ) _____
Email Address _____

2. Type of Utilization Review Organization (check **all** that apply):

☐ Health Care Utilization Review (as defined in 50 Ill. Adm. Code 4520~~5420~~.30)
☐ Workers' Compensation Review (as defined in Section 2905.10 of this Part)

Check **all** categories that apply (as applicable)

☐ Licensed HMO providing utilization review services outside of the HMO (as defined in 50 Ill. Adm. Code 4521~~5421~~.20)
☐ Licensed HMO providing utilization review services only within that HMO (as defined in 50 Ill. Adm. Code 4521~~5421~~.20)
☐ Third Party Administrator
☐ Licensed Insurance Company providing utilization review services outside of that Insurance Company
☐ Licensed Insurance Company providing utilization review services only within that Insurance Company
☐ Hospital or Medical Group providing utilization review services for other than internal purposes
☐ Workers' Compensation Utilization Review Organization
☐ Other (Describe) _____

3. Business Address
Street (do not use P.O. Box) _____
City _____ State _____ Zip _____ - _____

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4. Mailing Address
Street or P.O. Box _____
City _____ State _____ Zip _____ - _____

5. Business Telephone Number ( ) _____
Toll Free Number ( ) _____
Fax Number ( ) _____
Email Address/Website _____

6. Agent for Service of Process **in Illinois**
Name _____
Street (do not use P.O. Box _____
City _____ State _____ Zip _____ - _____

7. For each Utilization Review Program supply the following information:

a) The name, address, telephone number and normal business hours of the utilization review programs.

b) The organization and governing structure of the utilization review programs.

c) The number of reviews in Illinois for which utilization review is conducted by each utilization review program for the current year.

☐ Health Reviews
☐ Workers' Compensation Reviews

d) Hours of operation of each utilization review program.

e) Description of the grievance process for each utilization review program.

f) Please check (all that apply) to determine if you are using the Health Standards and/or the Workers' Compensation Standards in order to meet or exceed American Accreditation Healthcare Commission (URAC) Standards and provide the Department with a copy of your current certificates, if applicable.

☐ Health Utilization Standards
☐ Workers' Compensation Standards

g) Number of review in Illinois for which utilization review was conducted for the previous calendar year for each utilization review program.

☐ Health Reviews

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

☐ Workers' Compensation Reviews

h) Written policies and procedures for protection of confidential information according to applicable State and Federal laws for each utilization review program.

i) Biographical information for organization officers and directors. Biographical affidavits shall be stamped "confidential" by the utilization review organization.

8. Indicate accreditation status below:

a) ☐ Health accredited by:

☐ URAC (as defined in 50 Ill. Adm. Code 4520~~5420~~.130(b))
☐ NCQA (as defined in 50 Ill. Adm. Code 4520~~5420~~.130(b))
☐ JCAHO (as defined in 50 Ill. Adm. Code 4520~~5420~~.130(b))
☐ AAAHC (as defined in 50 Ill. Adm. Code 4520.130(b))

b) Workers' compensation accredited under:

☐ URAC Health Standards
☐ URAC Workers' Compensation Standards

c) ☐ Unaccredited

9. ☐ Check Enclosed

a) Accredited fee $1500 biennially
b) Unaccredited fee $3000 biennially

10. Affirmation (to be signed by an officer or director of the utilization review organization only):

I, _____ do hereby certify that
(Typed name, title)

_____
(Utilization Review Organization)

complies with the Health and/or Workers' Compensation Utilization Management Standards of the American Accreditation Healthcare Commission (URAC) sufficient to achieve American Accreditation Healthcare Commission (URAC) accreditation or submits evidence of accreditation by the American Accreditation Healthcare Commission (URAC) for its Health and/or Workers' Compensation Utilization Management Standards, and do hereby affirm that all of the information presented in this application is true and correct.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

(Signature) (Date)

Please mail completed application to:

Illinois Department of Insurance
Utilization Review Unit
320 West Washington Street
Springfield IL 62767-0001
(217) 558-2309

(Source: Amended at 42 Ill. Reg. 20363, effective November 1, 2018)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Insurance Data Reporting Requirements

2) Code Citation: 50 Ill. Adm. Code 4203

3)

Section Numbers:	Adopted Actions:
4203.10	Amendment
4203.20	Amendment
4203.30	Amendment
4203.40	Amendment
4203.70	Amendment
4203.80	Amendment
4203.90	Amendment
4203.100	Amendment
4203.200	Amendment
4203.230	Amendment
4203.APPENDIX A	Amendment

4) Statutory Authority: Implementing Article XLII of the Illinois Insurance Code [215 ILCS 5/Art. XLII] and authorized by Sections 401 and 1204 of the Illinois Insurance Code [215 ILCS 5/401 and 5/1204].

5) Effective Date of Rules: November 1, 2018

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 15485; December 29, 2017

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? There were none.

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: The amendments update data collection procedures dealing with mailing reports to the Department to conform to the current electronic submission methods. The definition of several data elements is also revised to improve the consistency and clarity of the data by various insurers. The amendments also make technical corrections and remove redundancies and superfluous language.

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

C.J. Metcalf, Deputy Director
Innovation and Market Analysis
Department of Insurance
320 West Washington Street
Springfield IL 62767-0001

217/558-0853

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER vv: INSURANCE COST CONTAINMENT

PART 4203
INSURANCE DATA REPORTING REQUIREMENTS

SUBPART A: COST CONTAINMENT REPORTING

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

SUBPART B: MEDICAL MALPRACTICE REPORTING

Section
4203.200 Applicability
4203.210 Purpose and Scope
4203.220 Definitions
4203.230 Reports

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

Section
4203.300 Purpose (Repealed)
4203.310 Declaration (Repealed)

4203.APPENDIX A Filing Requirements for Medical Malpractice Reporting

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

AUTHORITY: Implementing Article XLII and authorized by Sections 401 and 1204 of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Adopted at 22 Ill. Reg. 4853, effective March 3, 1998; amended at 31 Ill. Reg. 2287, effective January 22, 2007; amended at 33 Ill. Reg. 2285, effective January 26, 2009; amended at 36 Ill. Reg. 18744, effective December 17, 2012; amended at 39 Ill. Reg. 2603, effective February 6, 2015; amended at 42 Ill. Reg. 20370, effective November 1, 2018.

SUBPART A: COST CONTAINMENT REPORTING

Section 4203.10 Applicability

This Part applies~~shall apply~~ to each company licensed to write property or casualty insurance in this State pursuant to Section 4, Class 2 (a)-(l) and Class 3 (a)-(i) of the Illinois Insurance Code (Code) [215 ILCS 5/4]. These procedures apply~~are applicable~~ to all direct property and liability business written by insurers licensed by the State of Illinois. ~~Only direct insurance business will be reported.~~ The data filings are not to include premiums received from, or losses paid to, other insurers because of the reinsurance assumed by the reporting insurers; nor shall any deductions be made by the reporting insurers for premiums ceded to, or for losses recovered from, other insurers because of the reinsurance ceded.

(Source: Amended at 42 Ill. Reg. 20370, effective November 1, 2018)

Section 4203.20 Purpose and Scope

The purpose of this Part is to establish content, form and data reporting requirements for information required to be reported to the Director of the Illinois Department of Insurance (Director) pursuant to Section 1204(A) through (D) of the ~~Illinois Insurance~~ Code ~~[215 ILCS 5/1204]~~. This Part ~~will~~ also provides for the collection of~~collect~~ data required to implement Article XXXIII of the ~~Insurance~~ Code ~~[215 ILCS 5/Art. XXXIII]~~. In addition, this Part establishes~~will establish~~ the medium for~~by which~~ this information to~~shall~~ be transmitted to the Director.

(Source: Amended at 42 Ill. Reg. 20370, effective November 1, 2018)

Section 4203.30 Data Collection Procedures

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a) Scope of Procedure
Each insurer shall report its business written separately for Illinois and multi-state (including Illinois) for each line, subline, or class, or endorsement specified by this Part. Where zip code reporting is required, each line, subline, class or endorsement shall be reported separately for each zip code. Only data for the voluntary market will be reported.

b) Methods of Compiling Annual Experience
All data contained in this data call shall be submitted on a calendar year basis.~~Experience for each class or type of business required in the data call will be provided on a calendar year basis. The calendar year data represents a comparison of losses with exposures and premiums in the same 12 month period.~~
For the calendar year experience method, the insurer or agent will report evaluations as of December 31. Data will be reported for the current year minus one year. (For example, the 2017~~2006~~ report will contain data for 2016~~2005~~, evaluated as of December 31, 2016~~2005~~, the latest complete, calendar year experience year.)

c) Experience Method By Line
~~1)For all lines, each insurer will report the premium and loss data for the latest experience year. (For example, 2008 data for reporting year 2009.) 2)~~In reporting the required data, please note the following clarifications:

1~~A~~) The "Other Liability" line includes classes from liquor liability, day care centers, and lawyers professional liability, and excess/umbrella coverage.

2~~B~~) Data from Beach Plans and Assigned Risk Plans will not be reported. (The Illinois FAIR Plan Association will submit Illinois-only data for homeowners.) Insurers will not report any FAIR Plan data.

d) Preparation and Completion of Statistical Reports

1) Insurers may report statistics directly, or through an agent. Agents reporting data for more than one insurer will report each insurer's data on separate records.

2) Insurers will report their data within the required time frame using the codes and record formats provided in Sections 4203.50 through 4203.110.

3) Exemption requests:

A) All companies requesting exemption from data submission requirements must notify the Department prior to each filing date. The notice must contain the following information:

i) Name of company or agent;~~,~~

ii) FEIN (not applicable to agents);~~,~~

iii) NAIC group and company number (not applicable to agents);~~,~~

iv) Filing date (e.g., 11/25/06);~~,~~

v) Address, City, State and Zip code;~~,~~

vi) Contact person;~~,~~

vii) Phone number of contact person;~~,~~

viii) Email address for contact person; and~~,~~

ix) Reason for exemption.

B) All data for each line of business must be submitted as a complete submission. In the event data is resubmitted, all data previously submitted for that line of business by that insurer will be deleted and replaced by the resubmitted data.

C) Insurers need not submit a record (for either Illinois only or multi-state) for any line, class, or endorsement if written premiums, earned premiums, and paid and outstanding losses in the Illinois-only data are all zeroes.

e) Reporting of Exposures
A count of the number of written exposures will be reported separately for each line, type of business and classification. Section 4203.50 provides the exposure basis for each.

f) Reporting of Premiums
The premium reported will be the premium charged for the policies within each classification. Excess insurance premiums will be reported separately as addressed in subsection (o~~f~~). Premiums will be reported on both a written and earned basis.

g) Reporting of Losses
Separate fields are provided for both paid losses and outstanding losses. Losses will be reported net as to third party recoveries (under salvage and subrogation). Paid losses are defined as all sums paid to claimants or policyholders in direct settlement of losses covered by the policies. Outstanding losses are defined as the amounts of loss reserves established for paying claims for the reporting period that have not been paid as of the evaluation date. Losses covered by an excess policy will be reported separately as addressed in subsection (p~~s~~).

h) Reporting of Allocated Loss Adjustment Expenses
Allocated loss adjustment expense (ALAE) includes all expenses of the company which can be identified with and hence allocated to a particular claim. Insurers will report the amount of paid and outstanding ALAE for the private passenger auto liability, medical malpractice, other liability and commercial auto liability lines. Also, ALAE will be collected for business owners insurance and excess insurance. In those situations where an insurer cannot separate indemnity and ALAE, the insurer will submit a separate record; however, the insurer will enter the combined loss and ALAE total in the paid loss or outstanding loss fields and will identify this option by coding the corresponding paid ALAE or outstanding ALAE fields with the word "combined".

i) Reporting Paid Claims Count
Insurers will report the count of their paid claims. A claim closed without a loss payment is not to be reported. A claim involving only allocated loss adjustment expense is not to be reported with a claim count. A claim count is to be reported only for those cases where a loss payment has been made or a loss reserve has been established. A paid claim is defined as a claim for which a payment has been made. In cases where a claim is partially paid with an associated case reserve still maintained, insurers have the option to report the claim count as either paid or outstanding. A case involving loss payments or loss reserves under more than one classification will have a claim count under each classification.

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j) Reporting Outstanding Claims Count
Insurers will report the count of outstanding claims. An outstanding claim is defined as a claim for which a case loss reserve exists as of the evaluation date. In cases where a claim is partially paid with an associated case reserve still maintained, insurers have the option to report the claim count as either paid or outstanding. A case involving loss payments or loss reserves under more than one classification will have a claim count under each classification.

k) Run-off Business
Companies with no written or earned premiums, but with paid or outstanding losses in a line, class, subclass, or endorsement for Illinois-only data must report data for that line, class, subclass, or endorsement for both Illinois-only and multi-state. If the aforementioned situation occurs in only the multi-state data, the insurer will not be required to report that data.

l) All~~Three Year~~ Prepaid Policies
Premiums for all policies not having a one-year term~~three year prepaid policies~~ shall be reported~~ as three separate annual policies. m)Other Prepaid Policies The procedure, outlined in subsection (l), applies to other policies not having a one year term with proper recognition of the policy term and~~ using a pro rata allocation formula. In all cases policy periods shall be annual or less.

m~~n~~) Treatment of Installment Payments
All premiums~~Premiums~~ for policies written on an installment basis will be reported as though they were prepaid policies.

~~o) Installment Charge Premium~~
~~Additional premium resulting from the application of installment charges shall be reported as premium.~~

~~p) Divisible Package Policies~~
~~Insurers will report premiums separately by each classification used in developing the total package premium.~~

n~~q~~) Rounding Rule
Data will be reported in whole numbers. All decimals will be rounded to the nearest integer. (Decimals less than .5 will be rounded down to the nearest whole number while decimals .5 and above will be rounded up to the nearest whole number.)

o~~f~~) Reporting Excess Insurance Premiums
Written and earned premiums for excess insurance will be entered in the appropriate fields for this type class. (See Section 4203.70.) Premiums for excess insurance are defined as that premium charged for coverage in excess of the primary policy limits added by a different policy (e.g., umbrella policy or through an endorsement to the policy).

p~~s~~) Reporting Excess Insurance Losses
Paid losses and outstanding losses for excess insurance will be entered in the appropriate fields for this class. (See Section 4203.70.) An excess loss is defined as a loss resulting in an incurred cost to the insurer in excess of the primary policy limits and covered by a different policy or an endorsement to the policy. Examples include umbrella policies and excess limits endorsements.

(Source: Amended at 42 Ill. Reg. 20370, effective November 1, 2018)

Section 4203.40 General Submission Guidelines

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

b) Penalties
Failure to comply with any of these specifications may subject the insurer to those penalties described in Section 1204 of the ~~Illinois Insurance~~ Code ~~[215 ILCS 5/1204]~~.

c) Leading Zeros
Since fields are not fixed-length, leading zeros and spaces should be omitted.

d) Negative Numbers
Negative numbers will be submitted as a dash before the number (without a space between the negative and number). For example a negative one hundred dollar

premium would be coded -100.

e) Data Reported by Illinois and Multi-State
~~1)~~All required data will be reported in the aggregate for:

1~~A~~) Illinois only~~;~~ and

2~~B~~) multi-state, including Illinois.

~~2) All data contained in this data call shall be submitted on a calendar year basis.~~

f) Required Data Elements
Data shall be reported for the following nine insurance elements:

1) Number of written exposures~~;~~

2) Amount of direct written premiums~~;~~

3) Amount of direct earned premiums~~;~~

4) Amount of paid losses~~;~~

5) Amount of outstanding losses~~;~~

6) Amount of paid allocated loss adjustment expenses~~;~~

7) Amount of outstanding allocated loss adjustment expenses~~;~~

8) Number of paid claims; and~~,~~

9) Number of outstanding claims.

g) Required Lines or Coverages of Insurance
The Department requires that data be submitted for classes within the following 9 lines or coverage types of insurance.

Coverage Type	Line of business

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

h) Reported by~~By~~ Zip Code
All Illinois data reported for line 01.0, 04.0, 19.2 and 21.1 must be reported by zip code. All other data within the data call is to be reported on a statewide basis.

i) Reported by~~By~~ Form Type
There will be a separate record for each line, class, or type of coverage for each form type used in writing a policy. Note that an insurer may use any one or more of the form types within the same line or class of insurance. When multiple form types are used the insurer must generate a record for each of those form types.

(Source: Amended at 42 Ill. Reg. 20370, effective November 1, 2018)

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

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

a) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen; for example 555555555.)

b) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:

1 = American Association of Insurance Services (AAIS)
2 = Insurance Services Office, Inc. (ISO)

3 = Property Casualty Insurers Association of America (PCI)
4 = National Independent Statistical Service (NISS)
5 = Company Direct – Partial
6 = Company Direct – 100 Percent
7 = Other

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

05.0 = BOP (Business Owners Package)
11.0 = Medical Malpractice
12.0 = Earthquake
17.0 = Other/Excess Liability
19.4 = Commercial Auto Liability

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

12 = Illinois only
MS = Multi-state

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

05.0 = BOP (Business Owners Package)

- 77777 = Business Owners Package (BOP)

Other

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

11.0 = Medical Malpractice

Cardiac – Other

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

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Cardiac – Surgery

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

Critical Care Medicine

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

Dentists

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

Emergency Room – Other

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

Emergency Room – Surgery

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

General Surgery

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

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Neurosurgery

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

Obstetrics/Gynecology – Other

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

Obstetrics/Gynecology – Surgery

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

Orthopedic Surgery

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

Physicians and Surgeons

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

Physicians, Surgeons, and Dentists

- 94999 = physicians, surgeons, and dentists classes not specifically listed

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

Plastic Surgery

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

Vascular Surgery

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

OTHER

- OTHR = All other coverage contained in line 11.0

12.0 = Earthquake

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

17.0 = Other Liability

Day care

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

Lawyer

- 81400 = lawyers professional liability – lawyers
- 81420 = lawyers professional liability – employed law clerks, investigators, abstractors and paralegals
- 81401 = lawyers professional liability individual insurance not

rated using one of the exposure bases noted above.

Liquor

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

Excess Coverage

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

Other

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

19.4 = Commercial Auto Liability

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

- 3B = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (receipts)
- 3C = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (number of miles)
- OTHR = All other coverage contained in line 19.4

f) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, for the November 2017~~2006~~ annual data filing, the statistical data year will be coded 2016~~2005 for lines that use the calendar year experience method~~.)

g) Field Not Currently Used

h) Form Type – This alpha-numeric field reflects the form type that was used in providing coverage. The insurer will report a separate record for each form type for each class and geographic location (Illinois-only or multi-state). Possible codes are:

C = claims-made
O = occurrence
T = claims-made tail coverage

i) Amount of Written Premium – This field reflects the amount of total written premiums corresponding to each of the class codes.

j) Amount of Earned Premium – This field reflects the total amount of earned premiums corresponding to each of the class codes.

k) Amount of Paid Losses – This field reflects the amount of paid losses corresponding to each of the class codes. Please see Section 4203.30(g) for the definition of paid losses. If the insurer is unable to separate paid losses from ALAE, the insurer will follow the instructions provided in Section 4203.30(h).

l) Amount of Outstanding Losses – This field reflects the amount of outstanding losses corresponding to each of the class codes. Please see Section 4203.30(g) for the definition of outstanding losses and Section 4203.30(h) for special instructions for those situations where separating outstanding losses and outstanding ALAE are not possible.

m) Amount of Paid ALAE – This field reflects the amount of paid ALAE for each of the class codes. If an insurer is unable to separate paid ALAE from the paid losses, the combined paid losses and paid ALAE will be reported in the paid losses field for the line and the code "combined" will appear in the paid ALAE field. For the earthquake data, the amount of paid ALAE field should be blank.

n) Amount of Outstanding ALAE – This field reflects the amount of outstanding allocated loss adjustment expenses for each of the class codes. If an insurer is unable to separate outstanding ALAE from the outstanding losses, the combined outstanding losses and outstanding ALAE will be reported in the outstanding losses field for the line and the code "combined" will appear in the ALAE field. For the earthquake data, the amount of outstanding ALAE field should be blank.

o) Number of Written Exposures – This field reflects the count of written exposures for each of the class codes. The field "number of exposures" for BOP, earthquake, and excess insurance will be left blank.

p) Number of Paid Claims – This field reflects the paid claims count corresponding to each of the class codes. Please see Section 4203.30(i) for the definition of paid claims.

q) Number of Outstanding Claims – This field reflects the outstanding claims count corresponding to each of the class codes. Please see Section 4203.30(j) for the definition of outstanding claims.

(Source: Amended at 42 Ill. Reg. 20370, effective November 1, 2018)

Section 4203.80 Coding Conventions for Homeowner and Residential Fire Insurance

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

~~a) Data for the homeowner and residential fire lines will be reported on a calendar year basis. Only voluntary business will be reported.~~

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a~~b~~) In the homeowner line, the insurer will code one record for each class for multi-state data and one record for each class for each zip code for Illinois-only data. It is not necessary to submit a record that sums the data for all the zip codes in each class.

b~~c~~) The following provides a detailed description of each data field:

1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen, for example 555555555.)

2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:

1 = American Association of Insurance Services (AAIS)
2 = Insurance Services Office, Inc. (ISO)
3 = Property Casualty Insurers Association of America (PCI)
4 = National Independent Statistical Service (NISS)
5 = Company Direct – Partial
6 = Company Direct – 100 Percent
7 = Other

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

04.0 = Homeowners
01.0 = Residential Fire

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

12 = Illinois only
MS = Multi-state

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

code data for a class. Possible codes for the classification field are:

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

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

6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, the statistical data year for the November 2017~~2006~~ annual filing for the calendar year method will be coded 2016~~2005~~.)

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

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

AGENCY NOTE: There should be one record for each represented zip code for each of the classes HO-1, HO-2, HO-3, HO-4, HO-5, HO-6, HO-

8, mobile, 323, 9A, 9B, 9C, and OTHR for Illinois-only data and one record for each class reported for multi-state data.

8) Field Not Currently Used

9) Amount of Written Premium – This field reflects the amount of written premiums corresponding to each of the class codes HO-1 through HO-8, mobile, 323, HEQ, 9A, 9B, 9C, and OTHR.

10) Amount of Earned Premium – This field reflects the amount of earned premium corresponding to each of the class codes HO-1 through HO-8, mobile, 323, HEQ, 9A, 9B, 9C, and OTHR.

11) Amount of Paid Losses – This field reflects the paid losses corresponding to each of the class codes HO-1 through HO-8, mobile, 323, HEQ, 9A, 9B, 9C, and OTHR. Please see Section 4203.30(g) for the definition of paid losses.

12) Amount of Outstanding Losses – This field reflects the outstanding losses corresponding to each of the class codes HO-1 through HO-8, mobile, 323, HEQ, 9A, 9B, 9C, and OTHR.

13) Number of Written Exposures – This field reflects the count of exposures for each of the class codes HO-1 through HO-8, mobile, 9A, 9B, 9C, and OTHR.

14) Number of Paid Claims – This field reflects the paid claims count corresponding to each of the class codes HO-1 through HO-8, mobile, 323, HEQ, 9A, 9B, 9C, and OTHR. Please see Section 4203.30(i) for the definition of paid claims.

15) Number of Outstanding Claims – This field reflects the outstanding claims count corresponding to each of the class codes HO-1 through HO-8, mobile, 323, HEQ, 9A, 9B, 9C, and OTHR. Please see Section 4203.30(j) for the definition of outstanding claims.

(Source: Amended at 42 Ill. Reg. 20370, effective November 1, 2018)

Section 4203.90 Coding Conventions for Private Passenger Auto Liability Insurance

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(Excluding PIP)

This Section provides instructions for coding the 63 fields in the private passenger auto liability records, excluding PIP. All private passenger auto liability records will be submitted by zip code.

a) ~~Data for the private passenger automobile liability line will be reported on a calendar year basis and will include only the voluntary market.~~ No-fault data will be excluded.

b) In the private passenger auto liability line, the insurer will submit one record for each class for multi-state data and one record for each class for each zip code for Illinois-only data. It is not necessary to submit a record which sums the Illinois-only data for all the zip codes. ~~Insurers are also required to report premium and exposure data for each class by zip code using the calendar year method of compiling annual experience.~~

c) The applicable bodily injury and property damage data for split limit policies will be reported in Fields 8-48. The applicable data for single limit policies will be reported in Fields 49-63. Written exposures, written premium, and earned premium for single limit policies will be reported in Fields 49-51. Losses, loss adjustment expenses, and claims counts will be reported for bodily injury and property damage using the instructions in Fields 51-63.

d) The following provides a detailed description of each data field:

1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen, for example 555555555.)

2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:

1 = American Association of Insurance Services (AAIS)
2 = Insurance Services Office, Inc. (ISO)
3 = Property Casualty Insurer Association of America (PCI)
4 = National Independent Statistical Service (NISS)
5 = Company Direct – Partial

6 = Company Direct – 100 Percent
7 = Other

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

19.2 = Private passenger auto liability

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

12 = Illinois only
MS = Multi-state

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

19.2 = Private passenger auto liability
- LIAB
- OTHR = all other coverage contained in line 19.2

6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, the statistical data year field for the November 20172006 annual filing, will be coded 20162005.)

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

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

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

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

8) Amount of PPA Liability Bodily Injury (BI) Written Premium – This field reflects the amount of written premiums for BI.

9) Amount of PPA Liability BI Earned Premium – This field reflects the amount of earned premiums for BI.

10) Amount of PPA Liability BI Paid Losses – This field reflects the paid losses for BI. Please see Section 4203.30(g) for the definition of paid losses.

11) Amount of PPA Liability BI Outstanding Losses – This field reflects the outstanding losses for BI. Please see Section 4203.30(g) for the definition of outstanding losses.

12) Amount of PPA Liability BI Paid ALAE – This field reflects the ALAE for BI. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

13) Amount of PPA Liability BI Outstanding ALAE – This field reflects the ALAE for BI. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

14) Number of PPA Liability BI Written Exposures – This field reflects the count of written exposures for the line. PPA liability exposures are based on the bodily injury component.

15) Number of PPA Liability BI Paid Claims – This field reflects the paid claims count for BI. Please see Section 4203.30(i) for the definition of paid claims.

16) Number of PPA Liability BI Outstanding Claims – This field reflects the

outstanding claims count for BI. Please see Section 4203.30(j) for the definition of outstanding claims.

17) Amount of PPA Liability Property Damage Written Premium – This field reflects the amount of written premiums for property damage liability.

18) Amount of PPA Liability Property Damage Earned Premium – This field reflects the amount of earned premiums for property damage liability.

19) Amount of PPA Liability Property Damage Paid Losses – This field reflects the paid losses for property damage liability. Please see Section 4203.30(g) for the definition of paid losses.

20) Amount of PPA Liability Property Damage Outstanding Losses – This field reflects the outstanding losses for property damage liability. Please see Section 4203.30(g) for the definition of outstanding losses.

21) Amount of PPA Paid Liability Property Damage ALAE – This field reflects ALAE for property damage liability. If an insurer is unable to separate paid ALAE from the paid loss, the combined paid loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

22) Amount of PPA Outstanding Liability Property Damage ALAE – This field reflects outstanding ALAE for property damage liability. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined outstanding loss and outstanding ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

23) Number of PPA Liability Property Damage Paid Claims – This field reflects the paid claims count for property damage liability. Please see Section 4203.30(l) for the definition of paid claims.

24) Number of PPA Liability Property Damage Outstanding Claims – This field reflects the outstanding claims count for property damage liability. Please see Section 4203.30(j) for the definition of outstanding claims.

25) Amount of PPA Liability UM/UIM Written Premium – This field reflects

the written premiums for UM/UIM.

26) Amount of PPA Liability UM/UIM Earned Premium – This field reflects the earned premiums for UM/UIM.

27) Amount of PPA Liability UM/UIM Paid Losses – This field reflects the paid losses for UM/UIM. Please see Section 4203.30(g) for the definition of paid losses.

28) Amount of PPA Liability UM/UIM Outstanding Losses – This field reflects the outstanding losses for UM/UIM. Please see Section 4203.30(g) for the definition of outstanding losses.

29) Amount of PPA Liability UM/UIM Paid ALAE – This field reflects the ALAE for UM/UIM liability. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

30) Amount of PPA Liability UM/UIM Outstanding ALAE – This field reflects the outstanding ALAE for UM/UIM liability. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the outstanding ALAE field.

31) Number of PPA Liability UM/UIM Paid Claims – This field reflects the paid claims count for UM/UIM liability. Please see Section 4203.30(i) for the definition of paid claims.

32) Number of PPA Liability UM/UIM Outstanding Claims – This field reflects the outstanding claims count for UM/UIM liability. Please see Section 4203.30(j) for the definition of outstanding claims.

33) Amount of PPA Liability Medical Payments Written Premium – This field reflects the amount of written premiums for medical payments.

34) Amount of PPA Liability Medical Payments Earned Premium – This field reflects the amount of earned premiums for medical payments.

35) Amount of PPA Liability Medical Payments Paid Losses – This field reflects the paid losses for medical payments. Please see Section 4203.30(g) for definition of paid losses.

36) Amount of PPA Liability Medical Payments Outstanding Losses – This field reflects the outstanding losses for medical payments. Please see Section 4203.30(g) for the definition of outstanding losses.

37) Amount of PPA Liability Medical Payments Paid ALAE – This field reflects ALAE for medical payments. If an insurer is unable to separate paid ALAE from the paid loss, the "combined" loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

38) Amount of PPA Liability Medical Payments Outstanding ALAE – This field reflects ALAE for medical payments. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the paid ALAE field.

39) Number of PPA Liability Medical Payments Paid Claims – This field reflects the paid claims count for medical payments. Please see Section 4203.30(i) for the definition of paid claims.

40) Number of PPA Liability Medical Payments Outstanding Claims – This field reflects the outstanding claims count for medical payments. Please see Section 4203.30(j) for the definition of outstanding claims.

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

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

42) Amount of PPA Liability Other Earned Premium – This field reflects the amount of earned premiums for other (not fitting any other private

passenger auto liability field).

43) Amount of PPA Liability Other Paid Losses – This field reflects the paid losses for other (not fitting any other private passenger auto liability field). Please see Section 4203.30(g) for the definition of paid losses.

44) Amount of PPA Liability Other Outstanding Losses – This field reflects the outstanding losses for other (not fitting any other private passenger auto liability field). Please see Section 4203.30(g) for the definition of outstanding losses.

45) Amount of PPA Liability Other Paid ALAE – This field reflects the paid ALAE for other (not fitting any other private passenger auto liability field). If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

46) Amount of PPA Liability Other Outstanding ALAE – This field reflects the outstanding ALAE for other (not fitting any other private passenger auto liability field). If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

47) Number of PPA Liability Other Paid Claims – This field reflects the paid claims count for other (not fitting any other liability field). Please see Section 4203.30(i) for the definition of paid claims.

48) Number of PPA Liability Other Outstanding Claims – This field reflects the outstanding claims count for other (not fitting any other liability field). Please see Section 4203.30(j) for the definition of outstanding claims.

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

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

50) Amount of PPA Liability for Single Limit (SL) Written Premium – This field reflects the amount of written premiums for policies written under single limit policies.

51) Amount of PPA Liability for SL Earned Premium – This field reflects the amount of earned premiums for policies written under single limit policies.

52) Amount of PPA Liability BI Paid Losses for SL Policies – This field reflects the amount of paid losses for bodily injury under single limit policies. Please see Section 4203.30(g) for the definition of paid losses.

53) Amount of PPA Liability BI Outstanding Losses for SL Policies – This field reflects the amount of outstanding losses for bodily injury under single limit policies. Please see Section 4203.30(g) for the definition of outstanding losses.

54) Amount of PPA Liability BI Paid ALAE for SL Policies – This field reflects the paid ALAE for bodily injury under single limit policies. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

55) Amount of PPA Liability BI Outstanding ALAE for SL Policies – This field reflects the outstanding ALAE for bodily injury under single limit policies. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

56) Number of PPA Liability BI Paid Claims for SL Policies – This field reflects the paid claims count for bodily injury under single limit policies. Please see Section 4203.30(i) for the definition of paid claims.

57) Number of PPA Liability BI Outstanding Claims for SL Policies – This field reflects the outstanding claims count for bodily injury under single limit policies. Please see Section 4203.30(j) for the definition of outstanding claims.

58) Amount of PPA Liability Property Damage (PD) Paid Losses for SL Policies – This field reflects the paid losses for property damage under single limit policies. Please see Section 4203.30(g) for the definition of paid losses.

59) Amount of PPA Liability PD Outstanding Losses for SL Policies – This field reflects the outstanding losses for property damage under single limit policies. Please see Section 4203.30(g) for the definition of outstanding losses.

60) Amount of PPA Liability PD Paid ALAE for SL Policies – This field reflects the paid ALAE for property damage under single limit policies. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

61) Amount of PPA Liability PD Outstanding ALAE for SL Policies – This field reflects the outstanding ALAE for property damage under single limit policies. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

62) Number of PPA Liability PD Paid Claims – This field reflects the paid claims count for property damage under single limit policies. Please see Section 4203.30(i) for the definition of paid claims.

63) Number of PPA Liability PD Outstanding Claims – This field reflects the outstanding claims count for property damage under single limit policies. Please see Section 4203.30(j) for the definition of outstanding claims.

(Source: Amended at 42 Ill. Reg. 20370, effective November 1, 2018)

Section 4203.100 Coding Conventions for Private Passenger Auto Physical Damage

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

~~a)~~ ~~Private passenger auto physical damage data are to be reported on a calendar year~~

~~basis for only the voluntary market.~~

a~~b~~) In the private passenger physical damage line, the insurer will code one record for the line for multi-state data and one record for the line for each zip code represented in the Illinois-only data. It is not necessary to submit a record that sums the Illinois-only data for all the zip codes.

b~~c~~) The following provides a detailed description of each data field:

1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen, for example 555555555.)

2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:

1 = American Association of Insurance Services (AAIS)
2 = Insurance Services Office, Inc. (ISO)
3 = Property Casualty Insurer Association~~Assciation~~ of America (PCI)
4 = National Independent Statistical Service (NISS)
5 = Company Direct – Partial
6 = Company Direct – 100 Percent
7 = Other

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

21.1 = Private passenger auto physical damage

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

12 = Illinois only
MS = Multi-state

5) Class Code/Classification Code – This alpha-numeric field identifies the

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

21.1 = Private passenger auto physical damage
- PHYD
- OTHR = All other coverage contained in line 21.1

6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, the statistical data year for the November 20172006 annual filing, will be coded 20162005.)

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

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

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

8) Amount of PPA Physical Damage Comprehensive (Comp) Written Premium – This field reflects the amount of written premiums for comprehensive.

9) Amount of PPA Comprehensive Earned Premium – This field reflects the amount of earned premiums for comprehensive.

10) Amount of PPA Comprehensive Paid Losses – This field reflects the paid losses for comprehensive. Please see Section 4203.30(g) for the definition of paid losses.

11) Amount of PPA Comprehensive Outstanding Losses – This field reflects the outstanding losses for comprehensive. Please see Section 4203.30(g) for the definition of outstanding losses.

12) Number of PPA Comprehensive Written Exposures – This field reflects the written exposure count for private passenger auto physical damage – using the comprehensive component.

13) Number of PPA Comprehensive Paid Claims – This field reflects the paid claims count for comprehensive. Please see Section 4203.30(i) for the definition of paid claims.

14) Number of PPA Comprehensive Outstanding Claims – This field reflects the outstanding claims count for comprehensive. Please see Section 4203.30(j) for the definition of outstanding claims.

15) Amount of PPA Collision Written Premium – This field reflects the amount of written premiums for collision.

16) Amount of PPA Collision Property Damage Earned Premium – This field reflects the amount of earned premiums for collision.

17) Amount of PPA Collision Paid Losses – This field reflects the paid losses for collision. Please see Section 4203.30(g) for the definition of paid losses.

18) Amount of PPA Collision Outstanding Losses – This field reflects the outstanding losses for collision. Please see Section 4203.30(g) for the definition of outstanding losses.

19) Number of PPA Collision Paid Claims – This field reflects the paid claims count for collision. Please see Section 4203.30(i) for the definition of paid claims.

20) Number of PPA Collision Outstanding Claims – This field reflects the outstanding claims count for collision. Please see Section 4203.30(j) for the definition of paid claims.

AGENCY NOTE: Fields 21-26 will be blank for the majority of private passenger

auto physical damage insurers. The purpose of the other category is to capture any private passenger auto physical damage data from insurers that do not fall within the comprehensive or collision components.

21) Amount of PPA Other Written Premium – This field reflects the amount of written premiums for other (not fitting in comp or collision).

22) Amount of PPA Other Earned Premium – This field reflects the amount of earned premiums for other (not fitting in comp or collision).

23) Amount of PPA Other Paid Losses – This field reflects the paid losses for other (not fitting in comp or collision). Please see Section 4203.30(g) for the definition of paid losses.

24) Amount of PPA Other Outstanding Losses – This field reflects the outstanding losses for other (not fitting in comp or collision). Please see Section 4203.30(g) for the definition of outstanding losses.

25) Number of PPA Other Paid Claims – This field reflects the paid claims count for other (not fitting in comp or collision). Please see Section 4203.30(i) for the definition of paid claims.

26) Number of PPA Other Outstanding Claims – This field reflects the outstanding claims count for other (not fitting in comp or collision.) Please see Section 4203.30(j) for the definition of outstanding claims.

(Source: Amended at 42 Ill. Reg. 20370, effective November 1, 2018)

SUBPART B: MEDICAL MALPRACTICE REPORTING

Section 4203.200 Applicability

This Part applies~~shall apply~~ to each company licensed to write medical malpractice insurance in this State pursuant to Section 4, Class 2(c) of the ~~Illinois Insurance~~ Code ~~[215 ILCS 5/4]~~.

(Source: Amended at 42 Ill. Reg. 20370, effective November 1, 2018)

Section 4203.230 Reports

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

All reports shall be completed, validated and filed in an electronic format in accordance with Appendix A no later than April 1 of each year ~~of this Part. There will be one filing date each year. Data must be submitted no later than April of each year. The submission will be submitted electronically to the Illinois Department of Insurance, Market Analysis Unit, 320 W. Washington Street, Springfield, Illinois 62767-0001. Insurers are responsible for developing or obtaining any software required to convert and/or translate their internal file structures and formats to those prescribed by this Part.~~

(Source: Amended at 42 Ill. Reg. 20370, effective November 1, 2018)

Section 4203.APPENDIX A Filing Requirements for Medical Malpractice Reporting

General Instructions

- All reports shall include only direct Illinois medical malpractice insurance business.
- Each company must provide a Reconciliation as outlined in these Filing Requirements.
- Sample tables are provided to assist companies in understanding the required data elements. They are provided for illustrative purposes only.
- Reporting will be segregated by policy type. The policy types are as follows:
  1) Claims made policy type that includes prior acts coverage
  2) Occurrence policy type that includes extended reporting endorsements
- Reporting by claims made policy type will be aggregated by county.
- Illinois counties will be identified in the data submission by a three digit code. The following table lists the names of the 102 Illinois counties and the code designation for each:

County Name	County #
ADAMS	001
ALEXANDER	002
BOND	003
BOONE	004
BROWN	005

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BUREAU	006
CALHOUN	007
CARROLL	008
CASS	009
CHAMPAIGN	010
CHRISTIAN	011
CLARK	012
CLAY	013
CLINTON	014
COLES	015
COOK	016
CRAWFORD	017
CUMBERLAND	018
DE KALB	019
DEWITT	020
DOUGLAS	021
DU PAGE	022
EDGAR	023
EDWARDS	024
EFFINGHAM	025
FAYETTE	026
FORD	027
FRANKLIN	028
FULTON	029
GALLATIN	030
GREENE	031
GRUNDY	032
HAMILTON	033
HANCOCK	034
HARDIN	035
HENDERSON	036
HENRY	037
IROQUOIS	038
JACKSON	039
JASPER	040
JEFFERSON	041
JERSEY	042
JO DAVIESS	043

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JOHNSON	044
KANE	045
KANKAKEE	046
KENDALL	047
KNOX	048
LAKE	049
LA SALLE	050
LAWRENCE	051
LEE	052
LIVINGSTON	053
LOGAN	054
MCDONOUGH	055
MCHENRY	056
MCLEAN	057
MACON	058
MACOUPIN	059
MADISON	060
MARION	061
MARSHALL	062
MASON	063
MASSAC	064
MENARD	065
MERCER	066
MONROE	067
MONTGOMERY	068
MORGAN	069
MOULTRIE	070
OGLE	071
PEORIA	072
PERRY	073
PIATT	074
PIKE	075
POPE	076
PULASKI	077
PUTNAM	078
RANDOLPH	079
RICHLAND	080
ROCK ISLAND	081

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SAINT CLAIR	082
SALINE	083
SANGAMON	084
SCHUYLER	085
SCOTT	086
SHELBY	087
STARK	088
STEPHENSON	089
TAZEWELL	090
UNION	091
VERMILION	092
WABASH	093
WARREN	094
WASHINGTON	095
WAYNE	096
WHITE	097
WHITESIDE	098
WILL	099
WILLIAMSON	100
WINNEBAGO	101
WOODFORD	102
OTHER	103

- For all reports requiring by county information, the company may group the data by policy issuing county or other method that is consistent with its ratemaking practices. The company must identify which method is used. The company must use a consistent method to group the data in all by county reports. Data grouped by territory is unacceptable.

- Reporting by occurrence policy type will be aggregated by state and will include only Illinois data.

- Reports will contain 10 years of information on paid losses, paid allocated loss adjustment expenses, paid claim counts, incurred losses, incurred allocated loss adjustment expenses, incurred claim counts, earned exposures and earned premium, all on a direct reporting basis.

- Provide the name, phone number and email address of the person responsible for filing this report with the Department of Insurance.

- Reports should be submitted via either Excel worksheet or .txt file format. The submission shall be made electronically to the Illinois Department of Insurance~~, Market Analysis Unit, 320 W. Washington, Springfield, Illinois 62767-0001. Insurers are responsible for developing or obtaining any software required to convert and/or translate their internal file structures and formats to those prescribed by this Part~~.

Company Defined Items

- Describe any changes made to the way in which the data has been grouped during the past 10 years and the impact of the changes on the reports.

- Describe any changes made to reserving or claim payment practices in the past 10 years and the impact of the changes on the reports.

- Explain/define the corporate policies written by the company.

Exhibits − Claims Made Policy Type

- Direct paid losses by county for each of the past 10 report years. For claims made policy type, direct paid losses and direct paid allocated loss adjustment expenses shall be reported separately.

- Direct paid allocated loss adjustment expenses by county for each of the past 10 report years. For claims made policy type, direct paid losses and direct paid allocated loss adjustment expenses shall be reported separately.

- Direct paid claim counts by county for each of the past 10 report years.

- Direct incurred losses by county for each of the past 10 report years. For claims made policy type, direct incurred losses and direct incurred allocated loss adjustment expenses shall be reported separately.

    - Incurred losses equal paid losses plus case reserves.
    - Total incurred losses are required, not just incurred on open claims.
    - An accurate estimate for the claims related to that report year and county is required. Average incurred severities are unacceptable.

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NOTICE OF ADOPTED AMENDMENTS

- Direct incurred allocated loss adjustment expenses by county for each of the past 10 report years. For claims made policy type, direct incurred losses and direct incurred allocated loss adjustment expenses shall be reported separately.
    - Total incurred allocated loss adjustment expenses are required, not just incurred on open claims.
- Direct incurred claim counts by county for each of the past 10 report years.
- Direct earned exposures by county for each of the past 10 report years.
- Direct earned premium by county for each of the past 10 report years.

Examples of Reports for Claims Made Policy Type:

Paid Losses

	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
County										
001	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
002	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
003	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
004	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
005	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
006	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
007	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
…	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

Paid ALAE

	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
County										
001	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
002	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

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003	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
004	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
005	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
006	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
007	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
…	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

Paid Counts

	Current Year	**1 Year Prior**	**2 Year Prior**	**3 Year Prior**	**4 Year Prior**	**5 Year Prior**	**6 Year Prior**	**7 Year Prior**	**8 Year Prior**	**9 Year Prior**
County										
001	##	##	##	##	##	##	##	##	##	##
002	##	##	##	##	##	##	##	##	##	##
003	##	##	##	##	##	##	##	##	##	##
004	##	##	##	##	##	##	##	##	##	##
005	##	##	##	##	##	##	##	##	##	##
006	##	##	##	##	##	##	##	##	##	##
007	##	##	##	##	##	##	##	##	##	##
…	##	##	##	##	##	##	##	##	##	##

Incurred Losses

	Current Year	**1 Year Prior**	**2 Year Prior**	**3 Year Prior**	**4 Year Prior**	**5 Year Prior**	**6 Year Prior**	**7 Year Prior**	**8 Year Prior**	**9 Year Prior**
County										
001	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
002	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
003	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
004	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
005	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
006	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
007	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
…	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

Incurred ALAE

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	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
County										
001	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
002	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
003	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
004	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
005	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
006	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
007	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
…	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

Incurred Counts

	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
County										
001	##	##	##	##	##	##	##	##	##	##
002	##	##	##	##	##	##	##	##	##	##
003	##	##	##	##	##	##	##	##	##	##
004	##	##	##	##	##	##	##	##	##	##
005	##	##	##	##	##	##	##	##	##	##
006	##	##	##	##	##	##	##	##	##	##
007	##	##	##	##	##	##	##	##	##	##
…	##	##	##	##	##	##	##	##	##	##

Earned Exposures

	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
County										
001	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
002	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
003	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
004	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

005	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
006	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
007	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
…	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

Earned Premium

	Current Year	**1 Year Prior**	**2 Year Prior**	**3 Year Prior**	**4 Year Prior**	**5 Year Prior**	**6 Year Prior**	**7 Year Prior**	**8 Year Prior**	**9 Year Prior**
County										
001	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
002	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
003	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
004	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
005	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
006	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
007	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
…	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

Exhibits – Occurrence Policy Type

- Exhibits require information and data pertaining to only Illinois medical malpractice liability business written. This data should be aggregated to state level detail.

- Direct paid losses and allocated loss adjustment expenses for each of the past 10 accident years by evaluation date. For occurrence policy type, direct paid losses and direct paid allocated loss adjustment expenses will be reported together. This data array shall be reported in accordance with NAIC Annual Statement Schedule P Instructions. The difference between a company's Schedule P and this requirement is that this array should contain direct Illinois medical malpractice data.

- Direct paid claim counts for each of the past 10 accident years by evaluation date. This data array shall be reported in accordance with NAIC Annual Statement Schedule P Instructions. The difference between a company's Schedule P and this requirement is that this array should contain direct Illinois medical malpractice data.

- Direct incurred losses and incurred allocated loss adjustment expenses for each of the past 10 accident years by evaluation date. For occurrence type policies, direct incurred losses and incurred allocated loss adjustment expenses shall be reported together. This data array shall be reported in accordance with NAIC Annual Statement Schedule P Instructions. The difference between a company's Schedule P and this requirement is that this array should contain direct Illinois medical malpractice data.

- Direct incurred claim counts for each of the past 10 accident years by evaluation date. This data array shall be reported in accordance with NAIC Annual Statement Schedule P Instructions. The difference between a company's Schedule P and this requirement is that this array should contain direct Illinois medical malpractice data.

- Direct earned exposures by accident year for each of the past 10 years.

- Direct earned premium by accident year for each of the past 10 years.

Examples of Reports for Occurrence Policy Type:

Paid Losses and ALAE

Years in which losses were incurred	9 Year Prior	8 Year Prior	7 Year Prior	6 Year Prior	5 Year Prior	4 Year Prior	3 Year Prior	2 Year Prior	1 Year Prior	Current Year
9 Year Prior	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
8 Year Prior		$$	$$	$$	$$	$$	$$	$$	$$	$$
7 Year Prior			$$	$$	$$	$$	$$	$$	$$	$$
6 Year Prior				$$	$$	$$	$$	$$	$$	$$
5 Year Prior					$$	$$	$$	$$	$$	$$
4 Year Prior						$$	$$	$$	$$	$$
3 Year Prior							$$	$$	$$	$$
2 Year Prior								$$	$$	$$
1 Year Prior									$$	$$
Current Year										$$

Paid Counts

Years in which losses were incurred	9 Year Prior	8 Year Prior	7 Year Prior	6 Year Prior	5 Year Prior	4 Year Prior	3 Year Prior	2 Year Prior	1 Year Prior	Current Year

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9 Year Prior	##	##	##	##	##	##	##	##	##	##
8 Year Prior		##	##	##	##	##	##	##	##	##
7 Year Prior			##	##	##	##	##	##	##	##
6 Year Prior				##	##	##	##	##	##	##
5 Year Prior					##	##	##	##	##	##
4 Year Prior						##	##	##	##	##
3 Year Prior							##	##	##	##
2 Year Prior								##	##	##
1 Year Prior									##	##
Current Year										##

Incurred Losses and ALAE

Years in which losses were incurred	**9 Year Prior**	**8 Year Prior**	**7 Year Prior**	**6 Year Prior**	**5 Year Prior**	**4 Year Prior**	**3 Year Prior**	**2 Year Prior**	**1 Year Prior**	**Current Year**
9 Year Prior	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
8 Year Prior		$$	$$	$$	$$	$$	$$	$$	$$	$$
7 Year Prior			$$	$$	$$	$$	$$	$$	$$	$$
6 Year Prior				$$	$$	$$	$$	$$	$$	$$
5 Year Prior					$$	$$	$$	$$	$$	$$
4 Year Prior						$$	$$	$$	$$	$$
3 Year Prior							$$	$$	$$	$$
2 Year Prior								$$	$$	$$
1 Year Prior									$$	$$
Current Year										$$

Incurred Counts

Years in which losses were incurred	**9 Year Prior**	**8 Year Prior**	**7 Year Prior**	**6 Year Prior**	**5 Year Prior**	**4 Year Prior**	**3 Year Prior**	**2 Year Prior**	**1 Year Prior**	**Current Year**
9 Year Prior	##	##	##	##	##	##	##	##	##	##
8 Year Prior		##	##	##	##	##	##	##	##	##
7 Year Prior			##	##	##	##	##	##	##	##
6 Year Prior				##	##	##	##	##	##	##

5 Year Prior	##	##	##	##	##	##
4 Year Prior		##	##	##	##	##
3 Year Prior			##	##	##	##
2 Year Prior				##	##	##
1 Year Prior					##	##
Current Year						##

Earned Exposures

Years in which losses were incurred	**Direct and Assumed**
9 Year Prior	
8 Year Prior	
7 Year Prior	
6 Year Prior	
5 Year Prior	
4 Year Prior	
3 Year Prior	
2 Year Prior	
1 Year Prior	
Current Year	

Earned Premium

Years in which losses were incurred	**Direct and Assumed**
9 Year Prior	
8 Year Prior	
7 Year Prior	
6 Year Prior	
5 Year Prior	
4 Year Prior	
3 Year Prior	
2 Year Prior	

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1 Year Prior
Current Year

Reconciliation

Each company shall take steps to determine the data submitted under these requirements is accurate, reasonable, and appropriately reconciles to the most recently filed annual statutory financial statement.

Describe the process used to reconcile the 1204 data, filed under this requirement, to the annual statutory financial statement. Please include the magnitude of any discrepancies, a description of the differences, and the reasons for the differences.

The company's senior financial officer and a qualified actuary must certify that the data filed under these requirements is accurate and reasonably reconciles with the most recently filed annual statutory financial statement.

~~**Re-filing of Data**~~

~~In the event that a company files inaccurate or incomplete data or there is some other problem with the data that is filed, a company may need to re-file its data with the Department. When this occurs, either at the request of the Department or upon initiation by the company, the company shall provide the Department with a narrative discussion of the reason for the re-file. This narrative shall be in the form of an email directed to appropriate Casualty Actuarial Section staff if the data is re-filed using the form of a letter accompanying any re-filed CD-ROM.~~

(Source: Amended at 42 Ill. Reg. 20370, effective November 1, 2018)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Managed Care Reform & Patient Rights

2) Code Citation: 50 Ill. Adm. Code 4520

3)

Section Numbers:	Adopted Actions:
4520.130	Amendment
4520.EXHIBIT B	Amendment

4) Statutory Authority: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]; 42 USC 300gg-22; and 45 CFR 150.101(b)(2) and 150.201.

5) Effective Date of Rules: November 1, 2018

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 12511; July 6, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: In the 4th and 5th lines of 4520.130(b), "of the American Accreditation Healthcare Commission", which had previously been stricken, was restored. In the 6th line, "The" was capitalized, and "on Accreditation of Healthcare Organizations" was stricken. In the 2nd and 3rd lines of 4520.130(d)(3), "the terms of" was stricken.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

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Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
4520.30	Amendment	42 Ill. Reg. 17521; October 5, 2018
4520.130	Amendment	42 Ill. Reg. 17521; October 5, 2018
4520.140	Amendment	42 Ill. Reg. 17521; October 5, 2018
4520.EXHIBIT B	Amendment	42 Ill. Reg. 17521; October 5, 2018
4520.EXHIBIT C	Repealed	42 Ill. Reg. 17521; October 5, 2018
4520.EXHIBIT D	Repealed	42 Ill. Reg. 17521; October 5, 2018

15) Summary and Purpose of Rulemaking: Consistent with PA 99-111, Part 4520 has been amended to recognize the Accreditation Association for Ambulatory Health Care among the list of accreditors from which utilization organizations may receive accreditation and qualify for reduced registration and renewal fees.

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

Jennifer Reif
Deputy Director, Health Products
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/577-7311

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ww: HEALTH CARE SERVICE PLANS

PART 4520
MANAGED CARE REFORM & PATIENT RIGHTS

Section

4520.10 Purpose
4520.20 Applicability and Scope
4520.30 Definitions
4520.40 Provision of Information
4520.50 Notice of Nonrenewal or Termination
4520.60 Transition of Services
4520.70 Health Care Services, Appeals, Complaints and External Independent Reviews
4520.80 Joint Resolution of Complaints – Department of Insurance and Department of Public Health − Notification and Resolution Process
4520.90 Record of Complaints
4520.100 Access and Quality of Care from Providers Without Primary Care Physician Referral or Authorization
4520.110 Emergency Services
4520.120 Post Stabilization Services
4520.130 Registration of Utilization Review Organizations
4520.140 Operational Requirements

4520.EXHIBIT A Complaint Reporting Column Descriptions
4520.EXHIBIT B Application for Registration of a Utilization Review Organization
4520.EXHIBIT C Utilization Review Organization Officers and Directors Biographical Affidavit
4520.EXHIBIT D NAIC Utilization Review Organization Officers and Directors Biographical Affidavit

AUTHORITY: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5], 42 USC 300gg-22, and 45 CFR 150.101(b)(2) and 150.201.

SOURCE: Emergency rules adopted at 23 Ill. Reg. 12466, effective September 27, 1999, for a maximum of 150 days; adopted at 24 Ill. Reg. 3374, effective February 10, 2000; amended at 24

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Ill. Reg. 9429, effective July 1, 2000; transferred from the Department of Insurance to the Department of Financial and Professional Regulation pursuant to Executive Order 2004-6 on July 1, 2004; amended at 28 Ill. Reg. 13711, effective September 28, 2004; amended at 30 Ill. Reg. 6368, effective March 29, 2006; amended at 34 Ill. Reg. 6879, effective April 29, 2010; amended at 38 Ill. Reg. 2253, effective January 2, 2014; amended at 38 Ill. Reg. 23431, effective November 25, 2014; transferred from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-4; recodified from 50 Ill. Adm. Code 5420 to 50 Ill. Adm. Code 4520 at 41 Ill. Reg. 4982; amended at 42 Ill. Reg. 20417, effective November 1, 2018.

Section 4520.130 Registration of Utilization Review Organizations

a) Registration: On or after July 1, 2000, a utilization review organization may not conduct utilization review for persons subject to Section 85 of the Managed Care Reform and Patient Rights Act [215 ILCS 134~~/85~~] unless the utilization review organization has registered with the Director. An application for registration shall be in a format as set forth in Exhibit B ~~of this Part~~, and must be signed by an officer or director of the utilization review organization. Initial registration applications shall be deemed approved unless the Director finds the~~such~~ application to be noncompliant with either the standards set forth in Section 85 of the Managed Care Reform and Patient Rights Act or this Part.

b) Fees: A utilization review organization must register with the Director every two years. A fee of $3,000 must be submitted with each application or renewal unless the utilization review organization is accredited by the Health Utilization Management~~Medical~~ Standards of the American Accreditation Healthcare Commission (URAC), the National Committee for Quality Assurance (NCQA), The~~or the~~ Joint Commission ~~on Accreditation of Healthcare Organizations~~ (JCAHO), or the Accreditation Association for Ambulatory Health Care (AAAHC), in which case the fee is $1500.

c) Any material changes in the information filed pursuant to this Part shall be filed with the Director within 30 days after the~~such~~ change. Loss of accreditation status will require re-registration and payment of a $3000 fee pursuant to subsections (a) and (b) ~~of this Section~~.

d) Renewals and Appeals~~:~~

1) A registered utilization review organization may continue to operate, if the

application and fee have been filed 30 days prior to the renewal date, until the renewal is denied or issued by the Director.

2) If the renewal application and fee are not received prior to the renewal date, the registration will automatically expire and the utilization review organization must re-register and pay a fee pursuant to subsections (a) and (b) ~~of this Section~~.

3) If an application for registration or renewal is denied under this Part, the applicant may appeal thatsuch denial by requesting a hearing under ~~the terms of~~ Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/~~10-5 through 10-70~~] and 50 Ill. Adm. Code 2402. A petition for hearing must be postmarked no later than 30 days after~~from~~ the date of initial denial. A hearing shall be scheduled within 45 days after the petition is filed with the Director. A decision by the Director shall be rendered within 60 days after the close of the hearing.

(Source: Amended at 42 Ill. Reg. 20417, effective November 1, 2018)

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Section 4520.EXHIBIT B Application for Registration of a Utilization Review Organization

1. Name of Applicant _____

   Type of Applicant (check one):

   ☐ Corporation
   ☐ Partnership
   ☐ Limited Liability Corporation
   ☐ Other (Describe) _____

   FEIN _____

   Contact Person _____
   Business Telephone Number ( ) _____
   Fax Number ( ) _____
   Email Address _____

2. Type of Utilization Review Organization (check **all** that apply):

   ☐ Health Care Utilization Review (as defined in Section 4520.30 of this Part)
   ☐ Workers' Compensation Review (as defined in 50 Ill. Adm. Code 2905.10)

   Check **all** categories that apply (as applicable):
   ☐ Licensed HMO providing utilization review services outside of the HMO (as defined in 50 Ill. Adm. Code 4521.20)
   ☐ Licensed HMO providing utilization review services only within that HMO (as defined in 50 Ill. Adm. Code 4521.20)
   ☐ Third Party Administrator
   ☐ Licensed Insurance Company providing utilization review services outside of that Insurance Company
   ☐ Licensed Insurance Company providing utilization review services only within that Insurance Company
   ☐ Hospital or Medical Group providing utilization review services for other than internal purposes
   ☐ Workers' Compensation Utilization Review Organization
   ☐ Other (Describe) _____

3. Business Address

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Street (do not use PO Box) _____
City _____ State _____ Zip _____ - _____

4. Mailing Address
Street or P.O. Box _____
City _____ State _____ Zip _____ - _____

5. Business Telephone Number ( ) _____
Toll Free Number ( ) _____
FAX Number ( ) _____
Email Address/Website _____

6. Agent for Service of Process **in Illinois**

Name _____
Street Address (do not use P. O. Box) _____
City _____ State _____ Zip _____ - _____

7. For each Utilization Review Program supply the following information:

a) The name, address, telephone number and normal business hours of the utilization programs.

b) The organization and governing structure of the utilization review programs.

c) The number of reviews in Illinois for which utilization review is conducted by each utilization program for the current year.
☐ Health Reviews
☐ Workers' Compensation Reviews

d) Hours of operation of each utilization review program.

e) Description of the grievance process for each utilization program.

f) Please check (all that apply) to determine if you are using the Health Standards and/or the Workers' Compensation Standards in order to meet or exceed American Accreditation Healthcare Commission (URAC) Standards and provide the Department with a copy of your current certificates, if applicable.
☐ Health Utilization Standards

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☐ Workers' Compensation Standards

g) Number of reviews in Illinois for which utilization review was conducted for the previous calendar year for each utilization review program.
☐ Health Reviews
☐ Workers' Compensation Reviews

h) Written policies and procedures for protecting confidential information according to applicable State and Federal laws for each utilization review program.

i) Biographical information for organization officers and directors, as set forth in Exhibit C or D (as appropriate). Biographical affidavits shall be stamped "confidential" by the utilization review organization.

8. Indicate accreditation status below.

a) ☐ Health accredited by:
☐ URAC
☐ NCQA
☐ JCAHO
☐ AAAHC (as defined in 50 Ill. Adm. Code 4520.130(b))

b) ☐ Workers' Compensation accredited by:
☐ URAC Health Standards
☐ URAC Workers' Compensation Standards

c) ☐ Unaccredited

9. ☐ Check Enclosed

a) ☐ Accredited fee $1500 biennially

b) ☐ Unaccredited fee $3000 biennially

10. Affirmation (to be signed by an officer or director of the utilization review organization only):

I, _____ do hereby certify that
(typed name, title)

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_____
(utilization review organization)

complies with the Health and/or Workers' Compensation Utilization Management Standards of the American Accreditation Healthcare Commission (URAC) sufficient to achieve American Accreditation Healthcare Commission (URAC) accreditation or submits evidence of accreditation by the American Accreditation Healthcare Commission (URAC) accreditation or submits evidence of accreditation by the American Accreditation Healthcare Commission (URAC) for its Health and/or Workers' Compensation Utilization Management Standards, and do hereby affirm that all of the information presented in this application is true and correct.

_____ _____
(signature) (date)

Please mail completed application to:

Illinois Department of Insurance
Utilization Review Unit
320 West Washington Street
Springfield IL 62767-0001
(217) 558-2309

(Source: Amended at 42 Ill. Reg. 20417, effective November 1, 2018)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Health Carrier External Review

2) Code Citation: 50 Ill. Adm. Code 4530

3)

Section Number:	Adopted Action:
4530.40	Amendment

4) Statutory Authority: Implementing the Health Carrier External Review Act [215 ILCS 180] and authorized by Section 50(h) of the Act [215 ILCS 180/50(h)] and Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) Effective Date of Rule: November 1, 2018

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 42 Ill. Reg. 12520; July 6, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Several nonsubstantive changes were made as requested by JCAR.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? There were none.

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: Section 4530.40 has been amended to make the deadline for health carriers to submit an external review report to the Director of Insurance consistent with PA 99-537, which became effective January 1, 2017.

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

Jennifer Reif
Deputy Director, Health Products
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/577-7311

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ww: HEALTH CARE SERVICE PLANS

PART 4530
HEALTH CARRIER EXTERNAL REVIEW

Section
4530.10 Purpose
4530.20 Applicability and Scope
4530.30 Definitions
4530.40 Health Carrier Obligations
4530.50 Independent Review Organization Obligations
4530.60 Registration of Independent Review Organizations
4530.70 Operational Requirements
4530.80 Examination
4530.90 Random Selection of IROs by Director

4530.APPENDIX A IRO Notice of Decision Template – Non-Experimental and Investigational
4530.APPENDIX B IRO Notice of Decision Template – Experimental and Investigational
4530.APPENDIX C Independent Review Organizations – Application for Registration
4530.APPENDIX D Independent Review Organizations – Application for Reapproving Independent Review Organizations
4530.APPENDIX E Illinois or NAIC Biographical Affidavit

AUTHORITY: Implementing the Health Carrier External Review Act [215 ILCS 180] and authorized by Section 50(h) of that Act and Section 401 of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Adopted at 34 Ill. Reg. 10741, effective July 19, 2010; amended at 39 Ill. Reg. 4077, effective September 1, 2015; amended at 39 Ill. Reg. 12577, effective September 1, 2015; recodified from 50 Ill. Adm. Code 5430 to 50 Ill. Adm. Code 4530 at 41 Ill. Reg. 4990; amended at 42 Ill. Reg. 20426, effective November 1, 2018.

Section 4530.40 Health Carrier Obligations

a) Each health carrier shall maintain written records in the aggregate, by state, and for each type of health benefit plan offered by the health carrier on all requests for

external review for which the health carrier received notice from the Director for each calendar year. The health carrier shall submit, electronically, a report to the Director, in the format specified by the Director, by JuneMarch 1 of each year.

b) A health carrier must file with the Director for approval sample copies of:

1) All notices and forms that carriers must provide to covered persons under Sections 20, 25, 35, 40 and 42 of the Act. In addition to those statutory requirements, the following information must be included on notices sent to members in response to member appeals:

A) All notices and forms must prominently display the name, address, toll-free phone number, fax number and appeal email address of the carrier or administrator that handles appeals;

B) All notices and forms shall be specific and limited to information regarding appeals and external review procedures for the member's plan;

C) All notices shall state the number of levels of appeals available (no more than two levels for group and one level for individual) under the plan and will state which level of appeal is applicable to the adverse determination within the notice;

D) All notices shall include the date, including month, day and year, of the adverse determination and, if applicable, the date of the final adverse determination, including month, day and year;

E) All notices shall inform covered persons that the deadlines for filing an appeal or external review request are not postponed or delayed by health care provider appeals unless the health care provider is acting as an authorized representative for the covered person; i.e., the covered person should be filing internal appeals independently and concurrently unless the health care provider has been designated in writing as the authorized representative;

F) All notices shall indicate whether the adverse determination relates to a member appeal (filed by the member or authorized representative who may be the health care provider) or a provider

appeal (pursuant to the provider contract) and shall explain timeframes from the date of the adverse determination for the member to appeal and to file an external review regardless of the status of a provider appeal;

G) Upon exhaustion of provider appeals, the notice (which is copied to the member) shall specify timeframes from the date of the final adverse determination for the member to file an appeal or file an external review;

H) Upon exhaustion of internal appeals by the member, the final adverse determination notice shall clearly state that it is the final adverse determination, that all internal appeals have been exhausted, and that the member has 4 months from the date of the letter to file an external review;

I) All notices shall include the following contact information for the Department of Insurance:

Illinois Departments of Insurance
Office of Consumer Health Insurance
External Review Unit
320 W. Washington Street
Springfield IL 62767
Toll-free Telephone: (877) 850-4740
Fax: (217) 557-8495
Email: doi.externalreview@illinois.gov
Website: https://mc.insurance.illinois.gov/messagecenter.nsf

2) Descriptions for both the required standard external review and expedited external review procedures as set forth within Section 20 of the Act.

3) Statements informing the covered person and any authorized representative that a standard external review request deemed to be ineligible for review by the plan or its representative may be appealed to the Director by filing a complaint with the Director. The health carrier shall use the following address and provide the following contact information when directing the covered person or authorized

representative to appeal initial determinations of ineligibility for standard external review:

The Illinois Department of Insurance
Office of Consumer Health Insurance
External Review Unit
320 West Washington Street
Springfield IL 62767
Toll-free Telephone: (877) 527-9431
Fax: (217) 557-8495
Email: doi.externalreview@illinois.gov
Website: https://mc.insurance.illinois.gov/messagecenter.nsf

4) Statements informing the covered person and any authorized representative that an expedited external review request deemed to be ineligible for review by the plan or its representative may be appealed to the Director by filing a complaint with the Director. The health carrier shall use the following address when directing the covered person or authorized representative to appeal initial determinations of ineligibility for expedited external review:

The Illinois Department of Insurance
Office of Consumer Health Insurance
External Review Unit
320 West Washington Street
Springfield IL 62767
Toll-free Telephone: (877) 850-4740
Fax: (217) 557-8495
Email: doi.externalreview@illinois.gov
Website: https://mc.insurance.illinois.gov/messagecenter.nsf

5) Special Rules for Multi-State Plans Under the Marketplace
Pursuant to the U.S. Office of Personnel Management's (OPM) Multi-State Plan Program regulation at 45 CFR 800.5023, OPM administers the External Review Process for disputed adverse benefit determinations submitted by enrollees in Multi-State Plan health insurance options.

(Source: Amended at 42 Ill. Reg. 20426, effective November 1, 2018)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: General Provisions

2) Code Citation: 35 Ill. Adm. Code 900

3)

Section Numbers:	Adopted Actions:
900.101	Amendment
900.102	Amendment
900.103	Amendment
900.104	Repealed
900.105	Amendment
900.106	Amendment
900.Appendix A	Repealed

4) Statutory Authority: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

5) Effective Date of Rules: November 1, 2018

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) The adopted rules are available on the Board's website (https://pcb.illinois.gov) and are also on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 5946; April 6, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The Board made several non-substantive changes to the rule including those requested by JCAR.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other rulemakings pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: The adopted rules update definitions, references, and sound measurement procedures, as well as clarify language, reduce wordiness, and remove obsolete provisions. This review continues Board's broader review of its rules started in the summer of 2016. The amendments will streamline, update, and overhaul rules that are no longer current due to changing technology and the passage of time. They are also consistent with Governor Rauner's Executive Order 2016-13, which directs State agencies to review and update their rules as part of the "Cutting the Red Tape Initiative."

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

Tetyana Rabczak
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-5053
Tetyana.Rabczak@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R18-19 in your request. The Board order is also available at the Board's web site (https://pcb.illinois.gov).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE H: NOISE
CHAPTER I: POLLUTION CONTROL BOARD

PART 900
GENERAL PROVISIONS

Section
900.101 Definitions
900.102 Prohibition of Noise Pollution
900.103 Measurement Procedures
900.104 Burden of Persuasion Regarding Exceptions (Repealed)
900.105 Severability
900.106 Incorporations~~Incorporation~~ by Reference

900.APPENDIX A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

SOURCE: Originally filed as Part 1 of Chapter 8: Noise Pollution, effective August 10, 1973; amended at 2 Ill. Reg. 27, p. 223, effective June 26, 1978; amended at 5 Ill. Reg. 6371, effective June 1, 1981; amended at 5 Ill. Reg. 8533, effective August 10, 1981; amended at 6 Ill. Reg. 10960, effective September 1, 1982; codified at 7 Ill. Reg. 13579; amended in R83-7 at 11 Ill. Reg. 3121, effective January 28, 1987; amended in R03-8 at 27 Ill. Reg. 16247, effective October 8, 2003; amended in R18-19 at 42 Ill. Reg. 20432, effective November 1, 2018.

Section 900.101 Definitions

Except as stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Chapter are the same as those used in the Environmental Protection Act. All definitions of acoustical terminology not specifically defined in this Chapter will have meanings ascribed in ~~must be in conformance with those contained in American National Standards Institute (~~ANSI/ASA~~)~~ S1.1-2013~~1994 (R1999)~~ "~~American National Standard~~ Acoustical Terminology" and S12.9-2013/Part 1~~1988 (R1998)~~ "~~American National Standard~~ Quantities and Procedures for Description and Measurement of Environmental Sound – Part 1: Basic Quantities and Definitions~~,~~", incorporated by reference at Section 900.106. As used in 35 Ill. Adm. Code 900 through 910, the following terms mean:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"A-weighted sound level"~~Weighted Sound Level~~: 10 times the logarithm to the base 10 of the square of the ratio of the A-weighted (and time-averaged) sound pressure, to the reference sound pressure of 20 micropascals~~micropascal~~. The frequency and time weighting must be specified in compliance~~accordance~~ with ANSI/ASA S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters-Part 1: Specifications (a nationally adopted international standard~~,~~", incorporated by reference at Section 900.106. The unit of sound level is the decibel (dB) with the letter (A) appended to the decibel unit symbol to indicate the weighting and written as dB(A).

"Ambient": the all-encompassing sound associated with a given environment without contributions from the noise source or sources of interest.

"Angle of incidence": the orientation of the microphone relative to the sound source.

"ANSI": American National Standards Institute or its successor~~ bodies~~.

"Antique vehicle": a motor vehicle that is more than 25 years old~~of age~~ or its~~a~~ bona fide replica~~, thereof~~ and which is driven on the highways only going to and returning from an antique auto show or an exhibition, or for servicing or demonstration, or a fire-fighting vehicle that is more than 20 years old which is not used as fire-fighting equipment but is used only for ~~the purpose of~~ exhibition or demonstration.

"ASA": Acoustical Society of America.

"Background ambient sound level": ~~means~~ the ambient sound level, measured in compliance~~accordance~~ with the procedures specified in 35 Ill. Adm. Code 910.

"Bus": a~~every~~ motor vehicle designed for carrying more than 10 passengers and used for the transportation of passengers; and any~~every~~ motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

"C-weighted sound level": in decibels, a frequency-weighted sound pressure level, determined using~~by the use of~~ the metering characteristics and C-weighted network specified in ANSI/ASA S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound

POLLUTION CONTROL BOARD

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Level Meters – Part 1: Specifications (a nationally adopted international standard),", incorporated by reference at Section 900.106.

"Common carrier by motor vehicle": any person holding itself out to the general public to provide, for compensation, transportation of passengers or property in interstate or foreign commerce by motor vehicle, whether over regular or irregular routes.

"Construction": on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or its addition thereto, including all related activities, such asincluding, but not restricted to, clearing of land, earth-moving, blasting and landscaping.

"Contract carrier by motor vehicle": any person, other than "common carrier by motor vehicle", who provides, for compensation, transportation of passengers or property in interstate or foreign commerce by motor vehicle under contracts with one person or a limited number of persons, either:

to provide transportation services through the assignment of motor vehicles to the exclusive use of a served person for a specific period of time; or

to provide transportation services designed to meet a distinct need of an individual customer.

"Daytime hours": 7:00 am to 10:00 pm, local time.

"dB(A)": A-weighted decibels (see the definition of "A-weighted sound level")A-weighted sound level in decibles."

"Dealer": anyevery person engaged in the business of selling vehicles to persons who purchase thesesuch vehicles for purposes other than resale, and who has an established place of business for such activity in this Statestate.

"Decibel" or "(dB"): a unit of measure, on a logarithmic scale to the base 10, of the ratio of the magnitude of a particular sound pressure magnitude to a standard reference pressure, which, for purposes of this Chapter, isshall be 20 micronewtons per square meter ($\mu N/m^2$) or 20 micropascals (μPa).

"Discrete tone": a sound ~~wave~~ whose instantaneous sound pressure varies essentially as a simple sinusoidal function of time.

"Exhaust system": the system comprised of a combination of components which provides for the enclosed flow of exhaust gas from engine parts to the atmosphere.

"Existing property-line ~~–~~noise ~~–~~source": any property-line ~~–~~noise ~~–~~source, the construction or establishment of which commenced prior to August 10, 1973, excluding~~. For the purposes of this sub-section~~, any property-line ~~–~~noise ~~–~~source whose A, B or C land use classification changes~~,~~ on or after August 10, 1973~~, is not considered an existing property-line-noise-source~~.

"Farm tractor": a~~every~~ motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and any self-propelled~~every~~ implement of husbandry ~~which is self-propelled~~.

"Fast dynamic characteristic~~Dynamic Characteristic~~": the dynamic characteristic specified as fast in ANSI/ASA S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R 2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)~~,~~", incorporated by reference at Section 900.106.

"Fast meter response": as specified in ANSI/ASA~~,~~ S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)~~,~~", incorporated by reference at Section 900.106.

"Fluctuating sound": a class of non-steady ~~nonsteady~~ sound where sound pressure level varies over a range greater than 6 decibels (dB) with the "slow" meter characteristic, and where the meter indication does not equal the ambient level more than once during the period of observation.

"Frequency-weighted sound pressure": root mean square of the instantaneous sound pressure which is frequency-weighted (i.e., filtered) with a standard frequency characteristic (e.g., A or C) and exponentially time-weighted in compliance~~accordance~~ with the standardized characteristics slow (S), fast (F),

impulse (I) or peak, with both weightings specified in compliance~~accordance~~ with ANSI S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)~~,~~", incorporated by reference at Section 900.106. The frequency weighting used must~~shall~~ be specified explicitly (e.g., A, C or octave band). The unit frequency-weighted sound pressure is the pascal (Pa).

"Gross combination weight rating": the value specified by the manufacturer as the loaded weight of a combination vehicle.

"Gross vehicle weight~~Vehicle Weight~~" or "~~(~~GVW"~~)~~: the maximum loaded weight for which a motor vehicle is registered, or, for vehicles not so registered, the value specified by the manufacturer as the loaded weight of the vehicle.

"Gross vehicle weight rating" or "GVWR": the value specified by the manufacturer as the loaded weight of a single vehicle.

"Highly impulsive sound~~Impulsive Sound~~": either a single pressure peak or a single burst (multiple pressure peaks) for a duration usually less than one second. Examples of highly impulsive sound sources are drop forge hammer and explosive blasting.

"Highway": the entire width between the boundary lines of every way publicly maintained when any part of it~~thereof~~ is open to ~~the use of the~~ public use~~for purposes of~~ vehicular travel.

"IEC": International Electrotechnical Commission.

"IHRA": International Hot Rod Association or its successor body.

"Intermittent sound": a class of non-steady ~~nonsteady~~ sound where the meter indicates a sound pressure level equal to the ambient level two or more times during the measurement period. The period ~~of time~~ during which the ~~level of the~~ sound level value remains ~~at a value~~ different from ~~that of~~ the ambient for at least~~is of the order of~~ one second ~~or more~~.

"LBCS": the Land-Based Classification Standards which designate land use functions by ~~means of~~ numeric codes.

"L_{eq}": equivalent continuous sound pressure level in decibels: 10 times the logarithm to the base 10 of the ratio of a time mean square sound pressure, during the specified time period, to the square of reference sound pressure. The reference sound pressure is 20 micronewtons per square meter or equivalent continuous frequency-weighted sound pressure.

"L_{eq} (A)": A-weighted time-average (equivalent-continuous) sound pressure level.

"L_{eq} (octave band-Hz)": time-average (equivalent-continuous) sound pressure level in the octave band specified by its center frequency (e.g. L_{eq} (125-Hz)).

"Measurement periodPeriod": the time interval during which acoustical data are obtained. The measurement period is determined by the characteristics of the noise being measured and must be at least ten times as long as the response time of the instrumentation. The greater the variation in indicated sound level, the longer must be the observation time for a given expected precision of the measurement.

"Motor carrier": a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property by motor vehicle. The term "motor carrier" includes those persons that own and operate the subject motor vehicles, but not their drivers, unless the drivers both own and drive their own vehicles.

"Motor driven cycle": aevery motorcycle, motor scooter, or bicycle with motor attached, with less than 150 cubic centimeter piston displacement.

"Motor vehicle": a self-propelledevery vehicle which is self-propelled and any combination of vehicles which are propelled or drawn by a self-propelled vehicle which is self-propelled.

"Motorcycle": aevery motor vehicle withhaving a seat or saddle for the use of the rider and designed to travel on up tonot more than 3 wheels in contact with the ground, but excluding a tractor.

"Muffler": a device for abating the sounds of escaping gases of an internal combustion engine.

"New snowmobile": a snowmobile, the equitable or legal title to which has never

passed exclusively to persons purchasing~~a person who purchases~~ it for ~~purposes other than~~ resale only.

"Nighttime hours": 10:00 pm to 7:00 am, local time.

"Noise floor": the electrical noise (in decibels) of the sound measurement system. When the noise floor is determined by placing a calibrator over the microphone of the sound measurement system, the noise floor may include acoustic noise due to leakage around the calibrator.

"Noise pollution": the emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity.

"Non-steady sound": a sound whose sound pressure level shifts significantly during the measurement period with meter~~. Meter~~ variations ~~are~~ greater than ±3 dB using the "slow" meter characteristic.

"Octave band sound pressure level": the sound pressure level for the measured sound ~~being measured~~ contained within the specified octave band. The reference pressure is 20 micronewtons per square meter ($\mu N/m^2$) or 20 micropascals (μPa).

"Open site": an area that is essentially free of large sound-reflecting objects, such as barriers, walls, board fences, signboards, parked vehicles, bridges or buildings.

"Pascal" or "~~(~~Pa"~~)~~": a unit of pressure. One pascal is equal to one newton per square meter.

"Passenger car": a motor vehicle designed to carry up to 10~~for the carrying of not more than ten~~ persons, including a multi-purpose passenger vehicle, except any motor vehicle of the second division as defined in 625 ILCS 5/1-146, and except any motorcycle or motor driven cycle.

"Person": any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state~~State~~ or a political subdivision or agency of that state, ~~thereof~~ or any legal successor, representative, agent or agency of the foregoing.

"Preferred frequencies": ~~those~~ frequencies in Hertz preferred for acoustical measurements which, for the purposes of this Chapter, consist of the following set

of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

"Private carrier of property by motor vehicle": any person, other than "common carrier by motor vehicle" or "contract carrier by motor vehicle", who transports in interstate or foreign commerce by motor vehicle any property owned, leased, or bailed by that person.

"Prominent discrete tone": a sound with~~, having a~~ ⅓~~one-third~~ octave band sound pressure level that~~which~~, when measured~~ in a one-third octave band~~ at a~~the~~ preferred frequency~~frequencies~~, exceeds, by any of the following values, the arithmetic average of the sound pressure levels of both~~the two~~ adjacent ⅓~~one-third~~ octave bands~~ on either side of such one-third octave band by~~:

A value of 5 dB or more for a ⅓~~such one-third~~ octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive, but only if that ⅓~~. Provided: such one-third~~ octave band sound pressure level also exceeds the sound pressure level of each adjacent ⅓~~one-third~~ octave band~~, or~~;

A value of 8 dB or more for a ⅓~~such one-third~~ octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive, but only if that ⅓~~. Provided: such one-third~~ octave band sound pressure level also exceeds the sound pressure level of each adjacent ⅓~~one-third~~ octave band~~;~~, or~~;~~

A value of 15 dB or more for a ⅓~~such one-third~~ octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive, but only if that ⅓~~. Provided: such one-third~~ octave band sound pressure level also exceeds the sound pressure level of each adjacent ⅓~~one-third~~ octave band.

BOARD NOTE: A sound measured at a preferred frequency of 400 Hz, for example, would be a prominent discrete tone only if its ⅓ octave band sound pressure level (1) exceeds the ⅓ octave band sound pressure level of 315 Hz; (2) exceeds the ⅓ octave band sound pressure level of 500 Hz; and (3) exceeds by 8 dB or more the arithmetic average of the ⅓ octave band sound pressure levels of 315 Hz and 500 Hz.

"Property-line ~~–~~noise ~~–~~source": any equipment or facility, or a combination of equipment and facility~~ thereof~~, that~~which~~ operates within any land used as specified by 35 Ill. Adm. Code 901.101. The~~Such~~ equipment or facility, or

combination of equipment and facility ~~thereof~~, must be capable of emitting sound beyond the property line of the land on which it is operated.

"Quasi-steady sound": a train of two or more acoustical impulses. Examples of quasi-steady sound are that from riveting and pneumatic hammer.

"Reflective surface": any building, hillside, or similar object (other than the flat ground surface) that reflects sufficient sound to affect the sound pressure level readings obtained from a noise source, excluding~~. Not included as reflective surfaces are~~ small objects such as trees, posts, chain-linked fences, fire hydrants, vegetation (such as bushes and shrubs), or any similar object.

"Registered": a vehicle is registered when a current registration certificate or certificates and registration plates have been issued for it under the laws of any state pertaining to the registration of vehicles.

"Residential dwelling unit": all land used as specified by the Land-Based Classification Standards (LBCS) Codes 1100 through 1340; and those portions of land used as specified by LBCS Code 6222 that are used for sleeping (see 35 Ill. Adm. Code 901.Appendix B).

"SAE": Society of Automotive Engineers.

"Slow dynamic characteristic~~Dynamic Characteristic~~": the dynamic characteristic specified as "Slow" in ANSI/ASA S1.4-2014~~1983 (R2001)~~ "American National Standard Specification for Sound Level Meters – Part 1~~,~~", incorporated by reference at Section 900.106.

"Snowmobile": a self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats.

"Sound": a physical disturbance causing an oscillation in pressure in a medium (e.g., air) that is capable of being detected by the human ear or a sound measuring instrument.

"Sound exposure" or "~~(~~SE"~~)~~: time integral of squared, frequency-weighted instantaneous sound pressure over a given time interval. The time period of integration must be specified if: ~~when~~ the sound exposure of the background noise

is a significant contributor to the total sound exposure; ~~or when~~ the threshold sound level of the instrument (a level below which the instrument does not accumulate contributions to the integral) used is above the level of the background noise; ~~or when~~ such data is needed to identify a source; or ~~when~~ the time period of integration is otherwise useful. The customary unit for sound exposure is pascal-squared second (Pa^2-s).

"Sound exposure level" or "~~(~~SEL" or "L_{eT}"~~)~~: 10 times the logarithm to the base 10 of the ratio of sound exposure to the reference sound exposure (E_o) of 400 micropascal-squared seconds (μPa^2-s). For a given measurement time period of T seconds, the sound exposure level (L_{eT}) is related to the time-average sound level (L_{pT}) as follows: $L_{eT} = L_{pT} + \log (T/t_o)$ where t_o is the reference duration of 1 second. The time period of integration ~~intergration~~ (T) must be specified. The frequency weighting used must be specified explicitly (e.g., A, C or octave band). The A-weighted SEL and C-weighted SEL are abbreviated ASEL and CSEL respectively. An octave band SEL is expressed in terms of the center frequency (e.g., SEL at 125-Hz). The unit for sound exposure level is decibel (dB).

"Sound level" or "~~(~~weighted sound pressure level"~~)~~: 20 times the logarithm to the base 10 of the ratio of the frequency-weighted (and time-averaged) sound pressure to the reference pressure of 20 micropascals. The frequency weighting used must~~shall~~ be specified explicitly (e.g., A, C or octave band). The unit for sound level is decibel (dB).

"Sound pressure": the root mean square of the instantaneous sound pressures during a specified time interval in a stated frequency band. The unit for sound pressure is pascal (Pa).

"Sound pressure level": 20 times the logarithm to the base 10 of the ratio of the particular sound pressure to the reference sound pressure of 20 micropascals. ANSI S12.9-2013/Part 1~~1988 (R1998) "American National Standard~~ "Quantities and Procedures for Description and Measurement of Environmental Sound – Part 1: Basic Quantities and Definitions~~,~~", incorporated by reference at Section 900.106, reserves the term sound pressure level to denote the unweighted sound pressure. The unit for sound pressure level is decibel (dB).

"Special mobile equipment": every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including ~~but not limited to~~: ditch digging apparatus, well-boring

apparatus and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and other earth-moving equipment.

"Steady sound": a sound whose sound pressure level remains essentially constant (that is, meter fluctuations are negligibly small) during the measurement period. with meterMeter variations up toare less than or equal to ±+/- 3 dB using the "slow" meter characteristic.

"Tactical military vehicle": every vehicle operated by any federal or state military organization and designed for use in field operations, but not including vehicles such as staff cars and personnel carriers designed primarily for normal highway use.

"Time-average sound level" or "(or equivalent-continuous sound level" or "equivalent-continuous frequency-weighted sound pressure level"): 20 times the logarithm to the base 10 of the ratio of the time-average (frequency-weighted) sound pressure to the reference pressure of 20 micropascalsmicropascal. The frequency weighting used must be specified explicitly (e.g., A, C or octave band). The unit of time-average sound level is the decibel (dB).

"Time-average (frequency-weighted) sound pressure": square root of the quotient of the time integral of frequency-weighted squared instantaneous sound pressures divided by the time period of integration; or the square root of the quotient of the sound exposure, in pascal-squared seconds (Pa^2-s), in a specified time period, divided by the time period of integration in seconds. The frequency weighting used must be specified explicitly (e.g., A, C or octave band). The unit of time-average sound pressure is the pascal (Pa).

"Unregulated safety relief valve": a safety relief valve used and designed to be actuated by high pressure in the pipe or vessel to which it is connected and thatwhich is used and designed to prevent explosion or other hazardous reaction from pressure buildup, rather than being used and designed as a process pressure blowdown.

"Used motor vehicle": a motor vehicle that is not a new motor vehicle.

"Vehicle": every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

"Weekday": any day thatwhich occurs during the period of time commencing at 10:00 p.m. Sunday and ending at 10:00 p.m. Friday during any particular week.

"Weekend day": any day thatwhich occurs during the period of time commencing at 10:00 p.m. Friday and ending at 10:00 p.m. Sunday during any particular week.

"Well-maintained muffler": aany muffler thatwhich is free from defects affectingwhich affect its sound reduction and. Such muffler shall be free of visible defects, such as holes and other acoustical leaks.

(Source: Amended at 42 Ill. Reg. 20432, effective November 1, 2018)

Section 900.102 Prohibition of Noise Pollution

ANo person must notshall cause or allow the emission of sound beyond the boundaries of that person'shis property, as property is defined in Section 25 of the Illinois Environmental Protection Act [415 ILCS 5/25], that causesso as to cause noise pollution in Illinois, or violatesso as to violate any provision of this Chapter.

(Source: Amended at 42 Ill. Reg. 20432, effective November 1, 2018)

Section 900.103 Measurement Procedures

a) Procedures Applicable to Allall of 35 Ill. Adm. Code: Subtitle H, Chapter I TheThe Agency may adopt procedures which set forth criteria for the measurement of sound for all Parts except 35 Ill. Adm. Code 900 and 901. Such procedures for the measurement of sound under Subtitle H, Chapter I, except for Parts 900 and 901, must substantially conform to shall be in substantial conformity with standards and recommended practices established by the American National Standards Institute, Inc. (ANSI, ASA, IEC,) or the Society of Automotive Engineers, Inc. (SAE), incorporated by reference at Section 900.106. Such procedures shall be revised from time to time to reflect current engineering judgment and advances in noise measurement techniques. Such procedures, and revisions thereof, shall not become effective until filed with the Administrative Code Division of the Office of the Secretary of State as required by the Illinois Administrative Procedure Act [5 ILCS 100]. The sound

measurementMeasurement procedures for 35 Ill. Adm. Code 900 and 901 muststhall conform to 35 Ill. Adm. Code 910.

b) Procedures Applicable Onlyonly to 35 Ill. Adm. Code 901

1) All measurements and all measurement procedures to determine compliancewhether emissions of sound comply with 35 Ill. Adm. Code 901shall, except forwith the exception of measurements to determine compliancewhether emissions of sound comply with 35 Ill. Adm. Code 901.109, must be based on L_{eq} averaging, as defined in Section35 Ill. Adm. Code 900.101, using a reference time as follows:

A) Except as specified in subsection (b)(1)(B) for steady sound, use a reference time of at least 1 hour shall be used for all sound measurements and measurement procedures.

B) For measurement of steady sound as defined in Section 900.101101 of this Part, use athe reference time ofshall be at least 10 minutes.

2) All measurements and measurement procedures under subsection (b)(1)(B) of this Section must correct or provide for the correction of soundsuch emissions for the presence of ambient or background noise in complianceaccordance with the procedures in 35 Ill. Adm. Code 910. All measurements must complybe in conformity with the following ANSI standards, incorporated by reference at Section 900.106:

A) ANSI/ASA S1.4-2014/Part 11983 (R2001) "American National Standard Electroacoustics Specification for Sound Level Meters – Part 1: Specifications (a nationally adopted international standard).".

B) ANSI/ASA S1.6-20161984 (R2001) "American National Standard Preferred Frequencies and Filter Bank Center Frequencies, Frequency Levels, and Band Numbers for Acoustical Measurements.".

C) ANSI/ASA S1.11-2014/Part 1/IEC 61260:1-2014 Electroacoustics1986 (R1998) "American National Standard

~~Specification for~~ Octave-Band and Fractional-Octave-Band ~~Analog and Digital~~ Filters – Part 1: Specifications (a nationally adopted international standard)~~.~~".

D) ANSI/ASA S1.13-2005 (R2010~~1995 (R1999~~) "~~American National Standard~~ Measurement of Sound Pressure Level in Air~~.~~".

E) ANSI S12.9-2013/Part 3~~1993 (R1998)~~ "~~American National Standard~~ Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-Term Measurements with~~With~~ an Observer Present~~.~~".

c) Procedures Applicable Only~~only~~ to 35 Ill. Adm. Code 902

1) To~~Measurement procedures to~~ determine whether emissions of sound comply with 35 Ill. Adm. Code 902.120 through 902.123, use measurement procedures compliant ~~must be in conformity~~ with the following ANSI standards, incorporated by reference at Section 900.106:

A) ANSI S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics – ~~Specification for~~ Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)~~.~~".

B) ANSI S1.13-2005 (R2010)~~1995 (R1999)~~ "~~American National Standard~~ Measurement of Sound Pressure Level in Air~~.~~".

2) The procedures for sound measurement under 35 Ill. Adm. Code 902.123 must conform to the ANSI standards prescribed in subsection (c)(1) and must comply~~,~~ ~~above, provided that the procedures are in conformity~~ with those established by the U.S. Department of Transportation at~~under~~ 49 CFR 325, as directed by~~pursuant to~~ Section 17 of the Federal Noise Control Act of 1972~~,~~ (42 USC 4901 et seq.).

3) The Board may provide for measurement at distances other than the 50 feet specified in 35 Ill. Adm. Code 902.120 through 902.123, if ~~provided that~~ correction factors are applied so that the sound levels so determined are substantially equivalent to those measured at 50 feet and the measurement distance does not exceed 100 feet. Use the~~The~~ correction

factors ~~used shall be~~ consistent with California Highway Patrol Sound Measurement Procedures HPH 83.1 (October 1, 1973, as amended November 9, 1975), incorporated by reference at Section 900.106.

d) Procedures Applicable Only~~only~~ to 35 Ill. Adm. Code 905

1) To~~Measurement procedures to~~ determine whether emissions of sound comply with 35 Ill. Adm. Code 905.102(a) and 905.103(a)(1), use measurement procedures compliant ~~must be in conformity~~ with the following standards, incorporated by reference at Section 900.106:

A) ANSI S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters – Part 1: Specifications~~.~~".

B) SAE Recommended Practice J192 "Exterior Sound Level for Snowmobiles~~.~~", January 2013~~March 1985~~.

2) To~~Measurement procedures to~~ determine whether emissions of sound comply with 35 Ill. Adm. Code 905.102(b) and 905.103(a)(2), use measurement procedures substantially compliant ~~shall be in substantial conformity~~ with the following standards, incorporated by reference at Section 900.106:

A) ANSI S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters: Specifications~~.~~".

B) SAE/ANSI Recommended Practice J1161 "Operational Sound Level Measurement Procedure for Snow Vehicles", April 2004~~March 1983~~.

~~3) The Agency may establish criteria for measuring at distances other than the 50 feet specified in 35 Ill. Adm. Code 905.102 and 905.103, provided that correction factors are applied so that the sound levels so determined are substantially equivalent to those measured at 50 feet. In adopting new or revised criteria, the Agency shall comply with the requirements of the Illinois Administrative Procedure Act, [5 ILCS 100].~~

(Source: Amended at 42 Ill. Reg. 20432, effective November 1, 2018)

Section 900.104 Burden of Persuasion Regarding Exceptions (Repealed)

~~In any proceeding pursuant to this Chapter, if an exception stated in this Chapter would limit an obligation, limit a liability, or eliminate either an obligation or a liability, the person who would benefit from the application of the exception shall have the burden of persuasion that the exception applies and that the terms of the exception have been met. The Agency shall cooperate with and assist persons in determining the application of the provisions of this Chapter.~~

(Source: Repealed at 42 Ill. Reg. 20432, effective November 1, 2018)

Section 900.105 Severability

If any provision of this Chapter~~these rules or regulations~~ is adjudged invalid, or its~~if the~~ application ~~thereof~~ to any person or in any circumstances is adjudged invalid, that~~such~~ invalidity will~~shall~~ not affect the validity of any other provision of this Chapter or of the Chapter as a whole ~~or of any part, sub-part, sentence or clause thereof not adjudged invalid~~.

(Source: Amended at 42 Ill. Reg. 20432, effective November 1, 2018)

Section 900.106 Incorporations~~Incorporation~~ by Reference

The Board incorporates the following material by reference. These incorporations include no later amendments or editions.

a) American National Standards Institute, 25 West 43rd Street, 4th Fl., New York, NY~~New York~~ 10036. (212)642-4900.

1) ANSI/ASA S1.1-2013~~1994 (R1999)~~ "~~American National Standard~~Acoustical Terminology~~.~~".

2) ANSI/ASA S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics – Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)~~Specification for Sound Level Meters.~~".

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3) ANSI/ASA S1.6-20161984 (R2001) "American National StandardPreferred Frequencies and Filter Bank Center Frequencies, Frequency Levels, and Band Numbers for Acoustical Measurements.".

4) ANSI/ASA S1.8-20161989 "American National Standard Reference Values for Levels Used in Acoustics and VibrationsQuantities for Acoustical Levels.".

5) ANSI/ASA S1.11-2014/Part 1/IEC 61260:1-20141986 (R1998) "Electroacoustics – American National Standard Specification for Octave-Band and Fractional-Octave-Band Analog and Digital Filters – Part 1: Specifications (a nationally adopted international standard).".

6) ANSI/ASA S1.13-20051995 (R20101999) "American National Standard Measurement of Sound Pressure Level in Air.".

7) ANSI/ASA S12.9-2013/Part 11988 (R1998) "American National StandardQuantities and Procedures for Description and Measurement of Environmental Sound – Part 1: Basic Quantities and Definitions.".

8) ANSI/ASA S12.9-2013/Part 31993 (R1998) "American National Standard Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-Term Measurements withWith an Observer Present.".

9) ANSI/ASA S12.531-2012/ISO 3741:20101990 (R2001) "Acoustics – American National Standard Precision Methods for the Determination of Sound Power Levels and Sound Energy Levels of Broad-Band Noise Sources using Sound Pressure – Precision Methods forin Reverberation Test Rooms (a nationally adopted international standard).".

10) ANSI S12.32-1990 (R2001) "American National Standard Precision Methods for the Determination of Sound Power Levels of Discrete-Frequency and Narrow-Band Noise Sources in Reverberation Rooms."11)International Electrotechnical Commission, IEC 61672-1:2013 804-2000 "ElectroacousticsIntegrating/Averaging Sound Level Meters – Part 1: Specifications.".

b) Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096. (877)606-7323.

1) SAE Recommended Practice J184 "Qualifying a Sound Data Acquisition System~~.~~", November 1998.

2) SAE Recommended Practice J192 "Exterior Sound Level for Snowmobiles~~.~~", January 2015~~March 1985~~.

3) SAE/ANSI Recommended Practice J1161 "Operational Sound Level Measurement Procedure for Snowmobiles~~Snow Vehicles.~~", April 2004~~March 1983~~.

c) California Highway Patrol Sound Measurement Procedures HPH 83.1 (October 1, 1973, as amended November 9, 1975. Available at Illinois Pollution Control Board Clerk's Office, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601. (312)814-3620.

d) Code of Federal Regulations

1) 40 CFR 202.12(e) (2017).

2) 40 CFR 202.20(a) (2017).

3) 40 CFR 202.21(a) (2017).

4) 40 CFR 202.22 (2017).

5) 40 CFR 202.23 (2017).

6) 40 CFR 205.152(a) (2017).

7) 40 CFR 205.166 (2017).

(Source: Amended at 42 Ill. Reg. 20432, effective November 1, 2018)

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Section 900.APPENDIX A Old Rule Numbers Referenced (Repealed)

~~The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.~~

~~Old Part 1 of Chapter 8~~	~~35 Ill. Adm. Code Part 900~~
~~Rule 101~~	~~Section 900.101~~
~~Rule 102~~	~~Section 900.102~~
~~Rule 103~~	~~Section 900.103~~
~~Rule 104~~	~~Section 900.104~~
~~Rule 105~~	~~Section 900.105~~

(Source: Repealed at 42 Ill. Reg. 20432, effective November 1, 2018)

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1) Heading of the Part: Sound Emission Standards and Limitations for Property Line-Noise-Sources

2) Code Citation: 35 Ill. Adm. Code 901

3)

Section Numbers:	Adopted Actions:
901.101	Amendment
901.102	Amendment
901.103	Amendment
901.104	Amendment
901.105	Amendment
901.106	Amendment
901.107	Amendment
901.108	Repealed
901.109	Amendment
901.110	Repealed
901.111	Repealed
901.112	Repealed
901.114	Amendment
901.115	Amendment
901.116	Amendment
901.117	Amendment
901.120	Amendment
901.121	Amendment
901.122	Amendment
901.Appendix A	Repealed

4) Statutory Authority: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

5) Effective Date of Rules: November 1, 2018

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) The adopted rules are available on the Board's website (https://pcb.illinois.gov) and are also on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.

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9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 5967; April 6, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The Board made several non-substantive changes to the rule including those requested by JCAR.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: The amendments update definitions, references, and sound measurement procedures, as well as clarify language, reduce wordiness, and remove obsolete provisions. This review continues Board's broader review of its rules started in the summer of 2016. The amendments will streamline, update, and overhaul rules that are no longer current due to changing technology and the passage of time. They are also consistent with Governor Rauner's Executive Order 2016-13, which directs State agencies to review and update their rules as part of the "Cutting the Red Tape Initiative."

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

Tetyana Rabczak
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-5053
Tetyana.Rabczak@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R18-19 in your request. The Board order is also available at the Board's web site (https://pcb.illinois.gov).

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE H: NOISE
CHAPTER I: POLLUTION CONTROL BOARD

PART 901
SOUND EMISSION STANDARDS AND LIMITATIONS
FOR PROPERTY-LINE-NOISE-SOURCES

Section

901.101 Classification of Land According to Use
901.102 Sound Emitted to Class A Land
901.103 Sound Emitted to Class B Land
901.104 Highly– Impulsive Sound
901.105 Impact Forging Operations
901.106 Prominent Discrete Tones
901.107 Exceptions
901.108 Compliance Dates for Part 901 (Repealed)
901.109 Highly– Impulsive Sound from Explosive Blasting
901.110 Amforge Operational Level (Repealed)
901.111 Modern Drop Forge Operational Level (Repealed)
901.112 Wyman-Gordon Operational Level (Repealed)
901.113 Wagner Casting Site-Specific Operational Level (Repealed)
901.114 Moline Forge Operational Level
901.115 Cornell Forge Hampshire Division Site-Specific Operational Level
901.116 Forgings and Stampings, Inc. Operational Level
901.117 Rockford Drop Forge Company Operational Level
901.118 Scot Forge Company − Franklin Park Division Operational Level
901.119 Clifford-Jacobs Operational Level
901.120 C.S. Norcross Operational Level
901.121 Vaughan & Bushnell Operational Level
901.122 ~~Ameren~~ Elgin Facility Site-Specific Noise Emission Limitations

901.APPENDIX A Old Rule Numbers Referenced (Repealed)
901.APPENDIX B Land-Based Classification Standards and Corresponding 35 Ill. Adm. Code 901 Land Classes

AUTHORITY: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

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SOURCE: Originally filed as Part 2 of Chapter 8: Noise Pollution, effective August 10, 1973; amended at 2 Ill. Reg. 27, p. 223, effective June 26, 1978; amended at 5 Ill. Reg. 6371, effective June 1, 1981; amended at 5 Ill. Reg. 8533, effective August 10, 1981; amended at 6 Ill. Reg. 10960, effective September 1, 1982; codified at 7 Ill. Reg. 13646; amended at 7 Ill. Reg. 14519, effective October 17, 1983; amended in R83-35 at 8 Ill. Reg. 18893, effective September 25, 1984; amended in R83-33, 26, 29, 30 and R83-34 at 9 Ill. Reg. 1405, effective January 17, 1985; Section 901.105(f)(1), (2) and (3) recodified to Sections 901.110, 901.111 and 901.112 at 9 Ill. Reg. 7147; amended in R83-25, 31 and 32 at 9 Ill. Reg. 7149, effective May 7, 1985; amended in R83-7 at 11 Ill. Reg. 3136, effective January 28, 1987; amended in R04-11 at 28 Ill. Reg. 11910, effective July 30, 2004; amended in R03-9 at 30 Ill. Reg. 5533, effective March 10, 2006; amended in R06-11 at 31 Ill. Reg. 1984, effective January 12, 2007; amended in R14-22 at 39 Ill. Reg. 16264, effective December 2, 2015; amended in R18-19 at 42 Ill. Reg. 20453, effective November 1, 2018.

Section 901.101 Classification of Land According to Use

a) The land use classification system ~~used~~ for ~~the purposes of~~ applying the numeric sound standards off~~or~~ this Part is based on the Land-Based Classification Standards (LBCS) (Jeer, Sanjay~~,~~ 2001~~,~~ Land-Based Classification Standards~~,~~ online at ~~Online,~~ https://www.planning.org/lbcs;~~http://www.planning.org/LBCS.~~ American Planning Association: Chicago, Illinois). The LBCS applicable to this Part is ~~set forth~~ in Appendix B.

b) Class A land includes all land used as specified by LBCS Codes 1000 through 1340, 2410 through 2455, 5200 through 5230, 5500, 6100 through 6145, 6222, 6510 through 6530, and 6568 through 6600.

c) Class B land includes all land used as specified by LBCS Codes 2100 through 2336, 2500 through 2720, 3500 through 3600, 4220 through 4243, 5100 through 5160, 5300 through 5390, 5400, 6147, 6210 through 6221, 6300 through 6320, 6400 through 6430, 6560 through 6567, 6700 through 6830, and 7100 through 7380.

d) Class C land includes all land used as specified by LBCS Codes 3100 through 3440, 4120 through 4180, 4210 through 4212, 4300 through 4347, 7400 through 7450, 8000 through 8500, and 9100 through 9520.

e) A parcel or tract of land used as specified by LBCS Code 9100, 9400, or 5500, when adjacent to Class B or C land, may be classified similarly by action of a

municipal government withhaving zoning jurisdiction over thatsuch land. DespiteNotwithstanding any subsequent changes in actual land use, land so classified retains thesuch B or C classification until the municipal government removes the classification adopted by it.

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.102 Sound Emitted to Class A Land

a) Except as elsewhere provided in this Part, ano person must notshall cause or allow the emission of sound during daytime hours from any property-line– noise– source located on any Class A, B or C land to any receiving Class A land thatwhich exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within thesuch receiving Class A land. Sound, provided, however, that no measurement of sound pressure levels mustshall be measured at leastmade less than 25 feet from thesuch property-line– noise– source.

Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class A Land from		
	Class C Land	Class B Land	Class A Land
31.5	75	72	72
63	74	71	71
125	69	65	65
250	64	57	57
500	58	51	51
1000	52	45	45
2000	47	39	39
4000	43	34	34
8000	40	32	32

b) Except as provided elsewhere in this Part, no person must notshall cause or allow the emission of sound during nighttime hours from any property-line– noise– source located on any Class A, B or C land to any receiving Class A land thatwhich exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within thesuch receiving Class A land. Sound, provided, however, that no measurement of sound pressure levels mustshall be measured at leastmade less than 25 feet from thesuch property-line–

noise– source.

Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class A Land from		
	Class C Land	Class B Land	Class A Land
31.5	69	63	63
63	67	61	61
125	62	55	55
250	54	47	47
500	47	40	40
1000	41	35	35
2000	36	30	30
4000	32	25	25
8000	32	25	25

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.103 Sound Emitted to Class B Land

Except as provided elsewhere in this Part, ano person must notshall cause or allow the emission of sound from any property-line– noise– source located on any Class A, B or C land to any receiving Class B land thatwhich exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within thesuch receiving Class B land. Sound, provided, however, that no measurement of sound pressure levels mustshall be measured at leastmade less than 25 feet from thesuch property-line– noise– source.

Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class B Land from		
	Class C Land	Class B Land	Class A Land
31.5	80	79	72
63	79	78	71
125	74	72	65
250	69	64	57
500	63	58	51
1000	57	52	45
2000	52	46	39

4000	48	41	34
8000	45	39	32

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.104 Highly– Impulsive Sound

Except as provided elsewhere in this Part, ano person must notshall cause or allow the emission of highly– impulsive sound from any property-line– noise– source located on any Class A, B, or C land to any receiving Class A or B land thatwhich exceeds the allowable A-weighted sound levels, measured with fast dynamic characteristic, specified in the following table, when measured in complianceaccordance with the procedure of 35 Ill. Adm. Code 900.103 at any point within thesuch receiving Class A or B land. Sound, provided, however, that no measurement of sound pressure levels mustshall be measured at leastmade less than 25 feet from thesuch property-line– noise– source.

Classification of Land on which Property-Line– Noise– Source: is Located	Allowable A-weighted Sound Levels in Decibels of Highly– Impulsive Sound Emitted to Receiving Class A or B Land		
	Class B Land	Class A Land	
		Daytime	Nighttime
Class A Land	47	47	37
Class B Land	54	47	37
Class C Land	58	53	43

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.105 Impact Forging Operations

a) For purposes of this Section, only the following are applicable:

1) "Daytime hours" means any continuous 16 hour period between 6:00 a.m. and 11:00 p.m. local time.; and

2) "Nighttime hours" means the those 8 hours between 10:00 p.m. and 7:00 a.m. thatwhich are not part of the 16 continuous daytime hours.

3) The reference time for L_{eq}, as defined in 35 Ill. Adm. Code 900.101, is one hour.

4) "New impact~~Impacting~~ forging operation~~Forging Operation~~" means a ~~is that~~ property-line~~–~~ noise~~–~~ source comprised of impact forging operation on which construction began after September 1, 1982.

5) "Existing impact forging operation~~Impact Forging Operation~~" means a~~is that~~ property-line~~–~~ noise~~–~~ source comprised of impact forging operations that were~~which are~~ in existence on September 1, 1982.~~,~~

b) Emission Limitations for New Impact Forging Operation~~.~~
A new~~No~~ impact forging operation must not~~shall~~ cause or allow the emission of impulsive sound to any receiving Class A or B land that~~which~~ exceeds the allowable sound levels specified in the following table, when measured at any point within the~~such~~ receiving land. Sound pressure~~, provided however, that no measurement of sound~~ levels must~~shall~~ be measured at least~~made less than~~ 25 feet from the~~such~~ new impact forging operation's property-line.

Allowable Highly~~–~~ Impulsive Sound Levels (L_{eq}) in Decibels Emitted to~~To~~ Class A or B Land from New Impact Forging Operation

Class B Land	Class A Land	
	Daytime	Nighttime
59.5	53.5	48.5

c) Limitations for Existing Impact Forging Operation
Unless granted a permanent site-specific allowable operational level pursuant to subsection (d), an~~No~~ existing impact forging operation must not~~shall~~ cause or allow the emission of highly~~–~~ impulsive sound to any receiving Class A or B land that~~which~~ exceeds the allowable sound levels specified in the following table, when measured at any point within the~~such~~ receiving land. Sound pressure~~, provided however, that no measurement of sound~~ levels must~~shall~~ be measured at least~~made less than~~ 25 feet from the~~such~~ existing impact forging operation's property~~–~~ line.~~, unless such forging operation is granted a permanent site specific allowable operational level pursuant to subsection (d).~~

Allowable Highly~~–~~ Impulsive Sound Levels
(L_{eq}) in Decibels Emitted to~~To~~ Class A or B
Land from Existing Impact Forging Operation

Class B Land	Class A Land	
	Daytime	Nighttime
64.5	58.5	53.5

d) Site Specific Allowable Operational Level for Existing Impact Forging Operation

1) An existing impact forging operation that~~which~~ does not comply with subsection (c) may seek a permanent site-specific~~site specific~~ allowable operational level from the Board. A permanent site-specific~~site specific~~ level is the~~that~~ level of operation allowed for a petitioner after review and approval by the Board and after implementation of abatement measures, if any, approved by the Board.

2) Any existing impact forging operation seeking a permanent site-specific~~site specific~~ operational level must submit with~~as~~ its petition the following:

A) The location of the petitioner, a description of the surrounding community, and a map locating the petitioner within the community;

B) A description of the petitioner's operations, the number and size of the petitioner's forging hammers, the current hours of hammer operation, the approximate number of forgings manufactured during each of the three prior calendar years and the approximate number of hammer blows used to manufacture the forgings;~~.~~

C) A description of any existing sound abatement measure;~~.~~

D) The sound levels in excess of those permitted by subsection (c) emitted by the petitioner into the community, in 5 decibel increments measured in L_{eq}, shown on the map of the community;~~.~~

E) The number of residences exposed to sound levels in excess of those permitted by subsection (c);

F) A description of other significant sources of noise (mobile and stationary) and their location shown on the map of the community;

G) A description of the proposed operational level and proposed physical abatement measures, if any, a schedule for their implementation and their costs;

H) The predicted improvement in community sound levels as a result of implementation of the proposed abatement measures; and

I) A description of the economic and technical considerations thatwhich justify the permanent site specific allowable operational level sought by the petitioner.

e) Land Use Classifications Preserved
The land use classifications in effect within a one-mile radius of an existing impact forging operation on September 1, 1982 remainremains the applicable land use classificationsclassification for enforcement of this Sectionthese rules against an existing forging operation and itsany future modification thereof, regardless of actual subsequent changes in land use; unless thosesuch actual changes would impose less restrictive limitations on the impact forging operations.

f) Site-Specific Operational Levels
Each individual existing forging operation identified in Sections 901.110 through, 901.122111 and 901.112 must comply with either the site-specific operational level defined in those Sections, or the allowable sound levels inis otherwise subject to Section 901.105(c).

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.106 Prominent Discrete Tones

a) ANo person must notshall cause or allow the emission of any prominent discrete tone from any property-line– noise– source located on any Class A, B or C land to any receiving Class A, B or C land, when measured at any point within the receiving land. One-third provided, however, that no measurement of one-third octave band sound pressure levels mustshall be measured at leastmade less than 25 feet from thesuch property-line noise source.

b) Subsection (a) does~~This rule shall~~ not apply to prominent discrete tones having a one-third octave band sound pressure level 10 or more dB below the allowable octave band sound pressure level specified in Sections 901.102 through 901.104 for the octave band that~~which~~ contains the~~such~~ one-third octave band. In the application of this subsection~~sub-section~~, the applicable numeric standard for sound emitted from any existing property-line~~–~~ noise~~–~~ source to receiving Class A land, for both daytime and nighttime operations, is found in Section 901.102(a).

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.107 Exceptions

a) Sections 901.102 through 901.106 do~~inclusive does~~ not apply to sound emissions~~emitted~~ from land used as specified by LBCS Codes 1100, 6600 and 5500.

b) Sections 901.102 through 901.106 do~~inclusive does~~ not apply to sound emissions~~emitted~~ from emergency warning devices and unregulated safety relief valves.

c) Sections 901.102 through 901.106 do~~inclusive does~~ not apply to sound emissions~~emitted~~ from lawn care maintenance equipment and agricultural field machinery used during daytime hours. For the purposes of this subsection~~sub-section~~, grain dryers operated off the farm are not considered agricultural field machinery.

d) Sections 901.102 through 901.106 ~~inclusive~~ do not apply to sound emissions~~emitted~~ from equipment being used for construction.

e) Section 901.102(b) does~~do~~ not apply to sound emissions~~emitted~~ from existing property-line~~–~~ noise~~–~~ sources during nighttime hours. However,~~ provided, however, that~~ sound emissions~~emitted~~ from~~ such~~ existing property-line~~–~~ noise~~–~~ sources ~~are governed~~ during nighttime hours are subject to~~by~~ the limits specified in Section 901.102(a).

f) Sections 901.102 through 901.106 ~~inclusive~~ do not apply to the operation of any vehicle registered for highway use while the~~such~~ vehicle is being operated within any land used as specified by Section 901.101 during~~in the course of~~ ingress to or

egress from a highway.

g) Sections 901.102 through 901.106 ~~inclusive~~ do not apply to sound emissions~~emitted~~ from: land used as specified by LBCS Codes 5130 and 5140 when used for automobile and motorcycle racing; and, any land used for contests, rallies, time trials, test runs or similar operations of any self-propelled device, and upon or by which any person is or may be transported or drawn, when such self-propelled device is actually being used for sport or recreation and is actually participating in an activity or event organized, regulated, and supervised under the sponsorship and sanction of a club, organization or corporation having national or statewide recognition. However~~; provided, however~~, ~~that~~ the exceptions of~~granted in~~ this subsection do not apply to any automobile and motorcycle race, contest, rally, time trial, test run or similar operation of any self-propelled device if such event is started between the hours of 10:30 p.m. to 7:00 a.m., local time weekdays, or between the hours of 11:00 p.m. and 7:00 a.m., local time, weekend days.

h) Section 901.104 does~~shall~~ not apply to impulsive sound emissions produced by explosive blasting activities conducted on any Class C land other than land used as specified by LBCS Codes 8300 and 8500. However, explosive blasting~~, but such~~ operations are subject to~~shall be governed by~~ Section 901.109.

i) This Part ~~901~~ does~~shall~~ not apply to impulsive sound produced by explosive blasting activities that~~, which~~ are:

1) Conducted on any Class C land used as specified by LBCS Codes 8300 and 8500; and

2) Regulated by the Department of Natural Resources in compliance~~accordance~~ with Section 6.5 of the Surface-Mined Land Conservation and Reclamation Act [225 ILCS 715/6.5] and Section 3.13 of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/3.13].

j) Sections 901.102 through 901.106 ~~inclusive~~ do not apply to sound emissions~~emitted~~ from snowmobiles.

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 901.108 Compliance Dates for Part 901 (Repealed)

~~a) Except as provided in subsections (g), (i), and (j), every owner or operator of a new property-line-noise-source must comply with the standards and limitations of this Part on and after August 10, 1973.~~

~~b) Except as otherwise provided in this rule, every owner or operator of an existing property-line-noise-source must comply with the standards and limitations of this Part on and August 10, 1974.~~

~~c) Every owner or operator of an existing property-line-noise-source who emits sound which exceeds any allowable octave band sound pressure level of Section 901.102 or 901.103 by 10 dB or more in any octave band with a center frequency of 31.5 Hertz, 63 Hertz or 125 Hertz must comply with the standards and limitations of this Part on and after February 10, 1975.~~

~~d) Except as provided in subsections (g) and (h), every owner or operator of an existing property-line-noise-source required to comply with Section 901.104 must comply with the standards and limitations of this Part on and after February 10, 1975.~~

~~e) Every owner or operator of an existing property-line-noise-source required to comply with Section 901.106 must comply with the standards and limitations of this Part on and after February 10, 1975.~~

~~f) Every owner or operator of Class C land now and hereafter used as specified by LBCS Code 4120 will have until August 10, 1976 to bring the sound from railroad car coupling in compliance with Section 901.104.~~

~~g) Existing impact forging operations as defined in Section 901.105 which do not seek permanent site specific allowable operational levels must comply with Section 901.105 by December 1, 1983. Those seeking permanent site specific allowable operational levels pursuant to Section 901.105(d) must comply as of the effective date of the site specific rule granted or denied.~~

~~h) Every owner or operator of Class C land now or hereafter used as specified by LBCS Code 3310 must comply with the standards and limitations of this Part on August 10, 1975.~~

~~i) Every owner or operator of Class C land now or hereafter used as specified by LBCS Code 5130 and 5140 when used for automobile and motorcycle racing must comply with the standards and limitations of this Part on February 10, 1976.~~

(Source: Repealed at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.109 Highly~~–~~ Impulsive Sound From Explosive Blasting

a) During the daytime hours that cover the period after sunrise and before sunset, a~~no~~ person must not~~shall~~ cause or allow any explosive blasting conducted on any Class C land, other than land used as specified by LBCS Codes 8300 and 8500, ~~so as~~ to allow the sound emissions~~emission of sound~~ to any receiving Class A or B land that~~which~~ exceeds the allowable outdoor C-weighted sound levels~~, measured with the slow dynamic characteristic,~~ specified in the following table, when measured with slow dynamic characteristic at any point within the~~, of reasonable interference with the use of such~~ receiving Class A or B land.

Allowable Outdoor C-Weighted Sound Exposure Levels in Decibels of Explosive Blasting Sounds Emitted to Receiving Class A or B Land from Any Class C Land other than Land Used as Specified by LBCS Code 8300 or 8500

Receiving Class A Land	Receiving Class B Land
107	112

The allowable sound exposure level limits in the above table must be lowered by three decibels (3 dB) for each doubling of the number of blasts during the day or night.

b) Compliance with outdoor peak sound pressure level limits in the following table is~~shall constitute~~ prima facie level limits of this Section~~rule~~ when measured on the~~such~~ receiving Class A or B land.

Equivalent Maximum Sound Pressure Level (Peak) Limits in Decibels

Lower Frequency Limit of Measuring System for Flat Response, a Variation from Linear Response of ± 3 dB (Hz)	Receiving Class A Land (dB)	Receiving Class B Land (dB)
≤ 2.0 but > 0.1	133	133

c) During the period defined by both the beginning of the nighttime hours (10:00 pm) or sunset, whichever occurs earlier, and the ending of the nighttime hours (7:00 am) or sunrise, whichever occurs later, the allowable sound level limits in subsections (a) and (b) must be reduced by 10 decibels except in emergency situations where rain, lightning, other atmospheric conditions, or operator or public safety requires unscheduled nighttime hour explosive blasting.

d) Persons causing or allowing explosive blasting to be conducted on any Class C land other than land used as specified by LBCS Code 8300 or 8500 must notify the local public of the~~such~~ blasting prior to its occurrence, except when emergency situations require unscheduled blasting, by publication of a blasting schedule, identifying the work days or dates and time periods when explosives are expected to be detonated, at least every three months in a newspaper of general circulation in the locality of the blast site.

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.110 Amforge Operational Level (Repealed)

~~Amforge Division of Rockwell International located at 119th Street, Chicago, Illinois must:~~

~~a) Operate only ten forging hammers at any one time;~~

~~b) Operation of its forging hammers is limited to the hours of 7:00 a.m. through 11:00 p.m., with occasional operations beginning at 6:00 a.m. and ending at midnight, Monday through Saturdays; and~~

~~c) Install sound absorptive materials on each of the forging hammer structures as each is routinely overhauled, but no later than January 1, 1987.~~

(Source: Repealed at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.111 Modern Drop Forge Operational Level (Repealed)

~~Modern Drop Forge Company located at 139th Street and Western Avenue in Blue Island, Illinois must:~~

~~a) Operate only twenty-one forging hammers at any one time; and~~

~~b) Operate its forging hammers only during the hours of 6:00 a.m. through midnight, Mondays through Fridays, and 6:30 a.m. until 7:30 p.m. on Saturdays.~~

(Source: Repealed at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.112 Wyman-Gordon Operational Level (Repealed)

~~Wyman-Gordon Company located at 147th Street and Wood Street, Harvey, Illinois shall:~~

~~a) Operate only six forging hammer units, each consisting of two hammers, after January 1, 1984.~~

~~b) Operate forging units in Buildings 6 and 7, located at the southern perimeter of the Wyman-Gordon Company's Harvey facility, to produce no more than 20% of the total annual hammer production at the Harvey facility;~~

~~c) Operate forging units between the hours of 6:00 a.m. and midnight; limit forging operations on Saturdays and Sundays to no more than half a year's total; and limit forging operations during the hours of 6:00 a.m. and 7:00 a.m. and 11:00 p.m. and midnight to less than 2% of the Harvey's facility total annual hammer production; and~~

~~d) Consolidate the two existing steel inventory yards at the one located north of Building 75 no later than January 1, 1984.~~

(Source: Repealed at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.114 Moline Forge Operational Level

Moline Forge and future owners of the forging facility located at 4101 Fourth Avenue, Moline,

Illinois, mustshall comply with the following site-specific operational level:

a) Operate no more than nine forging hammers at the same any one time; and

b) Operate its forging hammers only between the hours of 6:00 a.m. until 11:00 p.m. Monday through Friday and from 6:00 a.m. until 3:30 p.m. on Saturdays.

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.115 Cornell Forge, Hampshire Division Site-Specific Operational Level

Cornell Forge, Hampshire Division and future owners of the forging facility located at Walker Road, Hampshire, Illinois, mustshall comply with the following site-specific operational level:

a) Operate no more than seven forging hammers at the same any one time; and

b) Operate its forging hammers only on Monday through Saturday between the hours of 7:00 a.m. to 3:30 p.m. with an additional shift that may run from either 3:30 p.m. to 12:00 p.m. or from 10:30 p.m. to 7:00 a.m.

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.116 Forgings and Stampings, Inc. Operational Level

Forgings and Stampings, Inc. and future owners of the forging facility located at 1025 23rd Avenue, Rockford, Illinois, mustshall comply with the following site-specific operational level:

a) Operate no more than six forging hammers at the same any one time; and

b) Operate its forging hammers only between the hours of 6:00 a.m. and 6:00 p.m. Monday through Friday and 6:00 a.m. and 2:00 p.m. on Saturday.

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.117 Rockford Drop Forge Company Operational Level

Rockford Drop Forge Company and future owners of the forging facility located at 2031 Ninth Street, Rockford, Illinois, mustshall comply with the following site-specific operational level:

a) Operate no more than 12~~twelve~~ forging hammers at the same ~~any one~~ time; and

b) Operate its forging hammers only between the hours of 6:00 a.m. and 10:00 p.m. Monday through Saturday.

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.120 C.S. Norcross Operational Level

C.S. Norcross & Sons Company and future owners of the forging facility located at the intersection of Davis and Dean Streets, Bushnell, Illinois, must~~shall~~ comply with the following site-specific operational level:

a) Operate no more than 12~~twelve~~ forging hammers at the same ~~any one~~ time; and

b) Operate its forging hammers only between the hours of 7:00 a.m. and 1:00 a.m. Monday through Saturday.

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.121 Vaughan & Bushnell Operational Level

Vaughan & Bushnell Manufacturing Company and the future owners of the forging facility located at the intersection of Davis and Main Streets, Bushnell, Illinois, must comply with the following site-specific operational level:

a) Operate no more than 10~~ten~~ hammers at the same ~~any one~~ time; and

b) Operate its forging hammers up to~~Vaughan & Bushnell may operate~~ 24 hours per day, Monday through Sunday.

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Section 901.122 ~~Ameren~~ Elgin Facility Site-Specific Noise Emission Limitations

The Combustion Turbine Power Generation Facility located at 1559 Gifford Road in Elgin, Illinois must~~shall~~ not cause or allow the emission of sound from any property-line~~–~~ noise source located on that property that~~which~~ exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within the receiving Class A or

Class B land.

Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class A or Class B Land from Ameren Elgin Facility	
	Class A Land	Class B Land
31.5	80	80
63	74	79
125	69	74
250	64	69
500	58	63
1000	58	58
2000	58	58
4000	50	50
8000	40	45

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 901.APPENDIX A Old Rule Numbers Referenced (Repealed)

~~The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.~~

~~Old Part 2 of chapter 8~~	~~35 Adm. Code Part 901~~
~~Rule 201~~	~~Section 901.101~~
~~Rule 202~~	~~Section 901.102(a)~~
~~Rule 203~~	~~Section 901.102(b)~~
~~Rule 204~~	~~Section 901.103~~
~~Rule 205~~	~~Repealed 901.101~~
~~Rule 205 (was old 206)~~	~~Section 901.104~~
~~Rule 206 (new rule)~~	~~Section 901.105~~
~~Rule 207~~	~~Section 901.106~~
~~Rule 208~~	~~Section 901.107~~
~~Rule 209~~	~~Section 901.108~~
~~Rule 2010~~	~~Section 901.109~~
~~Rule 201~~	~~Section 901.101~~
~~Rule 201~~	~~Section 901.101~~
~~Rule 201~~	~~Section 901.101~~
~~Added in Codification~~	~~Appendix A~~
~~Unnumbered Appendix 2 Chapter 8, Part 2~~	~~Appendix B~~

(Source: Repealed at 42 Ill. Reg. 20453, effective November 1, 2018)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Sound Emission Standards and Limitations for Motor Vehicles

2) Code Citation: 35 Ill. Adm. Code 902

3)

Section Numbers:	Adopted Actions:
902.101	Amendment
902.102	Amendment
902.120	Amendment
902.121	Amendment
902.122	Amendment
902.123	Amendment
902.124	Amendment
902.125	Amendment
902.140	Amendment
902.141	Repealed
902.Appendix A	Repealed

4) Statutory Authority: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

5) Effective Date of Rules: November 1, 2018

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) The adopted rules are available on the Board's website (https://pcb.illinois.gov) and are also on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 5988; April 6, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The Board made several non-substantive changes to the rule including those requested by JCAR.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: The adopted amendments update definitions, references, and sound measurement procedures, as well as clarify language, reduce wordiness, and remove obsolete provisions. This review continues Board's broader review of its rules started in the summer of 2016. The amendments will streamline, update, and overhaul rules that are no longer current due to changing technology and the passage of time. They are also consistent with Governor Rauner's Executive Order 2016-13, which directs State agencies to review and update their rules as part of the "Cutting the Red Tape Initiative."

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

Tetyana Rabczak
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-5053
Tetyana.Rabczak@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R18-19 in your request. The Board order is also available at the Board's web site (https://pcb.illinois.gov).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE H: NOISE
CHAPTER I: POLLUTION CONTROL BOARD

PART 902
SOUND EMISSION STANDARDS AND LIMITATIONS FOR MOTOR VEHICLES

SUBPART A: EQUIPMENT STANDARDS APPLICABLE TO ALL MOTOR VEHICLES

Section
902.101 Exhaust System
902.102 Tires

SUBPART B: OPERATIONAL STANDARDS

Section
902.120 Standards Applicable to all Passenger Cars and to Other Motor Vehicles with Gross Vehicle Weight (GVW) of 8,000 Pounds or Less
902.121 Standards Applicable to Motor Vehicles with GVW in Excess of 8,000 Pounds
902.122 Standards Applicable to Motorcycles and Motor Driven Cycles
902.123 Exception for ~~and Standards Applicable to~~ Motor Carriers Engaged in Interstate Commerce with Respect to Operations Regulated Under~~Pursuant to~~ the Federal Noise Control Act of 1972
902.124 Horns and Other Warning Devices
902.125 Tire Noise

SUBPART C: EXCEPTIONS AND COMPLIANCE DATES FOR PART 902

Section
902.140 Exceptions
902.141 Compliance Dates (Repealed)

902.APPENDIX A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

SOURCE: Originally filed as Part 3 of Chapter 8: Noise Pollution, effective May 31, 1977; codified at 7 Ill. Reg. 13648; amended in R18-19 at 42 Ill. Reg. 20474, effective November 1,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2018.

SUBPART A: EQUIPMENT STANDARDS
APPLICABLE TO ALL MOTOR VEHICLES

Section 902.101 Exhaust System

Operation~~No person shall operate or cause or allow the operation~~ of a motor vehicle on a public right of way must comply with 625 ILCS 5/12-602 and 40 CFR 202.22, incorporated by reference at 35 Ill. Adm. Code 900.106.~~unless it is at all times equipped with an adequate muffler or other sound dissipative device which is:~~

~~a)~~ ~~In constant operation and properly maintained to prevent any excessive or unusual noise;~~

~~b)~~ ~~Free from defects which affect sound reduction; and~~

~~c)~~ ~~Not modified in a manner which will amplify or increase the noise of such muffler or other sound dissipative device above that emitted by the muffler originally installed on the vehicle so as to produce excessive or unusual noise.~~

(Source: Amended at 42 Ill. Reg. 20474, effective November 1, 2018)

Section 902.102 Tires

Operation~~No person shall operate or cause or allow the operation~~ of any ~~a~~ motor vehicle with one or more tires, regardless of weight, must comply with 40 CFR 202.23, incorporated by reference at 35 Ill. Adm. Code 900.106. ~~having a tread pattern which is composed primarily of cavities in the tread (excluding sipes and local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire.~~

(Source: Amended at 42 Ill. Reg. 20474, effective November 1, 2018)

SUBPART B: OPERATIONAL STANDARDS

Section 902.120 Standards Applicable to all Passenger Cars and to Other Motor Vehicles with Gross Vehicle Weight (GVW) of 8,000 Pounds or Less

a) This Section applies~~rule shall apply~~ to all passenger cars regardless of weight and

to other motor vehicles with a GVWgross vehicle weight of 8,000 pounds or less, except motorcycles and motor driven cycles.

b) OperationNo person shall operate or cause or allow the operation of a motor vehicle subject to this Sectionrule at any time under any conditions of highway grade, load, acceleration or deceleration must notin such a manner as to exceed the following limits:

1) On highways with speed limits of 35 miles per hour or less, 74 dB(A), or 76 dB(A) when operating on a grade exceeding 3%, measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm.Code 900.103;

2) On highways with speed limits of more than 35 miles per hour, 82 dB(A), or 85 dB(A) if the vehicle is equipped with two or more snow or mud/snow tires, measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103.

(Source: Amended at 42 Ill. Reg. 20474, effective November 1, 2018)

Section 902.121 Standards Applicable to Motor Vehicles with GVW in Excess of 8,000 Pounds

a) This Section appliesrule shall apply to motor vehicles with a GVWgross vehicle weight in excess of 8,000 pounds, except passenger cars.

b) OperationNo person shall operate or cause or allow the operation of a motor vehicle subject to this Sectionrule at any time under any conditions of highway grade, load, acceleration or deceleration must notin such a manner as to exceed the following limits at 40 CFR 202.20(a), incorporated by reference at 35 Ill. Adm. Code 900.106.:

1) On highways with speed limits of 35 miles per hour or less, 86 dB(A), measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103;

~~2) On highways with speed limits of more than 35 miles per hour, 90 dB(A), measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103.~~

c) Operation~~No person shall operate or cause or allow the operation~~ of a motor vehicle subject to this Section~~rule~~, powered by an engine with an engine speed governor, must not exceed the standard for operation under the stationary test at 40 CFR 202.21(a), incorporated by reference at 35 Ill. Adm. Code 900.106.~~which generates a sound level in excess of 88 dB(A) measured with fast meter response at 50 feet from the longitudinal centerline of the vehicle or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103, when that engine is accelerated from idle with wide open throttle to governed speed with the vehicle stationary, transmission in neutral, and clutch engaged.~~

(Source: Amended at 42 Ill. Reg. 20474, effective November 1, 2018)

Section 902.122 Standards Applicable to Motorcycles and Motor Driven Cycles

Operation of any motorcycle or motor driven cycle must comply with the motorcycle noise emission standards at 40 CFR 205.152(a) and the motorcycle exhaust systems noise emissions standards at 40 CFR 205.166, incorporated by reference at 35 Ill. Adm. Code 900.106.

~~a) This rule shall apply to all motorcyles and motor driven cycles.~~

~~b) No person shall operate or cause or allow the operation of a motor vehicle subject to this rule at any time or under any conditions of highway grade, load, acceleration or deceleration in such a manner as to exceed the following limits:~~

~~1) On highways with speed limits of 35 miles per hour or less, 80 dB(A), or 82 dB(A) when operating on a grade exceeding 3%, measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103;~~

~~2) On highways with speed limits of more than 35 miles per hour, 86 dB(A), measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with~~

~~procedures established under 35 Ill. Adm. Code 900.103.~~

(Source: Amended at 42 Ill. Reg. 20474, effective November 1, 2018)

Section 902.123 Exception for ~~and Standards Applicable to~~ Motor Carriers Engaged in Interstate Commerce with Respect to Operations Regulated Under~~Pursuant to~~ the Federal Noise Control Act of 1972

a) This Part applies~~Applicability1)After the effective date of the federal standards contained in 40 CFR Part 202, this rule shall apply~~ to motor carriers engaged in interstate commerce with respect to noise emissions regulated by ~~such~~ federal standards. Motor carrier operations subject to~~determined pursuant to 35 Ill. Adm. Code 900.104 to be governed by~~ this Part are~~rule shall be~~ excepted from Sections~~Section~~ 902.101, 902.102 and 902.121.

b~~2~~) This Part applies~~rule shall apply to motor carriers with respect only~~ to the operation of ~~those~~ motor vehicles that ~~of such carriers which~~ have a GVWR~~gross vehicle weight rating~~ or gross combination weight rating ~~in excess~~ of more than 10,000 pounds, and only when those~~such~~ motor vehicles are operated under the conditions specified in this Section~~below~~.

c~~3~~) Except as provided in subsection (d)~~subparagraph (4) of this paragraph (a)~~, this Part applies~~rule shall apply~~ to the total sound produced by ~~such~~ motor vehicles when operating under the specified conditions, including the sound produced by auxiliary equipment mounted on the~~such~~ motor vehicles.

d~~4~~) This Part does~~rule shall~~ not apply to auxiliary equipment that~~which~~ is normally operated only when the transporting vehicle is stationary or is moving at a speed of 5 miles per hour or less. Examples of this~~such~~ equipment include, but are not limited to, cranes, asphalt spreaders, ditch diggers, liquid or slurry pumps, air compressors, welders, and refuse compactors.

~~b)~~ ~~Equipment Standards~~

~~1)~~ ~~Visual exhaust system inspection~~
~~No motor carrier subject to this rule shall operate any motor vehicle of a type with respect to which this rule is applicable unless the exhaust system of such vehicle is:~~

A) Equipped with a muffler or other noise dissipative device;

B) Free from defects which affect sound reduction; and

C) Not equipped with any cutout, bypass or similar device.

2) Visual tire inspection
No motor carrier subject to this rule shall operate any motor vehicle of a type with respect to which this rule is applicable on a tire or tires having a tread pattern which as originally manufactured, or as newly retreaded, is composed primarily of cavities in the tread (excluding sipes and local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire. This subparagraph (2) shall not apply to any motor vehicle which is demonstrated by the motor carrier which operates it to be in compliance with the noise emission standard specified in paragraph (c) of this rule for operation on highways with speed limits of more than 35 miles per hour, if the demonstration is conducted at the highway speed limit in effect at the inspection location or, if speed is unlimited, the demonstration is conducted at a speed of 65 miles per hour.

c) Standards for Highway Operation
No motor carrier subject to this rule shall operate any motor vehicle of a type with respect to which this rule is applicable and which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 86 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 miles per hour or less; or 90 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 miles per hour.

d) Standard for Operation under Stationary Test
No motor carrier subject to this rule shall operate any motor vehicle of a type with respect to which this rule is applicable, and which is equipped with an engine speed governor, which generates a sound level in excess of 88 dB(A) measured on an open site with fast meter response at 50 feet from the longitudinal centerline of the vehicle, when its engine is accelerated from idle with wide open throttle to governed speed with the vehicle stationary, transmission in neutral, and clutch engaged.

POLLUTION CONTROL BOARD

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e) Additional Definitions Applicable Only to this Rule

1) Common carrier by motor vehicle: any person who holds himself out to the general public to engage in the transportation by motor vehicle in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes.

2) Contract carrier by motor vehicle: any person who engages in transportation by motor vehicle of passengers or property in interstate or foreign commerce for compensation (other than transportation referred to in subparagraph (1) of this paragraph) under continuing contracts with one person or a limited number of persons either

A) for the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served or

B) for the furnishing of transportation services designed to meet the distinct need of each individual customer.

3) Gross combination weight rating: the value specified by the manufacturer as the loaded weight of a combination vehicle.

4) Gross vehicle weight rating: the value specified by the manufacturer as the loaded weight of a single vehicle.

5) Interstate commerce: the commerce between any place in a State and any place in another State or between places in the same State through another State, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by rail, express, water or air. This definition of "interstate commerce" for purposes of this rule is the same as the definition of "interstate commerce" in Section 203(a) of the Interstate Commerce Act (49 U.S.C. Section 303(a)).

6) Motor carrier: a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property by motor vehicle, as those terms are defined by paragraphs (14), (15), and (17) of Section 203(a) of the Interstate Commerce Act (49 U.S.C. 303(a)). The term "motor carrier"

~~includes those entities which own and operate the subject motor vehicles, but not the drivers thereof, unless said drivers are independent truckers who both own and drive their own vehicles.~~

~~7)~~ ~~Open site: an area that is essentially free of large sound-reflecting objects, such as barriers, walls, board fences, signboards, parked vehicles, bridges or buildings.~~

~~8)~~ ~~Private carrier of property by motor vehicle: any person not included in terms "common carrier by motor vehicle" or "contract carrier by motor vehicle", who transports in interstate or foreign commerce by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for sale, lease, rent or bailment, or in furtherance of any commercial enterprise.~~

(Source: Amended at 42 Ill. Reg. 20474, effective November 1, 2018)

Section 902.124 Horns and Other Warning Devices

The use of a horn and other warning device must comply with 625 ILCS 5/12-601.

~~a)~~ ~~No person shall sound a horn when upon a highway, except when reasonably necessary to insure safe operation. No person shall sound any horn on any motor vehicle for an unreasonable period of time or in a manner so as to circumvent enforcement of the operational standards contained in this Subpart B.~~

~~b)~~ ~~No person shall sound any siren, whistle or bell of any motor vehicle except as provided in Ill. Rev. Stat. 1981, ch. 95½, par. 12-601(b).~~

(Source: Amended at 42 Ill. Reg. 20474, effective November 1, 2018)

Section 902.125 Tire Noise

Operation of~~No person shall operate~~ a motor vehicle in ~~such~~ a manner resulting in~~as to cause or allow to be emitted~~ squealing, screeching or other such noise being emitted from the tires in contact with the ground is prohibited~~because of rapid acceleration or excessive speed around corners or other such reason~~. The~~, except that~~ noise resulting from emergency operation to avoid imminent danger is~~shall be~~ exempt from this Section~~provision~~.

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(Source: Amended at 42 Ill. Reg. 20474, effective November 1, 2018)

SUBPART C: EXCEPTIONS AND COMPLIANCE DATES FOR PART 902

Section 902.140 Exceptions

a) The standards and limitations of this Part do ~~902 shall~~ not apply to:

1) Anyany vehicle moved by human or animal powers;

2) Anyany vehicle moved by electrical power;

3) Anyany vehicle used exclusively upon stationary rails or tracks;

4) Anyany farm tractor;

5) Anyany antique vehicle, if licensed under Section 3-804 of the Illinois Vehicle Code [625 ILCS 5/3-804]~~Ill. Rev. Stat. 1981, ch. 95½, par. 3-804~~;

6) Anyany snowmobile subject to 35 Ill. Adm. Code 905;

7) Anyany special mobile equipment;

8) Anyany vehicle while being used lawfully for racing competition or time racing events; and

9) Anyany lawn care maintenance equipment.

b) Section~~Sections~~ 902.102 does~~and 902.123(b)(2) shall~~ not apply to any person who can show that a tread pattern as described in that Section~~those rules~~ was the result of wear and that the tire was not originally manufactured or newly retreaded with such a tread pattern.

c) The operational standards contained in this Part do~~Sections 902.120 through 902.123 inclusive shall~~ not apply to warning devices~~, such as horns and sirens;~~ or to emergency equipment and vehicles described in 40 CFR 202.12(e), incorporated by reference at 35 Ill. Adm. Code 900.106~~such as fire engines, ambulances, police vans, and rescue vans, when respond to emergency calls~~; to snow plows when in operation; or to tactical military vehicles.

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(Source: Amended at 42 Ill. Reg. 20474, effective November 1, 2018)

Section 902.141 Compliance Dates (Repealed)

~~a) Except as otherwise provided in this rule, any person subject to the standards and limitations of this Part shall comply with such standards and limitations on and after November 30, 1977.~~

~~b) Every owner or operator of a motor vehicle subject to Section 902.102 shall comply with such rule on and after May 31, 1978.~~

~~c) Every owner or operator of a motor vehicle subject to Section 902.120(b)(2) or 902.121(b)(2) shall comply with such rule on and after May 31, 1978.~~

~~d) Every motor carrier subject to Section 902.123 shall comply with such rule on and after May 31, 1977.~~

(Source: Repealed at 42 Ill. Reg. 20474, effective November 1, 2018)

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Section 902.APPENDIX A Old Rule Numbers Referenced (Repealed)

~~The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.~~

~~Old Part 3 of Chapter 8~~	~~35 Ill. Adm. Code Part 902~~
~~Rule 301~~	~~Section 902.101~~
~~Rule 310~~	~~Section 902.120~~
~~Rule 311~~	~~Section 902.121~~
~~Rule 312~~	~~Section 902.122~~
~~Rule 313~~	~~Section 902.123~~
~~Rule 314~~	~~Section 902.124~~
~~Rule 315~~	~~Section 902.125~~
~~Rule 320~~	~~Section 902.140~~
~~Rule 321~~	~~Section 902.141~~

(Source: Repealed at 42 Ill. Reg. 20474, effective November 1, 2018)

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1) Heading of the Part: Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 900 & 901

2) Code Citation: 35 Ill. Adm. Code 910

3)

Section Numbers:	Adopted Actions:
910.100	Amendment
910.102	Amendment
910.104	Amendment
910.105	Amendment
910.106	Amendment
910.107	Amendment

4) Statutory Authority: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

5) Effective Date of Rules: November 1, 2018

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) The adopted rules are available on the Board's website (https://pcb.illinois.gov) and are also on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 6001; April 6, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The Board made several non-substantive changes to the rule including those requested by JCAR.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other rulemakings pending on this Part? No

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15) Summary and Purpose of Rulemaking: The amendments update definitions, references, and sound measurement procedures, as well as clarify language, reduce wordiness, and remove obsolete provisions. This review continues Board's broader review of its rules started in the summer of 2016. The amendments will streamline, update, and overhaul rules that are no longer current due to changing technology and the passage of time. They are also consistent with Governor Rauner's Executive Order 2016-13, which directs State agencies to review and update their rules as part of the "Cutting the Red Tape Initiative."

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

Tetyana Rabczak
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-5053
Tetyana.Rabczak@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R18-19 in your request. The Board order is also available at the Board's web site (https://pcb.illinois.gov).

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE H: NOISE
CHAPTER I: ILLINOIS POLLUTION CONTROL BOARD

PART 910
MEASUREMENT PROCEDURES FOR THE ENFORCEMENT
OF 35 ILL. ADM. CODE 900 & 901

Section
910.100 General
910.102 Instrumentation
910.103 Definitions
910.104 Measurement Techniques for 35 Ill. Adm. Code 900
910.105 Measurement Techniques for 35 Ill. Adm. Code 901
910.106 Protocols for Determination of Sound Levels
910.107 Measurement Techniques for Highly– Impulsive Sound Under 35 Ill. Adm. Code 104

910.APPENDIX A Tables of Long-Term Background Ambient Noise
910.TABLE A Daytime long-term background ambient L_{eq} levels in decibels by land use categories and ⅓ octave-band level
910.TABLE B Nighttime long-term background ambient L_{eq} levels in decibels by land use categories and ⅓ octave-band level
910.TABLE C Daytime long-term background ambient L_{eq} levels in decibels by land use categories and octave-band level
910.TABLE D Nighttime long-term background ambient L_{eq} levels in decibels by land use categories and octave-band level

AUTHORITY: Implementing and authorized by Sections 25 and 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

SOURCE: Adopted in R03-9 at 30 Ill. Reg. 5594, effective March 10, 2006; amended in R18-19 at 42 Ill. Reg. 20487, effective November 1, 2018.

Section 910.100 General

This Part provides specifications for sound measurement equipment~~specifies the instrumentation to be used when conducting acoustical noise measurements~~ as well as ~~and sets forth~~ the specific sound~~acoustical~~ measurement techniques to be used~~employed~~ when conducting time-averaged

sound level (L_{eq}) measurements~~. The instrumentation requirements and measurement techniques as more specifically set forth in this Part must be used in~~ to determine~~determining~~ whether a noise source is compliant~~in compliance~~ with 35 Ill. Adm. Code 900 and 901.

(Source: Amended at 42 Ill. Reg. 20487, effective November 1, 2018)

Section 910.102 Instrumentation

a) Sound Measuring Equipment

1) Use an~~An~~ integrating sound level meter ~~used~~ alone or ~~used~~ in conjunction with an octave-band or ⅓ octave-band filter set or a real-time sound analyzer (octave-band or ⅓ octave-band) that complies~~must conform~~ with the following standards incorporated by reference at 35 Ill. Adm. Code 900.106:

A) ANSI/ASA S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics – Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)~~Specification for Sound Level Meters", and ANSI S1.4 A – 1985 "Amendment to ANSI S1.4 – 1983.~~".

B) ANSI/ASA S1.11-2014/Part1/IEC 61260:1-2014~~1986 (R1998) "American National Standard~~ Electroacoustics − ~~Specifications for~~ Octave-Band and Fractional-Octave-Band ~~Analog and Digital~~ Filters – Part 1: Specifications (a nationally adopted international standard)~~.~~".

C) ANSI/ASA S1.6-2016~~1984 (R2001)~~ "~~American National Standard~~ Preferred Frequencies and Filter Band Center Frequencies, ~~Frequency Levels, and Band Numbers~~ for Acoustical Measurements~~.~~".

D) ANSI/ASA S1.8-2016~~1989~~ "~~American National Standard~~ Reference Values for Levels Used in Acoustics and Vibrations~~Quantities for Acoustical Levels.~~".

E) ~~International Electrotechnical Commission,~~ IEC 61672-1:2013 "Electroacoustics~~804-2000 Integrating/Averaging~~ Sound Level Meters – Part 1: Specifications~~.~~".

2) Use a~~A~~ magnetic tape recorder, graphic level recorder or other indicating device conforming with~~used must meet the requirements of~~ the ~~Society of Automotive Engineers (~~SAE~~)~~ Recommended Practice J184 "Qualifying a Sound Data Acquisition System~~,~~", August 2014~~November 1998~~, incorporated by reference at 35 Ill. Adm. Code 900.106.

3) Calibrate sound measuring equipment ~~The laboratory calibration of instrumentation used for acoustic measurement must be~~ traceable to the National Bureau of Standards~~, and must be performed no less often than~~ at least once every 12 months.

4) For outdoor measurement, use a microphone with an attached~~a~~ windscreen ~~must be attached to the microphone~~.

b) Weather Measuring Equipment

1) Us an~~A~~ anemometer and compass or other devices ~~must be used~~ to measure wind speed and direction in compliance~~accordance~~ with the manufacturer's recommended procedures.

2) Use a~~A~~ thermometer, designed to measure ambient temperature, ~~must be used~~ in compliance~~accordance~~ with the manufacturer's recommended procedures.

3) Use a~~A~~ hygrometer ~~must be used~~ in compliance~~accordance~~ with the manufacturer's recommended procedures to measure the relative humidity.

4) Use a~~A~~ barometer ~~must be used~~ in compliance~~accordance~~ with the manufacturer's recommended procedures to measure the barometric pressure.

(Source: Amended at 42 Ill. Reg. 20487, effective November 1, 2018)

Section 910.104 Measurement Techniques for 35 Ill. Adm. Code 900

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Sound pressure level measurements are not required to establish A a violation of 35 Ill. Adm. Code 900.102 (nuisance noise) can be established without sound pressure level measurement. However, sound pressure level measurements may be introduced as corroborating evidence when alleging a violation of 35 Ill. Adm. Code 900.102 if. If sound pressure level measurements are collected, in compliance with the manufacturer's instructions must be followed for the sound measuring equipment. used and The sound measuring techniques in 35 Ill. Adm. Code 910.105 may be used as guidance in gathering data.

(Source: Amended at 42 Ill. Reg. 20487, effective November 1, 2018)

Section 910.105 Measurement Techniques for 35 Ill. Adm. Code 901

To determine a noise source's compliance with 35 Ill. Adm. Code 901, soundSound pressure level measurements aremust be obtained using in accordance with the following measurement techniques to determine whether a noise source is in compliance with 35 Ill. Adm. Code 901:

a) Site Selection

1) OneMeasurements may be taken at one or more outdoor microphone positions within the appropriate receiving land. Measurement instruments must be set up outdoors may be chosen within the boundaries of the receiving land, as long as the positions are at least for the purpose of determining whether a noise source is in compliance with 35 Ill. Adm. Code 901. 2) Measurement instruments must be set up not less than 25 feet (7.6 meters (m)) from the property-line – noise – source. The 25-foot (7.6 m) setback distancerequirement is from the noise source and not the property line unless the noise source is contiguous to the property line.

23) Other measurement locations may be used for investigatory purposes, including such as, but not limited to, the following:

A) Determining the extent of noise pollution caused by the source of sound;

B) Determining the ambient; and

C) Analyzing those acoustical parameters that describe the sound source.

34) For measurements of sound sources with no audible discrete tones, set up the microphones ~~should not be set up less than~~ at least 25 feet (7.6 m) from any reflective surface that may affect data. If microphones are~~measurements must be taken~~ within 25 feet ~~(7.6 m)~~, determine the effect, if any, of the reflective surface on the measured data ~~must be determined~~.

45) For measurements of sound sources with audible discrete tones, set up the microphones at least~~must not be set up less than~~ 50 feet (15.2 m) from any reflective surface that may affect data. If microphones are~~measurements must be taken~~ within 50 feet ~~(15.2 m)~~, determine the effect, if any, of the reflective surface on the measured data ~~must be determined~~.

56) Microphones need to be at least 5 feet (1.5 m) from ~~Objects with~~ small objects~~dimensions~~ (trees, posts, bushes, etc.) ~~must not be within 5 feet (1.5 m) of the microphone position~~. If microphones are ~~measurements must be taken~~ within 5 feet ~~(1.5 m)~~ of small~~such~~ objects, determine the effect, if any, on the measured data ~~must be determined~~.

b) Instrumentation Set Up

1) Set up a microphone~~A~~ tripod ~~must be set~~ at the chosen site.~~ The tripod must be~~ extended to a height between 3 feet 8 inches (1.12 m) and 4 feet 10 inches (1.47 m) above ground.

2) Attach the~~A~~ microphone at the top of the tripod and connect it to the measuring instrument with~~must be attached to the appropriate end of~~ a 5-foot (1.5 m) or longer cable ~~and must be affixed to the top of the tripod. The other end of the cable must be connected to the measuring instrument~~.

3) Adjust the~~The~~ angle of incidence of the microphone ~~must be adjusted~~ to yield the flattest frequency response compliant~~in accordance~~ with the manufacturer's specifications.

4) Separate the~~The~~ measuring instrument ~~must be separated~~ from the microphone ~~so as~~ to minimize any influence on the measurements, and minimize any. ~~The~~ cable movement ~~must be minimized~~ during the measurement period.

c) Measurement Site Operation and Instrument Calibration

1) Before taking sound pressure level measurements, measure and record (near the measurement site):

A) Wind speed and direction;

B) Ambient temperature;

C) Relative humidity; and

D) Barometric pressure.

2) Turn the measuring instrument on and allow the instrument to stabilize. Monitor and record the battery condition of the calibrator and all measuring instruments.

3) Turn the calibrator on at its appropriate frequency. Allow the calibrator to stabilize and calibrate the measuring system according to the manufacturer's specifications. After the measuring system has been calibrated, remove the calibrator and attach a windscreen to the microphone.

4) Adjust the microphone to the angle of incidence that will yield the frequency response compliant~~in accordance~~ with the manufacturer's specifications.

5) Measure the sound pressure level data within the limitations of subsection (d) and according to the manufacturer's recommended procedures. Other sound pressure levels may be used for investigatory purposes, including ~~such as, but not limited to,~~ the following:

A) Determining the extent of noise pollution caused by the source of sound;

B) Determining the ambient; and

C) Analyzing those acoustical parameters that describe the sound source.

6) While sound measurements are being taken, maintain distance between the operator ~~must be separated from~~ and the microphone ~~so as~~ to minimize any influence on the measurements.

7) While measurements are being taken, make visual and aural surveillance of extraneous sound sources and varying wind conditions ~~must be made~~ to ensure~~insure~~ that the conditions of measurement are accurately known. Record any variations in these parameters that may affect data. Record the~~The~~ number and basis for the affected data block ~~must be recorded~~. When using a tape recorder, record voice commentary concerning conditions ~~will be recorded~~ on the cue track.

8) Minimize ~~To minimize~~ wind effects on the microphone by taking~~,~~ sound measurements ~~must not be taken~~ when the wind velocity is less~~greater~~ than 12 miles per hour (5.4 m/second) at the microphone position.

9) For the purposes of data correction, determine the ambient sound at the measurement site ~~must be determined~~ by means of measurement or analysis.

10) After taking sound pressure level measurements, remove the windscreen and attach the calibrator to the microphone. Turn the calibrator on at its appropriate frequency. After allowing the calibrator to stabilize, monitor and record the measuring system response. If~~When~~ the measuring system response varies by more than ± 0.5 dB from the most recent field calibration, the sound pressure level measurements obtained since such most recent field calibration cannot be used for enforcement purposes.

11) Before removing the calibrator from the microphone, turn the calibrator off. If the ambient sound has not been determined by means of measurement, determine the noise floor of the measuring system. If the noise floor is within 10 dB of the measured sound pressure level data, record the~~such~~ noise floor measurements ~~must be recorded~~.

12) At the end of the sound survey, monitor and record the battery condition of the calibrator and all measuring instruments. Near the measurement site, measure and record:

A) Windspeed and direction;

B) Ambient temperature;

C) Relative humidity; and

D) Barometric pressure.

13) Record the physical and topographical description of the ground surface within the vicinity of the measurement site, survey site location, a description of the sound source, a diagram of the area, the location of reflective surfaces near the microphone, and the approximate location of the noise source relative to the microphone position.

14) A magnetic tape recorder may be used to preserve the raw data. Record calibration~~Calibration~~ signals ~~must be recorded~~ at the beginning and end of each tape as well as at intermediate times such as when relocating to a new measurement site. Record voice~~Voice~~ commentary concerning local conditions and affected data blocks ~~must be recorded~~ on the cue track. Preserve the~~The~~ original tape recording ~~must be preserved~~ for subsequent evaluation.

15) Any laboratory~~Laboratory~~ analyses of~~may be performed on~~ magnetic tape-recorded field data must include a~~. A~~ description of the laboratory instrumentation and procedures, along with correlation of~~must be recorded. Analyses used in~~ the laboratory analyses and~~must be correlated to~~ field measurement techniques.

d) Limiting Procedures for Specific Types of Data Acquisition

1) For measurements of non-impulsive sound with audible discrete tones, measure ⅓ octave-band sound pressure levels to determine if ~~must be obtained in determining whether~~ a noise source complies~~is in compliance~~ with 35 Ill. Adm. Code 901.106.

2) For measurements of non-impulsive sound with no audible discrete tones, measure octave-band sound pressure levels to determine if ~~must be obtained in determining whether~~ a noise source complies ~~is in compliance~~ with 35 Ill. Adm. Code 901.102 and 901.103.

e) Correction Factors
If necessary, apply correction factors rounded to the nearest ½ decibel ~~must be applied~~ to sound pressure level measurements. The correction factors applicable to the measurement system may include~~, but are not limited to,~~ corrections for windscreen interference and the sound pressure level difference between consecutive field calibrations. Use~~Such~~ calibration correction factors ~~must~~ only ~~be used~~ to make negative corrections (subtraction from the field data). Do not add~~In no case must such~~ calibration correction factors ~~be added~~ to the measured sound pressure levels ~~so as~~ to raise the sound pressure level field data. The correction factors applicable to the measurement site may include~~, but are not limited to,~~ corrections for reflective surfaces and ambient sound.

(Source: Amended at 42 Ill. Reg. 20487, effective November 1, 2018)

Section 910.106 Protocols for Determination of Sound Levels

a) The raw data collection procedures to determine~~for the determination of~~ equivalent continuous sound pressure level (L_{eq}) are described in this Section using as an example the determination of a 1-hour L_{eq} corrected for ambient. The following procedures must be used:

1) Using Small Blocks~~small blocks:~~

A) Divide the~~The~~ 1-hour interval ~~is divided~~ into many small blocks of time so that corruption of the data from short-term background, transient sound and loss of data can be limited to the corrupted or bad blocks. The block duration measured in seconds is~~must remain~~ fixed for any measurement hour. The duration must be neither less than 10 seconds nor greater than 100 seconds. For example, if the block duration is chosen to be 60 seconds (1 minute), then the data collection proceeds for 60, 1-minute periods of measurement.

B) The collected data for each block represents a block duration L_{eq} (or sound exposure level (SEL)) in octave-bands (or ⅓ octave-bands if prominent discrete tones may be present).

C) Delete dataData for any block corrupted by one or more short-term background transient sounds must be deleted.

D) After deleting corrupted data blocks, there will be a fixed number of "good" data blocks remaining. This number is designated as N_{PLNS}, where PLNS stands for Property-Line– Noise– Source. These remaining "good" blocks aremust be numbered consecutively. The subscript "i" is used to denote the numbering of the blocks in time order after corrupted data blocks have been deleted.

E) The data for the N_{PLNS} remaining blocks are time averaged on an energy basis by octave (or ⅓ octave-band) using Equation 1 below. In this equation, two subscripts are used, i to designate time and j to designate the specific frequency, either an octave-band or ⅓ octave-band. The raw, 1-hour L_{eq} in the j^{th} frequency band is given by:

$$L_{eqj} = 10\log\left(\frac{1}{N_{PLNS}}\sum_{i=1}^{N_{PLNS}} 10^{\left(\frac{L_{eqij}}{10}\right)}\right) \qquad \text{[Equation 1]}$$

where L_{eq} is the L_{eq} in the jth frequency band for the i^{th} non-deleted data block.

F) In terms of SEL, the raw SEL in the j^{th} frequency band is given by:

$$SEL_j = 10\log\left(\sum_{i=1}^{N_{PLNS}} 10^{\left(\frac{SEL_{ij}}{10}\right)}\right) \qquad \text{[Equation 2]}$$

G) The raw, 1-hour L_{eq} in the j^{th} frequency band is given in terms of the corresponding SEL_j by:

$$L_{eqj} = SEL_j + 10\log\left(\frac{3600}{N_{PLNS}\Delta T}\right) \qquad \text{[Equation 3]}$$

Where T is the block duration in seconds, N_{PLNS} is the number of non-discarded data blocks, and 3600 is the number of seconds in an hour.

2) Continuous Data Collection~~:~~

A) Adjust the~~The~~ measuring instrument ~~must be adjusted~~ to continuously measure sound pressure and accumulate L_{eq} for each block of time. For convenience, the hour may be split into several smaller blocks such as 10, 6-minute blocks or 4, 15-minute blocks, etc.

B) A switch on the measuring instrument must be available to inhibit data collection whenever a short-term background transient sound occurs. Use this~~This~~ switch ~~shall be used~~ to prevent short-term background ambient sounds from corrupting the data.

C) Data collection must proceed for one hour. The energy average of the several measured L_{eqij} each weighted by the number of seconds actually accumulated during the i^{th} block results in the raw, 1-hour L_{eq} in each frequency band given by:

$$L_{eqj} = 10\log\left(\frac{1}{T_{PLNS}}\sum_{i=1}^{N_{PLNS}} T_i 10^{\left(\frac{L_{eqij}}{10}\right)}\right) \qquad \text{[Equation 4]}$$

Where L_{eqij} is the L_{eq} in the j^{th} frequency band for the i^{th} large block. T_i is the actual number of seconds of "good" data accumulated in the i^{th} block of time (e.g., 6 to 15 minutes); and

$$T_{PLNS} = \sum_{i=1}^{N_{PLNS}} T_i \qquad \text{[Equation 5]}$$

3) Minimum Data Collection Requirements~~data collection requirements:~~

A) Initial Measurement Duration. Measure the~~The~~ property-line~~-~~noise~~–~~ source ~~measurements must proceed~~ initially for one hour. Because of correction for short-term background transient sounds,

actual reported data collection time T, in seconds, may be less than 3600 seconds (one hour).

i) If small blocks of data are used for data collection, then the total measurement duration in seconds, T_{PLNS}, is given by N_{PLNS} T, where T is the length of each block in seconds and N_{PLNS} is the number of non-discarded blocks. If data inhibition is used for data collection, then T_{PLNS} is the number of non-inhibited seconds during the measurement hour. In either case, T_{PLNS} must be at least~~no less than~~ 900 seconds.

ii) If very few blocks were used for data collection, then the duration of each block, T, may be too long and must~~should~~ be reduced.

iii) For either data collection method, sounds considered to be short-term transient may actually be part of the long-term background ambient and must~~should~~ be so redefined.

B) Extended Measurement Duration. If T_{PLNS} is less than 900 seconds during the first hour of measurements, modify the raw data collection procedures ~~must be~~ appropriately ~~modified~~ and take new measurements ~~must proceed~~ for an additional hour. If T_{PLNS} after combining the first and the second hour of measurements is also less than 900 seconds, then collect additional ~~the~~ raw data ~~collection must continue~~ using the data inhibition method or method employed during the second hour until T_{PLNS} is greater than or equal to 900 seconds.

4) Correction for Long-Term Background Ambient Sound~~:~~

A) The raw 1-hour L_{eq} must be corrected for long-term background ambient sound. Subsection (b) ~~of this Section~~ describes methods to obtain the long-term background ambient sound level in the j^{th} frequency band. The correction is dependent on the difference (in decibels) between the raw, 1-hour, j^{th} band property-line~~–~~ noise~~–~~ source~~:~~ (L_{eqj}) and corresponding j^{th} band long-term background ambient sound level. The correction to be applied is as follows:

i) If the difference between the raw 1-hour L_{eq} and the long-term background ambient sound is larger than 10 decibels, then the correction is~~must be~~ set to 0.

ii) If the difference between the raw 1-hour L_{eq} and the long-term background ambient sound difference is less than 3 decibels, then the j^{th} frequency-band level, L_{eqj}, is~~must be~~ set ~~equal~~ to 0.

iii) If the difference between the raw 1-hour L_{eq} and the long-term background ambient sound is between 3 and 10 decibels, then the correction given in Table 1 is~~below must be~~ subtracted from the raw, 1-hour property-line~~–~~ noise~~–~~ source L_{eqj}.

Table 1
Corrections in dB for long-term background ambient sound

Difference (dB)	Correction (dB)
3	3
4	2.3
5	1.7
6	1.3
7	1.0
8	0.7
9	0.6
10	0.5

B) The long-term background ambient corrected level is ~~must be~~ the property-line~~–~~ noise~~–~~ source L_{eqj} reported for the j^{th} frequency band.

b) Obtaining the Background Ambient Sound Level~~background ambient sound level:~~

1) Measure the~~The~~ background ambient ~~must be measured for the purposes of this Section~~ during a 10-minute interval.

2) Long-term background ambient measurement procedures are similar to procedures to measure the property-line~~–~~ noise~~–~~ source itself. Eliminating short-term background ambient transient sounds from the measurement of average long-term background ambient sound level, proceeds in a manner similar to the measurement of the property-line~~–~~ noise~~–~~ source emissions themselves. The two methods for measurement are:

A) to divide the 10-minute measurement into short blocks of data;~~,~~ or

B) inhibit data collection when short-term background transient sounds occur. The same method must be used for gathering both the property-line~~–~~ noise~~–~~ source data and the corresponding long-term background ambient data. The measurement procedures for each method are given in subsections (b)(3), (b)(4) and (b)(5). ~~of this Section:~~

3) Using Small Blocks of Data

A) Divide the~~The~~ 10-minute measurement of long-term background ambient ~~must be divided~~ into short measurement blocks. The duration of these blocks in seconds (T) must:

i) remain constant during the entire measurement, both when measuring the long-term background ambient and when measuring the property-line~~–~~ noise~~–~~ source; and~~.~~

ii) ~~The duration of this measurement block in seconds, T, must~~ divide exactly (without remainder) into 600 and must be neither greater than 100 seconds nor less than 10 seconds.

B) Discard~~All~~ data for any measurement block corrupted by one or more short-term ambient transient sounds ~~must be discarded~~. The number of remaining, non-discarded measurement blocks is designated N_{BA}, where *BA* stands for background ambient.

C) The L_{eq} for each octave-band~~octave~~ (or ⅓ octave-band~~octave~~ ~~band~~ are time-averaged on an energy basis over the N_{BA} remaining

measurement blocks to obtain average long-term background ambient L_{eq} per band. Equation 1 (see subsection (a)(1)(E) ~~of this Section~~) is used for this calculation with N_{BA} replacing N_{PLNS} as the number of elemental blocks to be summed. The total duration of the measurement in seconds, T_{BA}, is given by N_{BA} multiplied by T.

4) Continuous Data Collection

A) Adjust the~~The~~ measuring instrument ~~must be adjusted~~ according to manufacturer's instructions to continuously measure sound pressure and accumulate (i.e. record) L_{eq}. A switch must be available to inhibit data collection whenever a short-term background transient sound occurs, (and on some instruments, a button may be available to delete the most recent, previous data).

B) Use the~~The~~ switches or buttons ~~must be used~~ to prevent short-term background ambient sounds from corrupting the data.

C) Data collection must proceed for 10 minutes. The result is the 10-minute, long-term background ambient L_{eq} in each band.

D) T_{BA} is the number of non-inhibited measurement seconds during the 10-minute measurement period.

5) The minimum duration, for either method, T_{BA} must be at least~~no less than~~ 150 seconds. If T_{BA} is less than 150 seconds, then continue to measure~~the measurement of~~ the long-term background ambient ~~must continue~~ beyond the original 10 minutes and until T_{BA} for the total long-term background ambient measurement is greater than or equal to 150 seconds.

6) Measurement Alternatives. The long-term background ambient noise should ideally be measured at the potential violation site just before measurement of the property-line~~–~~ noise~~–~~ source emissions. However, turning off the property-line~~–~~ noise~~–~~ source may not always be possible. The following are a hierarchical order of five procedures for obtaining the long-term background ambient noise. The first four procedures involve direct measurement; the fifth procedure provides for use of tables of

values obtained from extensive measurements. These are not equivalent procedures but are ordered from what is considered to be the most accurate to what is considered to be the least accurate procedure.

A) Direct Measurement Procedure-1: With the property-line– noise-source (PLNS) turned off, measure the long-term background ambient noise within the hour before or within the hour after measurement of the PLNS emissions at the location where the PLNS measurements are being taken and with the measurement equipment used for the PLNS measurements.

B) Direct Measurement Procedure-2: With the PLNS turned off, measure the long-term background ambient noise during a similar time period in terms of background ambient sound level, within one to 24 hours before, or within one to 24 hours after measurement of the PLNS emissions at the location where the PLNS measurements are being taken and with the measurement equipment used for the PLNS.

C) Direct Measurement Procedure-3: With the PLNS turned off, measure the long-term background ambient during some other acoustically similar period within one to 30 days before, or within one to 30 days after measurement of the PLNS emissions. This alternate long-term background ambient measurement time might be a Saturday night or anytime during a Sunday or holiday. The measurements would be made at the location where the PLNS measurements are being taken and with the measurement equipment (or like equipment) used for the PLNS measurement.

D) Direct Measurement Procedure-4: With the PLNS turned off, measure the long-term background ambient noise during some other acoustically similar period within 30 to 90 days before, or within 30 to 90 days after measurement of the PLNS emissions. These measurements would be made at the location where the PLNS measurements are being taken and with the measurement equipment (or like equipment) used for the property-line– noise-source measurements.

E) Measurement Procedure-5: Tables of Long-Term Background Ambient Noise. If~~Where~~ none of the alternatives can be used, use the applicable long-term background ambient data taken from Tables A through D in Appendix A~~ of this Part~~. These tables are organized by predominant land use and time of day (daytime or nighttime). There are separate tables for octave- and ⅓ octave-bands. The background environments presented in the table are based on extensive measurements conducted in the Chicago area and are divided into the five categories listed in this subsection (b)(6) compliant~~given below in accordance~~ with G.L. Bonvallet, "Levels and Spectra of Traffic, Industrial, and Residential Area Noise~~;~~", Journal of the Acoustical Society of America, 23 (4), pp 435-439, July 1951; and Dwight E. Bishop and Paul D. Schomer, Handbook of Acoustical Measurements and Noise Control, Chapter 50, Community Noise Measurements, 3rd Edition, Cyril M Harris, Editor, McGraw-Hill Book Co., New York (1991).

i) Category 1: Noisy Commercial and Industrial Areas. Very heavy traffic conditions, such as in busy downtown commercial areas, at intersections of mass transportation and other vehicles, including the Chicago Transit Authority trains, heavy motor trucks and other heavy traffic, and street corners where motor buses and heavy trucks accelerate.

ii) Category 2: Moderate Commercial and Industrial Areas, and Noisy Residential Areas. Heavy traffic areas with conditions similar to Category 1~~subsection (b)(6)(E)(i) of this Section~~ but with somewhat less traffic, routes of relatively heavy or fast automobile traffic but where heavy truck traffic is not extremely dense, and motor bus routes.

iii) Category 3: Quiet Commercial and Industrial Areas, and Moderate Residential Areas. Light traffic conditions where no mass transportation vehicles and relatively few automobiles and trucks pass, and where these vehicles generally travel at low speeds. Residential areas and commercial streets and intersections with little traffic comprise this category.

iv) Category 4: Quiet Residential Areas. These areas are similar to Category 3 ~~in subsection (b)(6)(E)(iii) of this Section~~ but, for this group, the background is either distant traffic or is unidentifiable.

v) Category 5: Very Quiet, Sparse Suburban or Rural Areas. These areas are similar to Category 4 ~~subsection (b)(6)(E)(iv) of this Section~~ but are usually in unincorporated areas and, for this group, there are few if any near neighbors.

(Source: Amended at 42 Ill. Reg. 20487, effective November 1, 2018)

Section 910.107 Measurement Techniques for Highly~~–~~ Impulsive Sound Under 35 Ill. Adm. Code 901.104.

a) Measurement of highly~~–~~ impulsive sound under 35 Ill. Adm. Code 901.104 can be made using ~~in~~ two distinct and equally valid ways specified in subsections (b) and (c), namely the general method and the controlled test method.

b) General Method: The general method is to measure the 1-hour, A-weighted L_{eq} (not the octave-band~~octave-~~ or ⅓ octave-band levels) using essentially one of the two procedures described in Sections 910.105 and 910.106.

1) The procedure using small blocks of time to collect data is as follows:

A) Divide the~~The~~ hour interval ~~must be divided~~ into small blocks of time and measure the A-weighted L_{eq} ~~must be measured~~ for each of these ~~small~~ blocks ~~of time~~. L_{eq} is ~~must be~~ measured for the entire hour but data collection is~~must be~~ inhibited whenever a short-term background transient sound occurs.

B) The duration of each block is~~must be~~ held constant during the hour. This duration in seconds divides ~~must divide~~ exactly into 900 and is~~must be~~ neither greater than 100 seconds nor less than 10 seconds.

C) Discard the~~The~~ data for any block corrupted by one or more short-term background ambient sounds~~ must be discarded~~.

~~2)~~ ~~The continuous data collection procedure is as follows:~~

~~A)~~ ~~L_{eq} must be measured for the entire hour.~~

~~B)~~ ~~Data collection must be inhibited whenever a short-term background transient sound occurs.~~

2~~3~~) Correction for the Long-Term Background Ambient Sound.~~long-term background ambient~~ Correct the raw 1-hour L_{eq} for long-term ambient sound~~must be accomplished~~ using the procedures of~~all of the other procedures and requirements enumerated in~~ Sections 910.105 and 910.106~~. These requirements must be complied with~~ to determine an A-weighted, 1-hour, background-ambient-corrected L_{eq} for the highly impulsive property-line~~–~~ noise~~–~~ source under study.

c) Controlled Test Method~~: For this method, the following procedures must be used:~~

1) General Measurement Description

A) The sound exposure per impulse from each separate individual impulsive source is measured.

B) The total sound exposure per hour from each source is the sound exposure per event multiplied by the number of events per hour.

C) The grand total sound exposure (SE) per hour is the sum of the sound exposures per hour from each of the separate individual sources.

D) The reported SEL is obtained from the grand total sound exposure (SE) per hour using the following:

SEL = 10 log (SE) +
94

[Equation 7]

E) The equivalent level, L_{eq}, corresponding to a SEL measured or predicted for one hour (3600 seconds) is given by:

L_{eq} = SEL - 10 log
(3600)
[Equation 8]

2) Determination of Sound Exposure Per Event~~sound exposure per event must be as follows:~~

A) Determine the~~The~~ sound exposure per event from each, separate, individual source ~~must be determined~~ by measuring the total A-weighted sound exposure for about 10 repetitions of the~~this~~ source. This set of about 10 measurements may be performed continuously over a short period of time, or ~~this set of measurements may be performed~~ over a discontinuous set of measurement periods. In either case, the total measurement duration must be less than 100 seconds.

B) The~~These~~ separate, individual property-line~~–~~ noise~~–~~ source ~~controlled~~ measurements collected under subsection (a) must be free of any short-term ambient sounds. If any short-term background transient sounds occur during these measurements, repeat ~~then~~ the measurements~~measurement must be repeated~~ until ~~measurement~~ data, free of any corrupting short-term background ambient sounds, are obtained.

C) Correct the~~The~~ total measured A-weighted sound exposure for the~~this~~ group of about 10 repetitions ~~must be corrected~~ for long-term background ambient by subtracting the A-weighted long-term background ambient sound exposure, which is~~. The sound exposure value subtracted must be~~ the long-term A-weighted background ambient sound exposure per second multiplied by the number of seconds used to measure the several source repetitions.

D) ~~The reported Source:~~ A-weighted sound exposure per event is~~must be~~ the total corrected sound exposure divided by the number of source repetitions measured.

E) Measure the long-termThe background ambient must be measured for a short time, at least 30 seconds, as near in time to the source measurements as possible, but within ½ hour. The total A-weighted long-term background ambient sound exposure per second is the total measured long-term background ambient sound exposure divided by the number of seconds of background ambient measurement.

F) There must be no short-term background ambient sounds present during the measurement of the long-term background ambient. If any short-term background transient sounds occur during these measurements, repeatthen the measurements must be repeated until long-term background ambient measurement data, free of any corrupting short-term background ambient sound, are obtained.

(Source: Amended at 42 Ill. Reg. 20487, effective November 1, 2018)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Invest in Kids Act

2) Code Citation: 86 Ill. Adm. Code 1000

3)

Section Numbers:	Adopted Actions:
1000.100	New Section
1000.200	New Section
1000.250	New Section
1000.300	New Section
1000.400	New Section
1000.500	New Section
1000.600	New Section
1000.700	New Section
1000.800	New Section
1000.900	New Section
1000.1000	New Section
1000 Appendix A	New Section

4) Statutory Authority: 35 ILCS 40/60

5) Effective Date of Rules: October 31, 2018

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 42 Ill. Reg. 7448; April 20, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. Only grammatical and technical changes were made. No substantive changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

13) Does 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: These rules detail the manner in which the Invest in Kids Act will be administered by the Department. The rules provide a general overview of the program, identify the requirements for an applicant to become approved as a scholarship granting organization (SGO), explain how taxpayers can apply to the Department for contribution authorization certificates (CACs) that permit taxpayers to make contributions to SGOs and receive tax credits under the Act, identify the requirements for SGOs to issue certificates of receipt (CORs) to taxpayers making contributions, and explain the process under which SGOs grant scholarships to students under the Act. The rules also outline the responsibilities of qualified schools receiving funds under the Act, custodian and student responsibilities, and SGO reporting and recertification requirements. Illustration A contains a list of the regions into which the State has been divided by the Department to comply with the Act's requirement that credits be awarded in a manner that is geographically proportionate to enrollment in recognized non-public schools.

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

Richard S. Wolters
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 1000
INVEST IN KIDS ACT

Section
1000.100 Definitions
1000.200 Invest in Kids Act: Program Overview and Award of Credits
1000.250 Electronic Notice and Filing Requirements; Books and Records
1000.300 Scholarship Granting Organization: Approval to Issue Certificates
1000.400 Taxpayer Contribution Authorization Certificates
1000.500 Scholarship Granting Organizations: Issuance of Certificates of Receipt
1000.600 Scholarship Granting Organizations: Issuance of Scholarships
1000.700 Qualified Schools Responsibilities
1000.800 Custodian and Student Responsibilities
1000.900 Scholarship Granting Organizations: Reports
1000.1000 Scholarship Granting Organizations: Annual Recertification; Revocation

1000.APPENDIX A Invest in Kids: The Five Regions of the State of Illinois

AUTHORITY: Implementing and authorized by the Invest in Kids Act [35 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 41 Ill. Reg. 14270, effective November 13, 2017, for a maximum of 150 days; emergency expired April 11, 2018; adopted at 42 Ill. Reg. 20510, effective October 31, 2018.

Section 1000.100 Definitions

"Act" means the Invest in Kids Act [35 ILCS 40].

"Authorized contribution" means the contribution amount that is listed on the contribution authorization certificate issued to the taxpayer.

"Board" means the State Board of Education.

"Certificate of receipt" or "COR" means a certificate issued by the scholarship granting organization to a taxpayer pursuant to Section 1000.500.

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"Contribution" means a donation made by the taxpayer during the taxable year for providing scholarships as provided in the Act.

"Contribution authorization certificate" or "CAC" means a certificate issued by the Department to a taxpayer pursuant to Section 1000.400.

"Custodian" means, with respect to eligible students, an Illinois resident who is a parent or legal guardian of the eligible student or students. In cases in which the parent or legal guardian is unwilling or unable to act for the eligible student for purposes of the Invest in Kids Act, the person with whom the eligible student is living, such as a foster parent, will be considered the custodian.

"Department" means the Department of Revenue.

"Eligible student" means a child who:

is a member of a household whose federal adjusted gross income the year before he or she initially receives a scholarship under this program, as determined by the Department, does not exceed 300% of the federal poverty level and, once the child receives a scholarship, does not exceed 400% of the federal poverty level;

is eligible to attend a public elementary school or high school in Illinois in the semester immediately preceding the semester for which he or she first receives a scholarship or is starting school in Illinois for the first time when he or she first receives a scholarship; and

resides in Illinois while receiving a scholarship.

"Eligible student" also means foster children who are under the legal responsibility of a foster care agency or court.

"Family member" means a parent, child, or sibling, whether by whole blood, half blood, or adoption; spouse; or stepchild.

"Federal poverty level" means the poverty guidelines established each year by the U.S. Department of Health and Human Services under the authority of 42 USC 9902(2) and published in the Federal Register.

"Focus district" means a school district, as determined by the Illinois State Board of Education, which has a school that is either:

a school that has one or more subgroups in which the average student performance is at or below the State average for the lowest 10% of student performance in that subgroup; or

a school with an average graduation rate of less than 60% and not identified for priority.

For purposes of this definition, "subgroups" means "subgroup of students" as defined in the Every Student Succeeds Act (Public Law 114-95).

"Household" means an individual or group of individuals living together in a room or group of rooms as a housing unit.

"Household income" means the combined federal adjusted gross income of the members of a household. Household income does not include the federal adjusted gross income of a child residing in a household who is under 18 years of age and attending an elementary or secondary school on a full time basis. Foster children under the legal responsibility of a foster care agency or court are deemed to have a household income that does not exceed 185% of the poverty level.

"Necessary costs and fees" includes the customary charge for instruction and use of facilities in general and the additional fixed fees charged for specified purposes that are required generally of non-scholarship recipients for each academic period for which the scholarship applicant actually enrolls, including costs associated with student assessments, but does not include fees payable only once and other contingent deposits that are refundable in whole or in part. Necessary costs and fees are determined by the Board pursuant to 23 Ill. Adm. Code 425.100.

"Participating qualified school" or "participating school" means a qualified school that has not been determined to be ineligible by the Board under Section 1000.700(c).

"Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

"Qualified contribution" means the authorized contribution made by a taxpayer to a scholarship granting organization for which the taxpayer has received a certificate of receipt from such organization .

"Qualified school" means a non-public school located in Illinois and recognized by the Board pursuant to Section 2-3.25o of the School Code [105 ILCS 5] or that is registered and becomes recognized by the Board pursuant to Section 2-3.25o of the School Code prior to receiving scholarship funds pursuant to the Act.

"Scholarship" means an educational scholarship awarded by an SGO to an eligible student to attend a qualified school of their custodians' choice in an amount not exceeding the lesser of the necessary costs and fees to attend that school or the statewide average operational expense per student among public schools, except as provided in Section 1000.600(f)(2).

"Scholarship granting organization" or "SGO" means an entity that:

is exempt from taxation under section 501(c)(3) of the Internal Revenue Code;

uses at least 95% of the qualified contributions received during a taxable year for scholarships;

provides scholarships to students according to the guidelines of the Invest in Kids Act;

deposits and holds qualified contributions and any income derived from qualified contributions in an account that is separate from the organization's operating fund or other funds until such qualified contributions or income are withdrawn for use; and

is approved to issue certificates of receipts.

"Taxpayer" means any individual, corporation, partnership, trust, or other entity subject to the Illinois income tax. For purposes of the Act, 2 individuals filing a joint return shall be considered one taxpayer. [35 ILCS 40/5]

Section 1000.200 Invest in Kids Act: Program Overview and Award of Credits

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

a) Program Overview. The Act authorizes taxpayers, subject to specific limitations and requirements, to receive an income tax credit for qualified contributions made to scholarship granting organizations. Taxpayers wishing to make qualified contributions must first apply to the Department for approval to make qualified contributions. Once approved, taxpayers are issued contribution authorization certificates by the Department, which must be provided to scholarship granting organizations by taxpayers when making their qualified contributions. A scholarship granting organization must apply to the Department for approval before it can issue certificates of receipt to taxpayers making qualified contributions. Certificates of receipt issued to the taxpayer by an SGO may be used to document the tax credit claimed by the taxpayer under subsection (b).

b) Award of Credits by the Department – Requirements and Limitations. *The Department shall award credits against the tax imposed under Section 201(a) and (b) of the Illinois Income Tax Act to taxpayers who make qualified contributions. The credit shall be equal to 75% of the total amount of qualified contributions made by the taxpayer during a taxable year, not to exceed a credit of $1,000,000 per taxpayer* (i.e., total qualified contributions made by a taxpayer for which a credit may be obtained may not exceed $1,333,333 during a taxable year).

1) *The aggregate amount of all credits the Department may award in any calendar year may not exceed $75,000,000* (i.e., the total qualified contributions made by all taxpayers for which credits may be obtained may not exceed $100,000,000 in the aggregate during a taxable year).

2) *Contributions made by corporations (including subchapter S corporations), partnerships, and trusts may not be directed to a particular subset of schools, a particular school, a particular group of students, or a particular student.* Contributions made by corporations (including subchapter S corporations), partnerships, and trusts must specify a region under subsection (b)(10) to which the contribution will be directed. Contributions made to a scholarship granting organization without conditions will satisfy the requirements of this subsection (b)(2). An SGO may refuse contributions from corporations (including subchapter S corporations), partnerships, and trusts that, if accepted, may damage the SGO's reputation, cause the rescission of past contributions, or affect the SGO's ability to obtain future contributions.

3) *Contributions made by individuals may be directed to a particular subset of schools or a particular school but may not be directed to a particular group of students or a particular student.* Contributions made by individuals must specify a region under subsection (b)(10) to which the contribution will be directed. An SGO may refuse contributions from individuals that, if accepted, may damage the SGO's reputation, cause the rescission of past contributions, or affect the SGO's ability to obtain future contributions.

4) To comply or remain in compliance with the requirements of this Part, SGOs are permitted to return all or any part of a contribution to an individual contributor that has made a contribution directed to a particular subset of schools or a particular school. To avoid the possibility of the return of his or her contribution, a taxpayer may, at the time of making the contribution or upon notification a contribution will be returned to him or her by the SGO, grant the SGO additional options for use of the contribution. The taxpayer may allow the SGO, for example, to:

A) use the contribution to award scholarships to eligible students to attend an alternative school or schools selected by the taxpayer in the same region;

B) use the contribution to award scholarships to eligible students to attend any qualified school in the same region;

C) transfer the funds to another SGO in the region, with the permission of the Department;

D) on and after June 1, in addition to the options in subsections (b)(4)(A) through (C):

i) use the contribution to award scholarships to eligible students to attend an alternative school or schools selected by the taxpayer in another region;

ii) use the contribution to award scholarships to eligible students to attend any qualified school in another region; or

iii) transfer the funds to an SGO in another region, with the permission of the Department.

5) If an individual taxpayer has made a contribution directed to a particular subset of schools or a particular school and the individual taxpayer determines that the SGO has not received any applications for scholarships for the particular subset of schools or a particular school, or the SGO notifies the individual taxpayer that the SGO has not received any applications for scholarships for the particular subset of schools or a particular school, the taxpayer may:

A) request the return of the contribution, provided that the SGO has not issued the taxpayer a COR;

B) permit the SGO to use the contribution to award scholarships to eligible students to attend an alternative school or schools in the same region selected by the taxpayer;

C) permit the SGO to use the contribution to award scholarships to eligible students to attend any qualified school in the same region;

D) authorize the SGO to transfer the funds to another SGO in the region, with the permission of the Department;

E) on and after June 1, in addition to the options in subsections (b)(5)(A) through (D):

i) use the contribution to award scholarships to eligible students to attend an alternative school or schools selected by the taxpayer in another region;

ii) use the contribution to award scholarships to eligible students to attend any qualified school in another region; or

iii) authorize the SGO to transfer the funds to an SGO in another region, with the permission of the Department.

6) If a taxpayer rescinds all or part of an authorized contribution for any reason, the SGO shall notify the Department of the name of the taxpayer

who rescinded the contribution and the amount of the contribution that was rescinded. (See Section 1000.400(j).)

7) *Two individuals filing a joint return* or members of a unitary business group filing a combined return *shall be considered one taxpayer for purposes of making qualified contributions.* For instance, if two married individuals at the time of applying for a CAC intend to file a joint return, the maximum CAC the two individuals collectively can apply for is $1,333,333, and the maximum credit allowed on the joint return is $1,000,000. If two married individuals each contribute $1,333,333 intending at the time of the contribution to file separate returns but subsequently file a joint return, the maximum credit allowed on the joint return is $1,000,000.

8) *No credit shall be taken for any qualified contribution for which the taxpayer claims any portion as a federal income tax deduction.*

EXAMPLE: A taxpayer makes a qualified contribution of $100,000. The taxpayer takes an Invest in Kids credit on his State tax return in the amount of $75,000. The taxpayer takes a federal income tax deduction for $25,000. The Invest in Kids tax credit of $75,000 will be disallowed.

9) A taxpayer that has received a CAC may not direct a donor advised fund to make a contribution to an SGO on behalf of the taxpayer. A donor advised fund is a charitable organization exempt from income tax under Internal Revenue Code section 501(c)(3); a taxpayer receives a charitable deduction at the time a contribution is made by the taxpayer to the fund.

10) *Credits shall be awarded in a manner that is geographically proportionate to enrollment in recognized non-public schools in Illinois.* [35 ILCS 40/10] For purposes of awarding credits in a manner that is geographically proportionate to enrollment in recognized non-public schools, the State of Illinois shall be divided into 5 regions. The boundaries of the regions shall be coterminous with the districts established for the Illinois Appellate courts. See Section 1000.Illustration A for a listing of counties in each region.

A) On or before December 1 of each year, the State Board of Education shall provide the Department with a list of non-public

schools that are recognized under Section 2-3.25o of the School Code. This list shall contain enrollment numbers for each recognized non-public school, and shall be used by the Department to determine enrollment in recognized non-public schools in each region for purposes of calculating the geographic distribution of credits. The Department will not adjust the geographic distribution of credits during a calendar year to reflect the addition of non-public schools that are recognized under Section 2-3.25o of the School Code by the State Board of Education after December 1.

B) For purposes of awarding credits in a manner that is geographically proportionate to enrollment in recognized non-public schools, the Department shall track the amount of qualified contributions designated in each region by taxpayers. (See Section 1000.400(c)(3).)

C) If the $75,000,000 cap in aggregate credits that can be awarded by the Department (i.e., $100,000,000 in qualified contributions made by taxpayers) is not reached by June 1 of a given year, the Department shall award contribution authorization certificates for the remaining credits on a first-come, first-served basis, without regard to the requirement that the credits be awarded in a manner that is geographically proportionate to enrollment in recognized non-public schools.

Section 1000.250 Electronic Notice and Filing Requirements; Books and Records

a) Unless otherwise provided, all applications, notices, filings, certificates, or other documents required by this Part to be submitted to or issued by the Department shall be made by electronic means.

b) Scholarship granting organizations and taxpayers shall maintain books and records under this Part and make them available upon request by the Department.

c) Scholarship granting organizations shall maintain their books and records for no less than three years. Taxpayers shall maintain their books and records in accordance with the Illinois Income Tax Act and regulations promulgated thereunder.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

Section 1000.300 Scholarship Granting Organization: Approval to Issue Certificates of Receipt

a) *No scholarship granting organization shall issue any certificates of receipt without first being approved by the Department to issue certificates of receipt.*

b) *A scholarship granting organization shall submit an application for approval to issue certificates of receipt in the form and manner prescribed by the Department.* Applications for approval to issue CORs must be received by the Department no later than January 15 preceding the school year for which the scholarships will be granted. Each application shall be submitted electronically, shall be signed and verified by a board member, officer, executive director, or employee with managerial authority of the scholarship granting organization, or a board member, officer, executive director, or employee with managerial authority of any entity retained by the scholarship granting organization to operate the scholarship granting organization, and shall include*:*

1) a copy of the letter issued by the Internal Revenue Service to the scholarship granting organization demonstrating *that the scholarship granting organization has been granted an exemption from taxation under section 501(c)(3) of the Internal Revenue Code;*

2) *certification that all qualified contributions and any income derived from qualified contributions are or will be deposited and held in an account that is separate from the scholarship granting organization's operating or other funds until such qualified contributions or income are withdrawn for use;*

3) *certification that the scholarship granting organization will use at least 95% of its annual revenue from qualified contributions for scholarships;*

4) *certification that the scholarship granting organization will provide scholarships to eligible students;*

5) the region or regions in which it will grant scholarships;

6) *a list of the names and home addresses of all members of the governing board of the SGO;*

7) *a list of the names, home addresses,* and social security numbers of the officers, executive director, and employees with managerial authority of the scholarship granting organization, and the officers, executive director, and employees with managerial authority of any entity retained by the scholarship granting organization to operate the scholarship granting organization*;*

8) certification that, in the last 7 years, no officers, executive director, board members involved in day-to-day operations of the scholarship granting organization, or employees with managerial authority of the scholarship granting organization, or officers, executive director, employees with managerial authority, and board members involved in day-to-day operations of any entity retained by the scholarship granting organization to operate the scholarship granting organization *have filed for personal bankruptcy or corporate bankruptcy in a corporation of which they owned more than 20%. An SGO that cannot make the certification required by this subsection (b)(8) shall not be eligible to provide scholarships;*

9) certification that the officers, executive director, board members involved in day-to-day operations of the scholarship granting organization, and employees with managerial authority of the scholarship granting organization, or the officers, executive director, employees with managerial authority, and board members involved in day-to-day operations of any entity retained by the scholarship granting organization to operate the scholarship granting organization are not board members or paid staff members of a participating school, *do not own or operate a qualified school, and do not have a family member who is a board member or a paid staff member of a participating qualified school;*

10) certification that *the scholarship granting organization is and will remain in compliance with the anti-discrimination provisions of 42 USC 2000d;*

11) the primary email address to which notices and other documents provided for under the Act shall be sent;

12) *a copy of the most recent financial audit of the scholarship granting organization's accounts and records conducted by an independent certified public accountant in accordance with government auditing standards and auditing standards generally accepted in the United States.*

For the initial application to be approved to issue CORs, an SGO registered under Section 2 of the Solicitation for Charity Act who is subject to the provisions of Section 4(b) of that Act and who files with the Attorney General a summary financial statement or written report in accordance with that subsection may satisfy the requirements of this subsection (b)(12) by submitting to the Department a copy of the most recent summary financial statement or written report. No application will be approved unless the requirements of this subsection (b)(12) have been met; and

13) the beginning and ending dates of the SGO's fiscal and taxable years.

c) *The Department shall review and either approve or deny each application to issue certificates of receipt pursuant to the Act*. Each SGO that has been approved will be assigned a unique identifier. *Applicants shall be notified of the Department's determination within 30 business days after the application is received.* [35 ILCS 40/15] If the application is denied, the Department will notify the SGO of the reason for the denial of the application.

d) An SGO whose application to issue CORs is denied by the Department may reapply subject to the deadlines in this Section.

Section 1000.400 Taxpayer Contribution Authorization Certificates

a) *A taxpayer shall not be allowed a credit pursuant to the Act for any contribution to a scholarship granting organization that was made prior to the Department's issuance of a contribution authorization certificate for the contribution to the taxpayer.*

b) *Prior to making a contribution to a scholarship granting organization, the taxpayer shall apply to the Department for a contribution authorization certificate.*

c) *A taxpayer who makes more than one contribution to one or more scholarship granting organizations must make a separate application for each contribution authorization certificate. The application shall include:*

1) *the taxpayer's name, address and email address;*

2) *the amount the taxpayer will contribute;*

3) the region for which the contribution will be made;

4) the SGO to which the contribution will be made;

5) an acknowledgement that no credit may be taken for any qualified contribution for which the taxpayer claims any portion as a federal income tax deduction; and

6) an option permitting the Department to send the taxpayer's name and email address to the SGO.

d) Multiple applications for contribution authorization certificates cannot be made on the same form.

e) Applications shall be reviewed by the Department and shall either be approved or denied.

f) *If approved, the Department shall issue contribution authorization certificates on a first-come, first-served basis based upon the date* and time *that the Department received the taxpayer's application for the certificate, subject to* the requirement that credits must be awarded in a manner that is geographically proportionate to enrollment in recognized non-public schools in Illinois as determined under *Section 10(e) of the Act* (see Section 1000.200(b)(10)).

g) *A taxpayer's aggregate authorized contribution amount as listed on one or more contribution authorization certificates issued to the taxpayer shall not exceed the aggregate of the amounts listed on the taxpayer's application or applications submitted in accordance with this Section.*

h) A separate CAC shall be issued for each application submitted in accordance with this Section. *Each contribution authorization certificate shall include:*

1) the name and address of the taxpayer as it appears on the application;

2) *the date the certificate was issued;*

3) *the date by which the authorized contribution listed in the certificate must be made, which shall be 60 days from the date of the issuance of a contribution authorization certificate;*

A) Contributions may be made no later than the end of the taxable year in which the CAC was issued.

B) For purposes of determining whether a contribution was made 60 days from the date of the issuance of a CAC, the Department will rely on:

i) the date of receipt by the SGO if the contribution is physically delivered to the SGO by the taxpayer;

ii) the postmark date, if deposited in the U.S. Mail; or

iii) the date the contribution was received by, or deposited with, a common carrier for delivery to the SGO;

4) *the amount of the authorized contribution;*

5) the region for which the contribution authorization certificate is issued;

6) the name and unique identifier of the SGO the taxpayer has designated as the recipient of the qualified contribution;

7) a statement that no credit may be taken for any qualified contribution for which the taxpayer claims any portion as a federal income tax deduction; and

8) a unique identifier for each CAC issued to the taxpayer.

i) *Each contribution authorization certificate shall be sent to the taxpayer within 3 business days after its issuance.*

j) *A taxpayer may rescind all or part of an authorized contribution approved under the Act by providing notice to the Department.* Once a taxpayer has made a contribution to an SGO and has received a COR from the SGO, the taxpayer

cannot rescind a CAC. *Amounts rescinded shall no longer be deducted from the caps prescribed in Section 10 of the Act.* (See Section 1000.200.)

k) *The Department shall maintain on its website a running total of the amount of credits,* in the aggregate and by region, *for which taxpayers may make applications for contribution authorization certifications. The running total shall be updated every business day.* [35 ILCS 40/25]

Section 1000.500 Scholarship Granting Organizations: Issuance of Certificates of Receipt

a) *No scholarship granting organization shall issue a certificate of receipt for any qualified contribution made by a taxpayer under the Act unless that scholarship granting organization has been approved to issue certificates of receipt pursuant to Section 15 of the Act.* (See Section 1000.300.)

b) *No scholarship granting organization shall issue a certificate of receipt for a contribution made by a taxpayer unless the taxpayer has been issued a contribution authorization certificate by the Department* and the SGO has received a copy of the contribution authorization certificate. The contribution must be made by the person whose name appears on the contribution authorization certificate. If a check or credit card is used to make a contribution to the SGO, the name that appears on the check or credit card must be the name of the person whose name appears on the contribution authorization certificate. If a contribution is made using stock or negotiable securities, the stock or negotiable securities must be in the name of, or held in the name of, the person whose name appears on the contribution authorization certificate.

EXAMPLE 1: Individual A is the beneficiary of a trust. The trust obtains a CAC from the Department. The individual instructs the trust to make a contribution to an SGO in the amount of $1,000. The SGO must issue the COR in the name of the trust.

EXAMPLE 2: Individual A is the beneficiary of a trust. Individual A obtains a CAC from the Department. The trust makes a contribution to an SGO in the amount of $1,000. The SGO shall not issue a COR to the trust because the CAC is in the name of Individual A. The SGO shall not issue the COR to the individual because the contribution was made by the trust. The individual must make the contribution to receive the COR.

c) Written Certificate of Receipt

1) *If a taxpayer makes a contribution to a scholarship granting organization on or before the date by which the authorized contribution is required to be made* (see Section 1000.400(h)(3)), *the scholarship granting organization shall, within 30 days after receipt of the authorized contribution, issue to the taxpayer a written certificate of receipt.* For purposes of determining the 30-day period for issuing a COR, the SGO shall use one the following dates as the receipt date:

A) the date of receipt by the SGO if the contribution is physically delivered to the SGO by the taxpayer;

B) the postmark date, if deposited in the U.S. Mail; or

C) the date the contribution was received by, or deposited with, a common carrier for delivery to the SGO.

2) *Upon the issuance of a certificate of receipt, the issuing scholarship granting organization shall, within 10 days after issuing the certificate of receipt, provide the Department with notification of the issuance of the certificate.* SGOs shall issue CORs to taxpayers by means of electronically completing a COR on the Department's website, but only after payment is confirmed (e.g., the payment has cleared). Online completion of the COR on the Department's website satisfies both the requirement to issue the COR to the taxpayer and to provide the Department with notification of the issuance of the COR.

d) *Each certificate of receipt shall state:*

1) *the name and address of the issuing scholarship granting organization;*

2) *the taxpayer's name and address;*

3) *the date of each qualified contribution;*

4) *the amount of each qualified contribution;*

5) *the total qualified contribution amount;*

6) the unique identifier for the CAC provided to the SGO for the qualified contribution; and

7) the region for which the COR is issued.

e) *The notification to the Department shall include:*

1) *the taxpayer's name and address;*

2) *the date of the issuance of a certificate of receipt;*

3) *the date or dates on which the qualified contribution was made and the amounts contributed on those dates* (see subsection (c))*;*

4) *the total qualified contribution listed on the certificates;*

5) *the issuing scholarship granting organization's name and address;*

6) the unique identifier for the CAC provided to the SGO for the qualified contribution; and

7) the region for which the COR was issued.

f) *If a taxpayer fails to make all or a portion of an authorized contribution on or before the date by which the authorized contribution is required to be made* (see Section 1000.400(h)(2))*, the taxpayer shall not be entitled to a certificate of receipt for that portion of the authorized contribution not made.* In other words, each COR issued by an SGO may only be issued in the amount of the authorized contribution actually made by the taxpayer on or before the 60-day deadline. (See Section 1000.400(h)(2).)

EXAMPLE: A CAC in the amount of $1000 is issued by the Department to the taxpayer on January 20. The taxpayer has 60 days from the date of the CAC to make the authorized contribution. On January 21, the taxpayer sends the CAC and a check in the amount of $500 to an SGO. The SGO receives the check on January 23. The SGO must provide a COR to the taxpayer in the amount of $500 no later than February 22. On February 25, the taxpayer sends a check in the amount of $250 to the same SGO. The SGO receives the check on February 27.

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The SGO must provide a COR to the taxpayer in the amount of $250 no later than March 29. On March 23, the taxpayer sends a check in the amount of $250 to the SGO. The SGO cannot issue the taxpayer a COR for the $250 payment because the payment was made more than 60 days after the issuance of the CAC.

g) *Any portion of a contribution that a taxpayer fails to make by the date indicated on the contribution authorization certificate shall no longer be deducted from the caps prescribed in Section 10 of the Act.* [35 ILCS 40/30] (See Section 1000.200.) The Department will restore the amounts previously deducted after the last date has passed by which the SGO must notify the Department of the issuance of the COR for any given CAC.

h) Taxpayers can make, and SGOs can receive, contributions in the form of cash, stocks, and negotiable securities. If an SGO receives a contribution in stock or negotiable securities, the SGO must convert the stock and negotiable securities to cash and receive the cash proceeds prior to issuing the COR to the taxpayer. The amount of the COR issued to the taxpayer shall not exceed the net amount received in cash from the sale and available to the SGO for awarding scholarships to eligible students. The SGO must receive the proceeds from a sale from the broker before the SGO may issue a COR to the taxpayer. If an SGO maintains a brokerage account dedicated to receiving, selling and receiving the proceeds from the sale of stock and negotiable securities received from taxpayers as contributions, the funds are received when the proceeds from the sale of the stock or negotiable securities are placed in the dedicated brokerage account. Prior to making a contribution to an SGO with stock or negotiable securities, the taxpayer must acknowledge that, if the amount received by the SGO from the sale of the stock or negotiable securities exceeds the amount of the CAC issued to the taxpayer by the Department, the SGO will issue a COR to the taxpayer in the amount of the CAC, the SGO will use the excess funds for a charitable purpose, and the taxpayer will not receive a tax credit under the Act for the excess funds. The SGO must notify the taxpayer of the amount that exceeds the CAC.

EXAMPLE 1: A taxpayer has a CAC to contribute $100,000 to an SGO. The taxpayer owns 100 shares of XYZ stock valued at $95 per share on the day the shares are contributed to the SGO. The SGO has 30 days to issue a COR to the taxpayer. (See subsection (c).) On Day 28, the SGO's broker sells the stock. After deducting his commission, he remits $90,000 to the SGO on Day 29. The SGO issues the COR to the taxpayer in the amount of $90,000 on Day 30.

EXAMPLE 2: A taxpayer has a CAC to contribute $100,000 to an SGO. The taxpayer owns 100 shares of XYZ stock valued at $95 per share on the day the shares are contributed to the SGO. The SGO has 30 days to issue a COR to the taxpayer. (See subsection (c).) On Day 17, the SGO's broker sells the stock. After deducting his commission, he remits $105,000 to the SGO on Day 19. The amount of the COR to be issued by the SGO to the taxpayer cannot exceed $100,000. The SGO must notify the taxpayer that it received $5000 more than the CAC from the sale of the stock, that it will use the excess funds for a charitable purpose, and that the taxpayer will not receive a tax credit under the Act for the excess funds.

EXAMPLE 3: A taxpayer has a CAC to contribute $100,000 to an SGO. The taxpayer owns 100 shares of XYZ stock valued at $95 per share on the day the shares are contributed to the SGO. The SGO has 30 days to issue a COR to the taxpayer. (See subsection (c).) On Day 30, the SGO's broker sells the stock. After deducting his commission, he remits $90,000 to the SGO on Day 31. The CAC has lapsed and the SGO cannot issue a COR to the taxpayer for any amount realized from the sale of the stock.

i) If a taxpayer makes a contribution to an SGO using a credit card and the credit card company charges the SGO a processing fee, the SGO shall issue a COR to the taxpayer in the amount of the contribution to the SGO, less the amount of the processing fee. If an SGO is unable to determine the amount of the processing fee prior to issuing a COR to the taxpayer for the contribution, the SGO may use a reasonable method of allocating processing fees to contributions.

1) The SGO may collect an amount equal to the processing fee from the taxpayer. If the SGO collects the amount of the processing fee from the taxpayer, the SGO may issue the taxpayer a COR in the amount of the contribution received from the taxpayer.

EXAMPLE: The taxpayer has a CAC in the amount of $1,000 and makes a contribution of $1,000 using his credit card. The credit card company remits $970 to the SGO. The taxpayer subsequently pays $30 to the SGO to cover the processing fees. The SGO can issue CORs in the amount of $970 and $30 to the taxpayer. The taxpayer may treat the amount paid to the SGO in excess of $1,000 (e.g., the $30) to cover the cost of the processing fee as a regular charitable contribution.

2) The SGO may issue a COR to the taxpayer in the amount of the contribution and treat the processing fees as an administrative expense.

EXAMPLE: The taxpayer has a CAC in the amount of $1,000 and makes a contribution of $1,000 using his credit card. The credit card company remits $970 to the SGO. The SGO uses 95% of the funds ($950) for scholarships. It uses 5% for administrative costs ($50) and pays the $30 processing fee out of the 5%. The SGO may issue a COR to the taxpayer in the amount of $1,000.

j) Without the consent of a taxpayer, an SGO may not disclose to any person the contents of a taxpayer's contribution authorization certificate, the amount of contributions made to the SGO by the taxpayer, and the contents of a certificate of receipt issued to the taxpayer by the SGO.

Section 1000.600 Scholarship Granting Organizations: Issuance of Scholarships

a) *Before granting a scholarship for an academic year, all scholarship granting organizations shall assess and document each student's eligibility for the academic year.* For purposes of determining student eligibility for a school year, an SGO may use the most recently-available tax returns for purposes of determining a household's federal adjusted gross income.

b) *A scholarship granting organization shall grant scholarships only to eligible students.* Any eligible student may apply to an SGO for a scholarship. An SGO may not impose any eligibility requirements to apply for or receive a scholarship beyond those contained in this Part or restrict the issuance of scholarships to any group of students.

c) *A scholarship granting organization shall allow an eligible student to attend any qualified school of the student's choosing, subject to the availability of funds* and subject to the school being recognized by the Board pursuant to Section 2-3.25o of the School Code prior to the transfer of scholarship funds to the school.

d) Priority Groups

1) *In granting scholarships, a scholarship granting organization shall give priority to the following priority groups:*

A) *eligible students who received a scholarship from a scholarship granting organization during the previous school year;*

B) *eligible students who are members of a household whose previous year's total annual income does not exceed 185% of the federal poverty level;*

C) *eligible students who reside within a focus district determined by the Board; and*

D) *eligible students who are siblings of students currently receiving a scholarship from a scholarship granting organization*.

2) All priority groups must be treated equally for purposes of awarding scholarships, and eligible students in any one priority group do not receive a preference when applying for a scholarship in a subsequent year.

EXAMPLE: Student A files his application on February 1, resides in a focus district and is applying for a scholarship for the first time. Student B files her application on February 15, resides in a focus district and received a scholarship the previous school year. Student C files his application on February 17, is a sibling of Student D and is applying for a scholarship for the first time. Student D files her application on March 1 and received a scholarship from an SGO in the previous school year. When awarding scholarships, the SGO must award scholarships to Students A, B, C and D based on the date and time their applications are received. None of the students are entitled to receive any kind of preference.

3) An eligible student who received a scholarship from any SGO during the previous school year qualifies under subsection (d)(1).

EXAMPLE: Student A applies for a scholarship with SGO X. Student A received a scholarship from SGO Y during the previous school year. Student A qualifies as a priority student for the coming school year.

e) Granting of Scholarships by SGOs
A scholarship granting organization shall begin granting scholarships no later than February 1 preceding the school year for which the scholarship is sought.

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The priority groups identified in subsection (d) shall be eligible to receive scholarships on a first-come, first-served basis until the April 1 immediately preceding the school year for which the scholarship is sought. Applications for scholarships for eligible students meeting the qualifications of one or more priority groups that are received before April 1 must be either approved or denied within 10 business days after receipt. The date of receipt for purposes of beginning the 10-day period during which the SGO must approve or deny an application shall be the date on which the SGO has sufficient information to determine if the applicant is an eligible student and is in a priority group. *Beginning April 1, all eligible students shall be eligible to receive scholarships without regard to the priority groups identified in subsection (d).*

1) For purposes of this subsection (e), "granting scholarships" means that the SGO has reviewed an application, determined the applicant is an eligible student, and notified the applicant that he or she will receive a scholarship to attend the school chosen by the student, subject to availability of funds and subject to the school being recognized by the Board pursuant to Section 2-3.25o of the School Code prior to the transfer of scholarship funds to the school.

2) An SGO may begin accepting applications after it has been approved by the Department to issue CORs. (See Section 1000.300.) An SGO may require each student applying for a scholarship to file his or her own application. An SGO may allow a household to file one application for multiple students residing in the household. If a household files an application for multiple students residing in the household, the application for each student shall be deemed received in the order the students appear in the application.

   A) On and after April 1, an SGO may suspend accepting or reviewing applications from students when the SGO determines that the funds that are or will be available for awarding scholarships is insufficient to meet demand based on the number of applications received. Prior to suspending review of applications, the SGO shall review a reasonable number of applications in the event additional funds become available.

   B) Upon the request of, or with permission of, the student, an SGO may transfer a student's application to another SGO, subject to the

approval of the receiving SGO. The receiving SGO must stamp the application with the date and time it is actually received and process the application in accordance with this Section. For example, within 10 days after receipt of the application, the SGO must verify the student's eligibility and determine whether the student should receive priority under subsection (d) due to his or her status as a member of a priority group. (See subsection (e).) The transferring SGO no longer has any obligation to process the student's application.

3) An applicant may file applications with more than one SGO. However, an eligible student may accept only one scholarship provided for under the terms of the Act. Nothing in the Act prohibits an eligible student from receiving other scholarships from an SGO or other source that are paid from funds not subject to the Act.

4) An SGO must stamp all applications with the date and time they are actually received. An SGO may implement a two-stage application process if it is necessary to enable the SGO to accept and process a large number of applications. If an SGO implements a two-step application process:

A) during the first step, the SGO shall obtain the name of the student and the student's home and email address, record the date and time when the information is received, and provide the student a unique identification number. If a custodian initiates the first step, the custodian must provide the names of all students who will be completing applications using the unique identification number; and

B) during the second step, the student or custodian must complete the application for scholarship. The date this step is completed is the date that is used to determine if a student's application is received prior to April 1.

5) For a student to receive priority under subsection (d) due to his or her status as a member of a priority group, the SGO must receive the student's application before April 1.

6) An SGO must review all applications to determine if an applicant is an eligible student and meets the qualifications of one or more priority groups identified in subsection (d). Applicants who meet the qualifications of one or more priority groups shall be placed in Category 1. Applicants who do not meet the qualifications of one or more priority groups will be placed in Category 2.

A) If the SGO determines the application does not contain sufficient information to determine whether the applicant is an eligible student or meets the qualification of one or more priority groups, it shall contact the applicant and request the information necessary to make these determinations.

i) If the applicant fails to provide the SGO, within 10 days, with the information necessary to determine if the applicant is an eligible student, the application is deemed rejected. An applicant whose application has been rejected may file a new application. The new application shall be stamped with the date and time received and processed accordingly.

ii) If the applicant provides the SGO with the information necessary to determine that the applicant is an eligible student, but fails to provide, within 10 days, the information necessary to determine whether the applicant is in a priority group, the applicant shall be deemed not to be in a priority group. If the applicant provides the information necessary to confirm that the applicant is in a priority group after the 10 days have expired and if funds are available or become available prior to April 1, the application shall be processed based on the date and time the application was first received. If funds are not available prior to April 1, the application shall be placed in Category 2 and processed based on the date and time the application was received.

iii) Applications filed before April 1 must contain sufficient information to enable the SGO to determine by April 1 whether the applicant is an eligible student or a priority student. If the application does not contain sufficient

information by April 1 to determine whether the applicant is an eligible student, the application is deemed rejected. If the application contains sufficient information by April 1 to determine whether the applicant is an eligible student, but does not contain sufficient information by April 1 to determine whether the applicant is in a priority group, the application shall be placed in Category 2.

B) Prior to April 1, an SGO may make an initial determination whether an applicant is a member of a priority group. If it is determined the applicant is not a member of a priority group, the application may be paced in Category 2. The SGO may complete review of applications from students that are determined to be members of a priority group prior to completing review of the applications from applicants that the SGO has confirmed are not members of a priority group.

7) Prior to April 1, SGOs shall grant scholarships to applicants in Category 1 in the order in which the applications were received.

8) On and after April 1, SGOs shall grant scholarships to applicants in the following order based on the order in which they were received:

A) Category 1 applications received prior to April 1;

B) Category 2 applications received prior to April 1; and

C) all applications received on or after April 1.

EXAMPLE: Applications are received by an SGO in the following order: Student A on March 27. Student B on March 28. Student C on March 29. Student D on March 30. Student E on March 31. Student F on April 1. Student G on April 2. Student H on April 3. Student I on April 4. Students A, C, E and G are in one of the priority groups identified in subsection (d). The SGO has 10 business days from receipt of application to notify priority Students A, C and E whether their applications are granted or denied. Even though Student G fell within one of the priority groups identified in subsection (d), his application was received after April 1 and thus does not receive priority treatment (see subsection (e)(5)).

Scholarships must be granted in the following order: A, C, E, B, D, F, G, H, I.

9) For purposes of determining the eligibility of the student to receive a scholarship, an SGO may not impose any criteria or conditions in addition to those contained in the Act.

10) An SGO may impose a deadline of not less than 10 days for a student to accept a scholarship if the scholarship notification sent to the student identifies the school and amount awarded to attend the school and states that funds are available for the student to attend the school.

f) Determination of Scholarship Amounts by SGO
Except as provided in subsection (f)(2), scholarships shall not exceed the lesser of the statewide average operational expense per student among public schools or the necessary costs and fees for attendance at the qualified school. The necessary costs and fees for attendance at the qualified school shall be determined in the same manner for eligible students as they are for all other students.

1) On or before January 15 each year, the Board shall provide to the Department the statewide average operational expense per student among public schools.

2) *The statewide average operational expense per student among public schools shall be multiplied by the following factors:*

A) *for students determined eligible to receive services under the federal Individuals with Disabilities Education Act* (20 USC 1400 et seq.)*, 2;*

B) *for students who are English learners, as defined in Section 14C-2(d) of the School Code, 1.2; and*

C) *for students who are gifted and talented children, as defined in Section 14A-20 of the School Code, 1.1.*

3) The statewide average operational expense per student among public schools shall be multiplied by the factors in subsections (f)(2)(A) through (C) for students who meet those factors, regardless of whether the school

selected by the student provides defined programs for these students. After determining the lesser of the statewide average operational expense per student among public schools (adjusted as necessary for each applicant in accordance with subsection (f)(2)) and the necessary costs and fees for attendance at the qualified school selected by an applicant, the SGO shall calculate the scholarship amount as follows:

A) *for eligible students whose household income is less than 185% of the federal poverty level, the scholarship shall be 100% of the amount determined.*

B) *for eligible students whose household income is 185% or more of the federal poverty level but less than 250% of the federal poverty level, the average of scholarships shall be 75% of the amount determined.* An SGO is presumed to meet the requirements of this subsection (f)(3)(B) if it provides a scholarship to each eligible student meeting these income levels in the amount of 75% of the amount determined.

C) *for eligible students whose household income is 250% or more of the federal poverty level, the average of scholarships shall be 50% of the amount determined.* An SGO is presumed to meet the requirements of this subsection (f)(3)(C) if it provides a scholarship to each eligible student meeting these income levels in the amount of 50% of the amount determined.

g) *An SGO shall distribute scholarship payments to the participating school where the student is enrolled.* Payments must be made by the SGO directly to the participating school. Prior to distributing payments to a school, the SGO shall verify that the school is recognized by the Board pursuant to Section 2-3.25o of the School Code. An SGO may request verification from the school that an eligible student has met all the requirements for enrollment and has enrolled in the school prior to distribution of scholarship payments to the school. An SGO may make payments to a participating school where an eligible student has enrolled under the same terms and conditions as similarly situated students that are not awarded scholarships under the Act. (See Section 1000.700(a)(1)(A) through (D).)

h) *For the 2018-2019 school year through the 2021-2022 school year, each SGO shall expend no less than 75% of the qualified contributions received during the calendar year in which the qualified contributions were received. No more than 25% of the qualified contributions may be carried forward to the following calendar year.*

i) *For the 2022-2023 school year, each SGO shall expend all qualified contributions received during the calendar year in which the qualified contributions were received,* as well as any amount carried forward from the previous year. *No qualified contributions may be carried forward to the following calendar year.*

j) *An SGO shall allow an eligible student to transfer a scholarship during a school year to any other participating school of the custodian's choice,* subject to the availability of funds. *These scholarships shall be prorated*. (See Section 1000.700(e).)

EXAMPLE: An eligible student selects School A and is awarded a scholarship by the SGO. The SGO uses funds for the scholarship that were designated by an individual taxpayer for School A. The student decides to transfer to School B mid-year. The SGO does not have any available funds that were designated for School B, nor does it have any undesignated funds available for School B. The student may attend School B but the student will lose his or her scholarship because the SGO does not have any funds that are available for the student to attend School B.

k) *With the prior approval of the Department, an SGO may transfer funds to another scholarship granting organization if additional funds are required to meet scholarship demands at the receiving scholarship granting organization* or if necessary for the SGO seeking to transfer the funds to remain in compliance with the requirements of this Part. Funds transferred before June 1 must be used for scholarships in the same region to which the funds were originally directed in the CAC issued to the taxpayer. *All transferred funds must be deposited by the receiving SGO into its scholarship accounts. All transferred amounts received by any SGO must be separately disclosed to the Department.*

l) *If the approval of an SGO is revoked as provided in Section 20 of the Act or the SGO is dissolved, all remaining qualified contributions of the SGO shall be transferred to another SGO.* An SGO is deemed dissolved when it no longer has approval from the Department to award scholarships. This may occur when an

SGO elects to voluntarily terminate its status as an SGO during a calendar year after having received approval of its application by the Department or when the SGO does not seek recertification pursuant to Section 1000.1000. Funds must be transferred within 10 business days. Within 3 business days after the transfer, the revoked SGO must notify the Department of the amount transferred and the name and address of the receiving SGO or SGOs. Funds transferred before June 1 must be used for scholarships in the same region to which the funds were originally directed in the CAC issued to the taxpayer. *All transferred funds must be deposited by the receiving SGO into its scholarship accounts.*

m) *SGOs shall make reasonable efforts to advertise the availability of scholarships to all eligible students.* SGOs may not limit those efforts to any one school or subset of schools. [35 ILCS 40/40]

Section 1000.700 Qualified Schools Responsibilities

a) *A qualified school that accepts scholarship students must do all of the following:*

1) *provide to an SGO, upon request,* but no later than April 1, *all documentation required for the student's participation, including all necessary costs and fees.* A qualified school is permitted to establish the qualifications an eligible student must meet, the tuition (i.e., necessary costs and fees) an eligible student must pay, and the conditions a student must comply with to attend the school. The qualifications, tuition, and conditions for an eligible student to attend the school may be no greater or more stringent than those established and maintained for other students attending the school. The qualifications, tuition, and conditions must be applied to eligible students in a nondiscriminatory manner. For example, a school may:

A) provide a discount for tuition when more than one student in a household attends the school. An eligible student receiving a scholarship under the Act must be eligible to receive the discount;

B) require students to perform charity or volunteer work to be enrolled in the school. The school shall impose the same hour requirements on an eligible student receiving a scholarship under the Act;

C) establish a disciplinary code that students must abide by to attend the school. The school shall impose the same disciplinary code on an eligible student receiving a scholarship under the Act;

D) establish academic requirements to be enrolled at the school and to remain enrolled at the school. The school shall impose the same academic requirements on an eligible student receiving a scholarship under the Act.

2) *be academically accountable to the custodian for meeting the educational needs of the student by:*

A) *at a minimum, annually providing to the custodian a written explanation of the student's progress; and*

B) *annually administering assessments required by Section 45(a) of the Act in the same manner in which they are administered at public schools pursuant to Section 2-3.64a-5 of the School Code.*

3) provide notice to the student's custodian on occasions when an eligible student is not complying with the qualified school's published policies, for example, attendance requirements, volunteer work requirements, or the disciplinary code.

4) report to the SGO, within 10 business days, the name of any student awarded a scholarship by the SGO who leaves the school during the school year.

b) *The Board shall bill participating qualified schools for all costs associated with administering assessments required by this* subsection. *The participating qualified schools shall ensure that all test security and assessment administration procedures are followed and must report individual student scores to the custodians of the students. The independent research organization described in Section 45(b) of the Act shall be provided all student score data in a secure manner by the participating qualified school.*

c) *The inability of a qualified school to meet the requirements of this Section shall constitute a basis for the ineligibility of the qualified school to participate in the scholarship program as determined by the Board.* [35 ILCS 40/50]

d) A school that receives scholarship funds for a student from multiple SGOs shall notify the SGOs, the student's custodian and the student. Within 5 business days after receipt of the notice, the SGO shall notify the school whether the student has notified the SGO that the student has accepted a scholarship from the SGO.

A) If the student has accepted a scholarship from an SGO, the school shall retain the funds received from the SGO the student has notified and return the funds to the remaining SGOs within 10 business days. If the student notified multiple SGOs that the student has accepted a scholarship, the student shall be deemed to have selected the scholarship award in the greatest amount. If the scholarship awards are of equal value, the student shall be deemed to have selected the award the school received first. The school shall return the funds to the remaining SGOs within 10 business days.

B) If the student has not notified any of the SGOs that he or she has accepted a scholarship, the student shall, within 10 business days after receipt of the notice from the school, notify the SGOs and the school which scholarship awards he or she has selected. If the student fails to notify the SGOs and the school within 10 business days which scholarship award he or she has selected, the student shall be deemed to have selected the scholarship award in the greatest amount. If the awards are of equal value, the student shall be deemed to have selected the award from the SGO the school received funds from first, and the school shall return the funds received from the other SGO or SGOs. The school shall return the funds to the SGO or SGOs that the student has not selected within 10 business days after the date by which the student is required to notify the school and the SGOs

e) A school that receives scholarship funds for a student from an SGO must return unused funds to the SGO for any student who leaves the school during the school year. The school may retain funds for necessary costs and fees that were expended or were due and payable, including tuition, for the period the student attended the school. The school shall return the balance to the SGO within 10 business days after the student leaves the school.

Section 1000.800 Custodian and Student Responsibilities

a) *The custodian must select a qualified school and apply for the admission of his or her child.*

b) *The custodian shall ensure that the student participating in the scholarship program takes the assessment required by Section 45(a) of the Act.*

c) *Each custodian and each student has an obligation to comply with the qualified school's published policies.*

d) *The custodian shall authorize the SGO to access information needed for income eligibility determinations.* [35 ILCS 40/55]

Section 1000.900 Scholarship Granting Organizations: Reports

a) *Within 180 days after the end of its fiscal year, each SGO must provide to the Department a copy of a financial audit of its accounts and records conducted by an independent certified public accountant in accordance with auditing standards generally accepted in the United States, government auditing standards, and this Part.*

1) *The audit must include a report on financial statements presented in accordance with generally accepted accounting principles.*

2) *The audit must include evidence that no less than 95% of qualified contributions received were used to provide scholarships to eligible students.* To qualify as an SGO, the SGO must use at least 95% of the qualified contributions received during an SGO's taxable year for scholarships. (See definition of "scholarship granting organization" in Section 1000.100.) An SGO is not required to distribute 95% of the funds during the taxable year in which the contributions were received.

EXAMPLE: An SGO's taxable year ends June 30. The SGO receives contributions in the amount of $1,000,000 before June 30. The SGO is not obligated to use 95% of the funds before June 30, the end of the SGO's taxable year. It is required to ultimately distribute 95% of the funds for scholarships. In addition, the SGO is required to meet any other requirements contained in Section 1000.600(h) and (i).

3) The audit must include an attestation that the SGO awarded scholarships in compliance with the definition of "eligible student" and the guidelines contained in Section 1000.600.

4) *The Department shall review all audits submitted pursuant to this subsection* (a)(4). *The Department shall request any significant items that were omitted in violation of* this Part. *The items must be provided within 45 days after the date of request. If a scholarship granting organization does not comply with the Department's request, the Department may revoke the scholarship granting organization's ability to issue certificates of receipt.*

b) *An SGO that is approved to receive qualified contributions shall report to the Department, on a form prescribed by the Department, by January 31 of each calendar year beginning in the year 2019. The report shall include:*

1) *the total number of certificates of receipt issued during the immediately preceding calendar year;*

2) *the total dollar amount of qualified contributions received, as set forth in the certificates of receipt issued during the immediately preceding calendar year;*

3) *the total number of eligible students utilizing scholarships for the immediately preceding calendar year and the school year in progress and the total dollar value of the scholarships;*

4) *the name and address of each qualified school for which scholarships using qualified contributions were issued during the immediately preceding calendar year, detailing the number, grade, race, gender, income level, and residency by Zip Code of eligible students and the total dollar value of scholarships being utilized at each qualified school by priority group, as identified in Section 40(d) of the Act; and* [35 ILCS 40/35]

5) a list of all transfers of funds made pursuant to Section 1000.600(k) and (l) and the names and addresses of the SGOs who received the funds.

DEPARTMENT OF REVENUE

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Section 1000.1000 Scholarship Granting Organizations: Annual Recertification; Revocation

a) *Each SGO that receives approval to issue certificates of receipt shall file an application for recertification on an annual basis. The application for recertification shall be in the form and manner prescribed in* Section 1000.300 *and shall include:*

1) *certification from the Director or Chief Executive Officer of the organization that the organization has complied with and continues to comply with the requirements of the Act, including evidence of that compliance; and*

2) *a copy of the organization's current financial statements.*

b) *The Department may revoke the approval of an SGO to issue certificates of receipt upon a finding that the organization has violated the Act* or this Part. *These violations shall include, but need not be limited to, any of the following:*

1) *failure to meet the requirements of the Act;*

2) *failure to maintain full and adequate records with respect to the receipt of qualified contributions;*

3) *failure to supply these records to the Department; or*

4) *failure to provide notice to the Department of the issuance of certificates of receipt pursuant to Section 35 of the Act.*

c) *Within 5 days after the determination to deny recertification or to revoke approval, the Department shall provide notice of the determination to the SGO and information regarding the process to request a hearing to appeal the determination.* [35 ILCS 40/20] An SGO whose recertification was denied or approval revoked may, within 20 days after notice of the determination, protest the Department's determination by making a written request for a hearing. After receipt of the request for a hearing, the Department shall give notice to the SGO of the time and place fixed for the hearing, shall hold a hearing, and shall issue its final administrative decision to the SGO. In the absence of a protest within 20

days, the Department's decision shall become final without any further determination being made or notice given.

DEPARTMENT OF REVENUE

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Section 1000.APPENDIX A Invest In Kids: The Five Regions of the State of Illinois

This Appendix A sets forth the 5 regions into which the State of Illinois will be divided for purposes of awarding income tax credits under the Invest in Kids Act in a manner that is geographically proportionate to enrollment in recognized non-public schools. The boundaries of these regions are coterminous with the districts established for the Illinois Appellate courts.

a) Region 1 consists of the following county: Cook;

b) Region 2 consists of the following counties: Boone, Carroll, DeKalb, DuPage, Jo Daviess, Kane, Kendall, Lake, Lee, McHenry, Ogle, Stephenson and Winnebago;

c) Region 3 consists of the following counties: Bureau, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Kankakee, Knox, LaSalle, Marshall, McDonough, Mercer, Peoria, Putnam, Rock Island, Stark, Tazewell, Warren, Whiteside and Will;

d) Region 4 consists of the following counties: Adams, Brown, Calhoun, Cass, Champaign, Clark, Coles, Cumberland, De Witt, Douglas, Edgar, Ford, Greene, Jersey, Livingston, Logan, Macon, Macoupin, Mason, McLean, Menard, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Vermilion and Woodford; and

e) Region 5 consists of the following counties: Alexander, Bond, Christian, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pope, Pulaski, Randolph, Richland, Saline, Shelby, St. Clair, Union, Wabash, Washington, Wayne, White and Williamson.

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3)

Section Numbers:	Adopted Actions:
1030.60	Amendment
1030.88	Amendment

4) Statutory Authority: 625 ILCS 5/2-104 & 625 ILCS 5/6-104(a); 625 ILCS 5/6-508(a)(2)

5) Effective Date of Rules: October 30, 2018

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 Department's Division of Driver's Services, and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 42 Ill. Reg. 14350; August 3, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Difference between Proposal and Final Version: Updates references to Code of Federal Regulations to 2018 version; adds specific dimensions for required skills tests; requires (instead of allows) the Department to conduct inspections every 2 years, but allows for more frequent inspections if desired by the Department; requires covert skills tests/co-scoring or retesting of sample drivers every 2 years (instead of permissive); added specific topics included in refresher training and made miscellaneous grammatical changes and minor clarifications.

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

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15) Summary and Purpose of Rulemaking: Makes miscellaneous changes to the third party testing certification program, including deeming failure to keep records or complete records is prima facie evidence that no records were kept; allows for refresher training if a safety officer does not conduct the minimum number of skills tests; specifies requirements for reporting of appointments for skills tests.

Allows an active duty member of the United States Armed Forces who successfully complete a Motorcycle Safety Foundation (MSF) course while in the military to present the MSF card at a Secretary of State facility to obtain a class L or M driver license without completion of the Secretary of State administered written and road tests.

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

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

217/557-4462

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section

1030.1 Definitions
1030.5 Procedure for Obtaining a Driver's License
1030.6 Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7 Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12 Identification Cards for the Homeless
1030.13 Denial of License or Permit
1030.14 Emergency Contact Database
1030.15 Cite for Re-testing
1030.16 Physical and Mental Evaluation
1030.17 Errors in Issuance of Driver's License/Cancellation
1030.18 Medical Criteria Affecting Driver Performance
1030.20 Classification of Drivers – References (Repealed)
1030.22 Medical Examiner's Certificate − CLP or CDL Holders
1030.25 Safe Driver License Renewals
1030.26 Identification Cards for IDOC/IDJJ Applicants
1030.27 Identification Cards for Youth in Care
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Third-Party Certification Program
1030.63 Religious Exemption for Social Security Numbers (Repealed)
1030.65 Instruction Permits
1030.66 Adult Driver Education
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses

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1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts − Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Person with a Disability Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses (Repealed)
1030.96	Seasonal Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98	School Bus Endorsement or Learner's Permit
1030.100	Anatomical Gift Donor (Repealed)
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
1030.140	Use of Captured Images
1030.150	Veteran Designation on Driver's License or Identification Card

1030.APPENDIX A	Questions Asked of a Driver's License Applicant
1030.APPENDIX B	Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit
1030.APPENDIX C	Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

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

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SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August

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10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4,

2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018; amended at 42 Ill. Reg. 20548, effective October 30, 2018.

Section 1030.60 Third-Party Certification Program

a) For purposes of this Section, the following definitions shall apply:

"Cancellation of Third-Party Certifying Entity License" − the annulment or termination by formal action of the Secretary of State of a Third-Party Certifying Entity License because of some error or defect in the license or because the licensee is no longer entitled to the license.

"Cancellation of Third-Party Certification Safety Officer License" − the annulment or termination by formal action of the Secretary of State of a Third-Party Certification Safety Officer License because of some error or defect in the license or because the licensee is no longer entitled to the license.

"Certify" – transmittal to the Department by a third-party certifying entity that an employee or member of the entity has successfully passed the CDL skills tests.

"Denial of Third-Party Certifying Entity License" − to prohibit or disallow the privilege to obtain a Third-Party Certifying Entity License by the Secretary of State.

"Denial of Third-Party Certification Safety Officer License" − to prohibit or disallow the privilege to obtain a Third-Party Certification Safety Officer License by the Secretary of State.

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

"Federal Motor Carrier Safety Administration" or "FMCSA" − a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Revocation of Third-Party Certifying Entity License" − the termination by formal action of the Secretary of State of a Third-Party Certifying Entity License; the termination shall not be subject to renewal or restoration.

"Revocation of Third-Party Certification Safety Officer License" − the termination by formal action of the Secretary of State of a Third-Party Certification Safety Officer License; the termination shall not be subject to renewal or restoration.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed by the Department to administer the CDL skills tests specified in subparts G and H of 49 CFR 383 (October 1, 2018~~2014~~) to the entities' employees and members. A safety officer is equivalent to a Third Party Skills Test Examiner as defined in 49 CFR 383.5 (October 1, 2018~~2014~~).

"Skills Tests" – Those tests specified in subparts G and H of 49 CFR 383 (October 1, 2018~~2014~~).

"Suspension of Third-Party Certifying Entity License" − the temporary withdrawal by formal action of the Secretary of State of a Third-Party Certifying Entity License for a period specifically designated by the Secretary.

"Suspension of Third-Party Certification Safety Officer License" − the temporary withdrawal by formal action of the Secretary of State of a Third-Party Certification Safety Officer License for a period specifically designated by the Secretary.

"Third-Party Certification License" − a license issued by the Secretary of State to a third-party certifying entity that allows the entity to participate in the third-party certification program.

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"Third-Party Certification Program" − a Secretary of State program that allows a third-party entity to administer the CDL skills tests specified in subparts G and H of 49 CFR 383 (October 1, 2018~~2014~~) to its employees or members.

"Third-Party Certifying Entity" or "Entity" – an entity licensed by the Secretary of State to participate in the third-party certification program. A third-party certifying entity is equivalent to a third party tester as defined in 49 CFR 383.5 (October 1, 2018~~2014~~).

b) The Department shall not require an actual demonstration of the ability of the driver applicant to operate and exercise ordinary and reasonable control of a motor vehicle when the driver applicant has successfully completed the CDL skills tests administered by a safety officer of a third-party certifying entity, if the entity complies with the following requirements:

1) License Required – No person, firm, association, partnership or corporation shall operate a third-party certification program unless a license has been issued by the Secretary of State. When an application is submitted for an original third-party certification license or Safety Officer License, the applicant or applicants shall not conduct any business as a third-party certifying entity or safety officer until a license is issued by the Department pursuant to the requirements of subsections (d) and (i).

2) Certify Only Employees or Members – A third-party certifying entity shall certify only those driver applicants who are employed by and on the payroll of the entity at the time of certification. Third-party entities that are unions or fire departments shall certify only those driver applicants who are members at the time of certification.

3) A third-party certifying entity shall not enter into any agreement with employees/members it certifies that provides for compensation, reimbursement or any form of consideration, including but not limited to monies, credits, services or payroll withholding, payable to the third-party entity, in exchange for training and/or testing from the employee/member who is certified.

4) A third-party certifying entity shall not accept compensation, reimbursement or any form of consideration, including but not limited to monies, credits, services or payroll withholding, in exchange for training

and/or testing from any employee/member who is certified.

5) A third-party certifying entity shall not engage in or permit any type of fraudulent activity, with reference to either any certified individual or the Secretary of State.

6) A third-party certifying entity must enter into a written agreement with the Secretary of State that delineates the responsibilities and requirements the entity must meet and adhere to.

c) Licenses May Not Be Assigned. No individual, partnership, association or corporation may sell, assign, barter or trade a third-party certification license or Safety Officer License issued by the Department.

d) Requirements – Third-Party Certifying Entities

1) The entity shall have at least one employee who is licensed as a safety officer for the entity. A Safety Officer License may only test and certify employees or members in the classification indicated on the Safety Officer License.

2) The entity shall have a regularly established place of business in the State of Illinois, with the exception of entities having a regular place of business in a contiguous state (Indiana, Missouri, Wisconsin, Iowa and Kentucky). Any entity having its headquarters in a contiguous state that wishes to participate in the third-party certification program shall have an appointed agent, for purposes of this program, who is licensed as a safety officer and holds a valid Illinois driver's license or a CDL issued by a contiguous state.

A) The established place of business of each entity must consist of at least the following permanent facilities:

i) an office facility;

ii) appropriate space ~~(an area at least 15 feet wide by 100 feet long)~~ to conduct all basic control skills tests pursuant to Section 1030.85 as follows:

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- For Class B and Class C vehicles, an area of at least 15 feet wide by 100 feet long;

- For Class A vehicles, areas of 240 feet long by 12 feet wide to conduct straight-line backing, 180 feet long by 24 feet wide to conduct offset backing, and 180 feet long by 12 feet wide to conduct parallel parking. All skills tests do not need to be conducted in one space/lot.

B) An entity that has an established place of business may operate a branch facility, provided the branch facility meets all requirements of the main facility pursuant to subsections (d)(2)(A) and (d)(2)(D).

C) Upon receipt by the Secretary of State of a written request to open a branch facility, an authorized representative of the Secretary of State shall inspect the branch facility and, if the facility meets the provisions of this Section, shall issue the appropriate license that must be displayed in a visibly prominent place in the branch facility.

D) Each location must comply with public health and safety standards contained in the Public Building Egress Act [415 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].

3) The entity shall submit to the Department a copy of any subcontract of services described in this Part.

4) The entity shall have a prescribed physical driving course for each location and be required to meet a driving skills test with the same minimum standards as the course used for testing by the Department pursuant to Section 1030.85.

5) The entity shall have access to a properly registered motor vehicle of the representative classification that the employee/member operates or expects to operate.

6) The entity shall provide the employee/member who takes and passes the

skills tests with a fully completed Certification of Drive Test By Third Party Certifying Entity that certifies the individual has successfully passed the skills tests administered by the safety officer of the third-party certifying entity.

7) The entity shall collectively submit completed application forms to the Department for each main office, branch office and safety officer.

8) The entity shall have and use a business telephone listing for all business purposes.

9) If a licensed safety officer is temporarily suspended, laid-off or discharged by a third-party certifying entity, the entity shall immediately notify the Department, on forms furnished by the Department, of the name, address and license number of the safety officer, the officer's termination date and reason for termination. In all cases in which a safety officer has ceased working for the third-party certifying entity, the safety officer must surrender the third-party Safety Officer License to the Department.

10) Records – All entities licensed by the Secretary of State must maintain the following records for a period of four years, at the licensed location where the testing took place:

A) The name and address of each employee/member certified by the entity, the instruction permit or driver's license number of every employee/member, the results of the final skills test, including endorsements, given to each employee/member, the name of the safety officer who administered the skills test, and the license plate number of the vehicle used in the test.

B) Proof of eligibility for certification of each employee/member certified.

C) Proof of proper training for each CDL certified employee/member, who did not hold a valid CDL at the time of testing or has never held a valid CDL, including dates of training and the names of all trainers that provided training, shown on the form provided by the Department or an equivalent form approved by the Department.

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D) Documentation, including dates of training and the names of the trainers, of any training provided to each CDL certified employee/member who held~~holds~~ a valid CDL at the time of testing or has ever~~previously~~ held a CDL.

E) Failure to maintain the required records, and/or the maintenance of incomplete records, shall be prima facie evidence that the required testing was not administered.

11) Auditing – CDL Skills Test

A) Entities shall allow the Department and FMCSA or its representatives to conduct random examinations, inspections and audits without prior notice pursuant to 49 CFR 383.75~~385.75~~ and 384.229 (October 1, 2018~~2013~~), including audits of employment records of individuals certified by the third-party certification entity and any and all agreements or contracts governing the employer/employee relationship or entity/member relationship as it pertains to training or testing.

B) The Department shall~~Entities shall allow the Department to~~ conduct on-site inspections at least biennially, but is authorized to conduct inspections more frequently~~annually~~.

~~C)~~ ~~Entities shall allow Department employees to covertly take the skills tests administered by the entity's safety officer as if the Department employee were an employee or member of the entity.~~

C~~D~~) Entities shall allow Department employees to co-score, along with the safety officer, during skills tests administered to the entity's employees or members to compare pass/fail results.

D) At least once every 2 years, the Department shall either:

i) Have Department employees covertly take the skills test administered by the entity's safety officer as if the Department employee were a test applicant;

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ii) Have Department employees co-score along with each third-party examiner during CDL skills tests to compare pass/fail results; or

iii) Retest a sample of drivers who were examined by the entity to compare pass/fail results. The Department may reexamine any individual who was tested and certified by a third-party entity. If the results of the random examination reflect a failure rate greater than the Department's current acceptable failure rate of 20 percent, the Department shall notify the entity in writing of the need to retrain the failed applicants. The retraining must be completed within 30 days after the random examination. The Department shall administer the skills tests for the retrained applicants. The Department's Commercial Driving Training School Section will determine the location and time of the retesting.

~~E)~~ ~~The Department~~ may~~shall annually re-examine a percentage of the certified employees/members to compare pass/fail results and determine the percentage of certified individuals employed by, or who are members of, the third-party certifying entity.~~

~~i)~~ ~~If the results of the random examination reflect a failure rate greater than the Department's current acceptable failure rate of 20 percent, the third-party entity will be notified in writing of the need to retrain the failed applicants.~~

~~ii)~~ ~~The retraining must be completed within 30 days after the random examination, at which time the trainee must be referred to the Secretary of State to be skills tested.~~

~~iii)~~ ~~The Commercial Driver Training School Section will determine the location and time of the re-testing.~~

~~F)~~ ~~The Department may re-examine any individual who was tested and certified by a third-party certifying entity.~~

12) Entities shall display in a prominent place at the established place of business the following:

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A) The license issued by the Department to the entity; and

B) The Safety Officer Licenses of all safety officers employed by the entity.

13) Prior to administering the skills tests, the entity must provide training on the CDL skills tests as specified in Section 1030.85 to each employee/member who does not currently hold, or has never held, a valid CDL. The training shall be given in equally scheduled intervals~~,~~ over a period of at least~~not less than~~ 14 days.

14) The entity must provide the Department with the names of all employees or members it tested and certified from a non-CDL classification to a CDL classification whose employment/membership terminated within six months after the date of certification.

A) The Department shall cite these individuals to be retested by the Secretary of State in a properly classified vehicle. If the individual passes the skills test, the individual may maintain the driver's license classification originally certified by the entity. If the individual fails any part of the skills test, the individual shall be downgraded to the non-CDL classification he/she held prior to being certified.

B) The Department shall provide each entity with a Verification of Continual Employment form to assist the entity in determining the names of the employees or members who have terminated their employment/membership within six months after being certified.

15) The entity may not have a current unsatisfactory safety rating from FMCSA as defined in 49 CFR 385.3 (October 1, 2018~~2014~~).

16) The entity must submit a schedule of CDL skills tests appointments, in a manner prescribed by the Department, including but not limited to dates, times and locations of testing, to the Department, no later than two business days prior to each test.

17) Unless the entity is a governmental agency, the entity must secure and

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maintain a continuous surety bond in the Principal sum of $10,000, underwritten by a company authorized to do business in the State of Illinois, which represents a sufficient amount to pay for re-testing drivers in the event that the entity or one or more of its safety officers is involved in fraudulent activities related to the skills testing of its employees or members. However, the aggregate liability of the surety for all breaches of the condition of the bond in no event shall exceed the Principal sum of $10,000. The surety on any bond may cancel the bond on giving 30 days notice in writing to the Secretary of State and shall be relieved of liability for any breach of any conditions of the bond that occurs after the effective date of cancellation. All bonds filed pursuant to this provision shall be in substantially the following form:

Know All Persons by These Presents, That We, _____ _____, of _____, hereinafter referred to as Principal and _____, a corporation organized and existing to do business in the State of Illinois, for the use and benefit of all persons who may be damaged by breach of this bond, as Obligees, in the penal sum of $10,000, lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our executors, administrators, successors and assigns, firmly by these presents. The condition of this obligation is such that the Principal has made application to the Illinois Secretary of State for licensure as a third-party certifying entity for the purpose of administering CDL skills tests to employees or members of the Principal. Therefore, if the Principal faithfully complies with the Illinois Vehicle Code and all State and federal rules and regulations that have been or may hereafter be in force concerning the license, and shall save and keep harmless the Illinois Secretary of State, the Obligee, from all loss or damage that may be sustained as a result of re-testing drivers in the event that the Principal or one or more of its safety officers is involved in fraudulent activities related to conducting skills testing of applicants for a commercial driver's license this obligation shall be void; otherwise, this obligation shall remain in full force and effect. The bond will expire but may be continued by renewal certificate signed by Principal and Surety. Regardless of the number of years this bond is in effect, the number of third-party certifying entity license renewals, the number of premiums paid or the number of claims made, the Surety's aggregate liability shall not be more than the penal sum of this bond. The Surety may at any time terminate its liability by

giving 30 days written notice to the SOS Commercial Driver Training Section, 650 Roppolo Drive, Elk Grove Village, Illinois 60007, and the Surety shall not be liable for any default after that 30 day notice period, except for defaults occurring prior thereto.

Signed, Sealed and Dated this _____ day of _____, 20 _____

Principal _____

Surety _____

By _____
Attorney-in-fact

18) Within three days after an employee or member passes the CDL skills tests administered by the entity, the entity shall transmit the score sheet to the Department through secure electronic means prescribed by the Department.

e) Skills Tests

1) Any CDL or school bus skills tests administered by an entity must be conducted by a safety officer as specified in 49 CFR 383.75 (October 1, 2018~~2014~~). A safety officer licensed to administer skills tests is prohibited from administering a skills test to an individual who received skills training from that safety officer.

2) Driving Skills – The entity shall have a prescribed physical driving course for each location and is required to administer a skills test with the same minimum standards used by the Department as provided in Section 1030.85.

3) Pre-Trip Inspection – When applicable, the entity shall test and the employee/member shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:

A) locate and verbally identify air brake operating controls and monitoring devices;

B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;

C) inspect low pressure warning devices to ensure they will activate in emergency situations;

D) ascertain, with the engine running, that the system contains an adequate supply of compressed air;

E) determine that the required minimum air pressure build up at the time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and

F) operationally check the brake system for proper performance.

4) Restrictions and/or Endorsements − Entities – conducting skills tests for restrictions, passenger endorsements and/or school bus endorsements must administer a skills test with the same minimum standards as a test administered by the Department as provided in Section 1030.92.

5) Entities conducting road tests for motorcycle and non-CDL A, B or C classifications are not bound by subsections (e)(1) through (4), but instead must administer~~meet~~ a road test prescribed by the Department as provided in Section 1030.85.

A) Motorcycle skills tests must include at least the following:

i) basic vehicle control skills;

ii) safe driving skills;

iii) visual search;

iv) speed and space management; and

v) mounting and dismounting.

B) Non-CDL A, B or C classification road tests must include at least the following:

i) basic vehicle operation;

ii) safe driving skills;

iii) speed and attention;

iv) lane and right of way observance;

v) obeying traffic control devices; and

vi) use of special equipment.

6) Require Instruction Permit – Before an employee/member may be skills tested and certified by an entity, the employee/member must obtain an instruction permit from the Department for the specific vehicle classification in which he/she intends to be licensed. The employee/member must hold a valid instruction permit for a period of at least two weeks prior to being skills tested and certified by an entity, if not currently licensed in the classification representative of the vehicle the employee/member intends to drive.

f) Issuance of Third-Party Certifying Entity Licenses

1) The Department shall issue a license to conduct business as a third-party certification program when it is satisfied the entity applying for a third-party certification license has met the requirements.

2) All licenses issued to any third-party certifying entity shall remain valid unless canceled, suspended or revoked. The Department shall send affidavits to, and conduct audits of, each licensee annually to determine that the licensee remains in compliance with the requirements.

g) Denial, Cancellation, Suspension and Revocation of Third-Party Certifying Entity Licenses

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1) The Secretary of State shall deny an application for a third-party certifying entity license:

A) to any entity that submits a fraudulent application.

B) to any entity that currently employs individuals currently employed by the Secretary of State.

C) to any entity that owes outstanding fees to the Secretary of State.

D) to any third-party certifying entity that lacks a safety officer.

E) when an entity's physical location:

i) fails to comply with public health and safety standards contained in the Public Building Egress Act ~~[45 ILCS 55]~~, the Natural Gas Odor Injection Act ~~[430 ILCS 25]~~, and/or the Environmental Barriers Act ~~[410 ILCS 25]~~.

ii) fails to have a telephone that is registered to the entity.

F) to any entity with a current unsatisfactory rating from FMCSA.

G) to any commercial driver training school.

H) to any entity that enters into any agreement with employees/members it certifies that provides for compensation or any form of consideration, including but not limited to monies, credits, services or payroll withholding, in exchange for training and/or testing from the certified employee/member.

I) to any entity that accepts compensation or any form of consideration, including but not limited to monies, credits, services or payroll withholding, in exchange for training and/or testing from any certified employee/member who is certified.

J) to any entity that fails to maintain a continuous surety bond.

2) The Department may cancel a third-party certifying entity license for

failing to correct, after five business days, any of the following violations:

A) the entity employs individuals currently employed by the Secretary of State.

B) the entity owes outstanding fees to the Secretary of State.

C) the entity lacks a safety officer.

D) the entity fails to meet location standards by:

i) failing to comply with public health and safety standards contained in the Public Building Egress Act ~~[45 ILCS 55]~~, the Natural Gas Odor Injection Act ~~[430 ILCS 25]~~, and the Environmental Barriers Act ~~[410 ILCS 25]~~.

ii) failing to have a telephone that registers to the third-party certification entity.

E) the entity currently has an unsatisfactory rating from FMCSA.

F) the entity is a commercial driver training school.

G) the entity fails to maintain a continuous surety bond.

3) The Department may suspend for up to one year or revoke a entity's license for any violation of this Section, depending on the seriousness of the violation, whether the violation has been corrected, and how long the violation was unremediated.

h) Issuance of Safety Officer License

1) The Department shall issue a license to each safety officer when satisfied that the person has met the qualifications required under this Section. Each Safety Officer License shall authorize the licensee to administer tests solely for the employer indicated on the license, except when the safety officer is employed by an entity providing contractual services to the third-party certification entity.

2) An individual may be issued two safety officer licenses in the following combinations:

A) as a safety officer for two governmental agencies; or

B) as a safety officer for a private entity and a governmental agency.

3) All licenses issued to any safety officer shall remain valid unless canceled, suspended or revoked.

i) Safety Officer

1) Requirements

A) A safety officer may only test and certify employees or members in the class that is indicated on his/her Safety Officer License.

B) A safety officer who applies to administer skills tests to individuals for CDLs must complete a CDL skills test examiner training course and examination in accordance with 49 CFR 384.228(d) and (e) (October 1, 2014) and submit to a nationwide criminal background check in accordance with 49 CFR 384.228 (October 1, 2014). Fingerprints shall be submitted to the Illinois State Police in accordance with 20 Ill. Adm. Code 1265.30.

C) A safety officer must conduct skills testing in accordance with subsection (e).

D) A safety officer shall not engage in or permit any type of fraudulent activity, either with reference to any certified employee or member or the Secretary of State.

E) A safety officer must maintain records in accordance with subsection (d)(10).

F) If a safety officer ~~that~~ does not administer at least 10 separate skills tests per calendar year, the entity shall allow a Department employee to accompany the safety officer to observe the safety officer successfully administer at least one skills test or the safety

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officer may take the refresher training specified in 49 CFR 384.228, including, but not limited to, overviews of the third-party certification process, how to submit test results electronically, testing protocols/procedures, the score sheet, scoring standards, and required recordkeeping.

G) If a safety officer licensed to administer CDL skills tests to employees or members must successfully complete a refresher training course and written examination every four years to maintain his/her CDL Safety Officer License.

2) Denial of License. The Department shall deny a safety officer's license upon evidence the individual:

A) has been convicted of driving under the influence of alcohol and/or other drugs (see IVC Section 11-501), leaving the scene of a fatal accident (see IVC Section 11-401), reckless homicide (see Section 9-3 of the Criminal Code of 20121961 [720 ILCS 5/9-3]), reckless driving (see IVC Section 11-503), or similar out-of-state offenses within 10 years prior to the date of application; or has been convicted two or more times of any of these offenses or combination of these offenses within 20 years prior to the date of application.

B) fails to properly make application for the license.

C) is not employed by a third-party certifying entity.

D) is currently a salaried employee of the Secretary of State.

E) is not at least 21 years of age.

F) submits a fraudulent application.

G) owes outstanding fees to the Secretary of State.

H) holds a driver's license that is currently canceled, suspended or revoked.

I) holds a driver's license that was suspended or revoked within a period of five years prior to the date of application. However, suspensions related to auto emissions, failure to pay child support and unpaid parking tickets will not be considered.

J) has not held, for at least two years immediately preceding application, a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to administer skills tests.

K) does not meet the training, testing and background check requirements of subsection (i)(1)(B).

L) is an owner or instructor of a commercial driver training school.

M) has been suspended pursuant to IVC Section 11-501.1, 11-501.6 or 11-501.8 within the 10 years prior to the date of application, or has had two or more suspensions pursuant to IVC Section 11-501.1, 11-501.6 or 11-501.8, or combination thereof, within the 20 years prior to the date of application.

N) violated any subsection of this Section.

O) has any felony conviction within the last 10 years (applies only to persons applying to administer CDL skills tests).

P) has any conviction involving fraudulent activities (applies only to persons applying to administer CDL skills tests).

3) The Department shall immediately cancel a safety officer's license upon evidence that the individual:

A) holds a driver's license that is currently canceled, suspended or revoked.

B) has not held, for at least two years immediately preceding application, a valid license in the classification and/or endorsement in which the individual intends to test.

C) administers CDL skills tests to employees/members, but has not completed the training and testing specified in subsection (i)(1)(B).

D) is no longer employed by the third-party certification entity or no longer has a valid license.

E) is currently a salaried employee of the Secretary of State.

F) owes outstanding fees to the Secretary of State.

G) is an owner or instructor of a commercial driver training school.

H) has a felony conviction within the last 10 years (applies only to persons administering CDL skills tests).

I) has any conviction involving fraudulent activities (applies only to persons administering CDL skills tests).

J) fails to successfully complete a refresher training course and examination every four years (applies only to persons administering CDL skills tests).

4) The Department may suspend for up to one year or revoke a safety officer's license for any violation of this Section, depending on the seriousness of the violation, whether the violation has been corrected, and how long the violation was unremediated.

5) The Department shall have the discretionary authority to issue warning letters to third-party certifying entities or safety officers for violations of this Section.

j) Hearings

1) Prior to the denial of a third-party certifying entity and/or safety officer's license, the Department shall send written notice to the entity and/or person. The third-party entity and/or safety officer may request a formal hearing to contest the denial. The basis for denial of a license is stated in subsections (g)(1) through (3) and (i)(2)(A) through (O).

2) Prior to the suspension or revocation of the license or accreditation of a third-party certifying entity or safety officer, the Department will conduct a hearing in accordance with 92 Ill. Adm. Code 1001, Subpart A and IVC Section 2-118, in which the Department will present competent evidence to establish violations of any regulations or laws governing third-party entities and/or safety officers and seek the appropriate sanctions.

k) Review Under Administrative Law. Judicial Review − The action of the Secretary of State in canceling, suspending, revoking or denying any license under this Act shall be subject to judicial review in accordance with IVC Section 2-118 and the provisions of the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 42 Ill. Reg. 20548, effective October 30, 2018)

Section 1030.88 Exemption of Facility Administered Road Test

a) The Department shall exempt a high school student from a facility-administered road test if the student has earned a grade of A or B for an approved high school driver education course, passed a road test administered by a Department certified high school driver education instructor, and received an authorization form signed by the driver education instructor exempting the student from the facility-administered road test.

b) Commercial driver training schools licensed pursuant to IVC Section 6-401 shall not be allowed to participate in the cooperative driver testing program.

c) Each local board of education that wants to participate in the cooperative driver testing program must submit an application to the Field Services Bureau, Department of Driver Services of the Secretary of State's Office, 2701 S. Dirksen Parkway, Springfield, Illinois 62723. The application shall consist of the Cooperative Driver Testing Program Intent to Participate form and also a Compliance Affidavit for each participating driver education instructor. The application shall include the name and address of the high school and the names of the driver education instructors who will participate in the program. The application shall also include a statement that the schools and instructors listed for participation in the program shall administer a road test. The application shall be submitted once per calendar year. The Department shall accept all Intent to Participate forms that are accurate and complete and signed by the district superintendent. The Department shall accept all Compliance Affidavits that are

accurate and complete and that show compliance with subsection (e).

d) Each instructor shall submit a compliance affidavit that shows the instructor is an accredited driver education teacher with the Illinois State Board of Education pursuant to 23 Ill. Adm. Code 1.737(b)(3)~~1.730(q)~~, possesses either a valid Illinois driver's license or a valid and properly classified out-of-state driver's license with submission annually of an acceptable, certified out-of-state driving abstract, and shall have attended an initial certification clinic offered by the Department.

e) The exemption from the facility testing will expire on the same day as the student's current instruction permit. The student shall be required to obtain a valid driver's license prior to the expiration date of the permit in accordance with the program. After the expiration date, the student shall complete a facility-administered road test. No extension of the exemption from facility testing beyond the expiration date of the instruction permit shall be allowed.

f) The Department shall spot-check a sample of the exempted driver population. The Field Services Bureau of the Department shall choose the sample to be tested based on the applicant's birthday. Three calendar days per month shall be designated for the testing, and an applicant whose birthday is on one of the selected days shall be required to successfully complete a facility-administered drive test. The selected dates shall be altered every three months.

g) The exemption authorization form shall be designated in a manner prescribed by the Department. The student shall submit the authorization form to a Driver Services Facility employee of the Department when applying for a driver's license.

h) The Department shall exempt an applicant for a Class M or Class L driver's license (see Section 1030.30), which allows operation of a motorcycle and/or motor-driven cycle, from a facility-administered road test if the applicant:

1) is 18 years of age or older;

2) possesses a valid Illinois driver's license to operate any other classification of motor vehicle; and

3) shows acceptable proof of completion of a motorcycle rider safety training

course approved by the Illinois Department of Transportation stating the individual is qualified to operate a motorcycle and/or motor-driven cycle with the cubic centimeter piston displacement that correlates to the classification of driver's license applied for. Successful completion of the motorcycle rider safety training course shall be evidenced by a Student Completion Card issued by the Illinois Department of Transportation not more than one year prior to the date of application.

4) is an active duty member of the United States Armed Forces and presents a motorcycle rider training/testing course completion card issued by the Motorcycle Safety Foundation, dated not more than one year prior to the date of application, that indicates the applicant is qualified to operate a motorcycle and/or motor-driven cycle with cubic centimeter piston displacement that correlates to the classification of driver's license for which the applicant is applying. The completion card must be accompanied by an Illinois Secretary of State approved verification form completed by the applicant and examiner certified by the Motorcycle Safety Foundation.

(Source: Amended at 42 Ill. Reg. 20548, effective October 30, 2018)

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1) Heading of the Part: Bicycle Reflector Specifications

2) Code Citation: 92 Ill. Adm. Code 426

3)

Section Numbers:	Adopted Actions:
426.5	Repealed
426.7	Repealed
426.10	Repealed
426.20	Repealed
426.30	Amendment
426.40	Repealed
426.50	Amendment
426.60	Repealed
426.70	Repealed
426.APPENDIX A	Repealed

4) Statutory Authority: Implementing and authorized by Section 11-1507 of the Illinois Vehicle Code [625 ILCS 5/11-1507].

5) Effective Date of Rules: October 30, 2018

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of these adopted rules, including any material incorporated, is on file at the Agency's principal office at 2300 S. Dirksen Parkway, Springfield IL 62764 and will be made available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 13446; July 13, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

13) Will this rulemaking replace an emergency rule currently in effect? No

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14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: The Department proposed this rulemaking to adopt 16 CFR 1512 as the Department's performance and testing requirements for those bicycle reflectors and reflective materials that are required by Section 11-1507 of the Illinois Vehicle Code. Additional sections were repealed or amended to remove dated information.

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

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

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 426
BICYCLE ~~REFLEX~~ REFLECTOR SPECIFICATIONS~~REQUIREMENTS~~

Section
426.5 Introduction (Repealed)
426.7 Notice of Further Rule Making (Repealed)
426.10 Effective Date (Repealed)
426.20 Authority (Repealed)
426.30 Scope
426.40 Definitions (Repealed)
426.50 Performance and Testing Requirements
426.60 Certification Procedures (Repealed)
426.70 Side Reflector Requirements (Repealed)

426.APPENDIX A Certificate of Compliance for Bicycle Reflector Devices (Repealed)

AUTHORITY: Implementing and authorized by Section 11-1507 of the Illinois Vehicle Code [625 ILCS 5/11-1507].

SOURCE: Filed January 17, 1974, effective January 15, 1974; codified at 7 Ill. Reg. 2739; amended at 42 Ill. Reg. 20576, effective October 30, 2018.

Section 426.5 Introduction (Repealed)

~~a)~~ ~~From a review of the history of reflectors and their use in highway traffic and the specific use of the term *reflex reflector* in Section 11-1507, the Department of Transportation has interpreted the term *reflex reflector* to mean a reflective device which reflects visible light and with respect to that spectral range of the incident light which it does reflect (at any given orientation of the source and reflector) reflects substantially all of the light back in the direction of the incident source, independent of the relative positioning of the source with respect to the reflector.~~

~~b)~~ ~~We do not believe that the Legislature intended to limit the type of material which could be used to make reflex reflectors for use in fulfilling the requirements of Section 11-1507. We do believe that the Legislature did intend to exclude non-~~

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~~rigid reflecting materials such as tapes, sheetings, etc. These materials may or may not be reflex reflectors in the sense defined above depending upon how they are mounted at the time such determination is made. Our approval must be made with respect to devices which meet performance specifications which are independent of how the device is ultimately mounted on the bicycle. That is, the performance requirements of the device when mounted on the bicycle must be the same as those of the unmounted device in the laboratory under similar conditions. Therefore, as a practical matter reflective material such as tapes, sheetings, etc., cannot be considered for approval in connection with Section 11-1507, in their unmodified, manufactured state. This fact does not, however, preclude the use of these materials as a component of a reflective device, which if otherwise meeting the requirements of this rule, will be approved.~~

~~c)~~ ~~The term visible *from a distance of ... 500 feet* is the only statutory performance requirement indicated by the statute (200 feet in the case of pedal reflectors). It is our interpretation that a prime intent of this statute was to make, to the extent physically possible, all reflectors used in the traffic mix alike as far as visual performance requirements are concerned. Therefore, the bicycle reflectors should be visible at 500 feet to the same degree as reflectors required to be used on vehicles which use public highways.~~

~~d)~~ ~~For this reason, we are adopting at this time the federal requirements for reflection used on motor vehicles.~~

~~e)~~ ~~Because of size limitation imposed on bicycle pedal reflectors, the Legislature statutorily set a less vigorous standard requiring a bicycle pedal reflector to be visible only *from 200 feet*. In this regard, we have interpreted the legislation to mean that pedal reflectors must perform photometrically at 200 feet just like the other reflectors perform at 500 feet.~~

~~f)~~ ~~Since reflector usage will have a degrading effect on the visual performance of reflectors, it is necessary that reflectors meet reasonable mechanical tests in order to assure that normal wear and tear over the lifetime of a reflector will not degrade the reflector to such an extent as to cause its visual performance characteristics to fall below those originally established. It is for this reason that certain mechanical tests are required in the rule as part of the performance requirements of reflectors even though the statute itself only indicated a visual performance standard.~~

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~~g)~~ ~~It should be noted that Section 11-1507 only fixes the kinds of reflectors which can be used for fulfilling the requirements of Section 11-1507 itself. Section 11-1507 does not preclude the use (in addition to approved reflectors) of other types of reflectors (e.g. sheeting, different colors, etc.) or the use of lower performance reflectors. It merely requires that only approved reflectors can be used in fulfilling the requirements of Section 11-507.~~

~~h)~~ ~~No standards are set and this rule does not address factors concerning other types of reflectors, but only reflectors which can be used in meeting the mandates of Section 11-1507.~~

(Source: Repealed at 42 Ill. Reg. 20576, effective October 30, 2018)

Section 426.7 Notice of Further Rule Making (Repealed)

~~a)~~ ~~The area of bicycle reflectorization is undergoing rapid change at this point in time. The Federal Government recently solicited comments on proposed rules in this area (38 Federal Register, 12300, Thursday, May 10, 1973) and additional legislation in this area is being considered by the 78th Illinois General Assembly. Therefore, as a practical matter, this Rule must in reality be considered only temporary. The Department of Transportation, in order to meet the challenges of traffic safety and provide the best protection to user groups, is conducting a continuing investigation into the area of bicycle reflectorization and will develop a more detailed rule with significantly more stringent performance requirements. This advanced rule when completed will be distributed for public comment. Copies may be obtained by writing to the docket indicated below.~~

~~b)~~ ~~Comments on the current Rule, the direction of future programs in this area and the desirable strictness of bicycle reflectorization standards are solicited and welcomed. All comments and inquiries should be addressed to the Department of Transportation, Office of Transportation Safety, 2300 South Dirksen Parkway, Springfield, Illinois 62764.~~

(Source: Repealed at 42 Ill. Reg. 20576, effective October 30, 2018)

Section 426.10 Effective Date (Repealed)

~~This Rule becomes effective at 12:01 a.m. January 15, 1974.~~

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(Source: Repealed at 42 Ill. Reg. 20576, effective October 30, 2018)

Section 426.20 Authority (Repealed)

~~Section 11-1507 of the Illinois Vehicle Code.~~

(Source: Repealed at 42 Ill. Reg. 20576, effective October 30, 2018)

Section 426.30 Scope

This Part prescribes~~Rule covers the standards and certification procedures concerning~~ the quality and performance standards for~~characteristics of~~ reflectors and reflective materials used on bicycles and bicycle pedals that are required by~~in fulfillment of the requirements of~~ Section 11-1507 of the Illinois Vehicle Code. ~~This Rule is not concerned with the equipping of bicycles regarding mounting, positioning, etc., of reflectors.~~

(Source: Amended at 42 Ill. Reg. 20576, effective October 30, 2018)

Section 426.40 Definitions (Repealed)

~~"Approval" – A fully executed Certificate of Compliance which allows for distribution of the approved reflector(s) in Illinois.~~

~~"Certificate of Compliance" – The document to be submitted by a manufacturer for the purpose of obtaining Department of Transportation approval of bicycle reflectors.~~

~~"Reflex reflector" – For the purpose of this Rule, means a rigid body device which reflects visible light – and with respect to that spectral range of the incident light which it does reflect (at any given orientation of the source and reflector) – reflects substantially all of the light back in the direction of the incident source, independent of the relative positioning of the source with respect to the reflector.~~

(Source: Repealed at 42 Ill. Reg. 20576, effective October 30, 2018)

Section 426.50 Performance and Testing Requirements

a) In addition to the visibility requirements of Section 11-1507 of the Illinois Vehicle Code, all bicycle pedal, rear, and side reflectors or reflective materials

shall conform to the applicable performance and testing requirements of 16 CFR 1512 (January 1, 2018).

b) The material incorporated in this Section is incorporated as of the date indicated and includes no later amendments or editions. Copies of the CFR may be obtained at the Department of Transportation, 2300 South Dirksen Parkway, Springfield IL 62764 or online via the Government Publishing Office's website at http://www.ecfr.gov.

~~a) No reflector for use on a bicycle, excluding those reflectors used on bicycle pedals, shall be considered to be in conformance with the specifications of the Department of Transportation unless the reflector is a reflex reflector which fulfills the performance requirements of Federal Motor Vehicle Safety Standard 108 (49 CFR 571.108), as hereafter amended.~~

~~b) No reflector for use on a bicycle pedal shall be considered to be in conformance with the specifications of the Department of Transportation unless the reflector is a reflex reflector which~~

~~1) Meets or exceeds the mechanical test requirements for reflectors under Section 426.50 above; and~~

~~2) Meets or exceeds photometric requirements set forth in Table I. below.~~

~~TABLE I~~

~~MINIMUM CANDLEPOWER PER INCIDENT FOOT-CANDLE FOR CLEAR REFLEX REFLECTORS~~

		ENTRANCE ANGLE		
	Observation Angle	0°	10° Up/Down	20° Right/Left
Pedal	.3°	2.0	1.6	.8
Reflectors Only	1.5°	.28	.19	.10

~~Amber value shall be ⅝ clear values.~~

~~These photometric measurements shall be determined in accordance with the testing procedures as detailed in Society Automotive Engineers (SAE) Standard J594e, "Reflex Reflectors", 1973, SAE Handbook, Pages 768-69.~~

(Source: Amended at 42 Ill. Reg. 20576, effective October 30, 2018)

Section 426.60 Certification Procedures (Repealed)

~~a)~~ ~~In order to obtain approval of the Certificates of Compliance for Reflectors to be used on bicycles, the person requesting the approval shall transmit to the Department of Transportation the following:~~

~~1)~~ ~~One sample of the type (or model) of the reflector described in the Certificate of Compliance.~~

~~2)~~ ~~Two copies of a completed Certificate of Compliance.~~

~~3)~~ ~~A current and valid "Certificate of Equipment Approval" from the American Association of Motor Vehicle Administrators, Washington, D.C. certifying that the reflector complies with the standards provided in this regulation.~~

~~b)~~ ~~Upon receipt of the Certificate of Compliance and Certificate of Equipment Approval sample, the Department of Transportation will approve the Certificate of Compliance and return one approved copy to the person requesting approval.~~

(Source: Repealed at 42 Ill. Reg. 20576, effective October 30, 2018)

Section 426.70 Side Reflector Requirements (Repealed)

~~Notwithstanding the performance requirements set forth in Section 426.50, dated January 27, 1974, a side reflector, or reflective material, affixed to the sides of a bicycle tire or bicycle rim for the purpose of complying with the Illinois Vehicle Code shall meet the requirements for retroreflective material set forth in Paragraphs (1), (2), (3), and (4) of Section 1512.16(h), Part 1512, Subchapter C, Chapter II "Consumer Product Safety Commission" in Title 16 of the Code of Federal Regulations (16 CFR 1512.16) and shall meet the color requirements of Section 11-507 of the Illinois Vehicle Code, as amended (Ill. Rev. Stat. 1981, ch. 95 1/2). The terms "tire", or "inflated tire", and "sidewall" used in the above-referenced paragraphs of the Code of Federal~~

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~~Regulations shall be construed to mean "rim" and "side of rim" when the reflector, or reflective material, is affixed to a rim.~~

(Source: Repealed at 42 Ill. Reg. 20576, effective October 30, 2018)

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Section 426.APPENDIX A Certificate of Compliance for Bicycle Reflector Devices (Repealed)

~~Name of Applicant~~ _____
~~(Name under which certificate will be issued)~~

~~Business Address~~ _____

~~Business Phone~~ _____

~~Name of Responsible Official~~ _____

~~Title~~ _____

~~Type or Mode of Equipment to be certified~~ _____

~~Model or Identifying Number~~ _____

~~Designed Use~~ _____

~~Submitted as part of this application are the following:~~

~~a) Standard commercial sample of subject equipment~~

~~b) Copy of AAMVA Equipment Approval Certificate.~~

_____

~~CERTIFICATION~~

~~I, the undersigned official, empowered to act for the above applicant, certify that each item of equipment of the same model or type described in this application, and manufactured for use on or actually used on a bicycle, will fulfill the requirements of Rule 12-206 (92 Ill. Adm. Code 426) as in effect at the time the item is manufactured.~~

~~(SEAL)~~ ~~/S/~~ _____

~~Official Capacity~~ _____

_____ ~~Date~~ _____

~~Accepted and Approved this~~ _____ ~~day of~~ _____, ~~19~~ _____

~~(SEAL)~~ ~~/S/~~ _____

~~Secretary, DOT~~

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(Source: Repealed at 42 Ill. Reg. 20576, effective October 30, 2018)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1) Heading of the Part: Grant Application and Award Procedures – Census Participation and Immigrant Community Assistance Grants

2) Code Citation: 89 Ill Adm. Code 1500

3) Register Citation to Notice of Proposed Rules: 42 Ill Reg. 18440; October 12, 2018

4) Date, Time and Location of Public Hearing:

Monday, November 26, 2018
11:00 a.m.
Michael A. Bilandic Building
160 North LaSalle Street
Room C-600, 6th Floor
Chicago IL 60601

5) Other Pertinent Information: We request all those interested in speaking to RSVP your name and organization to SBrticevich@ilsos.net. One (1) member from each group may speak for a maximum of 3 minutes.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of October 30, 2018 through November 5, 2018. The following rulemakings are scheduled for the December 11th 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
12/14/18	Department of Aging, Adult Protection and Advocacy Services (89 Ill. Adm. Code 270)	8/3/18 42 Ill. Reg. 14309	12/11/18
12/14/18	Department of Public Health, Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)	8/17/18 42 Ill. Reg. 15784	12/11/18
12/14/18	Department of Revenue, Income Tax (86 Ill. Adm. Code 100)	12/26/17 41 Ill. Reg. 15198	12/11/18
12/14/18	Secretary of State, Lobbyist Registration and Reports (2 Ill. Adm. Code 560)	12/26/17 41 Ill. Reg. 15222	12/11/18

CHIEF PROCUREMENT OFFICE FOR CAPITAL DEVELOPMENT BOARD

NOTICE OF PUBLICATION ERROR

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF THE PROCUREMENT CODE

1. The Notice of Campaign Contribution Violation of Procurement Code being corrected appeared at 42 Ill. Reg. 19246; October 26, 2018.

2. The information being corrected as follows:

   The Date of Violation erroneously stated the date of the contribution by Mr. Mark Kratschmer to be October 10, 2014. The contribution made by Mr. Mark Kratschmer was actually made on October 20, 2014, and the Date of Violation is corrected accordingly.

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of $50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the Illinois Register.

2. Name of Contributor: Laurel Kroack Mervis (Vermilion Development, Inc.)

3. Date of Violation: May 20th, 2014

4 Description of Violation: Mrs. Mervis, an affiliated person of the business entity Vermilion Development Inc, made two separate contributions of $5,000 to Citizens For Rauner, a campaign committee established to support the election of Bruce Rauner to public office. At the time of the contributions, Bruce Rauner was a declared candidate for the office of governor, and Vermilion Development had in place active contracts with the Central Management Services, the total annual combined value of which was in excess of $50,000.

5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for General Services has notified Vermilion Development Inc. of the apparent violation and have considered the value, status, and necessity of the contracts. In addition, the Officer has taken into consideration the recognition by Andrew Mudd, attorney for Vermilion Development, of the violation and his understanding of the necessity to avoid such situations in the future. We find that voiding affected contracts, bids or proposals would not be in the best interest of the State.

As required by Section 50-37(e) of the Procurement Code, Citizens For Rauner is required to pay to the State an amount equal to the value of the contributions ($10,000) within 30 days of the publication of this notice.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

JANUARY 2019 REGULATORY AGENDA

a) Part (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

A) Description: Further clarifications regarding administration of buyout programs established by PA 100-587, as needed.

B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].

C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.

D) Date Agency anticipates First Notice: Unknown

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

F) Agency contact person for information:

Sandy Cochran
Teachers' Retirement System
Office of Legal Counsel
PO Box 19253
2815 West Washington
Springfield IL 62794-9253

217/814-2041

G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 42, Issue 46 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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